



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

**Planning and Zoning Board**

**December 11, 2019**

CASE No.: **ZON19-00644**

PROJECT NAME: **Denny's - Power & Ray**

Owner's Name:	Avalon Power LLC
Applicant's Name:	Jeff Looker, Looker & Cappello Architects Inc
Location of Request:	Within the 5400 through 5500 blocks of South Power Road (east side). Located south of Ray Road on the east side of Power Road.
Parcel No(s):	304-37-023R
Request:	Site Plan Review. This request will allow for the development of a restaurant.
Existing Zoning District:	Limited Commercial (LC)
Council District:	6
Site Size:	0.9 ± acres
Proposed Use(s):	Restaurant
Existing Use(s):	Vacant
Hearing Date(s):	<b>December 11, 2019 / 4:00 p.m</b>
Staff Planner:	Kellie Rorex
Staff Recommendation:	<b>APPROVAL</b> with Conditions

**HISTORY**

On **May 16, 2005**, the City Council approved annexation of the property into the City of Mesa with designation of a comparable zoning of Limited Commercial (Case No. Z05-029, Ord. No. 4400)

**PROJECT DESCRIPTION**

**Background**

The subject site plan review request is to allow for the development of a 3,990 square foot restaurant (Denny's) with associated parking on a vacant lot. The site is located south of Ray Road on the east side of Power Road.

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

The Mesa 2040 General Plan character area designation on the property is Mixed-Use Activity District with a subtype of Community-Scale. Per Chapter 7 of the General Plan, the primary focus of the Mixed-Use Activity Districts is for the development of large scale community and regional activity areas that usually have a significant retail commercial component including shopping areas such as malls, power centers, or lifestyle centers that are designed and developed to attract customers from a large radius. The goal of the district is to help create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. The Community-Scale character subtype signifies locations appropriate for retail, grocery stores, big box stores, fast food pads with drive-thrus and restaurants. Per Chapter 7 (Page 7-17) of the General Plan, retail uses in Limited Commercial (LC) zoning districts are allowed as a primary use in the Mixed Use Character designations. The proposed use is consistent with the Mixed-Use Activity District character area designation by providing a restaurant use to service the neighborhood and surrounding community.

### **Mesa Gateway Strategic Development Plan**

The project site is also located in the Inner Loop District of the Mesa Gateway Strategic Development Plan. The designation applies to areas west and north of the Airport/Campus District. According to the plan a variety of uses are anticipated in this district with a high quality, mixed use environment that is compatible with increasing over-flight activities associated with Phoenix-Mesa Gateway Airport operations. The proposed development is consistent with the Vision and Expectations of the Inner Loop District of the Mesa Gateway Strategic Development Plan by providing a restaurant that adds to the mix of uses anticipated to be developed in the area.

### **Zoning District Designations**

The subject property is zoned Limited Commercial with an Airfield Overlay District (LC-AF). Per Section 11-6-2 of the City of Mesa Zoning Ordinance (MZO), the proposed use of the property for full-service restaurant is permitted in the LC zoning district.

### **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 Three (AOA 3). The location of the property within AOA 3 is due to its proximity to the Phoenix-Mesa Gateway Airport. Per Section 11-19 of the MZO, the AOA 3 area has no limitations for a restaurant use.

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

The property is currently vacant. The proposed site plan shows the proposed 3,990 square foot restaurant building located towards the southeast corner of the site with a mixture of compact and standard parking spaces distributed on the west and north sides of the building. The site has one existing ingress/egress driveway on Power Road that will be signalized as part of a proposed retail development that is approved across Power Road within the Town of Gilbert. Per Section 11-32-3 of the City of Mesa Zoning Ordinance (MZO), the total number of parking spaces required is 51. The parking spaces shown on the site plan conform to the required number of parking spaces. The request conforms to the review criteria for site plan review

outlined in Section 11-69-5 of the City of Mesa Zoning Ordinance as well as all applicable development standards.

**Design Review:**

On October 8, 2019, the Design Review Board reviewed elevations for the development and had no major concerns with the proposed elevations.

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

<b>Northwest</b> (Across Power Road) Town of Gilbert – Regional Commercial	<b>North</b> LC Single Family Home	<b>Northeast</b> LC Single Family Home
<b>West</b> (Across Power Road) Town of Gilbert – Regional Commercial	<b>Subject Property</b> LC Vacant	<b>East</b> LC/LI City of Mesa Retention
<b>Southwest</b> (Across Power Road) Town of Gilbert – Regional Commercial	<b>South</b> LC Auto Dealership	<b>Southeast</b> LC/LI City of Mesa Retention

**Compatibility with Surrounding Land Uses:**

The surrounding properties include a single-family home to the north and northeast on a lot that is zoned LC, and an auto dealership to the south, also zoned LC. To the east and southeast of the subject site is a lot owned by the City of Mesa that is zoned Light industrial and Limited Commercial (LI/LC) and is used for storm water retention. To the west, across Power Road, is the Town of Gilbert, zoned for regional commercial uses. The proposed restaurant will be compatible with the surrounding area and uses.

**Neighborhood Participation Plan and Public Comments**

As part of the application, the applicant has completed a Citizen Participation Process that 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 or 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 December 11, 2019 Study Session. Staff will provide the Board with any new information during the scheduled Study Session.

**Staff Recommendations:**

The subject request is consistent with the General Plan and the Gateway Strategic Plan and meets the review criteria for Site Plan Review approval outlined in Section 11-69-5 of the MZO; therefore, staff recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with final site plan submitted.

2. Compliance with all requirements of Design Review.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner shall execute and record the City's standard Avigation Easement and Release for Phoenix Mesa Gateway Airport prior to the issuance of a building permit.
  - b. 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 accompany any building permit application for the property.
  - c. 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 decibels as specified in Section 11-19-5 of the Mesa Zoning Ordinance.
  - d. Provide written notice to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.