



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

**City Council Hearing**

**May 18, 2020**

CASE No.: **ZON18-00483**

PROJECT NAME: **Mesa Ray**

Owner's Name:	Sun Belt Land Holdings LP
Applicant's Name:	Jeffery Blilie, Beus Gilbert McGroder PLLC
Location of Request:	Within the 4800 to 5000 blocks of South Ellsworth Road (west side). Located on the west side of Ellsworth Road north of Ray Road.
Parcel No(s):	304-31-008J, 304-31-010F and 304-31-010G
Request:	Rezoning from Agriculture (AG), Light Industrial (LI), and Planned Employment Park with a Bonus Intensity Zone and Planned Area Development Overlay (PEP-BIZ-PAD) to LI-PAD, Limited Commercial (LC)-PAD and Multiple Residence 4 (RM-4)-PAD. This request will allow for a mixed-use development.
Existing Zoning District:	Agriculture (AG), Light Industrial (LI), and Planned Employment Park with a Bonus Intensity Zone Overlay (PEP-BIZ)
Council District:	6
Site Size:	74± acres
Proposed Use(s):	Mixed-use development
Existing Use(s):	Vacant
P&Z Hearing Date(s):	<b>April 22, 2020 / 4:00 p.m</b>
Staff Planner:	Evan Balmer
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **October 6, 2000**, the City Council adopted an ordinance annexing the property into the City of Mesa and zoned the property to Agriculture (Ord. #3815; Z00-087).

On **October 20, 2008**, the City Council approved a rezoning of 9.1± acres of the property from AG to LI (Z08-061)

On **December 7, 2009**, the City Council approved a rezoning of 15.4± acres of the property from AG to PEP-BIZ-PAD. This rezoning was part of the Gateway 202 Airpark Development Master Plan (Z09-017) which was approved for 230± acres of property.

## **PROJECT DESCRIPTION**

### **Background**

The applicant is requesting to rezone the property from AG, LI, and PEP-BIZ-PAD to LI-PAD, LC-PAD and RM-4-PAD to allow a mixed-use development. Specifically, the conceptual site plan shows the request includes: 1) 45.7± acres of land located along the western portion of the site and adjacent to the Loop 202 Freeway to be rezoned from PEP-BIZ-PAD to LI-PAD, 2) approximately 19.8± acres located at the center of the site to be rezoned from AG to RM-4-PAD and 3) approximately 8.7 of land located on the eastern section of the property and along Ellsworth Road to be rezoned from AG to LC-PAD.

The associated PAD conceptual plan request is to allow certain flexibility in the application of the City's zoning standards and in exchange provide superior standards beyond the City's standard requirements. Per Section 11-22-1 of the City's Zoning Ordinance, the purpose of the PAD is to allow innovative design and flexibility in projects of sufficient size that are planned for development as a cohesive unit and also be used to organize a development in phases by using a conceptual development plans and deferring specific site plans approval to a future date.

As stated above, the request is for rezoning and a conceptual plan approval. Per Section 11-22-5-B of the City's zoning ordinance, each specific site plan shall require review and approval by the Planning and Zoning Board. The submitted application also include conceptual design standards. Per Section 11-71-2 of the City's Zoning Ordinance, each development shall also require a design review approval.

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

The General Plan character area designation on the property is Mixed Use Activity /Employment District. Per Chapter 7 of the General Plan, Mixed Use Activity Districts are large scale (typically over 25 acres) community and regional activity areas that usually have a significant retail commercial component and often include other uses such as office and residential uses. Per the Plan, the focus of the Employment District is a character area that primarily used for employment-type land uses of at least 20 acres and typically have minimal connection to the surrounding area. Example of employment districts uses include large manufacturing facilities, warehousing, business parks, etc.

Per Chapter 7 of the Plan, Limited Commercial (LC) is listed as a primary use and Multiple Residence (RM-4) is listed as a secondary use in the Mixed Use Activity Center character area. Light Industrial zoning is also listed as a primary use in the Employment Character designation.

The proposed development is consistent with the goals of the General Plan. The conceptual site plan submitted shows proposed development of a mixed-use that consist of industrial,

commercial and residential uses, with common open space and pedestrian connections that connects the different uses and overall creates a unified development on a 74-acre property. Staff reviewed the request and determined it is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

**Gateway Strategic Development Plan:**

The subject property is also located within the Mixed Use Community district of the Mesa Gateway Strategic Development Plan (MGSDP). Per the plan, this district is envisioned to provide a variety of uses including low to high density residential, commercial and employment uses. The MGSDP also identifies freeway corridors as locations to encourage development of business parks, light industrial and other employment related uses. The proposed development conforms to the goals of the Mixed Use Community district and will contribute to creating a place where people can live work and enjoy retail activities. The location of the Industrial park near the 202 Freeway, as shown on the conceptual plan, also conform to the goals of the MGSP that encourages such a location of industrial parks.

**Airport Compatibility:**

The proposed development is located approximately one-mile northeast of the Phoenix-Mesa Gateway Airport and within the Airport Overflight Area (AOA) 3. The development is not in the direct flight path of the airport runways; however, it is in close proximity and will likely experience noise from the airport. Per Section 11-5-2 of the Mesa Zoning Ordinance, multiple residence uses are allowed in the AOA 3 subject to specific conditions of approval (see condition numbers 9-13). The Phoenix-Mesa Gateway Airport staff reviewed the subject request and did not express opposition to the proposed development of the site. Staff has included the City's standard conditions of approval for noise attenuation and notification requirements to be given to future property owners regarding proximity of the development to the airport.

**Zoning District Designations:** The applicant is requesting a rezoning of the property from AG, LI, and PEP-BIZ-PAD to LI-PAD, LC-PAD and RM-4-PAD. Per MZO Section 11-7-2, the purpose of the LI zoning district is to provide areas for limited manufacturing and processing, wholesaling, research, warehousing, and distribution activities that take place within enclosed buildings, with restricted accessory outdoor storage as needed to support the primary uses. Per Section 11-5-1 of the MZO, the purpose of the RM district is to provide areas for a variety of housing types at densities of up to 43 units per gross acre with appropriate types of dwelling units including small-lot single residences, townhomes, cluster housing, and multiple residence housing. Per MZO Section 11-6-1, the purpose of the LC zoning district is to provide areas for indoor retail, entertainment and service-oriented businesses that serve the surrounding residential trade area within a one (1) to ten-mile radius.

The proposed rezoning and conceptual plan for the site with the purpose of developing the site as an industrial complex, commercial uses, and a section as a multi-residence fulfills the goals of the LI and RM districts.

**Planned Area Development (PAD) Overlay – MZO Article 3, Chapter 22:**

The purpose of this request for a PAD overlay is to establish a conceptual plan including a phasing plan for the development of the site and overall design criteria for the project. Per Section 11-22-1 of the MZO, one of the purposes of a PAD is to organize a development in phases by using conceptual development plans and deferring specific site plan approval to a future date. The submitted application includes a phasing plan that identifies the intended sequence of development. Per the phasing plan, one of the industrial buildings shown on the conceptual plan and located on the eastern section of the proposed LI district adjacent to the RM district shall be required to be constructed prior to obtaining building permits for the construction of any of the planned multi-residence development. The intent for constructing the industrial building is to clearly demarcate the western section of the property for industrial development and also provide all offsite improvements needed for the industrial complex. As part of the subject request the applicant will also be entering into a development agreement with the City to establish phasing of the development.

As part of the conceptual plan for the subject PAD, the applicant is proposing additional design standards beyond the City's standard requirements to establish quality. The purpose of the standards is to ensure quality of the development and also to guide future development of the site. The standards are shown in Table 1 below:

***Table 1***

<b>Design Element</b>	<b>Additional Design Standards as part of the Conceptual Plan</b>
Screening	All loading docks will be internal to the site
Buffers	A 40' landscape area is required between the LI and RM-4 portions of the site with 30' of the landscape area required to be installed on the LI portion and 10' installed on the RM-4 portion residential parcel
Pedestrian Connectivity	Each development of the site shall be required to provide pedestrian connectivity to the adjacent property within the development through pedestrian walkways and open space areas. The specific locations and connections shall be required as part of the submission of the specific plan

**Design Guidelines:**

In adhering to the requirements of a PAD and providing a high-quality development, the subject request includes design guidelines for this project. The design guidelines submitted include design palettes, site design guidelines, architectural design guidelines and landscape design guidelines to help create a general theme for the site. In addition to the design guidelines submitted, the development of the site will also be required to adhere to the design standards outlined in Sections 11-5-5, 11-6-3 and 11-7-3 of the Mesa Zoning Ordinance. Per Section 11-71-2 of the Mesa Zoning Ordinance, review of the design of the site shall be required to conform to the City's design review.

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

<b>Northwest</b> Loop 202 Freeway	<b>North</b> LI-PAD and LC-PAD Vacant	<b>Northeast</b> (Across Ellsworth Road) PC Eastmark
<b>West</b> Loop 202 Freeway	<b>Subject Property</b> AG, LI, and PEP-BIZ-PAD Vacant	<b>East</b> (Across Ellsworth Road) PC Eastmark
<b>Southwest</b> Loop 202 Freeway	<b>South</b> LI-PAD Vacant	<b>Southeast</b> (Across Ellsworth Road) PC Eastmark

**Compatibility with Surrounding Land Uses:**

The subject site is adjacent to the Eastmark Planned Community located east of the site. The proposed development of the site would add to creating a sense of place for people to live, work and recreate envisioned in the area. The Eastmark Community is designated as a Mixed Use Community with the goal of providing a wide range of uses including residential, commercial and open space uses. The proposed location of the industrial complex in close proximity to the 202 freeway will also serve as a noise buffer from vehicular noise and overall create a compatible development of the site with adjacent surroundings and uses.

**Neighborhood Participation Plan and Public Comments:**

The applicant completed a Citizen Participation Process which included mailing letters to property owners within 1,000 feet of the site and HOAs and registered neighborhoods within 1/2 mile of the site. As of writing this report, neither the applicant nor staff has received any comments/concerns from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session on April 22, 2020.

**Staff Recommendation:**

The request for rezoning from AG, LI, and PEP-BIZ-PAD to LI-PAD, LC-PAD and RM-4-PAD is consistent with the Mesa 2040 General Plan, the Mesa Gateway Strategic Development Plan and is consistent with the purpose for a Planned Area Development overlay outlined in Section 11-22-1 of the MZO; Therefore, staff recommends approval of the request with the following conditions of approval:

**Conditions of Approval:**

1. Compliance with the City of Mesa Zoning Ordinance.
2. All loading docks must be located internal to the site and not visible from the right-of-way.
3. Provide a 40-foot wide landscape area between the LI and RM-4 portions of the site as shown in Figure 3 in the Ellsworth and Point Twenty-Two narrative. Thirty feet of the required 40-foot landscape area must be located on the portion of the site zoned LI and the other 10 feet must be located on the portion of the site zoned RM-4.

4. Each development is required to provide pedestrian connectivity to the adjacent property within the development by installing pedestrian walkways and open space areas. Each specific plan for development must identify the locations of the pedestrian connections and be submitted to the City for review and approval.
5. Compliance with the Ellsworth & Point Twenty-Two design guidelines dated February, 2020.
6. Prior to approval of any development, a specific plan for the development must be submitted to the City for review and approval.
7. Compliance with all requirements of Design Review.
8. Compliance with all City development codes and regulations.
9. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
10. All off-site improvements and street frontage landscaping, as shown in Figure 4 in the Ellsworth and Point Twenty-Two Design Guidelines must be installed in the first phase of construction.
11. Execute and comply with the development agreement addressing phasing, prohibited uses, and other regulations relating to the development of the property
12. 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 one mile of Phoenix-Mesa Gateway Airport.

#### **Exhibits:**

##### **Exhibit 1-Staff Report**

##### **Exhibit 2-Vicinity Map**

##### **Exhibit 3- Application Information**

###### **3.1 Project Narrative**

###### **3.2 Design Guidelines**

##### **Exhibit 4- Citizen Participation Report**

##### **Exhibit 5 – Avigation Easement**