



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

**Board of Adjustment**

**March 4, 2020**

CASE No.: **BOA19-00837**

PROJECT NAME: **Rally's drive-thru restaurant**

Owner's Name:	LC Properties 1 LLC
Applicant's Name:	On Point Architecture
Location of Request:	Within the 400 block of North Greenfield Road (east side) and the 4400 block of East University Drive (north side).
Parcel No(s):	140-15-285
Request:	Requesting a Development Incentive Permit (DIP) to allow deviations from certain development standards for a new restaurant with a drive-thru
Existing Zoning District:	Limited Commercial (LC)
Council District:	2
Site Size:	1± acres
Proposed Use(s):	Restaurant with a Drive-thru
Existing Use(s):	Vacant
Staff Planner:	Lisa Davis, AICP
Staff Recommendation:	<b>APPROVAL</b> with Conditions

**HISTORY**

On **September 18, 1972**, the subject site was annexed into the City of Mesa as part of a 997± acre annexation and zoned Single Residence (R1-9) (Ord #767).

In **1974** the subject site was rezoned as part of the Blasdell Ranch Development Master Plan to Multiple-Residence (R-4) and Neighborhood Commercial (NC) (zoning case # not found).

On **November 5, 1985** the Board of Adjustment approved a Special Use Permit for an auto service station at the subject site (BA85-147).

On **January 5, 1987**, the Mesa City Council approved to rezone 12± acres of the property from Multiple-Residence (R-4) and Neighborhood Commercial (NC) to Limited Commercial (LC) and Site Plan Review for the development of a neighborhood shopping center (Z84-165 and SPR84-020, Ord #2161).

On **February 11, 2020**, the City of Mesa Design Review Board reviewed and provided comments on the elevations and landscape plan for the proposed drive-thru restaurant (DRB19-00836).

On **February 26, 2020**, the City of Mesa Planning and Zoning Board approved the Site Plan Review application for the restaurant with a drive-thru with the condition that the applicant receive approval of a Development Incentive Permit (DIP) from the Board of Adjustment or bring the site into compliance with the Zoning Ordinance (ZON19-00835).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a Development Incentive Permit (DIP) to allow for deviations from certain development standards for the development of a vacant pad site in a group commercial center into a 984± square foot restaurant with outdoor seating and a drive thru. The subject site was originally developed in the 1980s as an auto service station. The service station was demolished in 2010 and has remained vacant since. The group commercial center that surrounds the site was also developed in the 1980s.

The purpose of a DIP is to provide incentive for the development of smaller tracts of land that would have difficulty meeting current development standards. Per Section 11-72-2 of the MZO, incentives that may be granted by the DIP are limited to modifications to building setbacks, landscaping design, onsite parking, building height, and other site development provisions contained in this Ordinance. Through the DIP, the applicant is requesting a 5-foot front street facing landscape setback adjacent to Greenfield Road and University Drive (10-foot reduction). Per Section 11-6-3 of the Mesa Zoning Ordinance (MZO), the required street facing landscape setback is 15 feet.

Per section 11-2-3(L) all setbacks adjacent to a street with planned future expansion shall be measured from the future right-of-way width. Currently, the future right of way is 65' wide at University Drive and Greenfield Road. The increase in City of Mesa future right of way width from 55' in the 1980s to 65' today creates the inconsistency. The site plan shows 5 feet for the front street facing landscape setback measured from the future right of way, which is consistent with the surrounding group commercial center. The proposed commercial building offers a compatible use to surrounding development in the area. Given the constraints of the parcel, the applicant has been able to provide a site plan that complies with the majority of MZO development requirements.

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

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood Village Center. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood Village Center character type is to provide 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.

The proposed use is listed as a typical use within the Neighborhood Village Center Character Area as outlined in Chapter 7 (page 7-13). The proposed restaurant with drive-thru conforms to the goals of the General Plan land use character area designation by providing a supporting restaurant use that will serve the immediate neighborhood and surrounding community.

**Site Characteristics:**

The subject site is a 1-acre property located on the northeast corner of Greenfield Road and University Drive. The subject site is a vacant pad site which is part of a larger group commercial center. The site has cross access to the larger commercial development, one driveway access onto Greenfield Road and one driveway access onto University Drive. The driveway access at Greenfield Road is proposed to be shifted to the north to accommodate onsite circulation and transportation concerns. The driveway access at University Drive is proposed to be removed and the shared driveway access, just east of the site, at University Drive will be utilized.

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

<b>Northwest</b> (Across Greenfield Road) LC Existing Commercial	<b>North</b> LC Existing Commercial	<b>Northeast</b> LC Existing Commercial
<b>West</b> (Across Greenfield Road) LC Existing Commercial	<b>Subject Property</b> LC Undeveloped	<b>East</b> LC Existing Commercial
<b>Southwest</b> (Across Greenfield Road and University Drive) LC Existing Commercial	<b>South</b> (Across University Drive) RM-4 Existing RV Park	<b>Southeast</b> (Across University Drive) RM-4 Existing RV Park

**Mesa Zoning Ordinance Requirements and Regulations:**

**Development Incentive Permit (DIP) Section 11-72 of the MZO**

Per Section 11-72-1 of the MZO, the purpose of a DIP is to provide incentives for the development of smaller tracts of land that would have difficulty meeting current development standards.

The applicant is requesting a DIP for modifications to certain current development standards to allow development of an approximately 1±-acre vacant site into a 984 square foot restaurant with drive-thru. The subject site qualifies as a by-passed parcel as it is less than 2.5 acres and has been in its current configuration for more than 10 years, has access to City utilities, is within an area where not more than 25% of developable land is vacant and more than 50% of the parcels have been developed for more than 15 years. The requested incentives will result in a development that is commensurate with existing development in the area.

Table 1 below compares Mesa Zoning Ordinance (MZO) requirements, applicant's proposal and staff recommendation for the site. Items in **bold face type** indicate deviation from MZO requirements:

**Table 1 Development Standards**

Development Standard	MZO Requirement	Applicant Proposal	Staff Recommendation
Landscape setback: Adjacent to a 6-lane arterial	15'	5'	<b>As proposed</b>
University Drive & Greenfield Road	15'	5'	<b>As proposed</b>

Section 11-72-1 of the MZO, a Development Incentive Permits (DIP) may be approved to allow incentives for the development of parcels that meet the following criteria:

A. AREA

1. Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years; or
2. Total area of the site does not exceed 5 net acres and was created by the assembly of 2 or more individual, contiguous parcels.

***The subject site is 1± acres and has been in its current configuration for more than 10 years.***

***The proposal complies with this criterion.***

- B. UTILITIES. The parcel is served by, or has direct access to, existing utility distribution facilities.

***The parcel has access to utilities in University Drive.***

***The proposal complies with this criterion.***

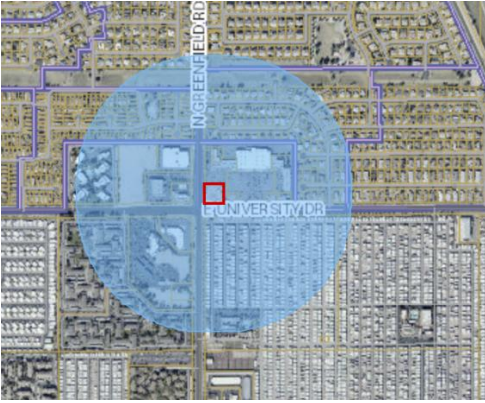
- C. SURROUNDING DEVELOPMENT. The parcel is surrounded by properties within a 1,200-foot radius in which:

1. The total developable land area is not more than 25 percent vacant; and
2. Greater than 50 percent of the total numbers of lots or parcels have been developed 15 or more years ago.

***Based on current aerial photography, only a handful of sites within the 1200-foot radius of the property are vacant. Comparing the 2006 Maricopa County aerial photo with the current aerial photo, it shows more than 50 percent of the total number of lots were developed more than 15 years ago.***

***The proposal complies with this criterion.***

1,200-foot buffer current aerial photo



2010 Aerial photo



2020 Aerial photo



MZO 11-72-3 states that a DIP shall not be granted unless the Board of Adjustment finds sufficient evidence based on the following criteria:

- A. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/policies, and the permitted uses as specified in this Ordinance; and

***The development is consistent with the General Plan designation for this area of "Neighborhood Village Center". The proposed restaurant with drive-thru conforms to the goals of the General Plan land use character area designation by providing a supporting restaurant use that will serve the immediate neighborhood and surrounding community.***

***The request complies with this criterion.***

- B. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1,200-foot radius of the by-passed property; and,

***The incentives will allow for development that is commensurate with existing development within a 1,200 feet radius of the property. The proposed landscape setback is consistent with the existing group commercial center surrounding the subject property.***

***The request complies with this criterion.***

- C. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.

***The Design Review Board discussed the project during their February 11, 2020 Work Session and recommended minor modifications to the plan. A Site Plan associated with the project was reviewed and approved by the Planning and Zoning Board on February 26, 2020. The proposed project meets the intent of the Design Standards of the Ordinance.***

***The request complies with this criterion.***

### **Findings**

- A. The site is 1± acre and has been in its current configuration for more than 10 years.
- B. The site is served by, or has direct access to, existing utilities.
- C. The total developable land area within 1,200 feet of the site is not more than 25 percent vacant.
- D. Greater than 50 percent of lots within 1,200 feet of the site have been developed for more than 15 years.
- E. This requested deviations through the DIP will allow for the development of a bypassed parcel.
- F. The proposed development is consistent with the General Plan designation character are of Neighborhood Village Center.
- G. The requested modifications will result in a development that is commensurate with existing development in the vicinity.
- H. Compliance with Site Plan Review approval (Case# ZON19-00835) and Design Review approval (Case# DRB19-00836) to ensure the level of site improvements, architectural detailing and design elements on the building will meet the intent of the Design Standards of the MZO.

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

The applicant mailed the required notification letters to all property owners within 500 feet of the site. As of the date of this report, staff has not been contacted by any resident or property owner to express support or opposition to this request.

### **Staff Recommendations:**

Based on the application received and preceding analysis, staff finds the request for a Development Incentive Permit meets the required findings of Section 11-72-1 and 11-72-3, and therefore recommends approval with the following conditions:

### **Conditions of Approval:**

1. *Compliance with the final site plan as submitted.*
2. *Compliance with all City development codes and regulations, except as identified in Table 1 of this report.*
3. *Compliance with all requirements of ZON19-00835 for site plan approval.*
4. *Compliance with Design Review approval.*
5. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*