



PLANNING DIVISION
STAFF REPORT

Planning and Zoning Board

October 27, 2021

CASE No.: **ZON21-00129**
Crossing

PROJECT NAME: **The Homestead at Lehi**

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| Owner's Name: | GUNNING MARK S/RON BAILLY TRUST |
| Applicant's Name: | Ryan Nelson, Sweetwater Companies |
| Location of Request: | Within the 2200 to 2400 blocks of East McDowell Road (south side). Located east of Gilbert Road on the south side of McDowell Road. |
| Parcel No(s): | 141-06-253B |
| Request: | Rezone from Single Residence 43 (RS-43) and Single Residence 43 with Historic Landmark Overlay (RS-43-HL) to Multiple Residence 5 with a Planned Area Development Overlay (RM-5-PAD) and Site Plan Review; and Special Use Permit. This request will allow for a multiple residence development with associated commercial use. |
| Existing Zoning District: | Single Residence 43 (RS-43) and Single Residence 43 with a Historic Landmark overlay (RS-43-HL) |
| Council District: | 1 |
| Site Size: | 9.0 ± acres |
| Proposed Use(s): | Multiple Residence |
| Existing Use(s): | Vacant |
| P&Z Hearing Date(s): | October 27, 2021 / 4:00 p.m. |
| Staff Planner: | Evan Balmer, Senior Planner |
| Staff Recommendation: | APPROVAL with Conditions |
| Planning and Zoning Board Recommendation: | |
| Proposition 207 Waiver Signed: | Yes |

HISTORY

On **May 6, 1978**, the City Council approved annexation of 460± acres of property from Maricopa County into the City of Mesa (Ordinance No. 1511).

On November 20, 1978, the City Council approved a rezoning of 280± acres, including the 9.0± acre subject site from Maricopa County Single Residence 43 (RU-43) to City of Mesa Agriculture (AG) to establish City of Mesa zoning on the annexed property. (Case No. Z78-097; Ordinance No. 1189).

On **February 7, 1981**, the City Council approved a rezoning of 22± acres including the 9± acre subject site, from Agriculture (AG) to Single Residence 43 (RS-43) (Case No. Z81-003; Ordinance No. 1460).

On **August 6, 2001**, the City Council approved a rezoning of 3.85± acres of the site from Single Residence 43 (RS-43) to Single Residence 43 with a Historic Landmark overlay (RS-43-HL) (Case No. Z01-032; Ordinance No. 3914).

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the property from RS-43 and RS-43-HL to RM-5-PAD, Site Plan Review for an initial site plan and a Special Use Permit to allow the development of multiple residence on the property. The subject 9-acre property is triangular and located east of the Loop 202 freeway, south of McDowell Road, east of Gilbert Road, and north of both the southern and eastern canal (see Exhibit 2). The request for the Special Use Permit (SUP) is to allow the development of a 1,500 square foot limited-service restaurant within the development. Per Section 11-5-2 of the Mesa Zoning Ordinance (MZO), a limited-service restaurant is permitted in the RM-5 district if the location is coterminous to an intersection of an arterial street with a local or collector street, and the aggregate maximum gross floor area is less than 1,500 square feet in floor area, exclusive of any residential uses.

Regarding the Historic Landmark Overlay, in 2001, the City Council approved the HL Overlay designation on the property (i.e., the Crismon Farm Homestead HL Overlay). The Historic Landmark Overlay designation was established based upon the significance of the site as one of the few remaining farm properties constructed in a Folk Vernacular style (i.e., constructed according to the changing needs of the owners, without a professionally trained architect), and its association with the Crismon family - one of the early pioneer families of the City. The HL designation was placed on the property in order to preserve the historic significance of the site.

In 2001, at the time of approval of the HL Overlay, the parcel was owned by the City of Mesa, and was potentially intended for inclusion in one of the City's planned multi-use trails (i.e., the South Canal trail), as well as being used as a cultural site. In 2004 and 2005, the City completed a preliminary design for its South Canal trail. The trail design proposal did not include the Crismon Farm Homestead as part of the project scope. Accordingly, the City sold the property in July of 2005, and in April 2006 the Historic Preservation Officer in conjunction with City staff granted a request for demolition permits necessary for the new owners of the property to demolish all of the historic structures on the property. The demolition of the historic structures and subsequent grading of the site removed any historic significance related to the property. As such, the Historic Landmark overlay on the property no longer signifies the presence of

historic resources. In April 2010, the Historic Preservation Board unanimously voted to recommend removal of the Crismon Farmstead HL Overlay on the basis that the overlay was no longer necessary, as the buildings on the property had been removed. However, that case did not go on to be heard by the Planning and Zoning Board or City Council. The subject request to remove the HL Overlay will allow construction of buildings and structures on the property without requiring a Certificate of Appropriateness. However, because of the history of the site, the applicant has expressed interest in incorporating certain elements related to the site's history with the proposed development to recognize significance of the site to the history of City of Mesa.

The request for a Planned Area Development (PAD) is to allow certain modifications to the City's development standards on the property. Per Section 11-22-1 of the 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 submitted application documents, including the building elevations and site plan, show the proposed development will be unique and consists of innovative design standards such as using high-quality façade building materials and incorporating common open space areas within the development that exceeds the City's standard requirements.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property is Neighborhood with a Suburban subtype. Per Chapter 7 of the General Plan, the Suburban character type is the predominant neighborhood pattern in Mesa and primarily consists of single residence. However, as part of a total neighborhood area, the character area may also contain areas of duplexes and other multiple residence and commercial uses along arterial frontages and at major street intersections.

The proposed development of the site for a multiple residence development conforms to the goals of the Neighborhood character area designation. The use will add to the diversity of housing types envisioned in the character area designation and improve the streetscape along McDowell Road. Also, the design of the site, such as creating a common usable community space, conforms to the form and design guidelines outlined for such development in the Neighborhood character area and outlined in Chapter 7 (page 7-14) of the General Plan. Staff reviewed the request and determined it is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Zoning District Designations:

The subject request is to rezone the property from RS-43 and RS-43-HL to RM-5 PAD. Per Section 11-5-1 of the Mesa Zoning Ordinance, the purpose of the RM district is to provide areas for a variety of housing types at densities of up to 43 units per gross acres. Currently, the property is zoned RS-43 and RS-43-HL. The Historic Landmark overlay designation, as discussed earlier, was approved by the City Council in 2001 to commemorate the location of the Crismon Farm Homestead. However, because of the demolition of the historic structures on the property, the HL designation is no longer pertinent to development of the property. Also, on June 1, 2021, the Historic Preservation Board recommended removal of the HL overlay from

the property as the historic structures have been removed. The subject request is to rezone the property from the existing RS-43 and RS-43-HL to RM-5 with a PAD overlay.

Planned Area Development Overlay:

The subject request includes a PAD overlay to allow modifications to certain required development standards of the MZO. Per Section 11-22 of the MZO, the purpose of the PAD overlay is to allow innovative design and flexibility that creates high-quality development for the site. Overall, the proposed development complies with requirements of a PAD by incorporating high-quality development design standards such as increased open space areas and high-quality building elevations with a clean, simplistic form and quality building materials.

Table 1 below shows the MZO required standards and the applicant's proposed PAD standards.

Table 1: Development Standards

| MZO Development Standards | Required | Proposed | Staff Recommendation |
|--|---|--|-----------------------------|
| <u>Maximum Fence Height –</u> <u>MZO Section 11-30-4(B)(1)(a)</u> <ul style="list-style-type: none"> Fence or freestanding wall within or along the exterior boundary of the required front yard | 3.5 feet | 6 feet | As proposed |
| <u>Required Parking Spaces –</u> <u>MZO Section 11-32-3(A)</u> - Multiple Residence | 2.1 spaces per unit (466 total spaces) | 1.8 spaces per unit (399 total spaces) | As proposed |
| <u>Covered Parking Spaces –</u> <u>MZO Section 11-32-3(D)(2)</u> Multiple Residence | 1 space per unit (222 total spaces) | 0.98 spaces per unit (217 total spaces) | As proposed |
| <u>Required Landscape Yard – MZO Section 11-33-3(B)(1)</u> <ul style="list-style-type: none"> Landscaping for non-single residence uses adjacent to | 25 feet | 15 feet | As proposed |

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|--|-------------------------------|-------------------------------------|-------------|
| single residence (south property line) | | | |
| <u>Required Foundation Base – MZO Section 11-33-5 (A)(1)</u> <ul style="list-style-type: none"> Exterior walls with public entrance | 15 feet | 10 feet | As proposed |
| <u>Required Landscape Islands – MZO Section 11-33-4 (B)(6)</u> <ul style="list-style-type: none"> Minimum landscape separation width between adjoining covered parking canopies structure | 24 feet wide landscape island | 8 feet wide landscape island | As proposed |

As shown on the table above, the applicant is requesting modifications from the RM-5 zoning district standards outlined in Section 11-5-3, 11-30-4, 11-32-3 and 11-33-3 and 11-33-5 of the MZO.

Maximum Fence Height in Front Yards:

Per Section 11-30-4(B)(1)(a) of the MZO, the maximum height of fences or walls allowed within or along the boundary of the front yard of the property is 3.5 feet. Based on this requirement, the maximum fence height allowed on the section of the development adjacent to McDowell Road is 3.5 feet. The applicant is requesting to construct a 6-foot CMU wall along McDowell Road. According to the applicant, the requested height increase is to allow for a secure perimeter along McDowell Road. As part of the development, the applicant is also proposing to construct a 4-foot fence along the southern section of the property, specifically along the section of the property adjacent to the South Canal.

Required Parking Ratio:

Per Section 11-32-3(A) of the MZO, 2.1 parking spaces per unit is required for multiple residence developments. Based on this requirement, a minimum of 466 spaces are required for the proposed development of 222 units. The applicant is requesting a reduction to the parking ratio from 2.1 space per unit to 1.8 spaces per unit, which equates to providing a total of 404 parking spaces for the residential component of the site. Per the submitted plans, the proposed parking ratio is consistent with other multiple residence developments approved in various areas within the Metro Area, as well as recent multiple residence developments within

the City of Mesa. Also, according to the applicant, 133 of the proposed 222 units are one-bedroom units, which have a lower parking demand than two-and three-bedroom units.

Covered Parking:

Per Section 11-32-3(D)(2) of the MZO, one covered parking space per unit is required for multiple residence developments. Based on the 222 proposed units, 222 covered parking spaces are required for the development. The applicant is requesting a reduction in the number of covered parking spaces. Specifically, the applicant is requesting 0.98 covered spaces per unit, for a total of 217 covered parking spaces. There are two large water line easements that run through the subject property, one along the northern property line and one along the southern property line adjacent to the South Canal. These easements have specific language that allows for parking in these areas but not for covered parking structures. Based on these restrictions, there are large areas of the proposed parking areas on the site that cannot be developed as covered parking spaces.

Required Landscape Setbacks:

Per Section 11-33-3(B)(1) of the MZO, a 25-foot landscape setback is required along all interior boundaries of the property adjacent to the existing residential properties to the south. Specifically, the requirement applies to the southern property line adjacent to the South Canal. The applicant is requesting a reduction in the required landscape setback from 25 feet to 15 feet. While the southern portion of the property is adjacent to existing residential development, the subject property is buffered by two canals to the south. There is approximately 290 feet distance separation between the subject property and the existing residential homes to the south. In addition, the existing residential development to the south are located at the top of a hill and are approximately 50 feet higher above the grade of the subject property.

Required Foundation Base:

Per Section 11-33-5 (A)(1) of the MZO, exterior walls with a public entrance are required to provide 15 feet of foundation base. The applicant is proposing 10 feet of foundation base landscaping. The proposed reduction in foundation base allows for the development to meet fire code requirements for distance between the fire lane within the development and the proposed building. From submitted landscape plan, the applicant is providing enhanced amenity area and landscaping throughout the site, which add to the quality of the development.

Required Landscape Islands:

Per Section 11-33-4 (B)(6) of the MZO, when covered parking canopy structures are adjacent to each other in a single row, the total length of each canopy shall not exceed 15 parking stalls and the adjoining canopies shall be separated by at least a 24-foot-wide landscape island. The applicant is requesting a reduction of the landscape island width between adjoining parking canopies from 24 feet wide to 8 feet wide. According to the applicant, the requested reduction is due to an existing water easement on the property and also the irregular shape of the property to accommodate the proposed covered parking locations.

Site Plan and General Site Development Standards:

The proposed site plan shows development of a 222-unit multiple residence development with primary vehicular access located on McDowell Road to the north of the property. Overall, the site plan shows proposed development of one multiple residence building on the property, which is proposed to be three stories in height. In addition to the residential development, the applicant is proposing a 1,500 square foot limited service and retail space within the development that will be accessible to the public.

The proposed site plan also shows development of a centrally located common open space and amenity area with amenities that includes a swimming pool, a spa area, a clubhouse, a fitness center, a ramada and fireplace and a hammock court. The site plan also shows three connections to the existing horse and pedestrian trail located along the South Canal adjacent to the southern property line of the proposed development.

Design Review:

The Design Review Board is scheduled reviewed the subject request on October 12, 2021. Staff will be working with the applicant to address comments and recommendations from the Design Review Board.

Surrounding Zoning Designations and Existing Use Activity:

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| Northwest (Across the Loop 202 Freeway) RS-43 Valley Metro Park and Ride | North (Across McDowell Road) AG Vacant | Northeast (Across McDowell Road) RS-43 Vacant |
| West Loop 202 Freeway | Subject Property RS-43 and RS-43-HL Vacant | East (Across McDowell Road) RS-43 Vacant |
| Southwest (Across the South Canal and Eastern Canal) RS-15 Residential | South (Across the South Canal and Eastern Canal) RS-15 Residential | Southeast (Across the South Canal and Eastern Canal) RS-15 Residential |

Compatibility with Surrounding Land Uses:

The subject property is currently vacant. The property also has an irregular shape with frontage along the Loop 202 freeway, McDowell Road and the South Canal. While there is developed residential to the south of the subject property, there is a 270± acre buffer separation between the proposed development and the existing residential homes. Specifically, the buffer consists of the South Canal and the Eastern Canal between the subject property and the residential

development. In addition to the buffer, the existing residential development is situated on a hill approximately 50 feet above the grade of the subject property. The location of the parcel adjacent to McDowell Road, Gilbert Road and the Loop 202 freeway make it an ideal location for higher density residential, as any increase in traffic volumes will have minimal impact on existing development in the area. The grade differential between the subject property and the surrounding properties will also help to mitigate any potential negative impacts, such as noise and lighting, generated from the proposed use.

Also, the proposed development conforms to the goals of the Neighborhood character and the RM-5 zoning designation to provide a stable and diverse neighborhood. Overall, the proposed development will be compatible to the surrounding community and help enhance the appearance of the immediate vicinity.

Neighborhood Participation Plan and Public Comments:

The applicant has completed a robust Citizen Participation Process, which included mailed letters to property owners within 1,000-feet of the site, as well as HOAs within ½ mile and registered neighborhoods within 1 mile of the site. The applicant has held numerous meetings with neighbors and other interested parties in the area. In addition, Staff has received 17 emails, a survey and a petition with 28 signatures in opposition to the project. The major concerns received from residents include:

- **Building height** – This project was originally proposed to be four stories with a maximum height of 50 feet. Residents that live on the mesa to the south of the subject property were concerned on the impacts to the viewshed that the 50-foot height would create. In response to the concerns expressed by the neighbors, the applicant has reduced the height of the building to three stories with a maximum height of 39 feet six inches. As the subject property is approximately 50 feet below the grade of the adjacent homes on the mesa, this change ensures their views will not be impacted by this development.
- **Density** - Neighbors expressed concerns about the density of the proposal. The original request was for 262 units at a density of 29 dwelling units per acre. The applicant has revised the request by removing 40 units for a total of 222 units at a density of 24.6 dwelling units per acre.
- **Traffic** – Throughout the Citizen Participation Process, neighbors had concerns about the potential impacts on traffic in the area. As previously discussed, the subject property is an irregular shape and is largely isolated from the surrounding development. In addition, the subject property has a direct connection to McDowell Road and the Loop 202 freeway and will have minimal impact on the traffic patterns in the adjacent residential development.

The applicant will be providing an updated Citizen Participation Report to staff prior to the October 27, 2021 Planning and Zoning Study Session. Staff will provide the Board with any new information during the scheduled Study Session.

Special Use Permit:

Section 11-66-2(C)(2) of the MZO allows the Planning and Zoning Board to hear and take action on a SUP when requested in conjunction with another request requiring action or recommendation by the Planning and Zoning Board:

Commercial Uses in any Residential District:

The applicant is requesting a SUP to allow for commercial development in a residential zoning district. Per Section 11-5-2 of the MZO, an SUP is required for limited-service restaurants and general retail sales in the RM-5 zoning district provided the location is coterminous to an intersection of an arterial street with a local or collector street, and the aggregate maximum gross floor area is less than 1,500 square feet in floor area, exclusive of any residential uses. As part of this request, the applicant is proposing a 1,500 square foot limited-service restaurant which is part of the overall proposed residential development. The proposed restaurant would be a small café that provides an additional amenity to residents of the development and would also be open to the public, providing a benefit to residents in the area.

Per Section 11-70-5 of the MZO, requirements for granting an SUP include: (1) Demonstrating that the proposed project will advance the goals and objectives of the General Plan and other applicable City plans and/or policies; (2) Demonstrating that the location, size, design, and operating characteristics of the project are consistent with the purpose of the zoning district designation on the property; (3) Ensuring the project will not be injurious or detrimental to adjacent properties or surrounding areas; and (4) Demonstrate there is adequate public services and infrastructure to support the development.

The proposed development size, shape, and characteristics conform to the goals and purposes of the RM-5 zoning district designation on the property and the General Plan Neighborhood character area designation. Allowing a 1,500 square foot limited-service restaurant will provide an additional amenity to residents in the development as well as to neighbors in the area. All required utility services are in the area and will be able to support the proposed development.

Staff Recommendation:

The subject request is consistent with the General Plan, the purpose for a Planned Area Development overlay outlined in Section 11-22-1 of the MZO, meets the criteria for a Special Use Permit outlined in Section 11-70-5 and Site Plan Review outlined in Section 11-69-2 of the MZO; therefore, staff recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan submitted, including;
 - a. The total number of residential units within the development shall not exceed the number of units shown on the site plan.
 - b. The total number of 3-bedroom units shall not exceed 9 units or 4.8% of the total units within the development, whichever is less.
2. Compliance with Design Review Case Number DRB21-00135, including:
 - a. No building shall be taller than 3-stories and shall not exceed a height of 39'-6".
 - b. The maximum finished floor level of buildings shall not exceed 1,259'-6".
 - c. Building elevations shall be four-sided architecture as reviewed and recommended by the Design Review Board (DRB) and approved by the Planning

Director.

- d. In all instances, building materials for development of the property shall be of high-quality, durable, and visually appealing as shown with the proposed building elevations reviewed by the DRB and approved by the Planning Director.
 - e. Trees planted along the southern drive aisle as shown on the landscape plan shall be located outside the 24-foot-wide water line easement located along the southern boundary of the property.
 - f. Trees to be planted along the southern drive aisle, at minimum, shall consist of:
 1. 50-percent 2-inch caliper canopy drought-tolerant tree
 2. 50-percent 3-inch caliper larger canopy drought-tolerant tree.
 - g. No lit signage shall be installed on the south façade of the building.
 - h. On-site lighting shall not exceed 0-foot-candle at the development's property line.
3. Compliance with the Good Neighbor Policy dated October 12, 2021.
 4. 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.
 5. Prior to submittal of a building permit, submit documentation to the City's Historic Preservation Office for review and approval. The documents must show interpretation strategies that communicates the site's history to residents and visitors to the site, including, but not limited to, historical photos or a plaque memorializing the site.
 6. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with the PAD overlay and shown in the following table:

| MZO Development Standards | Approved |
|---|---|
| <u>Maximum Fence Height –</u> <u>MZO Section 11-30-4(B)(1)(a)</u> Fence or freestanding wall within or along the exterior boundary of the required front yard | 6 feet |
| <u>Required Parking Spaces –</u> <u>MZO Section 11-32-3(A)</u> - Multiple Residence | 1.8 spaces per unit (399 total spaces) |
| <u>Covered Parking Spaces –</u> <u>MZO Section 11-32-3(D)(2)</u> Multiple Residence | .98 spaces per unit (217 total spaces) |
| <u>Required Landscape</u> | 15 feet |

| | |
|---|----------------|
| <u>Yard – MZO Section</u> <u>11-33-3(B)(1)</u> Landscaping for non-single residence uses adjacent to single residence (south property line) | |
| <u>Required Foundation Base – MZO Section</u> <u>11-33-5 (A)(1)</u> Exterior walls with public entrance | 10 feet |
| <u>Required Landscape Islands – MZO Section</u> <u>11-33-4 (B)(6)</u> Minimum landscape separation width between adjoining covered parking canopies structure | 8 feet |

Exhibits:

Exhibit 1-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3-Application Information

- 3.1 Site Plan
- 3.3 Grading and Drainage Plan
- 3.4 Landscape Plan
- 3.5 Elevations
- 3.6 Narrative
- 3.7 Citizen Participation Plan

Exhibit 4-Citizen Participation Report