



Planning and Zoning Board

Case Information

CASE NUMBER: **Z16-059 (PLN2016-00757)**
LOCATION/ADDRESS: 4200 block of South Power Road (east side)
GENERAL VICINITY: Located north of Warner Road on the east side of Power Road
REQUEST: Rezoning from LC-AF-PAD to LI-AF-PAD; Site Plan Modification; and Council Use Permit
PURPOSE: This request will allow development of office with light manufacturing and car wash.
COUNCIL DISTRICT: District 6
OWNER: Powergate Investments LLC & GBSP LLC
APPLICANT: Trudy Licano
STAFF PLANNER: Kim Steadman

SITE DATA

PARCEL NUMBER: 304-17-015 and partial 304-17-016
PARCEL SIZE: 2.3± acres
EXISTING ZONING: LC-AF-PAD
GENERAL PLAN Character area: Employment, and Mixed Use Activity District
CURRENT LAND USE: Existing retail shell building, and vacant land

HISTORY/RELATED CASES

February 3, 2000: Annexed to the City of Mesa. (Ordinance 3727)
April 3, 2000: Comparative zoning to City M1-PAD-AF. (Z00-007)
July 10, 2000: Rezone to C2-PAD-AF & Council Use Permit. (Z00-030)
December 3, 2007: Amend Ord. 3787 deleting Council review of site plans. (Z07-098)

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

SITE CONTEXT

NORTH: Existing office/industrial use – Zoned LI-AF
EAST: Existing RV storage – zoned LI-AF-PAD
SOUTH: Vacant – zoned LC-AF-PAD
WEST: (Across Power Rd) Existing agricultural use (Town of Gilbert) – zoned LI

PROJECT DESCRIPTION/REQUEST

This is a request for rezoning, site plan review, and a Council Use Permit (CUP) for two lots that front to Power Road located north of Warner Road within the Gateway Norte development. Gateway Norte is a group industrial development with a CUP that allows for increased retail activity in the LI-AF-PAD-zoned portions of the development. The request to rezone from LC-AF-PAD to LI-AF-PAD will allow for the full range of LI uses. The request will extend the CUP to include this newly-zoned area. The two lots, one developed and the other vacant, will develop as follows:

- Lot A: An existing, shell retail building will be rezoned from Commercial to Industrial, to allow for a mix of uses, to include an indoor ironworks. The applicant proposes modifying the existing site plan to remove a portion of the building to create a drive-thru lane for a coffee shop. Some of the building may be used for general retail.
- Lot B-1: Vacant land to the south of the retail building will develop as a self-serve car wash, which is a use permitted by right within the LI district.

NEIGHBORHOOD PARTICIPATION

The applicant's citizen participation plan included mailings to property owners within the Gateway Norte development, property owners within 1,000 feet of the Gateway Norte boundaries, HOAs within ½ mile, and registered neighborhoods within 1 mile. A notification of the hearing date was also sent to property owners within 500-feet of the property. The applicant reports that they have not received any response to these mailings.

To date, Planning Staff has not received any phone calls, emails or other inquiries from neighbors on this request.

CONFORMANCE WITH THE MESA 2040 GENERAL PLAN

Summary: The adopted Mesa 2040 General Plan designates this site as Employment, with an overlay of Mixed Use Activity District. This project continues the development pattern of the surrounding development, which has elements of both Employment (fabrication, and contractor yards, etc.) and Mixed Use Activity District (retail uses). This project provides an industrial fabrication use, retail, and a car wash. The proposal can be seen as providing for additional jobs as well as retail services for surrounding businesses. The proposed development follows a pattern of development and character that is consistent with the goals and objectives of the Plan and is also appropriate adjacent to Phoenix-Mesa Gateway.

The goal of 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: State statute requires 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 (Ch. 15 of the Plan) have been developed for use during the review process to determine whether the proposed development is achieving the vision and goals of the 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 mix of employment and retail is in keeping with the surrounding employment/retail development. This adds to the Employment character area that is developing adjacent to the Gateway airport.

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

This property is within the Inner Loop District of the Gateway Strategic Development Plan. The District seeks to create a "high-quality, mixed use environment that is compatible with increasing over-flight activities associated with Phoenix-Mesa Gateway Airport operations". The Plan envisions concentrations of light industrial, office, and retail within this area. This proposal for an industrial/retail development is consistent with the vision and goals of the Inner Loop District, within the Gateway Plan.

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 designates this area as Employment with an overlay of Mixed Use Activity District. The Mixed Use Activity District lists typical uses as retail, restaurants, services, encouraging large mixed use commercial centers. The Employment character area encourages employment type land uses such as large manufacturing facilities that are typically 20 acres and allow for supporting retail uses. This proposal is consistent with the combined employment/retail character types.

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

• **Providing appropriate infill development;**

N/A. This area is still developing. The proposed buildings are not filling in passed-over parcels.

• **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;**

The addition of industrial and retail uses enhances the intended Employment/Mixed Use character of the area, and is consistent with the Gateway Norte development.

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

This is an auto-oriented development. Still, as conditioned by staff, it should provide pedestrian

connectivity within the site.

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

The existing development within Gateway Norte is of good quality and is attractive. The proposal continues the style and quality of the surrounding development.

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 two proposed uses share circulation and parking. An additional use, an RV storage lot, also has access across this site. The site plan balances the circulation needs of the three uses, and any transitioning happens with the required landscaping.

STAFF ANALYSIS

Zoning:

The applicant is requesting rezoning from commercial to industrial zoning to allow for the indoor fabrication of ironwork. A car wash is also proposed for the site. Chapter 7 of the Zoning Ordinance lists the allowed uses in the Light Industrial (LI) district. Both of the proposed uses, ironwork fabrication and a car wash, are allowed uses in the LI district.

Generally, we plan and design for active utilization of arterial streets such as this through application of commercial zoning districts like the LC District, which exists in this location. While it is valid to maintain LC uses to service the adjacent industrial area, staff acknowledges that there are multiple adjacent properties along Power Road that are zoned LC and that are vacant. As compared to the LC District, the LI District allows more intense uses primarily supportive of employment and industrial land uses. Rezoning these lots to LI in conjunction with the adjacent LI development to the east, is a logical and appropriate zoning pattern for this area.

Council Use Permit:

The Gateway Norte development has a Council Use Permit (CUP) to allow for more retail uses than would otherwise be permitted in an industrial zone. The stated purpose was to create a home-improvement development with contractor yards as well as custom fabricators (such as cabinets and blinds, etc.) and other home improvement outlets for flooring and appliances, etc. The land fronting Power Rd. was zoned commercial and was not affected by the CUP. The current request will rezone two of those lots from commercial to industrial, and will bring them into the CUP thus allowing the same industrial/retail possibilities. Other than bringing these two lots into the CUP, this request does not further modify the existing CUP.

Airfield Overflight Area:

The "AF" in the LI-AF-PAD zoning means that this site falls within the Phoenix-Mesa Gateway Airport Land Use Compatibility Plan. This property is within Airfield Overflight Area 1 (AOA 1). The AOA 1 designation includes some use restrictions, a requirement for an aviation easement (**See condition 6**) and a requirement for noise attenuation in construction (**See condition 7**). Location within the Airport Area also necessitates evaluation by the FAA for impact on air traffic. Given the height, location, and proposed use, no impacts are expected. However, the applicant will need to complete an FAA Form 7460 and submit the findings of that review with their building construction plans. The plans will need

to indicate what, if any, mitigation measures are being included to satisfy any issues raised by the FAA review. **(See condition 8).**

PAD Overlay:

Gateway Norte is a master-planned development with Design Guidelines to establish a common landscape and design theme. A PAD Overlay is the tool that institutes these Guidelines. The design of the proposed car wash and the redesign of the retail building use enhanced materials in keeping with the Guidelines. The PAD can also be used to allow deviations from code for the current project. Staff is in support of the following deviations from Code, and find they comply with the Design Guidelines:

- Parking Canopies: Code requires canopies to be separated from adjacent landscape islands by 1 parking space. This provides space around the landscape island for trees to grow. These canopies are not separated, but the low profile and the fabric screening of the canopies will meet the intent of the Code.
- Landscape Island minimum dimensions are 8' wide by 15' deep. The intent is to provide enough ground area for trees and shrubs to survive the intense reflected heat from the parking surface. The proposed triangular islands are a reasonable approximation and should provide enough ground surface.

Site Plan:

These two lots are accessed from Power Rd. by two existing driveways that flank the existing shell retail building. The shell retail building site plan provides auto circulation around the building, parking spaces on three sides, and a drive-thru lane that wraps the east and north sides of the building. The car wash will be built to the south of the shell retail building. Cars entering from Power Rd. will queue along the east property line, move through the car wash which is near the south property line, then circulate into the aisles of vacuum stalls before returning to Power Rd. An RV storage lot directly to the east is accessed through these lots. The landscape plan indicates that existing landscaping will be protected in place, but there is missing landscaping in this area that should be replaced as well. **(See Condition 5)**

Parking:

- Lot A: the shell retail building (1 space per 275 s.f.) and the outdoor dining (1 space per 200 s.f. add up to 37 required spaces.
- Lot B1: the car wash (1 space per 375 s.f.) is required to have 13 spaces.

A total of 50 spaces are required, and 58 are proposed between the two lots. A cross-access easement and reciprocal parking agreement will be required. **(See Condition 9)** The covered parking spaces, with vacuums, located just south of the existing shell retail building are counted toward the shell retail requirement. These spaces will have signage identifying them as retail parking with free vacuum service. A pedestrian path from this parking to the retail building would reinforce their availability to retail. **(See condition 5)**

Design Review:

The proposed car wash will need approval through the Design Review Board process. Modifications to the shell retail building (approved through DR06-056) can be reviewed administratively.

CONCLUSION:

Staff recommends approval of Z16-059 authorizing rezoning of the two lots, Site Plan approval and Council Use Permit with the following conditions:

CONDITIONS OF APPROVAL:

1. Compliance with the development as described in the project narrative and as shown on the site plan, elevations and landscape plan;
2. Compliance with all City development codes and regulations;
3. Compliance with all conditions of Design Review approval for architectural and landscaping design;
4. Signs (detached and attached) require separate approval and permit for locations, size, and quantity;
5. **Prior to issuance of a building permit, submit revised plans for Planning Director review and acceptance that include:**
 - a. **An alternatively paved pedestrian path from the covered parking spaces to the retail building;**
 - b. **A landscape plan that:**
 - i. **meets Zoning Ordinance requirements for trees and shrubs within landscape islands;**
 - ii. **shows the current site configuration;**
 - iii. **shows replacement of any missing plant material in the areas of the site currently labeled with Note 17 "Existing landscape area (protect in place)";**
6. **Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City prior to the issuance of a building permit);**
7. **Noise attenuation measures to be incorporated into the design and construction of the buildings to achieve a noise level reduction of 25 dB;**
8. **Due to the proximity to Phoenix-Mesa Gateway Airport, any proposed structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77.9, (form 7460), to determine any effect to navigable airspace, air navigation facilities. A completed form with response by the FAA must accompany building permit application for structures on this property;**
9. **Recordation of a cross-access easement and reciprocal-parking agreement between Lot A and Lot B1 prior to building permit issuance.**

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