



PLANNING DIVISION
STAFF REPORT

City Council Hearing

December 1, 2021

CASE No.: **ZON21-00566**

PROJECT NAME: **Villas at McDowell**

| | |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Owner's Name: | DeMichele Family, LLC |
| Applicant's Name: | Grant Taylor |
| Location of Request: | Within the 6400 block of East McDowell Road (north side) and within the 2800 block of North Ramada (west side). Located west of Power Road on the north side of McDowell Road. |
| Parcel No(s): | 141-69-990A |
| Request: | Rezone from Office Commercial (OC) to Single Residence 9 with a Planned Area Development Overlay (RS-9-PAD). This request will allow for the development of a single residence subdivision. |
| Existing Zoning District: | Office Commercial (OC) |
| Council District: | 5 |
| Site Size: | 4.1± acres |
| Proposed Use(s): | Single Residence |
| Existing Use(s): | Office |
| P&Z Hearing Date(s): | October 27, 2021 / 4:00 p.m. |
| Staff Planner: | Sean Pesek, Planner II |
| Staff Recommendation: | APPROVAL with Conditions |
| Planning and Zoning Board Recommendation: | Approval with conditions |
| Proposition 207 Waiver Signed: | Yes |

HISTORY

On **January 4, 1984**, City Council annexed 113± acres of land into the City of Mesa (Ordinance No. 1766) and subsequently established Single Residence (R1-9) zoning (equivalent to the current RS-9 zoning) on the subject property (Case No. Z85-003; Ordinance No. 1918).

On **July 2, 2001**, the City Council approved a rezoning on the subject property from Single Residence (R1-9) to Office Service (OS) (equivalent to the current OC zoning) (Case No. Z01-014; Ordinance No. 3907).

PROJECT DESCRIPTION

Background:

The subject request is to rezone the property from Office Commercial (OC) to Single Residence with a Planned Area Development overlay (RS-9-PAD) and consider the associated Preliminary Plat for “Villas at McDowell”. The proposed subdivision consists of 13 residential lots, ranging in size from 9,068 to 10,970 square feet and two retention/open space tracts (Tracts A and B) totaling 21,695 square feet. Open space amenities include a pickle ball court, ramada, and picnic tables.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, Neighborhood character areas are intended to provide safe places for people to live where they can feel secure and enjoy their surrounding community and include a variety of housing options. The proposed use, single residence, conforms to the intent of the character area.

Additionally, per Chapter 4 of the General Plan, a key element needed for strong neighborhoods is a safe living environment. In Mesa, this can be achieved by avoiding incompatible land uses and/or providing appropriate transitions between uses, particularly when developing or redeveloping neighborhoods next to higher impact employment areas. The subject request supports this policy by introducing a single residence zoning district that is more compatible with the surrounding environment. Strong neighborhoods can also be created and maintained through the application of Mesa’s development programs and policies. Per Chapter 4 of the General Plan, a general policy of the redevelopment program is to encourage and facilitate infill that improves the quality of the neighborhood. The subject request supports this policy by revitalizing an underutilized lot.

Zoning District Designations:

The property is currently zoned Office Commercial (OC). The subject request is to rezone the property from OC to Single Residence 9 with a Planned Area Development overlay (RS-9-PAD) to allow for a single residence subdivision. Per Table 11-5-2 of the MZO, the single residence use is allowed in the RS-9 District subject to compliance with the standards outlined in Table 11-5-3.A.1, including building location and lot standards.

Airfield Overlay – MZO Article 3 Section 11-19:

Per Section 11-19 of the MZO, the property is located within the Airfield (AF) Overlay District. Specifically, within the Airport Overflight Area Three (AOA 3). The location of the property within the AOA 3 is due to its proximity to the Falcon Field Airport. Per Section Table 11-5-2 in the MZO, residential land uses are allowed within the AOA 3.

Planned Area Development Overlay:

Per Section 11-22-1 of the Mesa Zoning Ordinance (MZO), the purpose of a PAD overlay is to allow modifications to certain development standards when a project includes innovative designs that facilitate high-quality development within the city. Through the PAD overlay, the applicant is proposing to install and maintain private streets. The applicant is also requesting reductions to required building setbacks, lot width, and an increase to the maximum building coverage. The proposal complies with requirements for a PAD as outlined in Section 11-22 of the MZO by incorporating large open space areas and high-quality building elevations which exhibit a clean, simplistic form and include high-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 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Minimum Lot Width – <i>MZO Section 11-5-3</i> <i>-Interior Lot</i> | 75 feet plus 10% additional lot width for corner lots | 73 feet (Lot 1 only) | As proposed |
| Building Setbacks – <i>MZO Section 11-5-3</i> - Front, livable area - Front, garage - Side, interior - Side, aggregate - Rear | 15 feet 25 feet 7 feet 17 feet 25 feet | 10 feet 20 feet 5 feet 15 feet 20 feet (Lots 4, 5, and 10 only) | As proposed |
| Maximum Building Coverage – <i>MZO Section 11-5-3</i> | 45% | 55% for Lots 4, 5, and 10; 50% for all other lots | As proposed |
| Lot frontage on a dedicated public street – <i>MZO Section 11-30-6</i> | Each lot shall have frontage on a dedicated public street | Each lot will have frontage on a private street | As proposed |

Minimum Lot Width:

Per Section 11-5-3 in the MZO, the minimum lot width for the RS-9 District is 75 feet, with an added 10% lot width for corner lots. The applicant is requesting to reduce the minimum required lot width from 75 feet to 73 feet to accommodate the development of Lot 1.

Required Building Setbacks:

Per Section 11-5-3 in the MZO, the minimum front setback (livable area) for the RS-9 District is 15 feet; the minimum front setback (garage or carport) is 25 feet; the minimum side setback is 7 feet; the minimum aggregate side setback is 17 feet and; the minimum rear setback is 25 feet. The applicant is requesting to reduce the front setback (livable area) to 10 feet; reduce the front setback (garage or carport) to 20 feet; reduce the side setback to five feet; reduce the minimum aggregate to 15 feet and; reduce the minimum rear setback to 20 feet. Per the project narrative, these deviations are needed to accommodate the selected house plans on Lots 4, 5, and 10.

Maximum Building Coverage:

Per Section 11-5-3 in the MZO, the maximum building coverage in the RS-9 District is 45%. The applicant is requesting to increase the maximum building coverage percentage to 55% for Lots 4, 5, and 10 and 50% for all other lots.

Surrounding Zoning Designations and Existing Use Activity:

Table 2: Surrounding Zoning and Land Uses

| | | |
|--------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------|
| Northwest RS-9 Single Residence | North RS-9 Single Residence | Northeast RS-9 Single Residence |
| West OC School | Subject Property OC Commercial | East RS-9 Single Residence |
| Southwest (Across E. McDowell) RS-9-PAD Single Residence | South (Across E. McDowell) RS-9-PAD Single Residence | Southeast (Across E. McDowell) RS-9-PAD Single Residence |

Compatibility with Surrounding Land Uses:

The subject property is currently developed with a vacant building is and surrounded by existing single residence subdivisions to the north, east, and south. A Montessori school abuts the property to the west. The requested rezone and approval of a preliminary plat for a single residence subdivision in congruent with the surrounding area.

Preliminary Plat:

Section 9-6-2 of the Mesa Subdivision Regulations requires 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, and includes the evaluation of lot configuration, utility layout, street improvements, and drainage requirements. The Preliminary Plat is reviewed and approved by the Planning and 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.

Neighborhood Participation Plan and Public Comments:

In accordance with Section 11-67-3 of the MZO, notice of public hearing was mailed to property owners within 1,000 feet of the site, as well as HOAs within ½ mile, and registered neighborhood within one mile. The applicant held a virtual neighborhood meeting on August 13, 2021, with 25 participants. Per the Citizen Participation Report, there were no major concerns expressed from the surrounding property owners during the meeting. A full list of comments is provided in Exhibit 7. Staff will provide the Board with any new information during the scheduled Study Session.

School Impact Analysis:

The Mesa Public School District reviewed the request for its potential impact on the district and indicated that the existing schools in the area have capacity to serve the anticipated students.

Table 3: School Impact Analysis

| Proposed Development (13 lots) | Name of School | Annual Estimated Demand | Adequate Capacity to Serve |
|-------------------------------------------|-----------------------|--------------------------------|-----------------------------------|
| Red Mountain Ranch | Elementary | 3 | Yes |
| Shepherd | Middle School | 4 | Yes |
| Red Mountain | High School | 2-4 | Yes |

Staff Recommendation:

Based on the application received and the preceding analysis, staff finds that the subject request to rezone the property from OC to RS-9-PAD and approval of a Preliminary Plat is consistent with the General Plan, the purpose for a Planned Area Development overlay outlined in Section 11-22-1 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 with the following conditions:

Conditions of Approval:

1. Compliance with the Preliminary Plat as submitted.
2. Compliance with the submitted landscape plan.
3. Compliance with the Building Form Standards outlined in Chapter 5 of the Zoning Ordinance as well as the Residential Development Guidelines.
4. Compliance with all requirements of the Subdivision Regulations.
5. Prior to the issuance of a building permit, obtain approval of and record a final subdivision plat for the subject parcel.
6. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner shall execute and record the City's standard Avigation Easement and Release for Falcon Field Airport prior to the issuance of a building permit.
 - b. Prior to the issuance of a building permit, provide documentation that a registered professional engineer or registered professional architect has

certified that noise attenuation measures have been incorporated into the design and construction of the buildings to achieve a noise level reduction to 45 decibels as specified in Section 11-19-5 of the Mesa Zoning Ordinance.

- c. Provide written notice to future property owners that the project is within 5 mile(s) of Falcon Field Airport.
 - d. Due to the proximity to Falcon Field Airport, any proposed permanent, or temporary structure, as required by the FAA, is subject to an FAA filing, for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. If required, an FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance.
 - e. All final subdivision plats shall include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which shall state in part: "This property, due to its proximity to Falcon Field Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
7. 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:

| MZO Development Standards | PAD Approved |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Minimum Lot Width – <i>MZO Section 11-5-3</i> <i>-Interior Lot</i> | 73 feet <i>(Lot 1 only)</i> |
| Building Setbacks – <i>MZO Section 11-5-3</i> - Front, livable area - Front, garage - Side, interior - Side, aggregate - Rear | 10 feet 20 feet 5 feet 15 feet 20 feet <i>(Lots 4, 5, and 10 only)</i> |
| Maximum Building Coverage – <i>MZO Section 11-5-3</i> | 55% for Lots 4, 5, and 10; 50% for all other lots |
| Lot frontage on a dedicated public street – <i>MZO Section 11-30-6</i> | Each lot will have frontage on a private street |

Exhibits:

Exhibit 1 – Staff Report

Exhibit 2 – Vicinity Map

Exhibit 3 – Project Narrative

Exhibit 4 – Preliminary Plat

Exhibit 5 – Landscape Plan

Exhibit 6 – Grading and Drainage Plan

Exhibit 7 – Citizen Participation Report

Exhibit 8 – Avigation Easement Shell