



**PLANNING DIVISION  
STAFF REPORT**

**Planning and Zoning Board**

**March 27, 2024**

CASE No.: <b>ZON22-00435, ZON24-00164</b>	PROJECT NAME: <b>Gateway Automall</b>
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Owner's Name:	Gateway Land Investments, LLC, Signal Butte 20 DJB, LLC, Signal Butte 10 DJB, LLC
Applicant's Name:	Sean Lake, Pew & Lake
Location of Request:	Within the 10700 to 11000 blocks of East Pecos Road (north side), within the 6500 to 6800 blocks of South Signal Butte Road (both sides), and within the 6500 to 6800 blocks of South 222nd Street (east side). Located on the east and west sides of Signal Butte Road, and north of Pecos Road.
Parcel No(s):	304-34-934, 304-34-935, 304-34-933, 304-36-005, 304-36-006, 304-34-043, 304-34-019V, 304-34-019U, 30-34-019D, 304-34-019J, 304-36-007
Request:	<b>ZON24-00164: Minor General Plan Amendment.</b> This request will change the General Plan Character Area Type from Employment to Mixed Use Activity.
	<b>ZON22-00435:</b> Rezone from Agricultural (AG), Light Industrial (LI), and General Industrial (GI) to General Commercial with a Planned Area Development overlay (GC-PAD). This request will allow for the development of several automobile sales facilities and other commercial uses.
Existing Zoning District:	Agricultural (AG), Light Industrial (LI), and General Industrial (GI)
Council District:	6
Site Size:	62± acre
Proposed Use(s):	Several automobile sales facilities and other commercial uses.
Existing Use(s):	Vacant
P&Z Hearing Date(s):	March 27, 2024 / 4:00 p.m.
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	APPROVAL with Conditions

## HISTORY

On **May 17, 1990**, the City Council annexed 613± acres, including 32.7± acres of the project site located east of Signal Butte Road, and established Agriculture (AG) zoning on the property (Case Nos. A90-001, Z90-025) (Ordinance Nos. 2514, 2529).

On **November 18, 1996**, the City Council approved a rezoning of a 4.6± acre portion of the project site located east of Signal Butte Road from Agriculture (AG) to M-2 (equivalent to current General Industrial [GI] zoning) to allow for a proposed propane storage facility (Case No. Z96-089) (Ordinance No. 3266).

On **April 5, 2004**, the City Council annexed 36.4± acres, including 29.3± acres of the project site located west of Signal Butte Road, and established Single Residence 43 (RS-43) zoning on the property (Case No. A03-05, Z04-018) (Ordinance No. 4148, 4178).

On **December 6, 2004**, the City Council approved a rezoning of 37± acres, including 29.3± acres of the project site located west of Signal Butte Road from Single Residence 43 (RS-43) to Light Industrial (LI)(Case No. Z04-098; Ordinance No. 4324).

## PROJECT DESCRIPTION

### **Background:**

#### **Case No. ZON24-00164 Minor General Plan Amendment:**

The applicant is requesting a Minor General Plan Amendment to change the Character Type of the 62± acre site from Employment to Mixed Use Activity with a Regional sub-type.

The applicant is seeking a concurrent rezone of the project site to General Commercial with a Planned Area Development overlay (GC-PAD) in order to develop several automotive sales facilities as well as other commercial uses. The current General Plan designation of Employment does not list retail as a primary use, nor does it include the General Commercial district as a primary zoning district. Therefore, the applicant is seeking to change the character type designation to Mixed Use Activity with a Regional sub-type which lists General Commercial as a primary zoning district and retail as the primary use.

The project site is less than 160-acres and is therefore considered a Minor General Plan Amendment per Chapter 16 of the Mesa 2040 General Plan.

#### **Case No. ZON22-00435 Rezone and Conceptual Site Plan:**

The applicant is requesting to rezone the subject site from Agriculture (AG), Light Industrial (LI), and General Industrial (GI) to General Commercial with a Planned Area Development overlay (GC-PAD).

The subject property is currently vacant and located between Pecos Road and State Route 24 on both sides (east and west) of Signal Butte Road. The applicant is requesting a Planned Area Development overlay in order to receive approval of a conceptual site plan and phasing plan.

The conceptual site plan shows the development of six parcels to be used for automobile sales and ancillary commercial uses. Each parcel delineated on the conceptual site plan is a potential phase of development, the order of which has not yet been determined. Specific site plan review and approval will be required for the development of each phase on the site.

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

The Mesa 2040 General Plan Character Area designation on the property is Employment. The applicant is requesting to rezone the project site to General Commercial with a Planned Area Development overlay (GC-PAD). However, the GC zoning is not identified as a primary zoning district and retail sales is not identified as a primary land use in the Employment Character Area. In order to accommodate the request, the applicant is requesting a minor General Plan Amendment from Employment to Mixed Use Activity.

Per Chapter 7 of the General Plan, the Mixed Use Activity District is a large-scale (typically over 25 acres) community and regional activity area that usually has 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. At least 70% of the total Mixed Use Activity District character area shall be reserved for primary zoning designations and primary uses. Primary zoning districts include districts such as Office Commercial (OC), Limited Commercial (LC), General Commercial (GC), Mixed-Use (MX), Planned Employment Park (PEP), and Infill Incentive District 2 (ID-2). Primary land uses include general retail, including auto malls, restaurants, offices, personal services, movie theatres, and hotels. The applicant is requesting to rezone all of the property within the proposed Mixed Use Activity District to GC-PAD, which is identified as a primary zoning district in the Mixed Use Activity Character Area and the proposed use of automobile sales with associated commercial development is a primary land use in the Mixed Use Activity Character Area.

Chapter 16 (pg. 16-26) of the Mesa 2040 General Plan provides criteria that City Council may consider when evaluating a Minor or Major General Plan Amendment. The factors to consider include the degree of impact to the surrounding community existing land use patterns in , the extent to which the benefits of the amendment outweigh any impacts, and whether the proposed amendment will result in the loss of land for other planned uses.

The proposed Minor General Plan Amendment to Mixed Use Activity is consistent with the existing and anticipated development pattern of the area. Properties to the north of State Route 24 are zoned GC and are envisioned to be developed with commercial uses. Properties to the south, east and west of the project site are existing and proposed industrial developments whose employees will help to support the proposed commercial retail uses as a part of the proposed conceptual site plan. The proposed automobile sales facilities with associated commercial development are consistent with development patterns in the area.

**Gateway Strategic Development Plan:**

The subject property is also located within the Mixed-Use Community District of the Mesa Gateway Strategic Development Plan (GSDP). Per the GSDP, this district is envisioned to be the area that solidifies the goal to balance land uses and provide sustainability through the

creation of a live/work/play community. It will contain the widest variety of land uses within the planning area, with ultimate development including low- to high-density residential, commercial, employment, civic, and recreational use to provide a complete community experience. The proposed development meets the goals and intent of the Mesa Gateway Strategic Development Plan.

Staff reviewed the request and determined it is consistent with the development review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. The proposed automobile sales facilities with associated commercial development are consistent with the goals of the Mixed Use Activity District as well as the intentions of the Mixed-Use Community District of the Gateway Strategic Development Plan.

**Zoning District Designations:**

The applicant is requesting to rezone the subject property from Agriculture (AG), Light Industrial (LI), and General Industrial (GI) to General Commercial with a Planned Area Development overlay (GC-PAD). Per Table 11-6-2 of the MZO, commercial uses, such as automobile sales, are permitted in the GC district subject to compliance with the specific use standards set forth in Section 11-31-5 of the MZO. The proposed rezoning and intended development of the site for automobile sales and commercial uses conforms to the goals of the GC district.

**Airfield Overlay – MZO Article 3 Section 11-19:**

Per Section 11-19 of the MZO, the site is located within the City of Mesa 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 Phoenix-Mesa Gateway Airport. Per Section 11-19-4 of the MZO, there are no additional land use limitations beyond the base zoning.

**PAD Overlay Modification – MZO Article 3, Chapter 22:**

The subject request includes a Planned Area Development overlay (PAD) to allow for the approval of a conceptual site plan and a phased development plan as permitted by Section 11-22-1 of the MZO. The conceptual site plan shows six parcels, which are intended to be developed in phases. The timing of the phases has not yet been determined by the applicant. However, all future development on the project site will require Site Plan Review and Design Review approval.

**Site Plan and General Site Development Standards:**

The applicant is proposing to develop the site in multiple phases as indicated on the conceptual site plan. The applicant is requesting conceptual site plan approval and will require formal site plan review at time of development. The site plan shows access to the site will be from Signal Butte Road and Pecos Road.

Perimeter landscaping along Pecos Road and Signal Butte Road will be installed with the first phase of construction. Each project phase will provide for adequate access and circulation, drainage, and retention, as well as the internal landscaping required for that phase. Prior to the construction of each phase, a phasing plan will be submitted to ensure that each phase has

efficient infrastructure facilities to serve each phase, including but not limited to onsite drainage and roadway improvements. Furthermore, per Section 11-69-2 of the MZO, a specific site plan shall be required prior to site development.

**Design Review:**

Any proposed structures on site will require Design Review and approval.

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

<p><b>Northwest</b> (Across proposed street) Maricopa County C-3 Proposed Commercial</p>	<p><b>North</b> HI Industrial</p>	<p><b>Northeast</b> HI Industrial</p>
<p><b>West</b> (Across 222<sup>nd</sup> St) LI Vacant</p>	<p><b>Project Site</b> LI, AG, GI Vacant</p>	<p><b>East</b> HI Industrial</p>
<p><b>Southwest</b> LI Industrial</p>	<p><b>South</b> (Across Pecos Road) GI Vacant</p>	<p><b>Southeast</b> (Across Pecos Road) GI Vacant</p>

**Compatibility with Surrounding Land Uses:**

The project site is currently vacant, and is currently zoned LI, AG, and GI. Properties to the north and east are developed by FujiFilm and zoned HI. Properties to the west are zoned LI and are currently vacant. Properties to the south are zoned General Industrial and currently vacant. Overall, the proposed development is compatible with the surrounding development and land uses.

**Neighborhood Participation Plan and Public Comments:**

The applicant completed a Citizen Participation Process which included mailing letters to property owners within 1,000 feet of the site as well as HOAs within ½ mile or registered neighborhoods within one mile of the site. As of the date of this report, staff has not been contacted by any resident or property owner to express support or opposition to this request.

Staff will provide the Board with any new information during the scheduled Study Session on March 27, 2024.

**Staff Recommendation:**

**ZON24-00164**

The requested Minor General Plan Amendment to change the Character Type Designation from Employment to Mixed Use Activity is consistent with the goals and intent of the Mesa 2040 General Plan, including the General Plan amendment criteria outlined in Chapter 15.

**ZON22-00435**

The subject request is consistent with the Mesa 2040 General Plan, the Gateway Strategic Development Plan, the review criteria for a Planned Area Development Overlay outlined in

Section 11-22-1 of the MZO, and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

Staff recommends approval with the following **Conditions of Approval:**

1. Prior to the issuance of any building permit, a specific site plan shall be submitted and approved in accordance with Chapter 69 of the Mesa Zoning Ordinance.
2. Prior to the issuance of any building permit, a Design Review application shall be submitted and approved in accordance with Chapter 71 of the Mesa Zoning Ordinance.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Execute and comply with the development agreement, DA21-00006, and all future amendments to it.
5. All off-site improvements and perimeter landscaping shall be installed per Development Agreement DA21-00006.
6. Access and circulation, drainage, and retention, internal landscaping, and landscape yard landscaping shall be installed with the corresponding phase as shown on the conceptual site plan.
7. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner must execute the City's standard Avigation Easement and Release for Phoenix-Mesa Gateway Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
  - b. 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. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.
  - c. Provide written notice to future property owners that the project is within two miles of Phoenix-Mesa Gateway Airport.
  - d. Prior to issuance of any 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 Mesa Zoning Ordinance.
  - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must state in part: "This property, due to its proximity to the Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
8. Compliance with all City development codes and regulations.

**Exhibits:**

Exhibit 1 – Staff Report

Exhibit 2 – Vicinity Map

Exhibit 3 – Project Narrative

- Exhibit 4 – Conceptual Site Plan
- Exhibit 5 – Citizen Participation Plan
- Exhibit 6 – Citizen Participation Report
- Exhibit 7 – PowerPoint Presentation