



Planning and Zoning Board

Staff Report

CASE NUMBER: ZON17-00283
LOCATION/ADDRESS: The 7100 to 7300 blocks of East Ray Road (north side).
GENERAL VICINITY: Located east of Power Road on the north side of Ray Road.
REQUEST: Rezone from LI-AF to LI-AF-PAD. Also, consider a preliminary plat for "Ray Road Commerce Center North"
PURPOSE: This request will allow for the development of a 14-lot industrial subdivision.
COUNCIL DISTRICT: District 6
OWNER: Phx-Mesa Gateway Airport 193, LLC
APPLICANT: Omar Cervantes, XCL Engineering, LLC
STAFF PLANNER: Lesley Davis

SITE DATA

PARCEL NO.: 304-30-027N
PARCEL SIZE: 56.0± acres
EXISTING ZONING: LI-AF
GENERAL PLAN CHARACTER: Mixed Use Activity/Employment
CURRENT LAND USE: Vacant

SITE CONTEXT

NORTH: East 202 San Tan Freeway
EAST: Vacant-zoned LI-AF (Proposed Potato Barn)
SOUTH: (across East Ray Road) Airport Property - partially vacant and existing airport park and ride lot– zoned LI - AF
WEST: (across East Maricopa Floodway and RWCD Canal) Vacant – Town of Gilbert

STAFF RECOMMENDATION: Approval with conditions

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

PROPOSITION 207 WAIVER SIGNED: ☒ Yes ☐ No

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)

PROJECT DESCRIPTION / REQUEST

The applicant is proposing the development of a 14-lot industrial subdivision located along the north side of the 7100 to 7300 blocks of East Ray Road, which is just east of Power Road. The proposed subdivision will include a private drive, which necessitates the need to rezone the property from LI-AF to LI-AF-PAD. The request also includes a preliminary plat titled "Ray Road Commerce Center North".

NEIGHBORHOOD PARTICIPATION:

The applicant has completed a Citizen Participation Process, which included a mailed letter to property owners within 1,000' of the site, as well as HOAs and registered neighborhoods within a mile. At the time that this report was written staff had not been contacted by any property owners in the area. The applicant will be providing an updated Citizen Participation Report prior to the December 19, 2017 Planning and Zoning Board Study Session. An update will be provided by staff at the Study Session.

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 proposed subdivision will provide for additional jobs in the area and 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:

This property is currently zoned as Light Industrial with an Airfield Overlay (LI-AF). The rezoning request is to add an additional PAD overlay to accommodate a private street located within the proposed 14-lot industrial subdivision. No specific site plans have been identified for these lots. Future site plan review by the Planning and Zoning Board will be required for development that meet the criteria established in MZO section 11-69-2. Design Review approval will also be required for developments that meet the criteria established in MZO section 11-71-2.

The "AF" in the LI-AF zoning means that this site falls within the Airport Overlay District associated with the Phoenix-Mesa Gateway Airport. This property is within Airfield Overflight Areas (AOA) I and II. The AOA I 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.

The 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 as a part of future development of this property. **(see condition 12.)**

PAD OVERLAY MODIFICATIONS – MZO Article 3:

The applicant has requested a PAD overlay to accommodate a private drive within the proposed industrial subdivision. MZO Section 11-22-1 allows a PAD overlay to provide options for the design of the subdivision to utilize a private street system. No deviations to code standards have been requested.

PRELIMINARY PLAT:

All approved preliminary plats are subject to potential modification through the Subdivision Technical Review process to meet City codes and requirements, including but not limited to, all ADA requirements. Subdivision Technical Review sometimes results in changing lot sizes and configuration, and could result in a reduction of lots.

The proposed plat meets all zoning and subdivision requirements.

CONCLUSION:

The proposed project complies with the General Plan, meets the review criteria for a PAD overlay to accommodate a private drive, and complies with the requirements for a preliminary plat as defined in the City of Mesa Subdivision Regulations. 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 preliminary plat submitted (without guarantee of lot yield, building count, lot coverage).
2. Site Plan Review through the public hearing process of future development plans as required by MZO section 11-69-2.
3. Compliance with all requirements of Design Review process for future development as required by MZO section 11-71-2.
4. Compliance with all City development codes and regulations.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. All street improvements and street frontage landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Record a one foot Controlled Vehicular Access Easement (CVAE) along East Ray Road on the final plat.

9. 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 (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
10. Written notice be provided to future property owners, and acknowledgment received that the project is within 1/4 mile(s) of Phoenix-Mesa Gateway Airport.
11. Noise attenuation measures are to be incorporated into the design and construction of the buildings to achieve an outdoor to indoor noise level reduction of 25 db.
12. 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. The timing of filing this form will be determined with each site plan submittal.