



**PLANNING DIVISION  
STAFF REPORT**

**Updated P&Z Report**

**April 6, 2020**

CASE No.: <b>ZON19-00754</b> <b>ZON17-00606</b>	PROJECT NAME: <b>Hawes Crossing</b>
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Owner's Name:	<b>ZON19-00754 and ZON17-00606</b> : Multiple Property Owners
Applicant's Name:	Jordan Rose, Rose Law Group
Location of Request:	Generally located beginning ½ mile south of Guadalupe Rd extending south to the 202 San Tan Freeway, ¼ mile east of Sossaman Road to Ellsworth Road.
Parcel No(s):	304-04-027, -030, -031, -032, -007T, -007W, -024C, -025A, -025, -026A, -026B, 029C, ; 304-30-001, -004, -006; 304-30-002A, -002E, -002G, -002H, -002J, -003G, -003H, -021B, -021C, -021D, -024F, -024G; 304-31-015, -024, -025, -026, -028, -005A, -006L, -006P, -006V, -006W, -009N, -009U, -016B, -018D, -021A, -022C
Request:	<p><b>ZON19-00754</b>: Minor General Plan Amendment. This request will change 280± acres of property from the General Plan character designation of Mixed Use Activity/Employment to Neighborhood.</p> <p><b>ZON17-00606</b>: Rezone from Agricultural (AG) and Light Industrial (LI) to Single Residence (RS)-6, Small Lot Single Residence (RSL)-4.0, RSL-2.5, Multiple Residence (RM)-5, General Commercial (GC), and Mixed Use (MX) with a Planned Area Development (PAD) Overlay. (540± acres)</p>
Existing Zoning District:	Light Industrial (LI) and Agriculture (AG)
Council District:	6
Site Size:	540± acres
Proposed Use(s):	Planned Area Development with a mixture of uses.
Existing Use(s):	Vacant and Agricultural
P&Z Hearing Date(s):	<b>October 23, 2019</b>
Staff Planner:	Tom Ellsworth
Staff Recommendation:	ZON19-00754: Approval ZON17-00606: Approval with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

## HISTORY

On **January 22, 1990**, the City Council annexed 1,721± acres of property from Maricopa County into the City (Ordinance#: 2482). Approximately 135 acres of land within the subject PAD request was part of the annexed area. The area is specifically located north of Elliot Road. Subsequently, after the annexation, the property was zoned to RS-43 and AG.

On **February 2, 2004**, the City Council approved to rezone approximately 38 acres of property within the subject PAD area from RS-43 designation to LI. The purpose of the rezoning to Light Industrial district was to assign a zoning designation on the property that conformed to the General Plan character designation of Business Park on the property. The approximately 38 acres is located north of Elliot Road along the 80<sup>th</sup> Street frontage.

On **October 16, 2000**, the City Council annexed 1571.1± acres of property from Maricopa County into the City (Ordinance#: 3815). Approximately 85 acres of the subject property was part of the annexed property. This area is specifically located south of Warner Road. Subsequently, after the annexation, the property was zoned to AG.

## PROJECT DESCRIPTION

### Update since October 23, 2019 P&Z Hearing

The Planning and Zoning Board considered the subject request on October 23, 2019 with a recommendation of approval to the City Council by a majority vote of 3-2, with 2 members absent from the meeting.

On December 9, 2019, at the City Council's study session, staff discussed certain sections of the proposed development and its compatibility with activities of the Phoenix Mesa Gateway Airport with the City Council. During the study session, the Council directed staff to coordinate with the applicant to address three major concerns that pertained to; (1) Protection of the continuous development of the Elliot Road Corridor (2) Ensuring access to the Salt River Project (SRP) high voltage power line located north of Elliot Road and (3) Including additional protective measures to ensure the development will not be detrimental to the operations of the Phoenix Mesa Gateway Airport activities.

After the study session, staff met with the applicant on several occasions and through various deliberations have included measures that address the three major concerns discussed at the study session. The three concerns and measures addressing issues discussed are summarized below:

1. Restricted residential development along the Elliot Road Corridor: As part of the proposed development, there will be no residential development within 200 feet of the sections of the property fronting Elliot Road, except vertically integrated mixed use development with no residential on the first floor of such development. This limitation has been included with the associated development agreement to accompany approval of this request. The intent of this residential restriction is to

ensure the goal of the City to keep the Elliot Road corridor as a vibrant commercial and employment corridor is maintained.

2. Dedication of 30-foot utility easement north of the Elliot Road Corridor and along the west side of Hawes Road: In response to ensuring accessibility to the Salt River Projects (SRP) transmission line corridor located along the northern boundary of the proposed development, the applicant has agreed through an accompanied development agreement with the development to dedicate a 30-foot SRP easement on the section of the development adjacent to the west side of Hawes Road right-of-way (See Exhibit 18). Overall, the length of the easement is approximately 2,272 feet. There is an outparcel in the middle of the easement that is approximately 338 feet. The future dedication of the easement does not include this outparcel since the parcel is outside the boundaries of the proposed development. Per the development agreement, any owner that needs the utility easement for electric power shall be required to obtain the 30-foot utility easement on the parcel required to extend the needed transmission line. Overall, the 30-foot easement within the development will provide the needed access for potential users to connect to the SRP power line.
  
3. Additional Phoenix-Mesa Gateway Airport Compatibility Conditions: The applicant has agreed to two conditions of approval that are beyond the City's standard conditions of approval for developments that are in close proximity to the Phoenix-Mesa Gateway Airport. The additional conditions are; (1) including specific notification language in Covenants, Conditions and Restrictions (CC&Rs) to be placed on the property showing that the property is in close proximity to the Phoenix-Mesa Gateway Airport, as well as a public disclosure map that visually depicts location of the property in relation to the Phoenix-Mesa Gateway Airport and (2) Requirement of the installation and maintenance of "Airport Wayfinding" signage at all arterial intersections within the proposed development. This will serve as an additional notification to inform the public of the proximity of the development to the Phoenix-Mesa Gateway Airport. The signage shall be shown during the City's review of specific development plans for the property.

Staff discussed the above outlined measures with the City Council during the Council's January 27, 2020 study session and also informed the Council of the planned scheduling of the project for public hearings.

### **Background**

Overall, the subject application for a Planned Area Development (i.e. the Hawes Crossing PAD) consist of two General Plan Amendments and two rezoning requests. Specifically, one General Plan Amendment for multiple property owners, its associated rezoning request, and one General Plan amendment with its associated rezoning request for the State of Arizona Land Department property. The amalgamation of the request makes up the "Hawes Crossing Planned Area Development (PAD)". Because of certain logistics and processes required to review the Arizona State Land Department request, the report for the subject PAD is separated into two reports; one for the State Land Department and the other for the private landowners.

The purpose of the subject PAD is to create a unified planned community through the approval of base zoning districts with certain design standards and guidelines, and infrastructure and open space master plans. Overall, the PAD covers approximately 1,131.5 acres of land that is generally bounded by Ellsworth Road on the east, Loop 202 on the south, the 80th Street alignment on the west, and the SRP electrical transmission line corridor located one-half mile north of Elliott road on the north.

A variety of land uses are proposed within the PAD; including Single-family Residential, Multifamily, Office, Commercial, Mixed-use, and Employment. Other proposed uses include open space areas, and areas for public facilities. The PAD also consists of development themes and standards.

#### General Plan Amendment:

Case #ZON19-00754; Minor General Plan Amendment (Private Property Owners): This request is for a minor General Plan amendment to change approximately 280 acres of land from Mixed Use Activity/Employment designation to a Neighborhood designation. Overall, there are 535.8 acres of land within the proposed PAD that are under the private property ownership. However, only 280 acres of the land are required to obtain approval of a General Plan amendment to allow the proposed PAD. The remaining 256.6 acres within the PAD area that are under the private ownership are currently designated as Mixed-Use Activity/Employment and consistent with the proposed PAD zoning designations without needing an amendment to the General plan character designation.

**ZON17-00606; Rezoning (Private Property Owners)**: This is the associated rezoning request for approximately 535.8 acres of property that are owned by individual private landowners. Specifically, the request is to rezone the property from AG and LI to RS-6, RSL-4.0, RSL-2.5, RM-5, GC, and MX with a PAD Overlay. The majority of the private landowners for the property are dairy farmers who are seeking entitlement to the land for future development.

#### Land Use Study and Strategic Plans:

The proposed PAD is within the Inner Loop District of the Mesa Gateway Strategic Development Plan. Specifically, the Inner loop district is a 3,100-acre area that is generally located between Ellsworth and Power Road, and north of William Field Road (see Exhibit 9). The Mesa Gateway Strategic Development Plan was adopted by the City Council in 2008. One of the major goals of the plan was to create a strategic plan document with models to inform the integration of land uses and transportation systems in such a way that accessibility of the area becomes an attraction through an effective model for jobs to housing balance (Mesa Gateway Strategic Plan, 2008).

#### The Inner Loop District:

According to the Plan, the focus of the Inner Loop District is to provide a wide variety of uses., and that the District should provide a high-quality, mixed use environment that is compatible with increasing over-flight activities associated with Phoenix-Mesa Gateway Airport operations. The Plan also recommends that, over time, flexibility of the use of the plan should be important

as development begins to transition to mixed uses, with concentrations of light industrial, office, and retail, with a possibility of higher-density residential uses being developed in the future.

Another recommendation of the Plan is to provide higher density uses with emphasis on business park development. Also stating that while business park development will contribute to the urban feel of the district as their densities increase, so too will the presence of village centers. The village centers are to provide areas that attract pedestrians and are built at a scale comfortable for those traveling by foot or bike. Uses in the village centers should include retail, offices, services, high-density mixed use residential, and open spaces.

#### Land Use Study:

In the recent years, there have been several proposals and inquiries for development within the Inner Loop District for employment, commercial and residential uses, including the subject request. This interest prompted the City to conduct a specific land use study of the Inner Loop in 2018. The intent of the study was to ensure appropriate allocation of land uses and distribution that aligns with the goals of providing a wide variety of uses that will result in high-quality, mixed use environment that is also compatible with the Phoenix-Mesa Gateway Airport operations. Over several months of discussion with various stake holders and land use modeling in 2018, the results of the study were completed.

#### **A summary of the results of the Study:**

The study concluded that the appropriate locations for employment type land uses should be in the areas of the inner loop that are directly adjacent to the 202 freeway corridor and are within proximity to the flight path of the airport, as depicted by the Phoenix-Mesa Gateway Airport's Land Use Compatibility Study and within the Airport Overflight Areas 1 and 2 (AOA 1 & 2). The study also indicated that the Elliot Road corridor is an appropriate location to provide a higher density of mixed use development. Further, the study also showed that mid- to higher-density residential uses would be appropriate along the Hawes Road corridor to create a vibrant "village center" as discussed in the Mesa Gateway Strategic Plan. Residential uses were also found to be appropriate to create a transition and continuity of residential development to the neighborhoods to the north of the Inner Loop District, specifically between Hawes and Sossaman Road. All of the recommended residential uses within the study area are within Airport Overflight Activity (AOA 3) area of the Phoenix-Mesa Gateway Airport Land Use Compatibility Plan. Per the Airport's land use compatibility plan, residential developments are allowed within the AOA 3 area with requirements for noise attenuation measures and notifications to property owners of the proximity of the airport to such nearby properties (see Exhibit 5).

The Inner Loop District Study also determined that the proposed and recommended land use mixture shown in the study could potentially yield approximately 55,000 jobs. The study concluded that the land use mixture suggested in the plan would support the achievement of the Mesa Gateway Strategic Development plan goal of 100,000 jobs for the entire Gateway Area.

Overall, results of the study were utilized to guide the staff recommendation for the subject General Plan amendments and PAD request (See Exhibit 8 of the results of the study and recommended land use designations).

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

The General Plan Character area designation on the property is a blend of the Mixed-Use Activity and Employment character type designations. Per Chapter 7 of the General Plan, descriptions of the two-character types are defined as:

**Mixed Use Activity Districts** are large-scale community and regional activity areas that usually have a significant retail commercial component including shopping areas such as malls, power centers, or lifestyle centers that are designed and developed to attract customers from a large radius. These districts often include other uses such as office, entertainment and residential. These districts may take on a significant residential character but will still have a mix of uses. The goal is to help these districts be strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. When integrated as part of the Mesa Gateway employment area, residential uses are more limited, require the establishment of the employment uses, and must serve to facilitate the development of the employment uses.

**Employment Districts** is a character type that is primarily used for employment-type land uses of at least 20 acres and typically have minimal connection to the surrounding area. Examples of employment districts include areas for large manufacturing facilities, warehousing, business parks, etc. Employment districts may include supporting retail and office areas but rarely include any type of residential uses. If residential uses are included, they need to be done in a manner that supports the continued development of the employment uses. The goal for these districts is to provide for a wide range of employment opportunities in high quality settings.

### **Minor General Plan Amendment (ZON19-00754)**

Chapter 15 of the General Plan outlines requirements for amendments to the General Plan. Per this chapter of the Plan, a minor General Plan amendment is required to change the current character type designation of Mixed Activity or Employment on the property to a Neighborhood character type for the areas within the PAD proposed to be rezoned to RS-6, RSL-4.0, and RSL-2.5, as these zoning districts are currently not allowed districts within the Employment or Mixed Use Activity character type designation. Per Chapter 16 of the General Plan, for a development to be considered consistent with the General Plan, the resulting development must be consistent with the character area and sub-type designation for the area. This includes consistency with the allowed zoning districts within the character types. The proposed areas within the PAD to be rezoned to commercial, employment, mixed use and higher density residential do not require a General Plan amendment, as those districts are consistent with the Mixed Use or Employment character designations.

The proposed General plan amendment from Mixed use Activity or Employment to Neighborhood will allow certain uses to be consistent with the results of the Inner Loop Study and the Mesa Gateway Strategic Plan. The Neighborhood character designation will allow uses that will help fulfill the goal of the Plan to create a wide variety of uses to make a vibrant

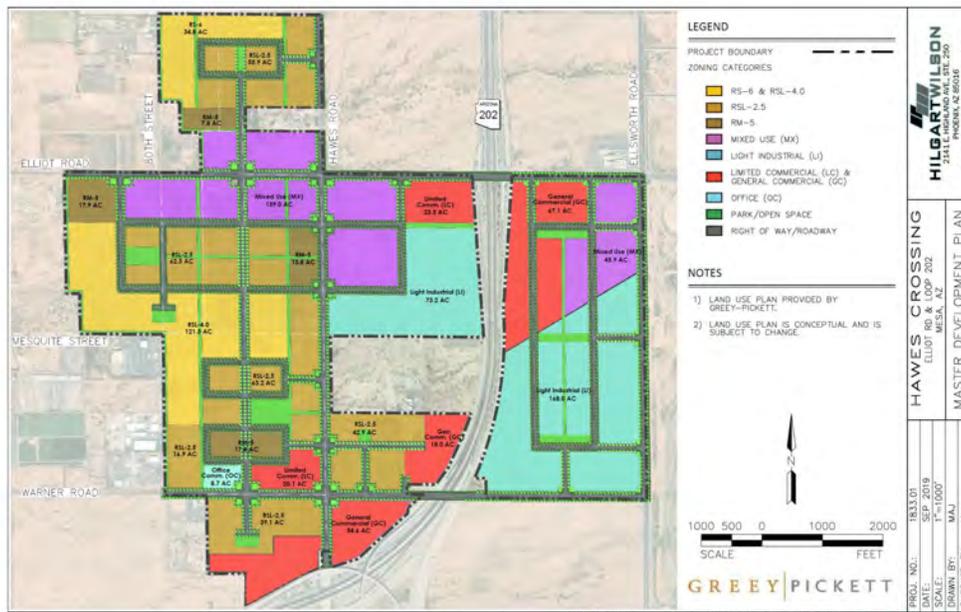
community. The proposed Neighborhood character area designation, based on the Inner Loop Study and 2017 Airport compatibility study, will not negatively impact operations of the Phoenix-Mesa Gateway Airport.

**Annexation (Cases #ANX18-00788 and ANX19-00420)**

Approximately 970± acres of the PAD is located in Maricopa County and will be annexed into the City as part of approval of the General Plan amendments and PAD. There are two associated annexation requests that are planned to be on the same City Council agenda as the subject request for a General Plan Amendment and a PAD.

**Zoning District Designations**

The requests for a PAD establish the master plan framework and underlying zoning to guide future development on the property. The requested underlying zoning districts are RS-6, RSL-4, RSL-2.5, RM-5, General Commercial (GC), and Mixed-Use (MX). (See Exhibit F-Proposed Zoning and Exhibit U- Master Development Plan). These plans show the overall vision of the PAD, and specifically demonstrate how the proposed zoning, open space, and circulation framework works as a single unified plan.



The table below shows the total acreages for each zoning district within this request for the proposed PAD:

LEGEND LAND USE PLAN	GROSS ACREAGE
RS - 6	34.8
RSL - 4.0	77.7
RSL - 2.5	210.1
RM - 5	39.5
MIXED USE	101.9

GENERAL COMMERCIAL	72.6
<b>TOTAL</b>	<b>536.6</b>

**Planned Area Development Overlay:**

The proposed PAD includes allowed land uses within each zoning district, design standards and design guidelines to direct future development of the property. The PAD documents also include associated open space and trails master plans, as well as infrastructure master plans. The subject PAD is to allow designated zoning districts. Per Section 11-22-5(B) of the City of Mesa Zoning ordinance, approval of Specific Plans, site plans, and subdivision plats shall be required prior to development of the property.

According to the PAD documents, developments within the PAD shall be organized in a “Village Concept” and each request for a Specific Plan for a Village shall consist of a minimum of 20 acres for single family residential developments and 10 acres for multifamily or non-residential development. The City’s Planning Director, however, may have limited authority to authorize a proposed development that may be below the minimum required land area on a special circumstance.

**Villages and Phasing of the Development**

The PAD documents show eight villages to form the overall development. According to the applicant, the villages are not intended to specify a particular order of development. The plans are to be utilized to govern standards for development of infrastructure phasing and open space areas when reviewing requests for specific plans. In accordance with the “Village” concept, each village may be completed as a single specific plan or site plan or may be processed as a series of specific plans. However, all necessary infrastructure and open space required must be constructed to support each proposed development. (See Exhibit V- Conceptual Village Plan; Exhibit N-Open Space Master Plan; & Exhibits 12-14 Water, Wastewater, and Drainage master plans)

**Land Use Regulations and Restrictions within the PAD:**

Per Section 11-22-2 of the Mesa Zoning Ordinance, the PAD overlay district is to be used in conjunction with one or more underlying zoning districts; thereby permitting the same uses and activities as the underlying base zoning district, except those that may be excluded by the City Council. In accordance with this section of the Zoning Ordinance, approval of a development agreement is required before the City Council excludes a land use from a base zoning district. Such a development agreement can be adopted prior to or concurrently with the adoption of the PAD overlay district.

This application for the private property owners is proposing to limit certain land uses within the RS-6, RSL-4.0, RSL-2.5, RM-5 and GC zoning districts (See Exhibits 1 and 2). The intent of this limitation is to prohibit uses that may be incompatible with the overall development theme of the PAD. As part of the PAD, the City Council will also be considering a development agreement to limit such uses, as well as instituting other measures that are outside the direct realm of the zoning request and review. In addition, the development agreement also includes a restriction on residential development within 200’ of the right-of-way on the north and south sides of Elliot Road as depicted in (Exhibit 17). This restriction prohibits residential uses within 200’ of

Elliot Road, except for vertically integrated mixed-use structures located within the 200 feet may have residential above the ground floor.

### Design Standards

Per Section 11-22-3 of the Mesa Zoning Ordinance, the PAD overlay may be utilized to modify specific development standards for each underlying zoning district. The proposed PAD includes certain modifications to the design standards from the City of Mesa Zoning Ordinance. Specifically this request for a PAD is establishing that the design standards for each zoning district found in Sections 11-5-3, 11-5-4, 11-5-6 and 11-5-7 of the zoning ordinance shall remain in effect as of the effective date of the approval of this ordinance. According to the PAD documents, both current and future developments will comply with the City's standards and as modified by the PAD. As it pertains to this request, the PAD documents show modifications to allow an increase in the maximum allowed height in each of the GC and MX zoning districts to 75 feet. The document also shows proposed modifications to allow the following specific Building Form Standards for each of the following zoning districts in the PAD:

#### RS-6

***Garages: An attached or detached garage is allowed in the rear of a lot if the driveway extends from the garage to the front property line. A detached front or side-entry garage must be setback 3 feet from the rear property line. Detached garages may be shared between an accessory dwelling unit and the primary dwelling unit but must be one-story and no higher than 15 feet.***

***Façades: A façade that faces a street or open space (whether the façade is on the front, side or rear elevation of the home) shall be finished with the same architectural articulation, detail, and trim level as the front of the home. The façade articulation shall make use of multiple elements and designs including but not limited to pop outs, varying roof lines, offsets, and recesses.***

***Staggered Setbacks: To provide a varied streetscape and a visually interesting neighborhood, stagger the front setback lines by at least 3 feet. Where a staggered setback is not possible, a varied streetscape shall be provided through alternative streetscape designs or other building designs that are similar in concept. The alternative streetscape designs or other building designs must be shown on the Specific Plan at the time the Specific Plan is submitted to the City for review and approval.***

***Accessory Dwelling Units: Accessory dwelling units are permitted in the rear yard if the accessory dwelling unit is not more than one-story or 15 feet in height and complies with the setback and development standards of a garage.***

#### RSL-4.0 and RSL-2.5

***Alley-loaded: Alley-loaded product is permitted if the garage is setback from the rear property line either 3 feet or less or 18 feet or greater.***

***Shared driveways: Each home can have only one driveway. Where there are shared driveways, the width of the shared driveway shall be a maximum of 18 feet and the centerline of the driveway shall be located on the property line between the two adjacent lots. Where units are clustered with shared***

***driveways, the distance between each shared driveway must be a minimum of 36 feet. The 36 feet shall be measured from the edge of each shared driveway.***

***Lot width: Mixing lot widths along streets is required to further the variation of the streetscape. Different lot widths must be located adjacent and across from each other without a pattern. The variation of lot widths will be determined at the time a Specific Plan is submitted to the City for review and approval.***

***Covered entry: Each home shall have an entry that is covered either by a roof specifically for the entry or integration of the entry into the roofline of the home.***

***Front Porches: Front porch coverings must be at least 50 percent of the width of the home and have a depth of at least 6 feet, however, alternative designs for front porch coverings may be approved by the City, in the City's sole discretion, at the time of product approval with the Specific Plan.***

### Mixed Use Standards

The Mixed Use (MX) districts in the PAD are encouraged to be vertically and horizontally integrated development. Development in the mixed-use district areas are planned for a pedestrian scale type of development while accommodating vehicular traffic and parking, ideally in the rear and sides of buildings where possible. The MX district is planned to allow a maximum building height of 75 feet. The purpose of this height increase is to create a vibrant and more compact environment.

According to the PAD documents, the MX zoned properties shall include a minimum of 35% non-residential uses. Such percentages for non-residential uses shall be calculated by the gross building square footage for vertical mixed-use buildings and per acreage area for horizontal mixed-use sites. The percentage of non-residential uses must also be shown on each Specific Plan and a maximum of 50% of the residential uses can be constructed prior to the construction of the required 35% non-residential uses. In accordance with the development agreement, the limitation on the construction of residential uses may be satisfied by the Village in which the development is located.

### Design Guidelines

The proposed PAD consists of the general theme for the PAD, including Design Guidelines. This is to ensure the overall architectural and design quality of the PAD. The guidelines include architectural character, building massing and form, building entries, materials and finishes, and glazing requirements. The design guidelines are included in the staff report as Exhibit 3.

### Open Space and Trails Master Plan

Section 11-22-4B of the Mesa Zoning Ordinance (MZO) requires common open space areas to be an essential and major element of the PAD. The proposed PAD includes significant open space and trails areas. These areas are shown on an open space master plan (see Exhibits N and O). The open space areas within the PAD will consist of a variety of parks, including community parks, neighborhood parks, pocket parks, and urban plazas. These open space areas will be connected through a series of trails throughout the PAD.

The PAD also includes guidelines and standards for the development of each type of park and trail (see Exhibit 4 'Open Space Guidelines'). The following are the requirements for open space areas within the PAD:

1. The public or common open spaces in the RS-6, RSL-4, and RSL-2.5 zoning districts within the PAD shall be a minimum of 15 percent of the gross acreage of the RS-6, RSL-4, or RSL-2.5 development; and each Specific Plan shall show compliance with this 15 percent requirement. Additionally, a minimum of three percent (3%) of the required open space shall be dedicated to parks (e.g., 3% of the 15% shall be parks). Open space in the RM-5 zoning districts and in non-residential areas shall conform to the open space requirements in Section 11-5-5 and 11-6-5 of the City of Mesa Zoning Ordinance in effect as of the effective date of this adoption of the ordinance approving the project.
2. Each single residential development in the RS-6, RSL-4 or RSL-2.5 zoning districts must provide a minimum of fifteen percent (15 %) of Open Space within the boundaries of the each specific plan of development; and a minimum of three percent (3%) of the Open Space areas shall be dedicated to parks. Further, a maximum of thirty percent (30%) of the single-family dwelling units within a specific development may be built before the Owner is required to install the Open Space (or parks). The City will not issue any building permits for any single-family dwelling unit above 30% of the allowed residential uses in a Specific Plan until the required Open Space is constructed and approved by the City in accordance with the development agreement.
3. A Specific Plan shall include neighborhood parks, pocket parks, urban plazas, open space trails, theme street trails, and on-street trails in accordance with Exhibit N, Open Space Master Plan. The exact location of the neighborhood parks, pocket parks, urban plazas, open space, trails, theme street trails, and on-street trails must be identified on the Specific Plan that is submitted to the City for review and approval but must generally conform with Exhibit N. General conformance with the Open Space Master Plan will be determined by the Planning Director in accordance with the development agreement.
4. A development that includes 160 or more contiguous acres, may concurrently with the submission of a Specific Plan, submit a new Open Space Master Plan for the development for review and approval by the Planning Director. The new plan must meet or exceed the requirements in the Open Space Master Plan, comply with the Hawes Crossing PAD, the Specific Plan and the development agreement

#### Open Space Buffer

The PAD includes a required 30' open space buffer along the western edge of the PAD. This buffer is to serve as a hedge between the residential development within the PAD and potential employment users that may develop to the west.

#### Airport Compatibility

The proposed PAD is located approximately one mile north of the Phoenix-Mesa Gateway Airport. The entire PAD boundary is located within the Airport Overflight Area (AOA) 3, as identified in the Airport's land use compatibility Study (See Exhibit 5). In addition, the PAD is not in the direct flight path of the airport runways, but it is in close proximity and will

experience noise from the airport. The Phoenix-Mesa Gateway Airport reviewed the subject request and is requesting conditions of approval for noise attenuation and notification requirements to be given to future property owners regarding proximity of the PAD to the airport. The noise attenuation requirements, in accordance with section 11-19-5 of the MZO, requires inside noise levels within residential buildings to be a maximum of 45 decibels. This requirement pertains to only development in the City that are in close proximity to the Airport. Other residential developments in the City are not required to adhere to such noise standards. The Airport has also requested conditions of approval that ensures continual notification to current and future property owners of the proximity of the Airport to the development. These conditions include additional language within the CC&R's of the development and the installation of wayfinding signs at arterial intersections through the Hawes Crossing PAD.

**Infrastructure Master Plans**

The PAD includes master infrastructure plans for Water, Wastewater, Drainage, and Transportation. The proposed master infrastructure plans have been reviewed and determined by staff to be adequate to support development of the property.

**Development Agreement**

There is a proposed development agreement associated with the PAD request. This development agreement addresses requirements such as vesting of development standards of the property, limitation of land uses, and development of all required infrastructure. The development agreements will be considered by the City Council concurrently with the PAD review and approval.

**Economic Development Advisory Board (EDAB)**

Staff reviewed a letter of concern from the City's Economic Development Advisory Board regarding the proposed rezoning request. A copy of the letter has been included in the packet as exhibit 6.

**Design Review:**

Section 11-71-2 of the MZO outlines requirements for design review for proposed developments. This PAD request does not modify the Design Review applicability requirements of the zoning code. All proposed development within the PAD shall be required to conform to the required Design Review process.

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

<b>Northwest</b> RS-6 Single-Residential Subdivisions	<b>North</b> RS-6 Single-Residential Subdivisions	<b>Northeast</b> RS-6 Single-Residential Subdivisions
<b>West</b> LI and AG Light Industrial and Agricultural Uses	<b>Subject Property</b> LI, AG, and County Land Undeveloped and Agricultural Uses	<b>East</b> PC Eastmark Community Plan
<b>Southwest</b>	<b>South</b>	<b>Southeast</b>

Loop 202 Freeway	LI and LC Undeveloped Loop 202 Freeway	PC Eastmark Community Plan
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**Compatibility with Surrounding Land Uses:**

The PAD area is adjacent to single-residential neighborhoods across the SRP transmission line corridor to the north. The loop 202 freeway bifurcates the PAD with approximately 280 acres of property laying east of the Freeway. The majority of the land area within the PAD is located west of the Loop. All of the property within the area of the request for the private property owners is located west of the Loop 202. The Eastmark Planned Community District (PCD) is located east of the PAD. The section of the Eastmark PCD adjacent to the subject PAD is planned to be developed for mid-density residential and suburban oriented retail/employment uses. The property to the west of the subject proposed PAD is undeveloped and zoned AG and LI. There are also pockets of County “island areas” with various industrial type land uses located west of the PAD.

The proposed PAD and associated and supported land use study demonstrate the use of the property will be compatible with the surrounding land uses. The proposed land use plan with the PAD shows a transition of similar densities from the single-residential development to the north of the boundaries of the PAD to higher-intensity mixed use development along the Elliot Road frontage. All the proposed land uses along the Loop 202 Freeway are designated for non-residential/employment land uses. As stated earlier in the report, the proposed residential uses within the PAD are located within the AOA 3 area of the Phoenix-Mesa Gateway Airport’s land use compatibility study. The Phoenix-Mesa Gateway Airport’s staff reviewed the request and is recommending certain conditions of approval to require avigation easement for future property owners and notification that the property is located in close proximity to the Airport. The requested conditions have been included in the conditions of approval for the PAD.

The PAD also includes a proposed landscape/open space buffer along the western edge of the property to buffer residential uses within the PAD from potential employment uses to the west. The purpose of this buffer is to further ensure compatibility of the development with adjacent properties.

**Neighborhood Participation Plan and Public Comments**

The applicant has completed a Citizen Participation Process that included a mailed notification to all property owners within 1,000 feet of the Project and homeowners’ associations within 1 mile of the Project. In addition, the applicant held a neighborhood meeting on October 4, 2017, to discuss the subject request with residents. All property owners of 466 properties as well as Eastridge Community Association, Villages at Hawes Homeowners Association, and Boulder Creek Homeowners Association, were notified of the request.

The neighborhood meeting was held at Boulder Creek Elementary School on October 4, 2017 from 6:30PM to 8:00PM. According to information provided by the applicant, about 40-50 people attended the meeting. The major issues discussed at the meeting were the proposed

land uses, with majority of the residents expressing general support for the proposed land use mixture in the plan.

The applicant also conducted a walking neighborhood outreach from February 2018 to April 2018, specifically walking through the Boulder Creek neighborhood to meet neighbors, share information about the Project, and answer questions. According to the applicant, almost everyone in the Boulder Creek subdivision, through this outreach process, has been informed of the Project.

On April 12, 2018, upon the request of the Boulder Creek HOA manager, presented the request during their HOA meeting. There were approximately 20 residents in attendance at the meeting.

On September 10, 2018, the applicant mailed letters to all property owners (700+) in the Boulder Creek community notifying them of the upcoming Planning and Zoning Board meeting. Additionally, the HOA also sent an email to all residents to inform them of the meeting. The applicant also made phone calls to residents that had expressed interest to obtain additional information to the propose request. The applicant also held further neighborhood meeting on September 25, 2018, to discuss the project with surrounding residence.

On June 13, 2019, and September 12, 2019, the applicant also presented the proposed development again to the Boulder Creek HOA. Approximately 15 people, including the board members, were in attendance at the meetings. According to the applicant, throughout these meetings, the major concerns and comments have been centered around the proposed land uses, development densities, and the timeline of the project.

On August 27, 2019, the applicant again sent an email to the list contacts from the previous meetings, including Boulder Creek residents, surrounding property owners, and other interested parties inviting them to another informal open house meeting on September 14th, 2019 at the Boulder Creek Elementary School. The Boulder Creek HoA also sent details of the meeting to all of their residents. The purpose of the open house was to offer neighbors and interested parties an opportunity to obtain additional information about the project. The meeting was intentionally scheduled on a Saturday to encourage all residents to attend.

In addition to the neighborhood meetings, staff, the applicant and several City Council members have received emails, letters and phone calls from City residents expressing either support or opposition to the request. Below is a general summary of comments and concerns expressed by residents;

1. Property owners to the north of the transmission line easement are primarily in support of the proposed PAD and expressed a desire to allow residential development immediately to the south of their neighborhood.
2. Several residents had questions about specific land uses and proposed development standards in the proposed plan.
3. Several residents are in support of the proposed PAD and are happy to see organized development of the area.

4. A number of residents have also expressed concerns with the proposed development. Specifically, the residents are concerned with the proposed residential land uses and its potential effects on the operations of the Mesa Gateway Airport. They also expressed concerns with conversion of non-residential and employment land uses to residential and its future effect of the City's economy.

A copy of the emails and letters have been included as Exhibit 7 of the staff report. The applicant has provided a detailed Citizen Participation Report summarizing their outreach efforts (see Exhibit 11).

**Staff Recommendations:**

The proposed General Plan amendment conforms to the criteria for amendments outlined in Chapter 16 (page 16-22 & 23) of the General Plan.

The rezoning requests and associated PAD to allow a variety of land uses and development standards conforms to the City's General Plan and criteria for review of development application outlined in Chapter 15 (page 15-1 & 2) of the Mesa General Plan. The request also conforms to the Mesa Gateway Strategic Plan, as well as Chapter 22 of the Mesa Zoning Ordinance; Therefore, staff is recommending approval with the following conditions:

**Conditions of Approval:**

The following conditions of approval are in addition to and not intended to replace compliance with the zoning code. Any standard not identified through these conditions of approval, the zoning code requirements shall apply.

**ZONING**

1. Compliance with Exhibit 1 establishing the allowed land uses within the RS-6, RSL-4, RSL-2.5, and RM-5 zoning district within the Hawes Crossing PAD.
2. Compliance with Exhibit 2 establishing the allowed land uses within the General Commercial (GC) zoning district within the Hawes Crossing PAD.
3. Prior to approval of any development, a Specific Plan for the development must be submitted to the City for a review and approval. Each Specific Plan shall be a minimum of 20 acres for single-residential development and 10 acres for non-residential, mixed use, and multi-residential development. The minimum acres may be modified in accordance with the development agreement.
4. Compliance with the City of Mesa Zoning Ordinance, except the design standards for each zoning district (Sections 11-5-3, 11-5-4, 11-5-6 and 11-5-7) shall comply with the City of Mesa Zoning Ordinance in effect as of the effective date of this ordinance with the following modifications:
  - a. The maximum height in the Mixed Use (MX) and General Commercial (GC) zoning districts is 75 feet.
  - b. MX zoned properties shall include a minimum of 35% non-residential uses. The percentage for non-residential uses shall be calculated by the gross building square footage for vertical mixed-use buildings and per acreage area for

horizontal mixed-use sites. The percentage of non-residential uses must be shown on each Specific Plan and a maximum of 50% of the residential uses can be constructed prior to the construction of the required 35% non-residential uses. In accordance with the development agreement, the limitation on the construction of residential may be modified and the requirement to build 35% non-residential uses may be satisfied by the Village in which the development is located.

- c. Property zoned RS-6:
  - i. **Garages:** An attached or detached garage is allowed in the rear of a lot if the driveway extends from the garage to the front property line. A detached front or side-entry garage must be setback 3 feet from the rear property line. Detached garages may be shared between an accessory dwelling unit and the primary dwelling unit but must be one-story and no higher than 15 feet.
  - ii. **Façades:** A façade that faces a street or open space (whether the façade is on the front, side or rear elevation of the home) shall be finished with the same architectural articulation, detail, and trim level as the front of the home. The façade articulation shall make use of multiple elements and designs including but not limited to pop outs, varying roof lines, offsets, and recesses.
  - iii. **Staggered Setbacks:** To provide a varied streetscape and a visually interesting neighborhood, stagger the front setback lines by at least 3 feet. Where a staggered setback is not possible, a varied streetscape shall be provided through alternative streetscape designs or other building designs that are similar in concept. The alternative streetscape designs or other building designs must be shown on the Specific Plan at the time the Specific Plan is submitted to the City for review and approval.
  - iv. **Accessory Dwelling Units:** Accessory dwelling units are permitted in the rear yard if the accessory dwelling unit is not more than one-story or 15 feet in height and complies with the setback and development standards of a garage.
- d. Property zoned RSL-4.0 and RSL-2.5:
  - i. **Alley-loaded:** Alley-loaded product is permitted if the garage is setback from the rear property line either 3 feet or less or 18 feet or greater.
  - ii. **Shared driveways:** Each home can have only one driveway. Where there are shared driveways, the width of the shared driveway shall be a maximum of 18 feet and the centerline of the driveway shall be located on the property line between the two adjacent lots. Where units are clustered with shared driveways, the distance between each shared driveway must be a minimum of 36 feet. The 36 feet shall be measured from the edge of each shared driveway.

- iii. **Lot width:** Mixing lot widths along streets is required to further the variation of the streetscape. Different lot widths must be located adjacent and across from each other without a pattern. The variation of lot widths will be determined at the time a Specific Plan is submitted to the City for review and approval.
- iv. **Covered entry:** Each home shall have an entry that is covered either by a roof specifically for the entry or integration of the entry into the roofline of the home.
- v. **Front Porches:** Front porch coverings must be at least 50 percent of the width of the home and have a depth of at least 6 feet, however, alternative designs for front porch coverings may be approved by the City, in the City's sole discretion, at the time of product approval with the Specific Plan.

### **DESIGN GUIDELINES**

- 5. All commercial, office and non-residential uses shall comply with the non-residential design guidelines set forth in Exhibit 3, 'Design Guidelines'.

### **LANDSCAPING**

- 6. To achieve a unified landscaped environment that is appropriate and successful for the desert climate all development shall comply with Exhibit Q, 'Approved Plant Palette'.
- 7. Landscaping areas shall consist of a blend of lush and desert appropriate plant materials from the Approved Plant Palette and landscaping along the sidewalks that are adjacent to major streets or pedestrian corridors shall be arranged in patterns with an emphasis on shade and color.
- 8. Entries to residential and non-residential developments shall be highlighted by unique urban plazas with portal elements framed by large shade trees.
- 9. A landscape plan prepared by a landscape professional such as a registered landscape architect or a qualified arborist is required for all Specific Plans, site plans and subdivision plats.
- 10. Landscaping in parks, open spaces and pedestrian trail areas shall include a diversity of desert appropriate plant materials from the Approved Plant Palette and strategic use of trees to create nodes of shade. Turf can be used only where functionally appropriate for recreational fields, useable open spaces and as a complement to shaded nodes.

### **OPEN SPACE**

- 11. Open space shall comply with Exhibit N 'Open Space Master Plan' and trails shall comply with Exhibit O 'Trail Master Plan'.
- 12. Open space and trails shall also comply with Exhibit 4 'Open Space Guidelines'.
- 13. Open space in the RM-5 zoning districts and in non-residential areas shall conform to the open space requirements in Section 11-5-5 and 11-6-5 of the City of Mesa Zoning Ordinance in effect as of the effective date of this ordinance.

14. Public or common open spaces in the RS-6, RSL-4, and RSL-2.5 zoning districts shall be a minimum of 15 percent of the gross acreage of the RS-6, RSL-4, or RSL-2.5 development; and each Specific Plan shall show compliance with this 15 percent requirement. Additionally, a minimum of three percent (3%) of the required open space shall be dedicated to parks (e.g., 3% of the 15% shall be parks).
15. Property owner shall construct the open space as required in condition of approval 15 above, as may be further described in the development agreement, with the construction of, or prior to completion of thirty percent (30%) of the single-family dwelling units within a Specific Plan and the City will not issue any building permits for any single-family dwelling unit above 30% of the allowed residential uses in a Specific Plan until the required open space is constructed and approved by the City in accordance with the development agreement.
16. A Specific Plan shall include neighborhood parks, pocket parks, urban plazas, open space trails, theme street trails, and on-street trails in accordance with Exhibit N, Open Space Master Plan. The exact location of the neighborhood parks, pocket parks, urban plazas, open space, trails, theme street trails, and on-street trails must be identified on the Specific Plan that is submitted to the City for review and approval must generally conform with Exhibit N. General conformance with the Open Space Master Plan will be determined by the Planning Director in accordance with the development agreement.
17. A development that includes 160 or more contiguous acres, may concurrently with the submission of a Specific Plan, submit a new Open Space Master Plan for the development for review and approval by the Planning Director. The new plan must meet or exceed the requirements in the Open Space Master Plan, comply with the Hawes Crossing PAD, the Specific Plan and the development agreement.

#### **OPEN SPACE BUFFER**

18. Each property owner that owns property along the western border of the Hawes Crossing PAD is required to provide a 30-foot open space buffer along the western property lines of the Hawes Crossing PAD as shown on Exhibits L1, L2, L3, and in accordance with, and subject to reduction as provided in, the development agreement.

#### **LOT FRONTAGE**

19. All parcels within the development are allowed to front on either a public or private street.

#### **SIGNAGE**

20. Signage shall conform to the City of Mesa Sign Code, as may be amended.
21. A comprehensive sign plan for developments in a non-residential area, if required, shall be submitted concurrently with a Specific Plan.
22. A comprehensive sign plan for residential, parks, open spaces, and entry features, if required, shall be submitted concurrently with a Specific Plan.

#### **PHASING**

23. Development within each Village may be completed as a part of a single Specific Plan or site plan or multiple Specific Plans or site plans; however, the required infrastructure and open space must be constructed to support the development per Exhibit V, Conceptual Village Plan and Exhibit N, Open Space Master Plan and in accordance with the development agreement.
24. Each property owner who owns property that is north of Elliot Road and adjacent to the western side of Hawes Road shall dedicate to the City a thirty-foot wide permanent perpetual utility easement for utilities including an above ground electric power distribution facility in accordance with the development agreement.

#### **INFRASTRUCTURE**

25. Compliance with the Traffic Impact Analysis Exhibit 16, Master Wastewater Report Exhibit 13, Master Water Report Exhibit 12, and Master Drainage Report Exhibit 14, as required by and may be amended in accordance with the development agreement.

#### **AIRPORT COMPATIBILITY:**

26. Each property owner shall execute the City's standard Avigation Easement and Release for Phoenix-Mesa Gateway Airport concurrently with the recordation of the final subdivision map or prior to the issuance of a building permit, whichever comes first.
27. Provide written notice to future property owners that the project is within 1-2 mile(s) of Phoenix-Mesa Gateway Airport. Such notice shall be on brightly colored paper and shall have a visual depiction of an image of an aircraft.
28. Due to the proximity to Phoenix-Mesa Gateway 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.
29. Provide a 4-foot x 4-foot sign at the entrance to all sales and leasing offices located in the Hawes Crossing PAD, with notice to all prospective buyers that the development is within an Overflight Area for Phoenix-Mesa Gateway as specified in Section 11-19-5 of the Zoning Ordinance. Such signage shall also include a visual depiction of an image of aircraft.
30. Prior to the issuance of a building permit, provide documentation by a registered Professional Engineer or registered Professional Architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Zoning Ordinance.
31. All final subdivision plats shall include a disclosure notice in accordance with Section 11-19-5 of the Zoning Ordinance which shall state in part: "This property, due to its proximity to Phoenix- Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
32. The covenants, conditions and restrictions (CC&Rs) for the master association for the Property and each home owners association (HOA) established in the Hawes Crossing PAD shall include, in the body of the CC&Rs and the definition of AOA3: (i) a disclosure notice of airport activity and proximity to Phoenix-Mesa Gateway Airport in accordance with Section 11-19-5 of the Zoning Ordinance, (ii) the language in the City's standard

Avigation Easement and Release for Phoenix-Mesa Gateway Airport described in condition 27, and (iii) the public airport disclosure map.

33. Property owners shall install and maintain wayfinding signs at arterial intersections throughout the Hawes Crossing PAD in accordance with the development agreement.

#### **STANDARD CONDITIONS**

34. Compliance with the Mesa City Code and development regulations except as specifically modified by condition #4 above (Compliance with the City Zoning Ordinance, except the design standards for each zoning district (Sections 11-5-3, 11-5-4, 11-5-6 and 11-5-7) shall comply with the City of Mesa Zoning Ordinance in effect as of the effective date of this ordinance with the following modifications···).
35. 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 a subdivision plat, or at the time of the City's request for dedication, whichever comes first.
36. Compliance with all requirements of the City's Subdivision Regulations.
37. Execute and comply with the development agreement addressing infrastructure, the prohibited uses, and other regulations relating to the development of the property.

#### **List of Exhibits:**

- Exhibits A-V from the Narrative
- Exhibit 1 - Prohibited Residential Uses
- Exhibit 2 - Prohibited Uses in the GC Zoning District
- Exhibit 3 - Design Guidelines
- Exhibit 4 - Open Space Guidelines
- Exhibit 5 - Airport Compatibility
- Exhibit 6 - Economic Development Advisory Board Letter
- Exhibit 7 - Emails from Residents
- Exhibit 8 - Inner Loop Study
- Exhibit 9 - Inner Loop District of the Gateway Strategic Plan
- Exhibit 10 - Project Narrative and Exhibits
- Exhibit 11 - Citizen Participation Final Report
- Exhibit 12 - Master Water Report
- Exhibit 13 - Master Wastewater Report
- Exhibit 14 - Master Drainage Report
- Exhibit 15 – Phoenix-Mesa Gateway Airport Letter
- Exhibit 16- Master Traffic Impact Analysis
- Exhibit 17 - Elliot Road Residential Restrictions
- Exhibit 18 - Hawes Road Utility Corridor