



Planning and Zoning Board

Staff Report

CASE NUMBER: ZON18-00595
LOCATION/ADDRESS: Within the 1200 block of South Ellsworth Road (east side) and the 9200 block of East Southern Avenue (south side). Located at the southeast corner of Southern Avenue and Ellsworth Road.
GENERAL VICINITY: Southeast corner of Southern Avenue and Ellsworth
REQUEST: Site Plan Review; and Special Use Permit for reduction in parking.
PURPOSE: This request will allow for the development of a restaurant
COUNCIL DISTRICT: District 6
OWNER: FRANK LAM
APPLICANT: ARCHICON, ARCHITECTURE & INTERIORS, L.C.
STAFF PLANNER: Wahid Alam, AICP

SITE DATA

PARCEL NO.: 22080001J
PARCEL SIZE: (2± acres)
EXISTING ZONING: Limited Commercial (LC)
GENERAL PLAN CHARACTER: Mixed Use Activity District
CURRENT LAND USE: Vacant undeveloped

SITE CONTEXT

NORTH: (across Southern Avenue) vacant undeveloped- zoned LC
EAST: Existing Lowe's home improvement store – zoned LC
SOUTH: Existing Lowe's home improvement store – zoned LC
WEST: (across Ellsworth Road) Commercial – zoned LC

HISTORY/RELATED CASES

February 18, 1986: Annexed to the City of Mesa Description of case approval (Ordinance# 2040)
July 7, 1986: Rezoned from Maricopa County Rural-43 and Rural-43 SU to City R-4 and AG (Z86-69)
September 19, 1988: Rezone to C-2 conceptual BIZ(BIZ88-4)- located to the south and west
December 4, 2000: Rezone from AG to C-2 and site plan approval (Z00-81)
April 7, 2003: Site Plan modification (Case# Z03-008 and Ordinance# 4056)
May 2, 2005: Site Plan modification to allow a Lowe's home improvement store with commercial pads (Case# Z05-033 and Ordinance#4385)

STAFF RECOMMENDATION: Approval with conditions.

PROJECT DESCRIPTION / REQUEST

The proposed development is located at the southeast corner of the Southern Avenue and Ellsworth Road will be for a sit-down restaurant for 10,250 square feet on a vacant pad site in front of the existing Lowe's Home Improvement Store. The applicant is requesting a Site Plan Review; and a Special Use Permit for reduction in parking.

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. The Citizen Participation Report submitted indicates that the applicant has completed Citizen Participation process and did not receive any inquiry or opposition to the proposal. At the time that this report was written staff had not been contacted by any residents or property owners in the area.

STAFF ANALYSIS

MESA 2040 GENERAL PLAN:

The Mesa 2040 General Plan designates this area as Mixed-Use Activity District. Staff has reviewed the proposal and found that the proposed restaurant is consistent with the criteria for review as 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.

ZONING:

The parcel is currently zoned Limited Commercial (LC) and the proposal is to build a sit-down restaurant on a vacant pad site in front of an existing Lowe's Home Improvement Store. The proposed restaurant will be a single-storied building for 10,250 square foot. The proposed land use is allowed within the existing zoning district.

This property is within Phoenix-Mesa Gateway Airport Overflight Area Three (AOA 3).

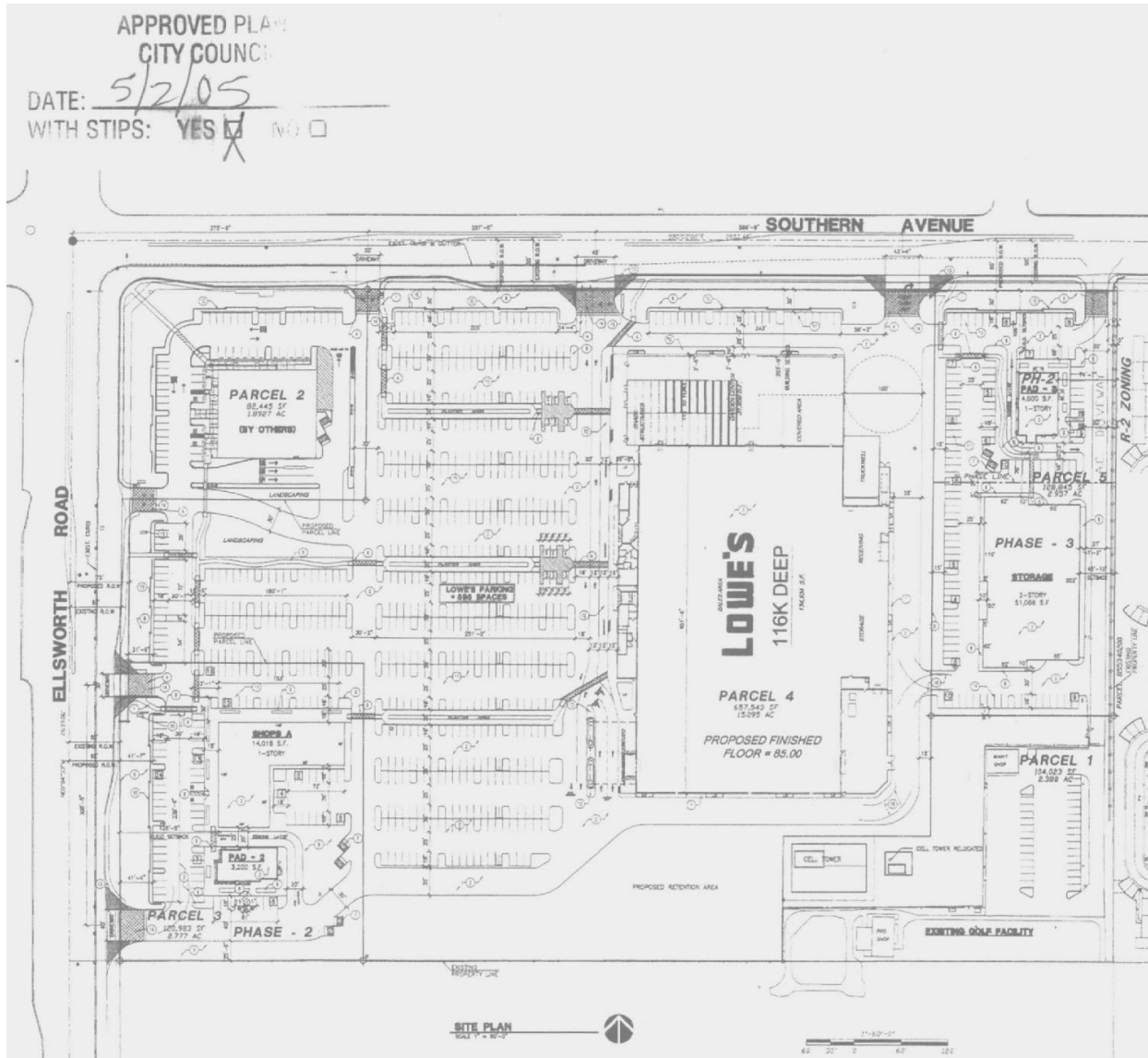
Airfield Overflight Area:

This property is within Airport Overflight Area Three (AOA 3). The area outside the 60 DNL contour area as defined by Airport Overflight Area Three, which extends to the balance of the Airport Overflight Area. The AOA 3 area requires future notification to property owners of proximity to the airport, granting of an aviation easement, and noise attenuation measures be incorporated into the design and construction of the buildings to achieve a noise level reduction of 25 db.

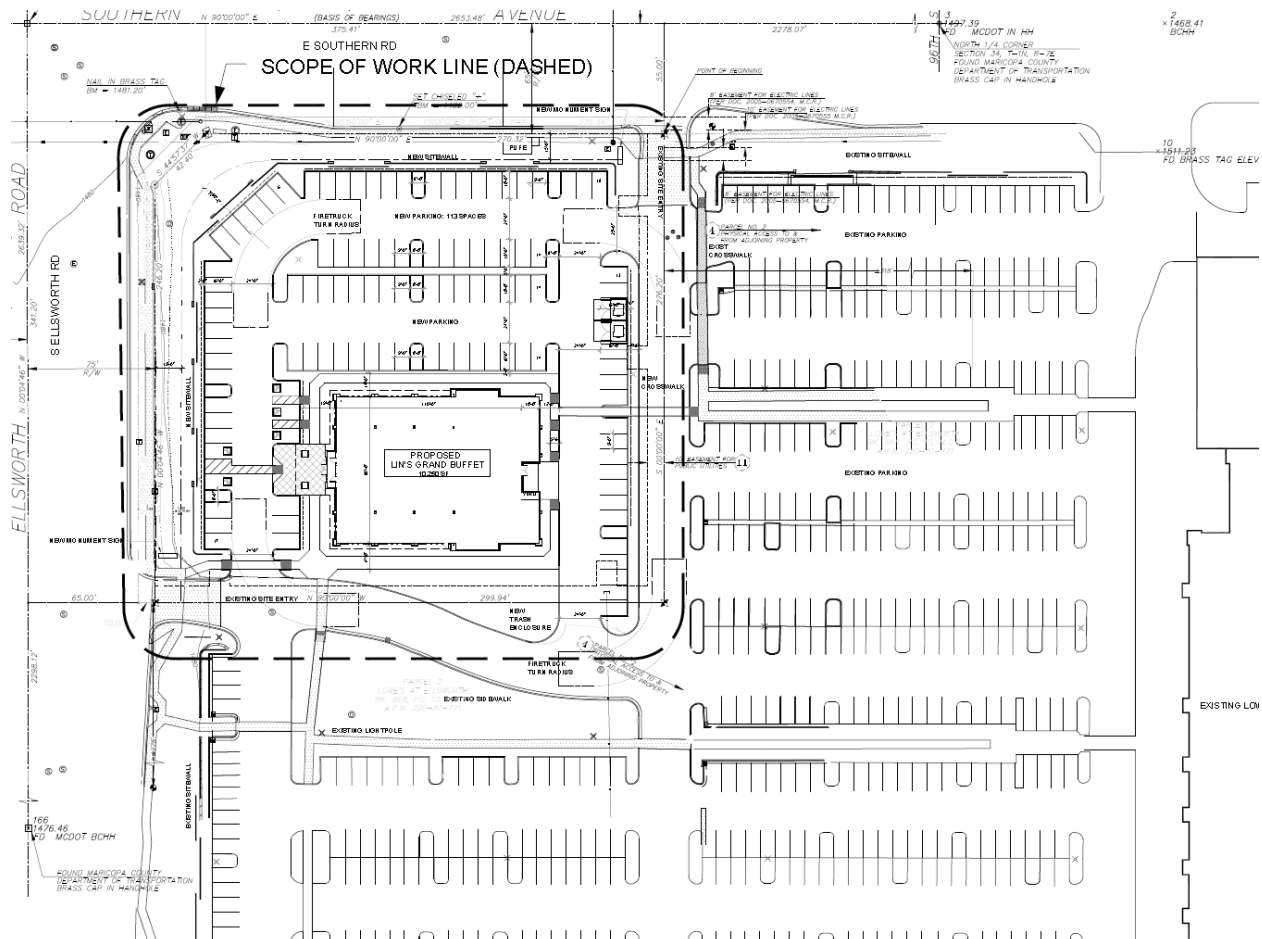
SITE PLAN - MZO Section 11-69-5:

The proposed development will use an existing pad site that will be accessed by existing three driveway access from the driveways from Ellsworth Road and Southern Avenue. The site layout is such that the building is located close to the existing driveway access from Ellsworth Road to the south with the restaurant facing Ellsworth Road. The restaurant will be connected to the existing Lowe's parking lot and the sidewalk along Southern Avenue and Ellsworth Road. The vehicular circulation will wrap around three sides of the building. The Lowe's store was built with three cross access to the vacant pad site. However, staff understands currently there is no cross-access agreement between the Lowe's and the

pad site for sharing of parking.



The previously approved site plan



The proposed Site Plan meets Mesa development standards.

SPECIAL USE PERMIT – MZO Section 11-5:

The applicant is requesting a Special Use Permit for reduction in the number of parking spaces available compared to current zoning code requirements.

The proposed restaurant is for 10,250 square foot for Lin's Grand Buffet, which will have more than half of the floor area designated for seating and the other half will accommodate serving area including kitchen. Because of this unique floor plan the parking spaces per MZO requires $10,250/75 = 137$ parking spaces.

The applicant submitted a parking study conducted by Traffic Engineer Douglas Ostler, P.E. with CivTech Inc. The study mentions that the proposed restaurant is a buffet that will have more than half the floor area designed for pass-through and food service unlike typical fast food restaurants whose food service areas are typically very small just for drink and utensils. Per MZO parking requirement of 1 space per 75 sq. ft. for gross floor will require 137 spaces, however the floor area proposed for the buffet restaurant is divided into dining area (5,340 sq. ft.) and kitchen/ service (4,910 sq. ft.).

The parking study submitted summarizes the following:

- If the parking ratio of 1 space per 75 square feet is adequate for a fast food restaurant, the building area of which provides a larger proportion of pass-through area could reasonably provide parking at a lower ratio.
- The restaurant plans to have much less staff than is suggested by applying the parking ratio to the kitchen/service area.
- The occupancy of the kitchen/service area, which is nearly half of the building area (48%) is only 16 persons.

Therefore, if we consider MZO parking ratio for only 5,340 square foot of seating/dining area and the rest 4,910 square foot for general office, retail and service the parking numbers come to $5,340/75=72$ parking spaces and $4,910/375=13$ spaces for a total $(72+13=85)$ 85 parking spaces. The site plan provides 113 spaces which is more than 85 spaces and there is no reduction of parking spaces, however if we compare to MZO requirement for the entire floor area of the restaurant for 10,250 then 137 spaces required which indicates a reduction of 24 spaces, which is a reduction of $(137-113)=24$ spaces.

Staff concludes that the request for a reduced parking calculation is justified based on information including the parking study provided by the applicant that the proposed buffet restaurant is unique in its design where nearly half of the floor area is reserved for pass-through area and service/ kitchen.

MZO 11-32-6. A: "Parking Reductions" – "Criteria for Approval" states that a SUP for reduced parking shall only be issued if the following criteria are found to be true:

1. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working or visiting the site – exist that will reduce parking demand at the site;	The nature of the proposed buffet operation requires almost half of the floor area for pass-through and service/kitchen so applying the same parking ratio for the entire floor area seems excessive.
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<p>2. The use will adequately be served by the proposed parking; and</p>	<p>The study mentions that the proposed restaurant is a buffet that will have more than half the floor area designed for pass-through and food service unlike typical fast food restaurants whose food service areas are typically very small just for drink and utensils.</p> <p>The floor area proposed for the buffet restaurant is divided into dining area (5,340 sq.ft.) and kitchen/ service (4,910 sq.ft.).</p> <p>The restaurant plans to have much less staff than is suggested by applying the parking ratio to the kitchen/service area. The occupancy of the kitchen/service area, which is nearly half of the building area (48%) is only 16 persons.</p> <p>Therefore, if we consider MZO parking ratio for only 5,340 square foot of seating/dining area and the rest 4,910 square foot for general office, retail and service the parking numbers come to $5,340/75=72$ parking spaces and $4,910/375= 13$ spaces for a total $(72+13 = 85)$ 85 parking spaces. The site plan provides 113 spaces which is more than 85 spaces and there is no reduction of parking spaces, however if we compare to MZO requirement for the entire floor area of the restaurant for 10,250 then 137 spaces required which indicates a reduction of 24 spaces, which is a reduction of $(137-113) =24$ spaces.</p>
<p>3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding areas.</p>	<p>N/A (There is no on-street parking available on Southern Avenue and Ellsworth)</p>

CONCLUSION:

The proposed restaurant project complies with the General Plan and meets all review criteria for Site Plan Review from Chapter 69 of the Zoning Ordinance (Section 11-69-5) and for approval of the Special Use Permit for parking reduction from Chapter 32 of the Zoning Ordinance (Section 11-32-6). Staff recommends approval of Z18-00595 for Site Plan Review, and Special Use Permit for parking reduction 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.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of Design Review DRB18-00593.
4. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:

- a. 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 or prior to the issuance of a building permit).
- b. Written notice be provided to future property owners, and acknowledgment received that the project is within 5 mile(s) of Phoenix-Mesa Gateway Airport.
- c. 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.
- d. Documentation by a registered Professional Engineer or registered Professional Architect demonstrating compliance with noise level reductions required by Section 11-19-5 prior to issuance of a building permit.