



## Planning and Zoning Board

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### *Staff Report*

**CASE NUMBER:** ZON18-00998  
**LOCATION/ADDRESS:** Within the 7200 block of South Ellsworth Road (east side)  
**GENERAL VICINITY:** Located north of Germann Road on the east side of Ellsworth Road  
**REQUEST:** Site Plan Review; and Special Use Permit  
**PURPOSE:** This request will allow for the development of a convenience store with associated fuel station and car wash.  
**COUNCIL DISTRICT:** District 6  
**OWNER:** NEC E&G LLC  
**APPLICANT:** Jesse Macias, M3 Design, LLC  
**STAFF PLANNER:** Cassidy Welch, Planner I

#### **SITE DATA**

**PARCEL NO.:** A portion of 304-62-002P  
**PARCEL SIZE:** 2± acres  
**EXISTING ZONING:** Light Industrial – LI-AF  
**GENERAL PLAN CHARACTER:** Employment  
**CURRENT LAND USE:** Vacant

#### **SITE CONTEXT**

**NORTH:** Vacant, zoned LC  
**EAST:** Vacant, zoned LI  
**SOUTH:** Vacant, zoned LI  
**WEST:** (Across Ellsworth Road) Vacant, zoned LI

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

**January 18, 1989:** Annexed into the City of Mesa (Ord. #2473)  
**March 5, 1990:** City designated comparable zoning (Case# Z90-007; Ord. #2496)  
**June 21, 2004:** Rezoned from R1-43 (RS-43) to M-1 (LI) (Case# Z04-001; Ord. #4208)

**STAFF RECOMMENDATION:** Approval with conditions

### **PROJECT DESCRIPTION / REQUEST**

This is a request for Site Plan Review to allow the development of a convenience store with associated fuel station and car wash. The site will include development of a 9,552 square foot car wash building, which includes a 4,350 square foot convenience store and a 3,447 square foot self-service fuel canopy and self-serve vacuums.

### **NEIGHBORHOOD PARTICIPATION:**

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 1000-feet of the site, as well as HOAs within ½ mile and registered neighborhoods within one mile of the site informing those residents of the subject request and offering to meet with those who may have comments or concerns. The applicant did not receive any requests to meet and therefore no neighborhood meeting was held. As of writing this report, staff have not been contacted by any residents or property owners in the area expressing support or opposition to the project. The applicant will be providing an updated Citizen Participation Report prior to the March 19<sup>th</sup>, 2019 Study Session. Staff will provide an update of the citizen participation to the Board during the scheduled study session.

### **STAFF ANALYSIS**

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

Staff has reviewed the proposal and found that it 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 of a convenience store with associated fuel station and car wash is in conformance with the General Plan.

The property is located in the City's Employment character area designation. Per Chapter 7 of the General Plan, the primary focus of the Employment character type is to provide for high quality employment and commercial development and supportive retail. The proposed project is consistent with the General Plan by contributing to the supportive commercial uses in the area.

#### Gateway Strategic Development Plan:

The site is located within the Logistics and Commerce District of the Gateway Strategic Development Plan. The proposed development is consistent with the goals of the Logistics and Commerce District of the Gateway Strategic Development Plan. According to the Plan, the focus of the Logistics and Commerce District is to provide high-quality environments that are compatible with the Phoenix-Mesa Gateway Airport and increasing over-flight activities. Commercial developments are intended to be a predominant use in this district.

#### **ZONING:**

Per Section 11-7-2 of the MZO, the proposed convenience store with associated fuel station is permitted with the approval of a Special Use Permit in the LI District. The proposed accessory car wash is also a permitted use in the district. The site is surrounded by undeveloped property to the west (across Ellsworth Road), east, and south. All of these three properties are zoned LI.

#### **SITE PLAN - MZO Section 11-69-5:**

The proposed site plan is for a new convenience store with associated fuel station and car wash. Development of the site will include a 4,350 square foot convenience store with car wash tunnel at the rear. The site plan also shows self-serve vacuum stalls and a fuel canopy on the site. The stalls are proposed to be located along the west and south of the property lines, and the fuel canopy will be located directly south of the convenience store. The request conforms to the requirements for a

Convenience Market outlined in Section 11-31-11 of the MZO, a Service Stations outlined in Section 11-31-25, and Automobile/Vehicle Washing outlined in Section 11-31-7 of the MZO.

**SPECIAL USE PERMIT MZO Section 11-70-5:**

Section 11-7 of the Mesa Zoning Ordinance (MZO) requires a Special Use Permit (SUP) for Convenience Markets with accessory Fuel Sales in the LI district. The Zoning Ordinance outlines specific standards when evaluating development of a SUP for a service station. The standards include consistency with the General Plan, the site will be built to or brought into conformance with current City development standards, and a plan of operation and good neighbor policy be submitted as part of the application.

Per Section 11-70 of the MZO, approval of a Special Use Permit can only be granted if the approving body determines that the proposed development has met the SUP requirements outlined in Section 11-70-5 of the Zoning Ordinance. The request is consistent with the Employment character area designation and the site plan conforms with all current City development standards. The applicant has provided a plan of operation and good neighbor policy with the formal submittal. Staff has reviewed the request and determined that the site complies with the standards of the MZO.

**CONCLUSION:**

The subject request is consistent with the General Plan and meets the review criteria for Site Plan Review outlined in Section 11-69-5 and Section 11-31-7 of the MZO. The proposed project is consistent with the review criteria for a Special Use Permit outlined in Section 11-70-5 of the MZO. Staff recommends approval with the following conditions:

**CONDITIONS OF APPROVAL:**

1. Compliance with the final site plan submitted.
2. Compliance with the plan of operation and good neighbor policy submitted.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of Design Review.
5. 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; whichever comes first.
6. Written notice be provided to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.
7. Due to the proximity of the site to Phoenix-Mesa Gateway Airport, any proposed development of a 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.
8. Prior to the issuance of a building permit, provide documentation by a registered Professional Engineer or registered Professional Architect has certified that Noise attenuation measures have been incorporated into the design and construction of the buildings to achieve a noise level reduction to 45 db as specified in Section 11-19-5 of the Zoning Ordinance.