



Planning and Zoning Board

Case Information

CASE NUMBER: Z16-012 (PLN2015-00051)
LOCATION/ADDRESS: 60 South Country Club Drive
GENERAL VICINITY: Located at the northwest corner of Country Club Drive and First Avenue.
REQUEST: Rezoning from Downtown Business-1 (DB-1) to General Commercial (GC) with Bonus Intensity Zone (BIZ) and Site Plan for an automobile sales and leasing facility.
PURPOSE: To allow for an automobile sales and leasing facility.
COUNCIL DISTRICT: District 4
OWNER: Carmen Coury Trust c/o Steve Chucri
APPLICANT: Sean B. Lake, Pew & Lake, PLC
STAFF PLANNER: Andrew Spurgin, AICP Principal Planner

SITE DATA

PARCEL NO.: 13401047
PARCEL SIZE: 28,688 square feet (0.66 acres)
EXISTING ZONING: DB-1
GENERAL PLAN CHARACTER: Downtown with Transit Corridor Sub-Type
CURRENT LAND USE: Vacant commercial property

SITE CONTEXT

NORTH: Auto paint & body service
EAST: Pet food warehouse; air conditioning & heating service provider
SOUTH: Motel
WEST: Automobile repair/service

STAFF RECOMMENDATION: Approval with conditions
P&Z BOARD RECOMMENDATION: ☒ Approval with conditions. ☐ Denial
PROPOSITION 207 WAIVER SIGNED: ☒ Yes ☐ No

PROPERTY HISTORY/RELATED CASES

April 28, 1987 Municipal bond election included widening of Country Club Drive from five lanes to seven lanes, first phase of project was from Broadway to McKellips Road.

- September 8, 1987** Subject property included in Town Center rezoning for 800 acre area in Downtown Mesa, establishing the TCB-1 district (now DB-1).
- 1992** Completion of first phase of widening of Country Club Drive/State Highway 87.
- April 1, 2002** Adjacent parcel located at 126 S Country Club rezoned from TCB-1 (now DB-1) to TCB-2 (now DB-2) to permit a wholesale tile and stone facility with Special Use Permit to allow outside storage or display.
- June 14, 2012** Adoption of the Form-Based Code and the Downtown Regulating Plan. The Plan's T4 Neighborhood Flex (T-4NF) was approved for this property but is not effective until the owner exercises the option to "opt-in" at a later date and thus the T-4NF transect is a floating zone for future implementation.

In addition to the rezoning cases mentioned above, a number of Special Use Permits were processed between 1985 and 1994 for automotive or uses with outdoor storage and display on adjacent properties.

PROJECT DESCRIPTION / REQUEST

The subject property is located on the northwest corner of South Country Club Drive and West First Avenue, 2 blocks south of Main Street and approximately 700 feet walking distance from the Country Club light rail station. The applicant is requesting rezoning to allow for automobile sales and to set in place the zoning standards for redevelopment to an urban form consistent the General Plan and Central Main Plan.



The applicant's narrative indicates that a rental car use existed on this site prior to the current DB-1 zoning designation. That use was discontinued a few years ago. Due to the duration of

the vacancy, any rights associated with the nonconforming use have lapsed. Therefore, in order to once again have an automobile related use, the applicant has requested to rezone the site to the General Commercial (GC) district with a Bonus Intensity Zone (BIZ) overlay. This strategy will permit future development phases for a range of uses permitted in the GC district, including residential-commercial mixed use, and the performance standards of the BIZ overlay will modify the GC zoning district requirements to be consistent with the T-4NF transect standards. A future site plan will be submitted for Planning & Zoning Board review for consistency with these standards.

The site contains an existing 2,512 square-foot, single-story commercial building that the applicant proposes to repurpose, as well as a 926 square-foot, flame-retardant shade structure within the rear yard area. The existing building encroaches into the minimum 20 foot setback required by the GC district along First Avenue by 5'5" according to the property survey furnished by the applicant. The existing building was established in 1960 according to Maricopa County Assessor records and the current property owner has held the property since 1996. The most recent tenant was Enterprise Rent-A-Car. Based on tax assessor records and historic aerial imagery of the site, it appears that the rental car land use ceased in 2012.

MODIFICATIONS

The applicant requests GC zoning with the BIZ overlay to establish standards for future development of the property. With this approval the existing site conditions will be accepted to repurpose the existing building and remain until development with the T-4NF standards is approved through a site plan. A future phase of development will utilize the BIZ overlay reflecting the building form, type and frontage consistent with the T-4NF transect that was designated for future opt-in by the property owner through the City Council adoption of the Downtown Regulating Plan in June of 2012.

NEIGHBORHOOD PARTICIPATION

The applicant has completed a Citizen Participation Plan to inform neighboring property owners of the request, obtain feedback and address comments or concerns that may arise. Notification was sent to:

1. All property owners within 1,000 feet of the subject property,
2. Registered neighborhood/homeowner associations within 1/2 mile of the subject property, and
3. Interested neighbors within 1 mile who have registered with the City of Mesa Neighborhood Outreach Division.

The Citizen Participation Report submitted to staff on February 3, 2016 indicates that a neighborhood meeting was not held. The outreach effort by the applicant meets the citizen participation process requirement. Staff has not received any inquiries regarding the project as of the time of writing this report.

MESA 2040 GENERAL PLAN

Summary: The General Plan designates this area "Downtown" with the "Transit Corridor" Sub-Type that envisions a concentrated blend of land uses with a pedestrian orientation. The applicant's requested GC BIZ zoning will be used to fulfill that vision. The BIZ overlay is being used to allow permitted uses in the GC district to be developed in a manner consistent with the T-4NF transect.

The goal of the Mesa 2040 General Plan is to establish and maintain neighborhoods and to build a sense of place in neighborhoods and in commercial/employment areas of activity. 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.

Criteria for review of proposal: The following criteria of the Mesa 2040 General Plan have been developed for use during the review process to determine whether the proposed development is achieving the vision and goals established in the General 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. Strengthening neighborhoods and the commercial centers that serve them is also important. There is an emphasis on retrofitting auto-centered form of suburban development with infill developments that provide pedestrian connections.

Section II of the General Plan establishes the primary elements of the document:

- A. Creating and maintaining a variety of great neighborhoods,
- B. Growing and maintaining stable and diverse jobs,
- C. Providing Rich, High Quality Public Spaces and Cultural Resources, and
- D. Community Character.

Since the property is currently vacant, establishing a presence on this property between existing commercial and single residential areas has the opportunity to bring employees and customers to an underutilized corner property and, thereby, contribute to the economy and public safety of the surrounding area. Adoption of zoning that will require future reuse of the property to be consistent with the pedestrian oriented buildings forms envisioned for this area ensures that a future site plan can be established to integrate this property's redevelopment with adjacent commercial and residential uses, facilitate pedestrian connections between the adjacent light rail station and the surrounding neighborhood.

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

The Central Main Plan has designated this location for Transit Adjacent – Residential. This designation is intended to provide a transition zone surrounding transit station areas to support low- and mid-rise residential development as well as mixed-use developments that create a walkable environment. The Plan's vision for the West Main area establishes several policies relative to the subject property:

Policy TAR-W2: Over time, improve the balance between pedestrian and automobile needs.

- Strip development repair – discourage additional strip development along Country Club Drive and Main Street. Over time, redevelop with uses that reduce traffic conflicts and integrate into the adjacent neighborhood.
- Reduce the number of driveways by creating shared drives and replacement of unused and/or unnecessary driveways with curb and sidewalk.

Policy TAR –W3: Recognition that creation of viable redevelopment sites that appropriately transition to adjacent neighborhoods may require consolidation of parcels and the limited incorporation of adjacent residential properties.

The Central Main Sub-Area Plan also designates the Character Type of County Club Drive as a Regional Arterial that creates a walkable environment near the Main Street transit station yet still facilitating large volumes of vehicular traffic with six travel lanes. The Plan's vision for Country Club Drive is to incorporate a continuous landscape planted and detached area from hard spaces, typically 8 to 12 feet in width with a sidewalk sufficient to allow two persons to walk side-by-side.

The bold vision established by the Central Main Plan is a long term plan that will not come to fruition immediately. Specific recommendations established in the Plan for the Downtown area include:

- Reconfiguration of 1st Street, 1st Avenue, Robson, MacDonald
- Rezoning properties to the Form-Based Code
- Construction of new structured parking facilities.

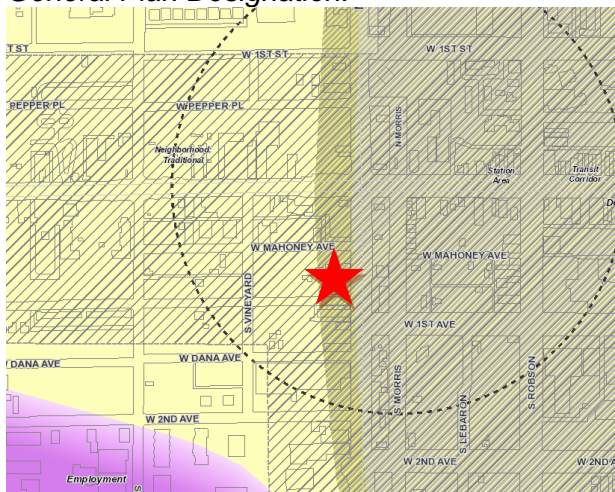
The purpose of the requested BIZ at this location is to implement the policies outlined in TAR-W2 and -W3 through a future site plan for uses permitted in the GC district that can be built to the standards of the T-4NF transect. Establishing a condition of approval to relate future site plans to the building form, type and frontage standards of the T-4NF transect will allow the Planning & Zoning Board to revisit the property when additional development occurs.

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

The General Plan designates this area "Downtown" which applies to properties on both sides of Country Club Drive in the vicinity of the light rail station. The focus of the Downtown character type is to create a pedestrian-oriented, transit rich environment with a lot of activity. The goal for this areas it make it a people-friendly area that is alive with options for

housing, employment, shopping, entertainment and events. The subject property is also included with the “Transit Corridor” sub-type which applies to development of corridors between transit stations but includes an urban pattern of development with buildings close to the front property line and parking behind or beside the buildings. Streets in the Transit Corridor should maintain a pedestrian orientation. The preferred zoning districts include the RM- districts as well as LC-U, MX-U or Form Based T4-5 and expected land uses include retail, restaurants, mixed use, offices, hotels, and multi-residence. These areas are located between more intense light rail station areas with the intent of creating low-to mid-rise residential, and to a lesser extent, mixed-use redevelopments that support the more intense adjacent development, creation of a walkable urban environment, and light rail.

General Plan Designation:



The requested GC BIZ conditioned to be consistent with the building form, type and frontage standards of the T4-NF transect supports the Downtown and Transit Corridor character types by allowing a mix of land uses and buildings close to the street.

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

- **Providing appropriate infill development;**

This proposal reuses a previously developed vacant property. The existing property conditions include nearly 100% hardscape without public access nor amenities. Repurposing the site for automobile sales makes use of the existing site improvements that allows use of the property without additional expense that could delay redevelopment and will attract employees and customers to this location that will increase activity in the area and establish a presence that does not currently exist. A future site plan phase can harness the mix of land uses permitted in the GC district with the flexibility of the BIZ tool when redevelopment is appropriate to facilitate an urban design supportive of transit.

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

Approval of this request will include conditions to remove the nonconforming pole sign, update landscaping and remove razor wire fence material along First Avenue, thereby improving the appearance of the site.

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

The GC district allows a range of retail, service, office and entertainment uses as well as residential uses when incorporated with commercial uses. When redevelopment occurs, the GC BIZ zoning will allow for a range of retail, office and entertainment uses supportive of the Downtown area and Transit Corridor as well as residential-commercial mixed used within the building.

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

Approval of this request will include conditions to refresh the landscaping which will enhance the streetscape appearance from Country Club Drive. The addition of pedestrian connections from the existing building to Country Club Drive and First Avenue supports pedestrian circulation in the area adjacent to the light rail station. The applicant will be required to bring existing sidewalks and ramps into ADA compliance if they are currently not in compliance.

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

The site was previously developed with hardscaping and a 2,512 square foot building. The request reuses existing improvements but has sufficient land to enhance the site with additional landscaping, pedestrian connections and new screening and fences if approval is conditioned to include such enhancements. The BIZ tool contains additional performance standards for future construction including bicycle parking and energy efficient construction.

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 close to one another. In more suburban locations these transitions should be addressed through separation of uses and/or screening;**

The site features an automobile paint and body facility to the north and another of this type of facility to the west; a pet food warehouse and HVAC service company are located across Country Club Drive and an older motel complex to the south, across West First Avenue. The proposal is consistent with existing uses and the surrounding development pattern. The potential for additional landscaping, pedestrian connections, updated fencing, screening and a conforming sign will improve code compliance and set the standard for the surrounding sites that are nonconforming in nature.

STAFF ANALYSIS

SUMMARY:

The applicant has requested to rezone the property from DB-1 to GC BIZ to allow automobile sales and leasing as part of the redevelopment of this site. Though the preferred district for this

location is the T-4NF transect zone designated by the Downtown Regulating Plan in 2012, the GC BIZ district allows land uses and activities consistent with the General Plan and Central Main Area Plan.

The BIZ overlay provides an avenue to allow “variation from residential densities and other development standards to allow greater intensity of development and encourage unique, innovative development of superior quality.” Specifically the BIZ establishes development standards that must be met with future construction projects including bicycle parking, priority parking locations for low-emission vehicles and carpools, limitations on “over parking” a site and requirements for energy efficient building design. The BIZ district also contemplates the use of phasing plans to facilitate future buildings. When combined with the GC allowance for residential use in a mixed use format, the BIZ at this location will be used with a future site plan to require the building form, type and frontage character of the T-4NF transect, such as the “Main Street Mixed-Use” building type.

The applicant’s request is to occupy the existing 2,512 square-foot building from its previous use as a rental car facility into an automobile sales facility as a permitted use in the GC district, but which has nonconforming site conditions. The impact of the vehicle sales use is not substantially greater than the previous rental car land use, however the zoning requirements differ and thus the basis for the request.

Since the applicant’s intention is for the proposed automobile sales use to occupy the property with its existing condition and bring forward a new site plan in the future to follow the standards of the T-4NF transect, substantial improvements to the property are not proposed. The applicant’s request for a BIZ will allow for deviation from the following requirements of the GC district:

	GC	BIZ with T-4NF Standards
Height (max.)	30’	3 stories, up to 40’
Setback – Front	15’ min.	0’ min., 15’ max.
Setback – Street Side	20’ min.	0’ min, 15’ max.
Setback – Interior Side and Rear	15’ min.	0’ min.
Setback – building separations on same lot	25’ to 35’ min.	0’ min.
Density	25 units/acre (when combined with commercial)	2 units minimum, no maximum per the Main Street Mixed Use Building Type

Residential to Commercial Ratio	Min. 40% of GFA reserved for non-residential use and 65% of ground floor for non-residential use	Main Street Mixed Use Building Type – no specific residential to commercial ratio
Projections	3' max. and no more than 2' from property line	14' max. front and side, 5' max. rear. Encroachments into ROW require separate approval from City.
Parking	Multi-residence: 1.2 to 1.4/unit depending on total number of units Retail and services: 1/375 sf	Multi-residence: 0 for the first 2,000sf or for affordable or senior housing units; otherwise 1/1,000 sf Retail and services: 2/1,000sf
Parking lot setbacks	To minimum front and side yard	30' min. front; 0' min. side

The applicant has furnished an updated and annotated property survey that shows the existing buildings, dimensions, parking lot striping and related existing infrastructure. This approval accepts the existing conditions with a few modifications as described below (see the attached appendix) to allow use of the property for vehicle sales. All future redevelopment will follow the T-4NF standards. There are a few site modifications that are being required upfront, however, to address some site issues.

Based on existing conditions and fencing in place, access to the site is limited to the existing driveway opening on Country Club Drive and at the south end of the parking aisle in front of the building opening on to First Avenue. Staff proposes a condition of approval that driveway access to the property shall be limited to one driveway each on Country Club Drive and First Avenue (condition #3). First Avenue is designated by the City as a "No Trucks" street, therefore any car carrier transport vehicles shall access the site from Country Club Drive and load/unload on site. On-site loading/unloading is also a requirement of zoning ordinance section 11-31-5 (C).

Due to the nonconforming nature of the existing chainlink fence material with barbed wire, staff proposes removal of the razor wire along the First Avenue side of the property and to install an 18 inch kneel wall along the First Avenue frontage as shown on the site plan (condition #4a). This improvement will enhance the experience along First Avenue as the commercial uses transition to the residential area to the west.

Example of kneel wall:



By virtue of the requested change of zoning designation, the Zoning Ordinance requires removal of the existing nonconforming pole sign. A new sign may be erected on the property pursuant to the existing Ordinance. The GC zoning allows an illuminated freestanding monument sign up to 12 feet in height and 80 square-feet in area. For consistency with the development requirements established by the DB-1 zoning designation on adjacent parcels along Country Club Drive, staff proposes a limitation on the new freestanding sign to 5 feet in height and 32 square feet in area, which is what the property could obtain today without rezoning (condition #4b). The updated sign will enhance the appearance of Country Club Drive and furthers the purpose of the sign ordinance by preventing sign deterioration and excessive sign size and this updated sign would further the intent of the sign ordinance by providing an improved visual environment for the citizens and visitors to Mesa. The proposed condition of approval stipulates that the new sign shall be located in a raised curb area with a minimum 4 foot radius to separate vehicular traffic from the monument fixture. When phase two is developed the signage will need to change to meet the urban conditions.

Pole sign to be removed:



The site currently contains landscaping within the right of way for Country Club Drive and a small section of foundation base landscaping. The applicant has furnished a landscape exhibit identifying 1,131 square-feet of landscape area, which is roughly 4% of the site area, consisting of 1 large rosemary shrub, 15 medium sage shrubs, 11 small rosemary shrubs and 3 canopy trees – 2 evergreen elms and 1 trimmed oleander - as well as perennial ground cover in the

form of lantana. The existing shrubs have reached a maturity level that effectively screens parking facing Country Club Drive. The foundation base area contains 5 shrubs that appear to be oleander and rosemary based on staff observation. With the removal of the nonconforming sign and replacement with a monument sign within a raised curb area, there is an opportunity to establish an additional landscape area of approximately 150 square-feet. Installation of this new area as well as replacement of any dead or dying landscape material will be a condition of approval as well as entering into an encroachment and maintenance agreement for the landscaping within the public right of way. (conditions #4c and #4d)

Existing landscaping:



The minimum amount of required off-street parking is seven spaces based on the 2,512 square-foot building. The existing site plan indicates in the notes column that 9 parking spaces will be provided (condition #4e). Parking lot striping is required for the 9 vehicle spaces but striping is not necessary for the vehicle sales and display area on the lot. Existing driveway and pedestrian access along the sidewalk shall meet ADA requirements including revisions to comply with City of Mesa M-42 driveway standards and compliance of pedestrian pathway from both street frontages to the building entrance with ADA requirements for pedestrian access (condition #4f).

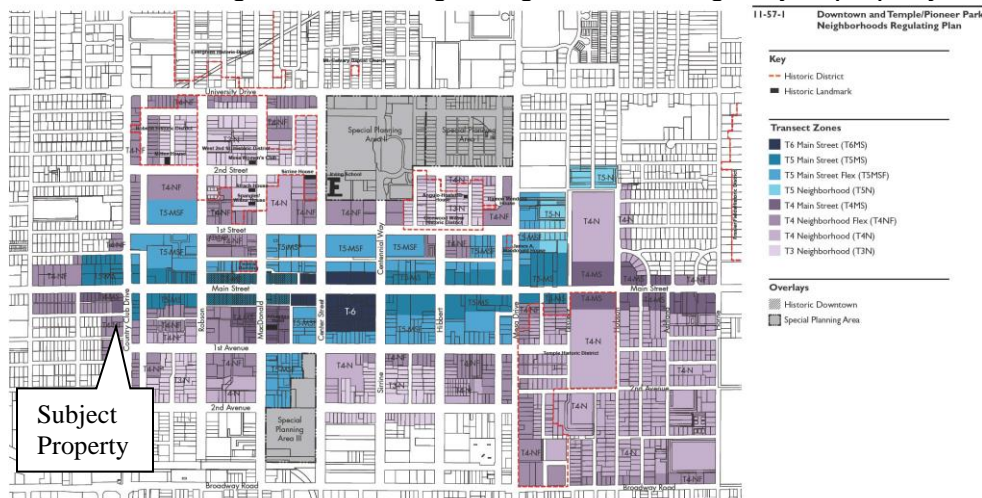
City of Mesa Solid Waste has indicated that the property was previously served by curbside barrel collection and that automobile sales and leasing at this location may be sufficiently served with barrel service. If solid waste bin service is necessary for the new tenant, then a bin enclosure will need to be approved through a future site plan modification (condition #5).

The land use classifications defined in Chapter 86 of the Zoning Ordinance defines Automobile/Vehicle Sales and Leasing as a place for sales or leasing of automobiles, motorcycles, trucks

and motor homes, including incidental storage and maintenance. Incidental vehicle maintenance, washing and other activities to prepare a vehicle for sale and/or customer delivery is permitted. Conditions addressing operations to ensure compatibility with surrounding properties include a prohibition on vehicle display platforms, the use of outdoor speaker/paging systems and requiring that all loading and unloading occurs on site (conditions #6 through 8).

Staff has reviewed the project and finds that the rezoning to GC with BIZ is supportable and the existing nonconforming site conditions are acceptable with the modifications discussed until redevelopment occurs. Staff is supportive of the GC BIZ because future development will have to comply with the building form, type and frontage consistent with the T-4NF transect. Substantial modifications to the existing site conditions are not proposed at this time in order to minimize costs for a property that will be redeveloped in the future. Staff proposes a condition requiring a future site plan for the site that conforms to the building form, type and frontage standards of the T-4NF transect (condition #9).

Downtown Neighborhoods Regulating Plan including subject property:



CONCLUSION:

The proposed rezoning from DB-1 to GC-BIZ enables a change in tenant for a previously developed vacant property that will attract employees and customers to an underutilized corner property and will require future redevelopment to conform to the T-4NF transect. Staff supports the applicant's request provided operational conditions are addressed and following up with a future site plan to reuse the site. The recommendation for approval includes the following conditions:

CONDITIONS OF APPROVAL:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan dated February 29, 2016.
2. Compliance with all City development codes and regulations.

3. **Vehicle access to the property shall be limited to one driveway on to each street frontage.**
4. **Implementation of the following prior to receipt of a certificate of occupancy:**
 - a. **Removal of barbed wire from the fence along the West First Avenue frontage and within the side street yard of the building and provide a kneel wall of 18 inches height along the remainder of the frontage not used for the driveway or landscape area as indicated on the site plan.**
 - b. **Removal of the existing non-conforming pole sign and any additional prohibited signs. A new illuminated sign shall require a permit and shall not to exceed 5 feet in height and 32 square feet in message area on a monument type fixture separated from parking, vehicle display and drive aisles by raised curbing approved to City of Mesa engineering design standards.**
 - c. **Provide and maintain a minimum of 1,131 square-feet of landscape area consisting of right of way landscaping, foundation base landscaping and a new landscape bed around the new sign (#6 above) as shown on the site plan; replace any dead or dying existing landscape materials. An irrigation plan shall be approved by the City.**
 - d. **Execute an encroachment agreement to maintain existing landscaping within the public right of way.**
 - e. **Provision of 9 parking spaces for the use of customers and employees.**
 - f. **Upgrade existing sidewalks, ramps and install an ADA compliant connection from both the Country Club Drive and First Avenue sidewalks to the primary building entrance as necessary.**
 - g. **Unscreened equipment and building systems shall be painted to match the building.**
5. **Solid Waste collection shall be provided in accordance with City of Mesa specifications.**
6. **The use of outdoor speakers, amplification and paging systems shall be prohibited.**
7. **The use of vehicle display platforms is prohibited.**
8. **All vehicle loading/unloading shall occur on site.**
9. **A future site plan shall be approved by the Planning & Zoning Board for the property to facilitate the building form, type and frontage standards established by Chapters 58, 59 and 60 of the Zoning Ordinance for the T-4NF transect as adopted on June 12, 2012 as part of the Downtown Neighborhoods Regulating Plan.**