



## Planning and Zoning Board

### *Staff Report*

**CASE NUMBER:** ZON17-00047 (PLN2017-00253)

**LOCATION/ADDRESS:** The 7200 through 7400 blocks of East Ray Road (north side)  
**GENERAL VICINITY:** Located east of Power Road on the north side of Ray Road  
**REQUEST:** Council Use Permit; and Site Plan Review  
**PURPOSE:** This request is for a Council Use Permit to allow a single retail user of more than 25,000 square feet in an LI zoning district. This will allow for the development of a large format retail/warehouse building

**COUNCIL DISTRICT:** District 6  
**OWNER:** Steve Vincent, Orsett Properties, Phx-Mesa Gateway Airport 193 LLC  
**APPLICANT:** David Hughes, EPS groupinc.  
**STAFF PLANNER:** Wahid Alam, AICP – Planner II.

#### **SITE DATA**

**PARCEL NO.:** A portion of 304-30-027N  
**EXISTING ZONING:** Limited Industrial (LI-AF)  
**GENERAL PLAN CHARACTER AREA:** Mixed Use Activity-Employment  
**CURRENT LAND USE:** Vacant  
**LOT SIZE:** 8.2 ± acres gross

#### **SITE CONTEXT**

**NORTH:** 202 San Tan Freeway  
**EAST:** Vacant-zoned LI  
**SOUTH:** (across Ray Road) Vacant- zoned LI  
**WEST:** Vacant - zoned LI

#### **ZONING HISTORY / RELATED CASES**

**October 16, 2000:** Annexed into the City. (Ord. #3815)  
**May 7, 2001:** Establish M-1-AF and AG-AF City zoning Z00-087 (Ord.# 3885)

**STAFF RECOMMENDATION:** Approval with conditions

**P&Z BOARD RECOMMENDATION:** ☒ Approval with conditions. ☐ Denial

**PROPOSITION 207 WAIVER SIGNED:** ☒ Yes ☐ No

### **PROJECT DESCRIPTION / REQUEST**

The applicant is proposing to build a retail/warehouse building that is designed for 100,230 square feet, which accommodates 51,563 sq.ft. of retail space and 48,667 sq.ft. of warehouse space. There is only one user identified for the building, which is Potato Barn furniture store. Potato Barn is a locally-owned chain of home furnishing stores with four current locations in Gilbert, Mesa and Scottsdale. This location will feature a new concept, combining warehousing and retail uses in one facility. This configuration will not mix the retail-costumers activities with the loading and unloading functions. Warehousing and moving routes occur at the outermost areas in the building north and west, while the retail and show room is located at the east side. The proposed Building (approximately 400'x270') is oriented with the shorter side facing Ray Road and service areas at the rear of the building along the north elevation facing the 202 Freeway. The site is accessed by three driveways, two along the east from Ray Road and the other one from proposed future collector street that connects to Ray Road.

### **NEIGHBORHOOD PARTICIPATION:**

The applicant's citizen participation plan included an initial mailing to property owners within 1000 feet of the property, all HOAs within ½ mile, and all registered neighborhoods within 1 mile (there is no HOA and registered neighborhood within the required outreach boundary). The Citizen Participation Report will indicate any input that was received from neighboring property owners. Staff has not received any comments from surrounding property owners.

### **STAFF ANALYSIS**

#### **MESA 2040 GENERAL PLAN:**

Staff has reviewed the proposal and found that it is consistent with the criteria for review has outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan and has determined that the proposed use is in conformance with the General Plan.

The adopted Mesa 2040 General Plan designates this site as Employment, with an overlay of Mixed Use Activity District. This project will add to the development pattern in this area next to recently approved Contempo project and Gateway Technology Center, which is primarily vacant, except for the long-term parking for the airport. The proposal can be seen as providing for additional jobs in the area. 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.

#### **ZONING:**

The existing zoning on the site is Limited Industrial with and Airfield Overlay (LI-AF). The proposed use for a single retail user greater than 25,000sf is allowed in the LI zoning district with the approval of a Council Use Permit (CUP).

#### **SITE PLAN:**

The proposed site plan meets the site plan review criteria outlined in section 11-69-5 of the zoning code as well as the review requirements for large format retail uses as outline in section 11-31-16 of the zoning ordinance.

The applicant has done a good job of developing a site plan that takes the opportunity to screen the service/truck loading area in the rear yard between the building and the 202 San Tan Freeway. Also, the site plan provides vehicular circulation around the building located in the center of the site that is

accessible by two proposed driveways from Ray Road and another future driveway access from the proposed industrial collector along the south property line. The proposed development provides an extended foundation base for a customer drop-off area of a minimum 900 sq.ft. in front of the main public entrance door facing Ray Road. Pedestrian connectivity is provided to sidewalks along Ray Road and to parking lots to the south and east of the building. The service area in the rear of the building accommodates truck loading including trash enclosures, which are screened from public view by an 8' tall, concrete block wall and ribbed metal panel gate. The customer parking lots along Ray Road and future industrial collectors are screened by a 3' tall CMU wall. Overall, we find that the site plan meets the review criteria of Section 11-69-5.

The parcel is zoned Light Industrial (LI) with an Air Field (AF) Overlay. The setbacks, building height and parking spaces provided are shown in the table below.

	SETBACKS		COMMENTS
	REQUIRED	PROPOSED	
Ray Road	15'	70'	Exceeds Code
West property line	0'	5'	Exceeds Code
East property line	0'	440'	Exceeds Code
South property line	0'	60'	Exceeds Code
Building Height	40' max.	28'-36'	Meets Code
Parking spaces for shell building	193	226	Meets Minimum Code

Cross-Access Easement:

A cross-access easement will be required for connectivity with future development of the collector street from Ray Road along the south property line. **(see condition # 5).**

Airfield Overflight Area:

The "AF" in the LI-AF zoning means that this site falls within the Airport Overflight Areas associated with the Phoenix-Mesa Gateway Airport. This property is within Airfield Overflight Area 1 (AOA 1). The AOA 1 designation includes some use restrictions, a requirement for an aviation easement and a requirement for noise attenuation in construction. Location within the Airport Area also necessitates evaluation by the FAA for impact on air traffic.

FAA will also review the building and accessory uses on the property to determine if there will any features that could result in a flight safety hazard (such as lighting that could be pointed upward or be confused with runway approach lights), communication facilities, sources of glint and glare (reflective materials, steam or possibly solar panels), or vegetation or features that could serve as a wildlife (bird) attractant.

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 # 4).**

**COUNCIL USE PERMIT:**

This proposal will require a Council Use Permit (CUP) to allow more than 25,000 square feet of large format retail in an LI zoning district per zoning code Table 11-7-2. The proposed request meets all of the review criteria for the consideration of a CUP outline in Sections 11-70-6, 11-31-16D and 11-6-5 of the zoning ordinance.

**DESIGN REVIEW:**

The design of the proposed single-story 36' tilt-up building will need approval through the Design Review process (DRB17-00055). The proposed building design was presented at the Design Review Work Session on August 8, 2017. The proposed design includes a 3' high parking lot screen wall, an 8' high service area screen wall compatible with building architecture, material, texture and color. The Design Review Board had comments and provided positive feedback. The Design Review Board has asked the applicant to bring back revised plans for them to review at a future Design Review Work Session. The applicant could bring back revised plans for September 12, 2017 Design Review Work Session.

**CONCLUSION:**

The proposed project complies with the General Plan, meets all review criteria for the review of a Council Use Permit, and meets all review criteria for Site Plan Review from Chapter 69 of the Zoning Ordinance (Section 11-69-5). The applicant has worked with staff and provided a well-designed project that will bring quality development in this area and add to the trend for the surrounding area for employment growth in this part of the City. Staff recommends approval with 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 and landscape plan submitted, and preliminary elevations as approved by the Design Review Board.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of Design Review case # DR17-030 for architectural and landscaping design.
4. Compliance with all requirements of the Airfield (AF) Overlay District including:
  - a. Owner shall grant an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport that will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map/land split, prior to the issuance of a building permit).
  - b. Noise attenuation measures be incorporated into the design and construction of the homes/buildings to achieve a noise level reduction of 25 db.
  - c. 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. The report to FAA must include both permanent and temporary structures such as cranes, antennas, mechanical units, or screening that could be above the roof line.
5. **Prior to the submittal of a building permit, provide a copy of the recorded cross-access easement agreement assuring access and connectivity to the proposed industrial collector street along the south property line.**
6. Signs (detached and attached) require separate approval and permit for locations, size, and quantity.