



**PLANNING DIVISION**  
**STAFF REPORT**

**Planning and Zoning Board**

**August 14, 2019**

CASE No.: **ZON19-00345**

PROJECT NAME: **Speedway Convenience Store**

Owner's Name:	Sunbelt Land Holdings, LP
Applicant's Name:	Michael Buschbacher, Hunter Engineering, Inc.
Location of Request:	Within the 7200 block of South Ellsworth Road and the 9100 block of East Pecos Road (south side). Located at the southwest corner of Pecos Road and Ellsworth Road.
Parcel No(s):	A portion of 304-62-784B
Request:	Site Plan Review; and Special Use Permit. This request will allow for the development of a convenience store with associated fuel station.
Existing Zoning District:	Light Industrial (LI)
Council District:	6
Site Size:	2.4± acres
Proposed Use(s):	Convenience Store with associated Fuel Station
Existing Use(s):	Vacant
Hearing Date(s):	<b>August 14, 2019 / 4:00 p.m</b>
Staff Planner:	Cassidy Welch
Staff Recommendation:	Approval with Conditions

**HISTORY**

On **June 21, 2004**, the City Council rezoned the property from Single Residence (RS-43) to Light Industrial (LI).

**PROJECT DESCRIPTION**

**Background:**

The subject request will allow the development of a 4,608 square feet convenience store and associated 15,330 square feet self-service fuel station canopy with 20-stalls. The site is currently vacant.

**General Plan Character Area Designation and Goals:**

The subject property is 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. Staff reviewed the request and determined it is consistent with the criteria for review outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. The request is also consistent with the General Plan character area designation of Employment.

**Gateway Strategic Development Plan:**

The site is located within the Logistics and Commerce District of the Gateway Strategic Development Plan. The proposed development of a convenience store and fuel station on the property 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 District Designations:**

The subject property is currently zoned Light Industrial – LI. Per Section 11-7-2 of the MZO, the proposed convenience store with associated fuel station is permitted in the LI district with the approval of a Special Use Permit (SUP).

**Airfield Overlay – Mesa Zoning Ordinance (MZO) Article 3, Section 11-19:**

Per Section 11-19 of the MZO, the property is located within the Airfield (AF) Overlay District. Specifically, within the Airport Overflight Area One (AOA 1). The location of the property within AOA 1 is due to its proximity to the Phoenix-Mesa Gateway Airport (Condition #6).

**Site Plan and General Site Development Standards:**

The request conforms to the requirements for a Convenience Market (Convenience Store) outlined in Section 11-31-11 of the MZO and Service Stations (Fuel Stations) outlined in Section 11-31-25 of the MZO. Per Section 11-7-2 of the MZO, a Special Use Permit (SUP) is required for the fuel station. The proposed site plan shows 36 parking spaces, which exceeds the City's parking requirements. Per Section 11-32-3 of the MZO, 13 parking spaces are required. Section 11-32-3.C of the MZO requires an Administrative Use Permit approval to allow the required number of parking spaces to exceed the maximum standard. Staff has included a condition of approval to require an administrative use permit approval for the addition parking spaces (See Condition #5). The proposed building conforms to the required setback and dimensional requirements of the Limited Industrial (LI) zoning district, as well as with the review criteria for Site Plan Review outlined in Section 11-69-5 of the City of Mesa Zoning Ordinance, including the additional criteria for sites located in the Employment District.

**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 (Convenience Store) with accessory Fuel Sales (Fuel Station) in the LI district. The Zoning Ordinance outlines specific standards for 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, meets the criteria outlined in Section 11-31-25 of the MZO 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.

#### **Design Review:**

The applicant is scheduled to present the project to the Design Review Board on August 13, 2019, during the DRB's Work Session. Staff will be working the applicant to address any comments and recommendations from the Design Review Board.

#### **Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> (Across Pecos Road) LC Vacant	<b>North</b> (Across Pecos Road) LC Vacant	<b>Northeast</b> (Across Ellsworth Road) LC Vacant
<b>West</b>  LI Vacant	<b>Subject Property</b>  LI Vacant	<b>East</b> (Across Ellsworth Road) LI Vacant – Proposed Convenience Store/Car Wash/ Fuel Station
<b>Southwest</b>  LI Vacant	<b>South</b>  LI Vacant – Proposed Car Wash	<b>Southeast</b> (Across Ellsworth Road) LI Vacant

#### **Compatibility with Surrounding Land Uses:**

The surrounding properties are vacant. A restaurant with associated drive-thru and car wash were recently approved on the property to the south. A convenience store with associated car wash and fuel station was also recently approved on the site across Ellsworth Road.

#### **Neighborhood Participation Plan and Public Comments**

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 1,000-feet of the site, as well as HOAs within ½ mile and registered neighborhoods within 1 mile of the site. As of writing this report, neither the applicant nor staff has received any comments/concerns from surrounding property owners. The applicant will be providing an updated Citizen Participation Report to staff prior to the August 14, 2019 Study

Session. Staff will provide the Board with any new information during the scheduled Study Session on August 14, 2019.

**Staff Recommendations:**

The subject request is consistent with the General Plan and meets the review criteria for Site Plan Review approval outlined in Section 11-69-5 and Section 11-31-25 of the MZO. The request also conforms 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. Apply for and receive approval of an Administrative Use Permit to allow the number of parking spaces to exceed 125% of the maximum required parking spaces or comply with Zoning Ordinance requirements for parking.
6. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Any proposed permanent, or temporary, structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. An FAA determination notice of no hazard to air navigation shall be provided.
  - b. Prior to the issuance of a building permit, provide documentation that 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.
  - c. Written notice to be provided to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.