



## Planning and Zoning Board

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### *Case Information*

**CASE NUMBER:** Z15-012 (PLN2015-00050)  
**LOCATION/ADDRESS:** 809 North Dobson Road.  
**GENERAL VICINITY:** Located south of the Loop 202 on the east side of Dobson Road.  
**REQUEST:** Site Plan Review and Special Use Permit.  
**PURPOSE:** This request will allow the development of a convenience store with a gas canopy and a car wash facility.  
**COUNCIL DISTRICT:** District 1  
**OWNER:** Kevin King, CST Arizona Stations, Inc  
**APPLICANT:** Jesse Macias, PM Design group, Inc  
**STAFF PLANNER:** Wahid Alam, AICP

### **SITE DATA**

**PARCEL NUMBER(S):** 135-33-537  
**PARCEL SIZE:** 2.44± acres  
**EXISTING ZONING:** Limited Commercial- LC-PAD  
**GENERAL PLAN CHARACTER:** Regional Scale Mixed Use Activity District  
**CURRENT LAND USE:** Vacant

### **HISTORY/RELATED CASES**

**January 20, 1958:** Annexed into the City of Mesa (ordinance 358)  
**October 18, 2004:** Comparable zoning approved from Maricopa County Rural 43 to City of Mesa R1-43 (Z04-082)  
**November 1, 2004:** Approved rezoning from M-1 and R1-9 to C-2, C-3, PEP (Z04-087)  
**November 1, 2004:** Approved rezoning from M-1 and R1-9 to C-2, C-2 BIZ (Z04-085)  
**November 1, 2004:** Approved minor General Plan amendment from Mixed Use/Employment to Regional Commercial (GPminor04-07)  
**December 6, 2004:** Resolution 8378 approved by Council, related to development agreements  
**December 19, 2005:** Approved site plan review for the Mesa Riverview shopping center (Z05-101)  
**January 4, 2006:** Approval of the landscape plan for Riverview at Dobson (DR06-06)  
**February 7, 2007:** Approval for Danny's Carwash (DR07-16)

### **SITE CONTEXT**

**NORTH:** Existing bank building- zoned LC-PAD  
**EAST:** Existing parking lot- zoned LC-PAD  
**SOUTH:** Existing shopping center – zoned LC-PAD  
**WEST:** (across Dobson Road) Mesa Riverview Park- zoned PS

**STAFF RECOMMENDATION:** Continuance to the May 20, 2015 P&Z Meeting  
**PROPOSITION 207 WAIVER SIGNED:** ☒ Yes ☐ No

### **PROJECT DESCRIPTION**

The pad site for 2.44± acres is zoned LC-PAD and is part of the Riverview Commercial Development. The applicant is requesting a site plan review and a Special Use Permit (SUP) for a service station including carwash. The proposed development includes a 4,790 sq. ft. convenience store with a fuel canopy for eight dispensers (16 pumps) and a 900 sq. ft. carwash.

### **NEIGHBORHOOD PARTICIPATION**

The applicant did not provide a Citizen Participation Plan until April 1 and mailed information to property owners within 1000' and to registered neighborhoods and HOAs on that date. This is very late in the process for these steps to be taken. The standard is to begin this process at the time of the formal P&Z Board submittal so area property owners have plenty of time to review and respond. A report of what has occurred as a result of the citizen participation process is due to staff at least 10 City business days prior to the P&Z Board meeting (in this case by March 30, see Sec. 11-67-3-B-1). We have not yet received the citizen participation report and have not received any comments from the public.

The zoning codes states that "Failure to comply with the citizen participation provisions of this Section, or a determination that such efforts were insufficient to provide adequate opportunities for citizen participation, may result in postponement, rescheduling or denial of an application." (§11-67-3-B-3) The Planning and Zoning Board could utilize this discretion if they find that the Citizen Participation requirement of the zoning ordinance has not been met. While located within a commercial area, the area of notification for citizen participation would reach into the residential areas to the south.

### **GENERAL PLAN**

The goal of the Mesa 2040 General Plan is to establish and maintain neighborhoods and to build a sense of place in neighborhoods and commercial/entertainment districts. Rather than focusing on individual land uses, the Plan focuses on the "character of development in different areas." Character types combine concepts of land use with building form and intensity to describe the type of area being created through the development that occurs.

The General Plan identifies key elements to community development that are important elements of continuing to grow and develop a healthy, sustainable City. The five elements include High quality development, Changing demographics, Public health, Urban Design and Place-Making, and Desert Environment. These key elements have been considered in the development of the vision statements, guiding principles, goals, policies and strategies contained in the General Plan.

The following goals, policies, and strategies from the General Plan apply to this request:

**Goal:** Foster a development pattern that creates and maintains a variety of great neighborhoods, grows a diverse and stable economy, and develops rich public spaces.

Public Spaces P2: Design of mixed use activity districts should consider and include the development of public gathering places appropriate for the scale and location of the development.

Character Areas P4: In areas with the Mixed Use Activity District, character development will be reviewed for the opportunity to enhance the vitality of these districts by providing the right mix of uses to meet community and regional needs, and

for compliance with any approved sub-area or neighborhood plan for the specific area.

Character Areas P9: In areas with the Parks and Open Space character, development will be reviewed for the opportunity to further enhance the nature of the area to provide high quality locations for public use and benefit, and for compliance with any approved sub-area or neighborhood plan for the specific area.

This proposed development is located at the southwest edge of the larger Mixed Used Activity District and adjacent to a Park and Open Space area. The design of development on this lot needs to take these into consideration and provide for that transition. As will be described in more detail below, the applicant has provided some unique design features to try and meet these plan requirements, however, the basic nature of the proposed use makes it a challenge to make the use fully fit the Plan goals for this type of area.

### **Criteria for review of development**

State statutes require that all adopted zoning and rezoning ordinances be consistent with the adopted General Plan. Determining consistency with the General Plan requires a review of the proposal against the character area requirements and the other goals and policies of the Plan and any adopted sub-area plans. The following criteria have been developed for use during the review process to determine whether or not the proposed development is achieving the vision and goals established in this Plan and thus meeting the statute requirements.

#### **1. Is the proposed development consistent with furthering the intent and direction contained in the General Plan?**

The General Plan focuses on creating land development patterns that emphasize the character of place and focusing on those principles that build neighborhoods, stabilize the job base, and improve the sense of place.

*The proposed use of this property is allowed in the existing zoning with approval of a SUP. The consideration of the SUP is to ensure that the use is compatible in the given location. Careful site design is needed in this location to allow an auto-intensive use to be located along a key pedestrian path that connects shopping area to a large regional park.*

The Plan also describes 5 key elements to be considered with development to help move the City toward the goal of becoming a more complete, recognizable City. The five elements include:

1. High Quality Development
2. Changing Demographics
3. Public Health
4. Urban Design and Place-Making
5. Desert Environment

*The requested site plan and use permit for a convenience store with gas canopy and carwash for this parcel presents a very typical design that places the long axis on the west side of the building where it is difficult to shade and places the movement of the auto's coming and going from the gas pumps between the store and the pedestrian activity area. In these regards, this design does not fully address the intent of responding to the desert environment or public health issues.*

*The applicant has gone above the normal design standards in providing for a pedestrian node at the intersection of Dobson and Riverview and by providing the gathering location on the north side of the building. In this regard the applicant has worked to meet the intent of the urban design and place-making concepts in the Plan. Once a site plan is approved, staff will continue to work with the applicant through the design review process to ensure a high quality development.*

**2. Is the proposed development consistent with adopted sub-area or neighborhood plans?**

*Even though this area is not within any specific Sub-Area Plan, it is adjacent to or right across the Dobson Road recently built Sloan Park (Spring Training Home of the Chicago Cubs), the Sheraton Hotel and the Riverview Park. There is more to come and they are all examples of high quality unique premier recreation destination developments that the community and the city are proud of. This area has a regional attraction within the Mixed Use Activity district character area.*

**3. Is the proposed development consistent with the standards and guidelines established for the applicable character type(s)?**

Figure 7-1 of the Mesa 2040 General Plan shows this area designated as a Mixed Use Activity District character type. The Mixed Use Activity Districts are large-scale (typically over 25 acres) 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. The goal is to help these districts be strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences.

The character sub-type is Regional-scale, this character type may include one or more community-scale districts as a component of creating the regional district. The goal with this character type is to provide a location for businesses and attractions that brings people to Mesa from the larger region. This character type may transition into providing a greater mix of uses including office and residential activities and should take on a more pedestrian-friendly environment. The primary goal of this character type is to provide high quality opportunities for commercial and entertainment activities consistent with the needs of today's consumer.

*The proposal for a convenience store is an appropriate use for the character type, however the form and development standards of the proposed facility does not support the Form and Guidelines identified in 2040 General Plan looking for building and parking fields to be located on the property to establish a connection to the street and promote walkability between buildings.*

**4. Will the proposed development serve to strengthen the character of the area by:**

- **Providing appropriate infill development;**

*Yes, this request will facilitate infill development on the vacant pad site.*

- **Removing development that is deteriorated and/or does not contribute to the quality of the surrounding area;**

*N/A*

- **Adding to the mix of uses to further enhance the intended character of the area;**

*There are no other fueling stations in the immediate area. Such a use would be beneficial in this shopping/tourist area and help meet this intended character.*

- **Improving the streetscape and connectivity within the area;**

*As designed, the proposed use will not enhance the streetscape and connectivity of the area. The site is located at the intersection of Dobson Road and Mesa Riverview Drive (shown on the site plans as Riverview Auto Drive). This area has seen and will continue to see significant pedestrian traffic between the Riverview Commercial Center and the Riverview Park/Sloan Park. As such the site is situated in a key location that requires significant attention to the design and location of the building, gas canopy, and pedestrian friendly landscape design.*

*The following goals from the General Plan reinforce this idea:*

Public Spaces P2: *Design of mixed use activity districts should consider and include the development of public gathering places appropriate for the scale and location of the development.*

Character Areas P4: *In areas with the Mixed Use Activity District, character development will be reviewed for the opportunity to enhance the vitality of these districts by providing the right mix of uses to meet community and regional needs, and for compliance with any approved sub-area or neighborhood plan for the specific area.*

Character Areas P9: *In areas with the Parks and Open Space character, development will be reviewed for the opportunity to further enhance the nature of the area to provide high quality locations for public use and benefit, and for compliance with any approved sub-area or neighborhood plan for the specific area.*

*The proposed building with its location away from the intersection of Dobson and Mesa Riverview Drive and designed as a typical fuel station facing Dobson Road will not enhance the existing streetscape and connectivity in the area.*

- **Improving safety within the area;**

*Staff has concerns with the pedestrian safety in the area based on the proposed site plan. Driveways should be moved further east away from Dobson and the traffic coming and going from the fuel canopy should not cross the major pedestrian route along Mesa Riverview Drive. The Crime Prevention Unit of the Mesa Police Department has reviewed the site plan and agrees with this analysis.*

- **Adding to the sense of place;**

- **Meeting or exceeding the development quality of the surrounding area?**

*The applicant has made great efforts to provide a product that is more than typical for this type of development. The proposed site plan would definitely add to the sense of place on a typical suburban corner. However, the design of this site needs to appeal to a sense of place that is set within a high activity, high quality, and regionally significant environment. As such the location of the buildings, gas canopy, and pedestrian amenities come under different scrutiny. The site, as designed, does not exceed the quality of development in the surrounding area.*

**5. Does the proposed development provide appropriate transitions between uses? In more urban areas these transitions should generally be accomplished by design elements that allow adjacent buildings to be in close proximity to one another. In**

**more suburban locations these transitions should be addressed through separation of uses and/or screening?**

*Staff feels that the proposal does not create the necessary transition between the Regional Park and the Regional Commercial Center. The design needs to emphasize the connection to the corner. This is accomplished through providing for a greater pedestrian connection and experience by enhancing the pedestrian activity by bringing the building closer to the corner with appropriately designed hard and soft scape to facilitate pedestrian movement and reorienting the gas canopy and auto oriented activity towards the southern end of the site.*

- 6. Compliance with the character area is based on both the zoning being consistent with the range of zoning designations approved for each character type and on the development form, design, and quality being consistent with the standards and guidelines provided in this Plan, any adopted sub-area or neighborhood plans, and the context of the neighborhood surrounding the proposed development.**

*Although the zoning and proposed use are consistent with the character type for the area. It is staff's conclusion that design layout of the site is not consistent with the context of the location.*

**STAFF ANALYSIS**

This request is for Site Plan Review including a SUP to allow for the development of a service station with a convenience store and carwash. The site is surrounded by existing roadways on all four sides. Access to the site is provided off Mesa Riverview Drive on the north and from internal drives to the retail center on the south and east sides of the property. There is no direct access off of Dobson Road. North of the site, across Mesa Riverview Drive, there is an existing bank facility and to the south and east there is an existing shopping center. To the west, across Dobson Road, is the newly built Mesa Riverview Park.

The subject property is currently zoned as Limited Commercial - Planned Area Development (LC-PAD) with an approved site plan for a Danny's Carwash (DR07-16). Since then, the Mesa Riverview Park and the Spring Training Home of the Chicago Cubs (Sloan Park) has been built just west of the site across Dobson Road. The site plan for the carwash has expired.

The location of the pad site is at the intersection of Dobson Road and Mesa Riverview Drive and is also situated along the pedestrian and vehicular linkage between the Park on the west and the Riverview Development to the east. Therefore, any future development at this vacant pad site should address its unique location in relation to the existing Riverview Park and the existing shopping, entertainment, hotel and office development to the east.

Staff has been working with the applicant on issues with the overall layout of the site to address its key location as a transition between the park and the Riverview Development. Staff has requested the applicant consider moving the building closer to the intersection corner with a well-designed pedestrian access oriented towards Mesa Riverview Drive or Dobson Road to help create a transition and maintain a high quality pedestrian oriented connection linking the park and Riverview. Along with this request, staff has also requested that the applicant orient the canopy towards the south side of property. This orientation helps to keep the vehicular circulation around the gas pumps oriented away from the pedestrian oriented connection along Mesa Riverview Drive.

The applicant has provided a site plan with what they feel is their best effort at a compromise of what staff is intending. They maintain the canopy as the predominant feature along Dobson Road and have incorporated some well landscaped pedestrian oriented amenities along Mesa Riverview Drive.

Staff recognizes the effort made by the applicant in producing a site plan that provides for an increased pedestrian experience. However, staff still has concerns regarding the orientation of the site providing the much needed synergy between the park and the retail center. The applicant has made great efforts to provide a product that is more than typical for this type of development. The proposed site plan would definitely add to the sense of place on a typical suburban corner. However, the design of this site needs to appeal to a sense of place that is set within a high activity, high quality, and regionally significant environment. As such the location of the buildings, gas canopy, and pedestrian amenities come under different scrutiny.

Staff feels that the proposal does not create the necessary transition between the regional park and the regional commercial center. The design needs to emphasize the connection to the corner. This is accomplished through providing for a greater pedestrian connection and experience by enhancing the pedestrian activity by bringing the building closer to the corner with appropriately designed hard and soft scape to facilitate pedestrian movement and reorienting the gas canopy and auto oriented activity towards the southern end of the site.

Most importantly, there should not be a direct connection from the fueling area to Mesa Riverview Drive to provide for safe and attractive pedestrian movement. The proposed driveway accesses from the fueling area is too close to the intersections on Dobson. This could cause congestion into the property coming off of Dobson as well as making it difficult to exit out onto the side streets (especially on the North side) when crossing traffic. The applicant has addressed staff concern for left hand turning movements into and out of the site on the north by adding a "pork chop" into the drive to make it a right-in, right-out only drive. It is difficult, however to design and build these in a way that really restricts these movements. While the pork chop design incorporates a refuge island in the middle for pedestrians, it is small and the overall affect is to widen the driveway.

Concerns:

Along with the overall layout of the site staff also has the following concerns:

1. Parking. The site is over parked. Section 11-32-3-C of the zoning ordinance allows a maximum parking count of 125% of the required spaces. The applicant is providing 28 spaces where the maximum allowed would be 17 spaces.
2. Traffic Conflicts. The two parking stalls adjacent to the driveway access from the north conflict with incoming and outgoing traffic movement. The driveway width for cars accessing the carwash seems to be wider than necessary and is very close to the driveway access from the east.
3. Solid Waste. The location of the solid waste enclosure needs to be relocated and built per current city standards because it is located at the intersection which increases the potential of conflict between service trucks and customers of the facility.
4. Pedestrian Access. The proposed walkway along Mesa Riverview Drive will force people to walk through the enhanced landscaped outdoor seating area; there should be an option to stay along the street.

The plan includes a decorative seating area just south and east of the intersection of Dobson Road and Mesa Riverview Drive. This pedestrian area is nice, but is separated from the intersection by the existing screen wall with blue columns which will not provide direct access to the designed pedestrian refuge area. On busy days there can be a lot of people waiting to cross the street at this location. Further consideration should be given to the design of this area to better incorporate the pedestrian area into the actual flow of the sidewalks.

The applicant disagrees with staff's assessment and insists that the proposed site plan is the only layout that will work for their business. Their concern is that if they design the site per staff's suggestions the business may not be successful in the long run. The applicant has worked with staff to provide an improved pedestrian refuge area and an outdoor seating area. However, the layout has remained primarily the same with the fuel canopy along Dobson Road in front of the convenience store.

Staff understands the proposed site plan is a typical layout for any convenience store with a fuel canopy and there are many existing in the City of Mesa. The zoning ordinance requires the approval of a SUP for fueling stations and carwashes because they are very auto intensive uses that may have impacts on the surrounding uses. Section 11-31-25-I of the zoning ordinance provides the criteria for review of special use permits. The list of requirements include that "the use is found to be in conformance with the General Plan...other recognized development plans or policies, and will be compatible with surrounding uses" and "evidence that acceptable documentation is presented demonstrating that the building or site proposed for the use shall adequately provide...on-site circulation in a manner that minimizes impacts on adjacent sites..."

An example of the adjustments that have been made to meet these requirements is the new convenience store with service station being constructed at the northwest corner of Dobson and Broadway. At this location the fuel canopy has been located to the side of the store instead of in front as is traditional. Staff has shared conceptual alternative site plans to help guide and communicate our expectations and desire for this site.

With regards to the SUP, staff has made the following findings:

#### **FINDINGS**

- A Special Use Permit (SUP) is required for the operation of all service stations manned or unmanned within the City of Mesa. This SUP would allow the operation of 8 fuel dispensers (16 pumps). The proposed use as a service station is compatible with the surrounding area, which is comprised of primarily commercial development and sports complex including the Mesa Riverview Park.
- Approval of this project, in its current configuration, will not advance the goals and objectives of and is not consistent with the policies of the General Plan.
- The proposed project, in its current configuration, will be detrimental to the adjacent or surrounding properties in the area.

#### **CONCLUSIONS:**

The most recent developments like the Sloan Park (Spring Training Home of the Chicago Cubs), the Sheraton Hotel and the Riverview Park are all examples of high-quality, unique, premier recreation destination developments that the community and the city are proud of.



Therefore, high expectations exist by the City and the community for a unique, high-quality development at this location that connects the park with the Riverview development.

Because the Citizen Participation Process was started late, we have not had the opportunity to find out if the area property owners have any questions, comments, or concerns with the proposed use and design. The Board could decide to continue this request to ensure the intent of the Citizen Participation process is being met.

As required by the requirements for approval of the SUP, the site plan submitted with this request has not yet, in staff's opinion, demonstrated conformance to the General Plan or acceptable resolution of the on-site traffic circulation impacts on the pedestrian movements through this area. Because there is a need for the use in this area, and staff believes it should be possible to redesign the site in a way that is appropriate for this location, staff is recommending a continuance to your May 20 Board meeting to allow them the opportunity to make those changes to the site plan. If the applicant is not willing to make those changes to the site plan, staff recommendation would be for denial due to incompatibility with the goals and intentions of the General Plan and safety concerns for pedestrians along Mesa Riverview Drive.