



PLANNING DIVISION
STAFF REPORT

Planning and Zoning Board

December 11, 2019

CASE No.: **ZON19-00691**

PROJECT NAME: **Circle K**

Owner's Name:	The Toms Property LLLP/The Toms Capital LLLP
Applicant's Name:	Will Goff, Land Development Consultants
Location of Request:	400 block of North Ellsworth Road (east side) and the 9200 block of East University Drive (north side). Located on the northeast corner of Ellsworth Road and University Drive.
Parcel No(s):	220-21-003L
Request:	Site Plan Review; and Special Use Permit (SUP) to allow the development of a service station with associated convenience store.
Existing Zoning District:	Limited Commercial (LC)
Council District:	5
Site Size:	3.9± acres
Proposed Use(s):	Service station with associated convenience store
Existing Use(s):	Vacant
Hearing Date(s):	December 11, 2019 / 4:00 p.m.
Staff Planner:	Evan Balmer
Staff Recommendation:	Approval with Conditions

HISTORY

On **September 22, 2003**, the property was annexed into the City of Mesa (Ord. No. 4102) and subsequently zoned to Limited Commercial (C-2) (Case No. Z03-057).

PROJECT DESCRIPTION

Background:

The subject request will allow the development of a 6,428 square foot self-service fuel station and canopy with ten fuel pumps and associated 5,187 square foot convenience store. The proposed site plan shows two access driveways to the site, with one driveway access located on University Drive and the second located on Ellsworth Road.

General Plan Character Area Designation and Goals:

The subject property is located in the Neighborhood Village Center character area designation. Per Chapter 7 of the General Plan, Neighborhood Village Centers are typically shopping areas that serve the population within less than a two-mile radius. The goal for these areas, over time, is to provide for the regular shopping and service needs of the nearby population while also becoming a center or focal point to the surrounding neighborhoods; to become a gathering place for local residents (General Plan, page 7-12).

The proposed development of a service station and associated convenience store is consistent with the General Plan character area designation. The use will contribute to providing the service and shopping needs of the surrounding neighborhood.

Zoning District Designations:

The subject property is currently zoned Limited Commercial (LC). Per Section 11-7-2 of the Mesa Zoning Ordinance (MZO), the proposed service station with associated convenience store is permitted in the LC district with the approval of a Special Use Permit (SUP).

Site Plan and General Site Development Standards:

The request conforms to the requirements for Service Stations (Fuel Stations) outlined in Section 11-31-25 of the MZO. Per this section of the MZO, the maximum number of service stations permitted at an arterial intersection is two. There is currently a service station located at the southeast corner of the University Drive and Ellsworth Road intersection. If this request is approved, no additional service stations could locate at this intersection. In addition, a minimum frontage of 100 feet is required for service station uses. The minimum frontage shown on the site plan is 240± feet.

The proposed site plan shows 22 parking spaces. Per Section 11-32-3 of the MZO, the maximum allowed parking spaces for the use is 18 stalls, unless an Administrative Use Permit is obtained to allow the additional four parking spaces. The applicant shall be required to submit an application for an Administrative Use Permit and provide justification to exceed the maximum parking spaces required. Overall, the proposed building conforms to the required setback and dimensional standards of the LC zoning district and is consistent with the review criteria for Site Plan Review outlined in Section 11-69-5 of the City of the MZO.

Special Use Permit – MZO Section 11-70-5:

Section 11-6-2 of the Mesa Zoning Ordinance (MZO) requires a Special Use Permit (SUP) for service stations in the LC district. The Zoning Ordinance, section 11-31-25, outlines specific standards for evaluating an SUP for a service station. The standards include consistency with the General Plan, that 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 11-70-5 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 the Zoning Ordinance. The request is consistent with the Neighborhood Village

Centers character area designation, meets the criteria outlined in Section 11-31-25 (i.e. requirements for Service Stations); and Section 11-70-5 (requirements for a Special Use Permit). The proposed site plan also conforms with all current City development standards. The applicant provided a plan of operation and good neighbor policy with the application submittal ensuring the development is constructed and operated in accordance with all City codes and providing contact information should there be a complaint at the site. Staff has reviewed the request and determined that the site plan and proposed use conform to the City's Zoning Ordinance.

Design Review:

On November 12, 2019, the Design Review Board reviewed the request and had no significant concerns on the proposed elevations for the building and fuel station canopy.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Ellsworth Road) LC and RM-3-PAD Vacant	North (Maricopa County) RU-43 Vacant	Northeast (Maricopa County) RU-43 Vacant
West (Across Ellsworth Road) LC and RM-3-PAD Vacant	Subject Property LC Vacant	East (Maricopa County) RU-43 Vacant
Southwest RM-4 Vacant	South LC Convience store with fuel canopy	Southeast (Maricopa County) R-5 Residential

Compatibility with Surrounding Land Uses:

The surrounding properties include an existing service station with associated convenience store to the south, a vacant LC zoned property to the west and multiple residence zoned properties to the northwest and southwest of the subject site. A service station with associated convenience store will be compatible with the surrounding commercial development.

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 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 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. Prior to application for a building permit, apply for and receive approval for 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.
3. Compliance with the plan of operation and good neighbor policy submitted.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of Design Review.