



**PLANNING DIVISION**  
**STAFF REPORT**

**City Council Hearing**

**June 7, 2021**

CASE No.: **ZON21-00089**

PROJECT NAME: **The Grove at Lehi**

Owner's Name:	Cemex USA Construction Materials, Inc.
Applicant's Name:	Sean Lake, Pew and Lake, P.L.C.
Location of Request:	Within the 2600 to 2800 blocks of East Lehi Road (west side). Located north of McDowell Road and east of the 202 Red Mountain Freeway.
Parcel No(s):	141-02-005X
Request:	Rezone from Single Residence 43 (RS-43) to Single Residence 15 (RS-15) with a Planned Area Development Overlay (PAD). This request will allow the development of a single-residence subdivision. Also consider the preliminary plat for "The Grove at Lehi".
Existing Zoning District:	RS-43
Council District:	1
Site Size:	41.8 ± acres
Proposed Use(s):	Single-Family Residential
Existing Use(s):	Commercial Orchard
P&Z Hearing Date(s):	<b>April 28, 2021 / 4:00 p.m.</b>
Staff Planner:	Evan Balmer
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

**HISTORY**

The subject site is currently under the land use jurisdiction of Maricopa County. However, the applicant has applied to annex the property into the City of Mesa (Case# ANX21-00095). The planned annexation, if approved, will assign a zoning designation of Single Residence 43 (RS-43)

to the property, which is comparable to the existing Maricopa County zoning designation of Single Residence 43 (RU-43). The application for the annexation is planned to be considered on the same City Council agenda as the subject request.

## **PROJECT DESCRIPTION**

### **Background**

The applicant is requesting to rezone the site from RS-43 to RS-15-PAD to allow development of a 108-lot single residence subdivision on 41.8± acres. The site plan shows a mixture of lot sizes ranging from 9,100 to 20,300 square feet with an overall density of 2.7 units per acres for the development. The site plan also a private street system within the development with a gated entrance. The request also includes a Planned Area Development (PAD) overlay to allow certain modifications to development standards within the RS-15 zoning district. Per Section 11-22-1 of the Mesa Zoning Ordinance (MZO), the purpose of a PAD overlay is to allow modifications to certain required development standards to permit innovative design and flexibility that creates a high-quality development for the site. The application documents, including the building elevations and site plan, show the proposed development will be of superior quality and consist of 8.76± acres of open space and enhanced building elevations.

Currently, the subject property is used as a commercial orchard farm. The applicant is also requesting approval of a preliminary plat “The Grove at Lehi” as part of the subject request.

### **General Plan Character Area Designation and Goals**

The General Plan Character area designation on the property is Neighborhood with a Suburban sub-type. Per Chapter 7 of the General Plan, the primary focus of the neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The Suburban sub-type is primarily single residence in nature with most lots ranging in size from 6,000 sq. ft. to 18,000 sq. ft. As part of a total neighborhood area, this character type may also contain areas of duplexes and other multi-residence properties and commercial uses along arterial frontages and at major street intersections. Schools, parks, and religious institutions are frequently found in these neighborhoods. Streets in the character area are generally wide and contain sidewalks on both sides.

Staff reviewed the request and determined it is consistent with the criteria for review outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. Per Chapter 7 of the General Plan, the RS-15 district is listed as a primary zoning category within the suburban sub-type. In addition, the proposed lot sizes and density for the project conforms with planned lot sizes within the Suburban sub-type character designation. Overall, the requested rezoning and preliminary plat are consistent with the intent of the Neighborhood character area.

### **Zoning District Designations:**

The subject request is to rezone the property from RS-43 to RS-15. The applicant is also requesting modification to certain development standards through a PAD overlay. The proposed lot sizes range from 9,100 square feet to 20,300 square feet with an average density of 2.7 units

per acre. Per Section 11-5-2 of the Mesa Zoning Ordinance (MZO), the proposed density and use of the property for a single residence subdivision is allowed within the RS-15 PAD zoning district.

**Planned Area Development (PAD) Overlay District – MZO Article 3, Chapter 22:**

The subject request includes a PAD overlay to allow for modifications to certain required development standards of the MZO. Per Section 11-22 of the MZO, the purpose of the overlay is to allow innovative design and flexibility that creates high-quality development for the site.

Table 1 below shows the MZO required standards, the applicant's proposed PAD standards, and staff recommendations:

**Table 1**

<b>Development Standard</b>	<b>Required RS-15</b>	<b>Proposed RS-15-PAD</b>	<b>Staff Recommendation</b>
Minimum Lot Area (sq. ft.) <i>MZO Section 11-5-3(A)(1)</i>	15,000 sf	9,100 sf	As proposed
Minimum lot width – interior lot (ft.) <i>MZO Section 11-5-3(A)(1)</i>	110'	65'	As proposed
Minimum lot depth – interior depth <i>MZO Section 11-5-3(A)(1)</i>	120'	140'	As proposed
Minimum yard – front garage (ft.) <i>MZO Section 11-5-3(A)(1)</i>	30' (front facing) 30' (side facing)	20' (front facing) 15' (side facing)	As proposed
Minimum yard – front (enclosed livable areas, porches and porte cocheres) (ft.) <i>MZO Section 11-5-3(A)(1)</i>	22'	15'	As proposed
Minimum yard – interior side, aggregate of two sides (ft.) <i>MZO Section 11-5-3(A)(1)</i>	20'	15'	As proposed
Minimum yard – interior side, street side (ft.) <i>MZO Section 11-5-3(A)(1)</i>	10'	7'	As proposed
Minimum yard – rear (ft.) <i>MZO Section 11-5-3(A)(1)</i>	30'	25'	As proposed
Maximum building coverage (% of lot) <i>MZO Section 11-5-3(A)(1)</i>	40%	50% for lots with floorplan numbers 2568 and 3177 and 40% for lots with other floorplans.	As proposed
Garage frontage and location <i>MZO Section 11-5-3(B)(4)(b)</i>	Garages with three (3) or more doors, or designed to accommodate three (3) or more non-tandem parked cars, are permitted only on lots 75 feet wide or greater	Garages with three (3) or more doors, or designed to accommodate three (3) or more non-tandem parked cars, are permitted only on lots 65 feet wide or greater	As proposed

Maximum wall height in the RS district <i>MZO Section 11-30-4(A)(1)(b)</i>	No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of 6'.	<b>No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of 8'.</b>	As proposed
Lots and subdivision (street frontage) <i>MZO Section 11-30-6(H)</i>	Every lot shall have frontage on a dedicated public street unless the lot is part of an approved Planned Area Development	<b>Every lot must have frontage along a private street.</b>	As proposed
Minimum dimensions for residential enclosed garages <i>MZO Section 11-32-4(2)</i>	A double-car garage shall be at least 20' wide and 22' long	<b>The minimum dimensions for a double-car garage on lots with floorplan numbers 2342, 2568 and 3177 is 20' wide and 19' long. All other double-car garages must be at least 20' wide and 22' long.</b>	As proposed

As shown on the table above, the applicant is requesting the following modifications from the RS-15 zoning district development standards as outlined in Sections 11-5-3, 11-30-4, 11-30-6 and 11-32-4 of the MZO:

#### Minimum Lot Area:

Per section 11-5-3 of the MZO, the minimum lot area for the RS-15 zoning district is 15,000 square feet. The applicant is requesting a minimum lot area of 9,100 square feet for the development. The proposed site plan shows lot sizes within the development will range from 9,100 square feet to 20,300 square feet. Per section 11-5-3 of the MZO, the maximum density allowed within the RS-15 district with a PAD overlay is 2.9 units per net acre. The proposed density for the development is 2.7 dwellings per net acre. This density is lower than the maximum density for a

PAD overlay in the RS-15 district and allows for additional open space areas within the development, increasing the overall quality of the project .

Lot Width and Lot Depth:

Per section 11-5-3 of the MZO, the minimum lot width for interior lots in the RS-15 district is 110'. The applicant is requesting the minimum lot width to be 65' for the development. As mitigation for the reduction in lot width, the applicant is proposing to increase the minimum lot depth from 120' to 140'.

Minimum Yards - Front, garages and carports: Per section 11-5-3 of the MZO, the minimum required front setback for garages and carports is 30'. The applicant is requesting a 20' setback for front facing garages and 15' setback for side entry garages. According to the applicant, this request will allow for a variety of housing designs within the development.

Minimum Yards - Front, enclosed livable areas, porches and porte cocheres: Per section 11-5-3 of the MZO, the minimum required front setback for garages and carports is 22'. The applicant is requesting a 15' front setback for enclosed livable areas, porches and porte cocheres. According to the applicant, this modification will allow homes in the development to be staggered on the lots to create visual interest as well as enhance the streetscape design in the development.

Minimum Yards - Rear:

Per section 11-5-3 of the MZO, the minimum required rear yard setback is 30'. The applicant is requesting a minimum rear yard setback of 25'. According to the applicant, this requested reduction will allow multiple floor plans to be offered to potential homeowners within the development.

Minimum Yards - Interior side, aggregate of two sides: Per section 11-5-3 of the MZO, the minimum aggregate required for the two interior side setbacks is 20'. The applicant is requesting the minimum aggregate to be 15'. This request, in combination with the reduction in minimum lot width, will allow development of a variety of floorplans within the community.

Minimum Yards - Street Side: Per section 11-5-3 of the MZO, the minimum street side setback within the RS-15 district is 10'. The applicant is requesting a reduction in the street side setback to 7'. The site plan shows all lots with sides facing the street will be adjacent to a landscape tract that is at least 10' wide. Overall, these lot will be approximately 17 feet from the street.

Maximum Building Coverage:

Per section 11-5-3 of the MZO, the maximum building coverage in the RS-15 district is 40%. The applicant is requesting an increase in the building coverage to 50% for floor plan numbers 2568 and 3177. According to the applicant. This increase in building coverage will allow additional floorplans to be offered to potential homebuyers within the subdivision.

Garage Frontage and Location:

Per section 11-5-3 of the MZO, garages with three or more doors, or designed to accommodate three or more non-tandem parked cars, are permitted only on lots 75' wide or greater. The applicant is requesting that garages with three or more doors be allowed on lots 65' wide or greater. The proposed reduction in the minimum lot width for a three-car garage aligns with the requested reduction in the minimum lot width.

**Maximum Wall Height in the RS District:**

Per section 11-30-4 of the MZO, the maximum allowed wall height for the side and rear yards in the RS district is 6'. Due to the location of the development adjacent to the Loop 202 freeway, the applicant is requesting a maximum wall height of 8' within the development. This is to allow construction of a sound wall along the northern property line to mitigate potential noise emanating from the adjacent freeway.

**Lots and Subdivisions:**

Per section 11-30-6(H) of the MZO, every lot is required to have frontage on a dedicated public street unless a Planned Area Development (PAD) is approved to allow such lots to front a private street system. The proposed PAD is to also allow lots to front onto a private street within the development.

**Minimum Dimensions for Residential Enclosed Garages:**

Per section 11-32-4 of the MZO, a double-car garage shall be at least 20' wide and 22' long. The applicant is requesting a minimum dimension of 20' wide and 19' long for floorplan numbers 2342, 2568 and 3177. These floorplans include three car garages. However, a buyer could select to enclose the third car garage as a bonus bedroom. In the event the bonus room option is selected, and the buyer chooses not to add an extension on the front of the house, the resulting two-car garages will measure 20' wide and 19' deep.

Overall, the proposed development conforms to the criteria for a PAD. Per Section 11-22 of the MZO, the purpose of a PAD is to encourage unique, innovative developments of superior quality. The configuration of the proposed lots facing an internal street system will improve interaction between residents and strengthen the community. Although the average lot size proposed for the development is 9,960 square feet, a substantial number of the lots adjacent to Lehi Road exceed 10,000 square feet. The proposed development also includes approximately 8.76± acres of open space and a central amenity area.

**Residential Product:**

As part of the Planned Area Development overlay request, the applicant submitted building elevations proposed for the development. A majority of the proposed elevations meet or exceed the design requirements outlined in Section 11-5-3 of the MZO. The request also includes an alternative compliance to Section 11-5-3-B-7 of the MZO to allow two different building types (i.e. the proposed Spanish and Old World elevations) to deviate from the requirement to allow one material to be used on up to 99% of the front façade of the building. Per Section 11-5-3-B-7 of the MZO, any one material must be used on at least 15% of the front façade of buildings. The proposed Spanish and Old World elevations are primarily stucco, which is consistent with the

design intent of those architectural styles that feature a simple building design with the use of accent materials and building articulation to create visual interest. The two elevations proposed with the alternative compliance are shown to include design elements such as pop-outs, tile accents and wrought iron details that provide interest and articulation to the buildings. The style elements conform to the intent of the design and facade requirements of the MZO.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> Loop 202 Freeway	<b>North</b> RU-43 (Maricopa County) Gravel Mine	<b>Northeast</b> RU-43 (Maricopa County) Single Residential
<b>West</b> Loop 202 Freeway	<b>Subject Property</b> RS-43 Commercial Orchard	<b>East</b> RS-43-PAD Church
<b>Southwest</b> AG Commercial Orchard	<b>South</b> RU-43 (Maricopa County) Commercial Orchard	<b>Southeast</b> RS-15-PAD Single Residential

**Compatibility with Surrounding Land Uses:**

The subject site is adjacent to properties zoned and developed as single-residence to the east, the Loop 202 Freeway to the west, a gravel mine to the north, and a commercial orchard to the south. The proposed rezoning of the property will not be out of character with the surrounding development.

**School Impact Analysis:**

Mesa Public Schools reviewed the request and has determined there is adequate capacity to serve the development.

**Preliminary Plat:**

The applicant is requesting preliminary plat approval with the subject request. The proposed preliminary plats show 108 lots and a large central amenity area. Section 9-6-2 of the Mesa Subdivision standards requires approval of all subdivision plats located in the City to be processed through four progressive stages. Review and approval of a preliminary plat is the second stage in the series of the progressive stages. This review includes the evaluation of the overall design of the subdivision and details, such as utilities layout, ADA compliance, and detention requirements. The preliminary plat is reviewed and approved by the Planning & Zoning Board. Per section 9-6-2 of the City's subdivision regulations, all plats are subject to Final Plat approval through the City Council. The request meets the review criteria for approval of a preliminary plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations.

**Neighborhood Participation Plan and Public Comments**

As part of the completed Citizen Participation Process, the applicant mailed notification letters to property owners within 1,000 feet of the site, Homeowner Associations (HOAs) within ½ mile of the site, and registered neighborhoods within one mile of the site and conducted a

neighborhood meeting on November 19, 2020. As of writing this report, staff has not received any comments or concerns from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session on April 28, 2021.

**Staff Recommendations:**

The subject request is consistent with the General Plan and meets the review criteria for Planned Area Development Overlays outlined in Section 11-22-5 of the MZO and meets the review criteria for approval of a preliminary plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations. Therefore, staff recommends Approval of the request with the following conditions:

**Conditions of Approval:**

1. Compliance with all requirements of the Subdivision Regulations.
2. Compliance with the final building product types submitted with application, including elevations and materials.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD and shown in the following table:

<b>Development Standard</b>	<b>Approved RS-15-PAD</b>
Minimum Lot Area (sq. ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>9,100 sf</b>
Minimum lot width – interior lot (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>65'</b>
Minimum lot depth – interior depth <i>MZO Section 11-5-3(A)(1)</i>	<b>140'</b>
Minimum yard – front garage (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>20' (front facing) 15' (side facing)</b>
Minimum yard – front (enclosed livable areas, porches and porte cocheres) (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>15'</b>
Minimum yard – interior side, aggregate of two sides (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>15'</b>
Minimum yard – interior side, street side (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>7'</b>
Minimum yard – rear (ft.) <i>MZO Section 11-5-3(A)(1)</i>	<b>25'</b>
Maximum building coverage (% of lot) <i>MZO Section 11-5-3(A)(1)</i>	<b>50% for lots with floorplan numbers 2568 and 3177 and 40% for lots with other floorplans.</b>



Garage frontage and location <i>MZO Section 11-5-3(B)(4)(b)</i>	Garages with three (3) or more doors, or designed to accommodate three (3) or more non-tandem parked cars, are permitted only on lots 65 feet wide or greater
Maximum wall height in the RS district <i>MZO Section 11-30-4(A)(1)(b)</i>	No fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of 8'.
Lots and subdivision (street frontage) <i>MZO Section 11-30-6(H)</i>	Every lot must have frontage along a private street.
Minimum dimensions for residential enclosed garages <i>MZO Section 11-32-4(2)</i>	The minimum dimensions for a double-car garage on lots with floorplan numbers 2342, 2568 and 3177 is 20' wide and 19' long. All other double-car garages must be at least 20' wide and 22' long.

**Exhibits:**

**Exhibit 1- Vicinity Map**

**Exhibit 2- Staff Report**

**Exhibit 3- Application Information**

3.1 Project Narrative

3.2 Residential Product

3.3 Preliminary Plat

**Exhibit 4- Citizen Participation Plan**

**Exhibit 5- Citizen Participation Report**