

## Board of Adjustment

### *Staff Report*

**CASE NUMBER:** BOA17-00182  
**LOCATION/ADDRESS:** 6700 block of E McKellips Road south side  
**COUNCIL DISTRICT:** District 5  
**STAFF PLANNER:** Lisa Davis, AICP, Planner II  
**OWNER:** Toms Holding, LLC  
**APPLICANT:** 4G Development & Consulting, Inc.- Ryan Robinson

**REQUEST:** *Requesting a Development Incentive Permit (DIP) to allow the development of a restaurant with a drive thru in the LC district.*

#### **SUMMARY OF APPLICANT'S REQUEST**

The request is for a Development Incentive Permit to allow modifications to development standards including a reduction in the required 15' landscape setback adjacent to McKellips Road and the elimination of required landscape islands at the ends of a row of parking stalls. This is to allow incentives for the development of a 4,856 square-foot (SF) "Chick-fil-A" restaurant with a drive thru at a 2 ± acre site located at the southwest corner of Power Road and McKellips Road, currently zoned LC.

#### **STAFF RECOMMENDATION**

Staff recommends **approval** of case **BOA17-00182** with the following conditions:

1. *Compliance with the site plan, landscape plan and elevations as submitted, except as modified by the conditions below.*
2. *Compliance with all requirements and conditions of approval for Site Plan Review, Z17-037.*
3. *Compliance with all requirements and conditions of approval for Design Review, DR17-033.*
4. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*
5. *Raised landscape islands with landscape material shall be installed as required by MZO Section 11-33-4.*
6. *All landscape material shall meet the minimum required size and number per MZO Section 11-33.*
7. *The site plan and elevations shall be revised for acceptance by the Planning Director to include the following items:*
  - a. *Provide parking lot screening to meet MZO 11-30-9.H.*
  - b. *All screen walls and trash enclosure shall be designed to be compatible with building architecture in material, color and texture.*
  - c. *The northern most 3 parking spaces at the west side of the site shall be eliminated. The landscape median at the west side of the drive through shall be widened to reduce the drive aisle to 24' in width.*
  - d. *An average of 15' of foundation base landscape shall be provided at the north side of the building.*
  - e. *A bike rack shall be installed to accommodate a minimum of three bicycles.*

#### **SITE CONTEXT**

**CASE SITE:** Existing two vacant parcels and one existing retail use-all zoned LC  
**NORTH:** (across McKellips Road) Existing restaurant with drive-thru- zoned LC  
**EAST:** (across Power Road) Existing commercial- zoned LC  
**SOUTH:** Existing minor automotive repair- zoned LC  
**WEST:** Existing single residence subdivision- zoned RS-9

### PROJECT DESCRIPTION

The request is for approval of the Development Incentive Permit for a proposed “Chick-fil-A” restaurant with a drive thru, to develop a 2-acre parcel presently zoned Limited Commercial (LC). Three driveway accesses to the property are indicated, two from McKellips Road and one from Power Road. The Transportation Department has noted that all access driveways must be right-in and right-out. The raised median at McKellips Road will need to be extended to limit access to right-in right-out only for both driveways from McKellips Road. The project received Site Plan Review approval by the Planning and Zoning Board, Z17-037 at the August 16, 2017 meeting. A condition of approval was included that it shall comply with Transportation Department requirements.

There are two existing billboards on the site. The one adjacent to Power Road will be removed. The one adjacent to McKellips Road will remain. The signs associated with the existing commercial building will also be removed with the razing of the building. Pedestrian connections are provided to the sidewalks along both arterial frontages. A cross access connection to the existing commercial uses to the south is proposed at the southwest portion of the site. A 25’ landscape setback is proposed at the west property line adjacent to a single-residence subdivision. This exceeds the minimum required 20’ landscape setback. The proposed restaurant double drive-thru lane will begin at the west side of the building and wrap to the south side of the building. An outdoor seating area has been provided at the east side of the building adjacent to the parking lot.

### STAFF SUMMARY AND ANALYSIS

Per Section 11-72 of the Mesa Zoning Ordinance (MZO) a Development Incentive Permit (DIP) may be approved to allow incentives for the development of parcels that meet the certain criteria as listed below:

**A. Area.** *Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years;*

The site is 2 acres and is made up of two vacant parcels and one retail project has been in the current configuration for more than 10 years.

**B. Utilities.** *The parcel is served by, or has direct access to, existing utility distribution facilities.*

Utilities are directly accessible for the site.

**C. Surrounding Development.** *The parcel is surrounded by properties within a 1,200-foot radius in which:*

- 1. The total developable land area is not more than 25 percent vacant; and*
- 2. Greater than 50 percent of the total numbers of lots or parcels have been developed 15 or more years ago.*

The site meets the criteria.

Once the site qualifies as indicated above, the purpose of a DIP is to provide incentives for development of smaller tracts of land that have been bypassed by previous development. To be approved for incentives, the project must provide sufficient evidence to show the project is:

**A. Consistent with the General Plan**

The proposed use is consistent with the Mesa 2040 General Plan Mixed-Use Activity District character area.

**B. Consistent with the surrounding area, not more intense**

The proposed use is consistent with the surrounding commercial uses in the area and is not more intense.



*C. The improvements need to meet the intent of the Design Standards of the MZO.*

The proposed development with the conditions of approval of the Site Plan Review, DIP and Design Review approval will meet the intent of the Design Standards.

Parking is proposed at more than the maximum 125% that is allowed per Mesa Zoning Ordinance (MZO) Section 11-32-3.C. Staff is concerned with the potential vehicular and pedestrian conflicts that can occur with the eight parking spaces proposed at the west side of the site. Vehicles backing out of the parking spaces would conflict with the vehicles entering the site at this busy entrance. Pedestrians exiting the cars would be required to cross the drive aisle and both drive through lanes before negotiating the parking lot to reach the front of the store for a total distance of 290 feet away. Staff suggests eliminating the three northernmost parking spaces and narrow the drive aisle by widening the landscape island at the west side of the drive through lane. The widening of the landscape island would subsequently reduce the drive aisle from 31' to 24' to have the effect of reduction of speed of cars as the lane narrows. This would also reduce the number of parking spaces on the site to within the allowed maximum number of parking spaces, 63 spaces. The Site Plan Review, Z17-037 was approved with this condition of approval.

Below is a table indicating Code requirements, shown modifications and staff's recommendation.

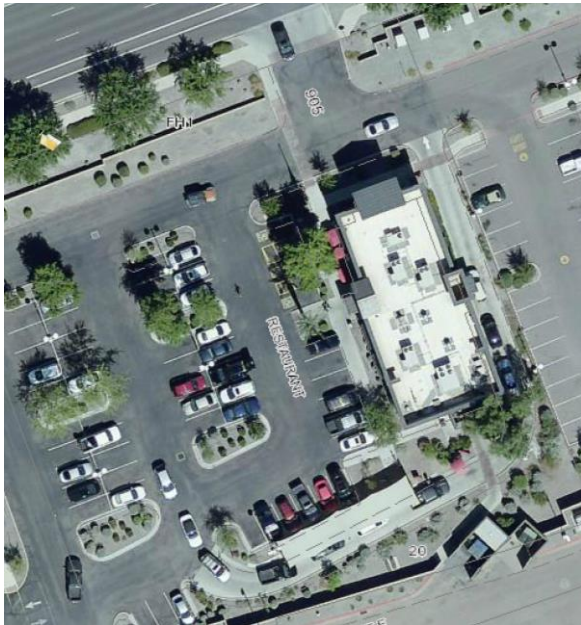
Development Standard	MZO Requirement	Applicant Proposed	Staff Recommended
<b>Setback (building/landscape)</b>			
McKellips Road	15'	5' for a distance of 50' 15' everywhere else	As proposed
Power Road	15'	Landscape- 27'	Meets MZO
West Property Line	25'/20'	Landscape-25 feet	Meets MZO
South Property Line	0'	Landscape-15'	Meets MZO
<b>Landscape material adjacent to street</b>			
McKellips Road 484'	Total of 19 trees	Total of 9 trees	Numbers and sizes shall meet MZO requirements.
Power Road 138'	Total of 6 trees	Total of 3 trees	
<b>Foundation Base</b>			
North elevation	15 feet	11.5 feet	15' per MZO
East elevation	15 feet	15 feet	Meets Code
West elevation	5 feet	5 feet	Meets Code
South elevation	5 feet	5 feet	Meets Code
<b>Landscape material at Foundation Base</b>	6 trees total	6 trees total	Meets Code
<b>Landscape islands</b>	Required at each end row of stalls and every 8 spaces	Elimination at the end of the row in middle portion of parking field	Landscape islands shall be installed to meet MZO
<b>Bicycle parking</b>	Min 3 spaces	None	Min 3 spaces

The applicant is proposing to modify some of the development standards to ensure the site plan meets the needs for the proposed restaurant. The Development Incentive Permit (DIP) application is requested to modify the following development standards for incentives:

1. An encroachment of a small portion of the required 15' landscape setback adjacent to McKellips Road to allow for additional parking spaces adjacent to the entrance of the building. Five of the eight proposed parking spaces at the north side of the site directly north of the building will encroach into the required 15' landscape setback.

The site adjacent to McKellips Road narrows as it approaches Power Road. A minimum of 5' landscape

setback for a distance of approximately 50' would allow for needed parking near the entrance of the building. Staff is in support of granting this incentive.



2. Eliminate the required landscape islands at the ends of the parking spaces within the middle portion of the parking field as required in MZO section 11-33-4.B.1.

This would not be consistent with other similar developments. The purpose of the landscaping standards includes providing environmental improvements such as mitigating air and storm water pollution, providing shade and reducing the effects of the urban heat island and to soften the appearance of urban development. The applicant states in the justification statement that the removal of the landscape islands will allow for unimpeded truck circulation for both trash pickup and deliveries. The site plan does not depict the circulation concerns. In addition, there are other Chick-fil-A sites that have been developed with required landscape islands. The aerial to the left is of the Chick-fil-A site at Dobson and Rio Salado. It clearly shows the required landscape islands with landscape material installed on the site. Circulation of the site must be able to work at this site with the landscape islands in place.

By eliminating these landscape islands and replacing with exposed aggregate finish concrete, it eliminates two required trees that will shade and soften the building and asphalt and reduce the heat island effect. Staff is concerned with the appearance of the exposed aggregate proposed in place of the islands. It will likely be constantly driven over and will reduce the quality of the appearance of the project. The requested incentive does not meet the Design Standards, and does not appear to respond to a constraint created by this site. Staff does not support the request to eliminate the landscape islands.

The numbers and sizes of landscape material proposed for both street frontages does not currently comply with minimum requirements. As noted in the table above and in stipulation number 6, the landscape plan will need to be modified to comply with MZO Section 11-33. Modification to perimeter landscape has not been requested.

The foundation base at the north elevation of the building, main entrance is required to be a minimum of 15' wide to meet MZO Section 11-33-5. Currently the site plan indicates this foundation base to be about 11 feet wide. The site plan and landscape plan will need to be modified to include the average 15' width.

### Summary of Applicant's Justification

As justification for the requested incentives, the applicant has noted:

- A. The opportunity to better utilize the large street frontages of the site along McKellips Rd and Power Rd by utilizing a portion of the landscape setback near the intersection for additional off-street parking.
- B. The 'wedge' shape of the site, along with the required landscape setbacks, force the customer parking away from the Chick-fil-A building and toward the residential district to the west.
- C. Chick-fil-A believes that a deviation in the setback requirement will better address customer access to the building without negatively impacting the public right of way.
- D. To provide for increased site circulation by permitting the removal of parking landscape island end caps on the small parking area in the middle of the site.
- E. The proposal is to provide these end caps as exposed aggregate concrete delineating the parking and drive-aisles but allowing for unimpeded truck circulation for both trash pickup and deliveries. Chick-fil-A

believes this deviation from the development code will allow for better circulation on site and provides a greater ease of access for business operations.

#### **Design Review:**

The project was discussed by the Design Review Board at the July 11, 2017 Work Session. The Board made several suggestions for modifications to the details of the building design and finish material. The staff and applicant will work together to address these suggestions. Per the Zoning Ordinance, the proposed project including the building and landscape plan will require Design Review approval prior to issuance of any construction permits.

#### **Conclusion**

The applicant has proposed two modifications as incentives for development of the restaurant with the drive thru. Staff is in support of the request to encroach into the landscape setback adjacent to McKellips Road as discussed in this report. Staff does not support the request to eliminate the landscape islands in the middle of the parking field.

#### **FINDINGS:**

1. The development conforms to the General Plan's description of a Mixed-Use Activity character area.
2. The site is 2 acres, which is under the 2.5-acres maximum allowed for a DIP application, and the lot has been in its current configuration for more than 10 years.
3. The site has direct access to existing utility services.
4. The proposed restaurant with a drive thru is consistent with the level of development of existing and surrounding commercial uses and developments.
5. Compliance with the Site Plan Review and Design Review approval will ensure that the level of site improvements, architectural detailing and design elements on the building will meet the Design Standards listed in the Zoning Ordinance.
6. With the recommended conditions of approval, the landscape quantities and materials meet the intent of the development standards listed in the Zoning Ordinance.

#### **ORDINANCE REQUIREMENTS:**

##### **Development Incentive Permits**

##### **11-72-1: Purpose and Applicability**

Development Incentive Permits (DIPs) are intended to provide incentives for the development of smaller tracts of land that would have difficulty meeting current development standards, having been bypassed by previous developments, and where land assembly either is not available, or is available only to a limited extent.

##### **11-72-3: Required Findings**

A [DIP](#) shall not be granted unless the [Zoning Administrator](#), acting at the [Hearing Officer](#), or [Board of Adjustment](#) shall find upon sufficient evidence:

- A. The proposed development is consistent with the [General Plan](#), any other applicable Council adopted plans and/ policies, and the permitted uses as specified in this [Ordinance](#);
- B. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1,200-foot radius of the by-passed property; and,
- C. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the [Design Standards](#) of this [Ordinance](#).