



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

**Planning and Zoning Board**

**May 27, 2020**

CASE No.: <b>ZON19-00805 (Rezoning)</b>	PROJECT NAME: <b>Signal Butte &amp; Williams Field</b>
<b>ZON20-00129 (Minor General Plan Amendment)</b>	

Owner's Name:	Signal Butte 24, LLC
Applicant's Name:	Sean Lake, Pew & Lake, PLC
Location of Request:	Within the 10600 to 11000 blocks of East Williams Field Road (south side); within the 6000 to 6200 blocks of South Signal Butte Road (west side); and within the 6000 to 6400 blocks of South Signal Butte Road (east side). Located south of Williams Field Road on the east and west sides of Signal Butte Road.
Parcel No(s):	304-34-028, 304-34-031, 312-07-962, 304-34-021W, 302-34-021U, 302-34-021N, 304-34-021R, 304-34-032A, and 304-34-029A
Request:	<b>ZON20-00129:</b> Minor General Plan Amendment to change the Character Type from Neighborhoods to Mixed Use Activity District.
	<b>ZON19-00805:</b> Rezone from Single Residence 9 with a Planned Area Development Overlay (RS-9-PAD), Single Residence 6 (RS-6)-PAD, Small Lot Single Residence 2.5 (RSL-2.5)-PAD, Multiple Residence 2 (RM-2)-PAD, and Limited Commercial (LC)-PAD to General Commercial (GC)-PAD; with a Council Use Permit (CUP) to allow 100% residential uses on the first floor within a General Commercial zoning district; and modification to the Destination at Gateway PAD by removing 89± acres from the PAD. These requests will allow for a mixed-use development.
Existing Zoning District:	RS-9-PAD, RS-6-PAD, RSL-2.5-PAD, RM-2-PAD, and LC-PAD
Council District:	6
Site Size:	89± acres
Proposed Use(s):	Commercial and Multiple Residence
Existing Use(s):	Vacant
Hearing Date(s):	<b>May 27, 2020 / 4:00 pm</b>
Staff Planner:	Cassidy Welch
Staff Recommendation:	APPROVAL with Conditions

Planning and Zoning Board Recommendation:
Proposition 207 Waiver Signed: Yes

### **HISTORY**

On **April 16, 1990**, the property was annexed into the City of Mesa (Ord. #2514).

On **June 4, 1990**, the City Council approved a rezoning of the property from County Rural (RU-43) to Agriculture (AG). (Z90-025; Ord. #2529)

On **June 18, 2018**, the City Council approved a Minor General Plan Amendment to change the land use designation on the property from Employment to Neighborhood and rezoned the property from Agriculture (AG) and General Industrial with a Council Use Permit (GI-CUP) to a Planned Area Development (PAD) with underlying zoning of RM-2, RSL-4.5, RS-6, RS-7, and RS-9 for 236± acres of land and LC for 15± acres of land to allow for the development of a master planned community. (ZON18-00142, Resolution #11171; ZON17-00247, Ord. #5450; Destination at Gateway PAD).

On **April 15, 2019**, the City Council approved a modification to the Destination at Gateway PAD. Specifically, the modifications were to increase the lot coverage area and decrease the side yard setbacks in the RS-6 and RS-7 Zoning district designations in the PAD. (ZON18-00933).

### **PROJECT DESCRIPTION**

#### **Background**

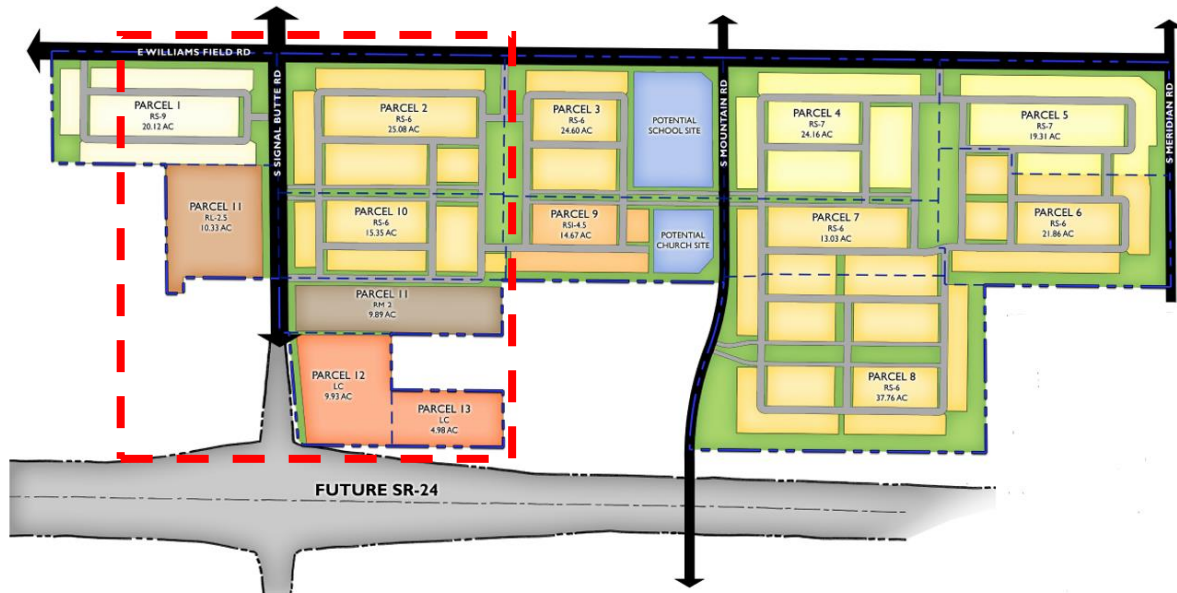
The applicant is requesting a Minor General Plan Amendment to change the character designation on the property from Neighborhoods to Mixed Use Activity District. The request also includes removing the property from the current PAD overlay with associated zoning designation and rezone to General Commercial (GC) with a PAD overlay. Currently, the 89± acre subject site is part of the Destination at Gateway PAD. Specifically, the area is shown as parcels 1,2, 10-15 of the associated conceptual plan approved with the PAD (see Illustration 1). Overall, the Destination at Gateway PAD consists of 251± acres of land with a variety of residential and limited commercial land uses allowed on the property. The proposed rezoning will remove the subject property (i.e. 89 acres) from the PAD and rezone to GC with a PAD overlay.

Per Chapter 16 of the General Plan, development proposals that are between 20 and 320 acres and inconsistent with its designated character area designation requires approval of a Minor General Plan Amendment. The proposed General Commercial zoning designation is inconsistent with the Neighborhood character designation; and therefore, requires a Minor General Plan Amendment with the requested rezoning. Per Chapter 7 of the General Plan, the goal of the Neighborhood character designation is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Uses in the character designation typically includes variety of housing types and associated non-residential uses, such as schools, parks, places of worship, and local serving business to support the surrounding residents in the character designation. The focus of the Mixed Use Activity District is large scale (typically over 25 acres) community and regional activity areas that usually have a significant retail and

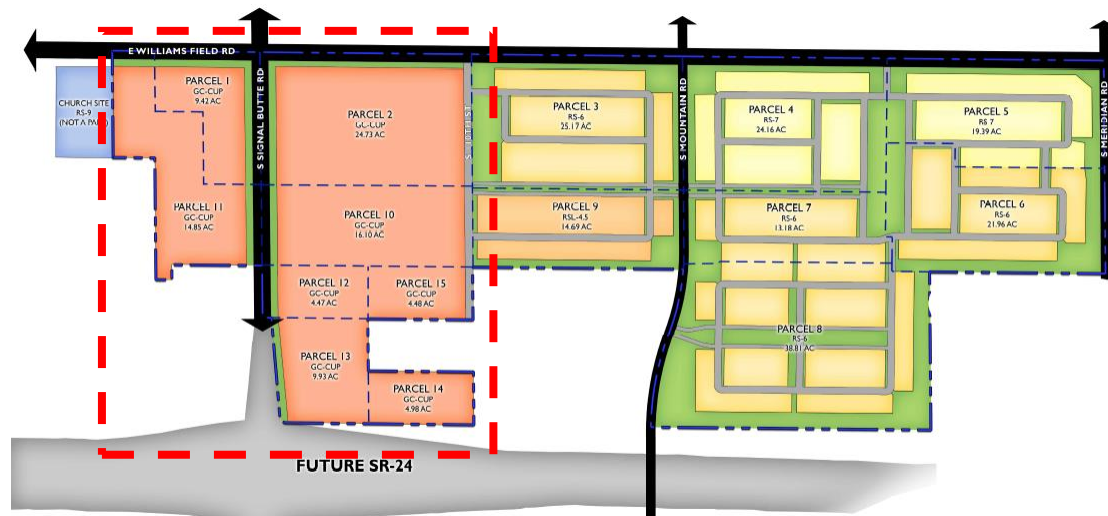
commercial component including shopping areas such as malls, power centers, or lifestyle centers that are designed and developed to attract customers from a large radius. Per Section 11-6-1 of the Mesa Zoning Ordinance (MZO), the purpose of the General Commercial zoning is to provide indoor, limited outdoor display and related service-oriented businesses that serve a large surrounding residential trade area within a 4-to-5-mile radius. The district includes several automobile-oriented uses and similar support services related to automobile, welding, and light assembly and fabrication related to an on-site commercial use. Based on the description of the purposes of the GC district, the proposed rezoning fits into the goals of the Mixed Use Activity District character designation.

As part of the rezoning and associated conceptual PAD, the applicant is also requesting a Council Use Permit (CUP) to allow multi-residential uses to exceed the maximum percentage allowed on the ground floor in the GC district (not exceeding density). Per Section 11-31-31 of the Mesa Zoning Ordinance, a minimum of 65 percent of the ground floor of each building in the GC shall be reserved for non-residential uses, unless a Council Use Permit is approved to allow more residential on the ground floor. The requested CUP is to allow 100% residential uses on the ground floor of all multi-residence buildings on the property with no requirement to reserve a section of the ground floor for commercial uses. Currently, there is no site-specific plans provided with the subject rezoning and PAD overlay request. Per Section 11-22-5 of the MZO, a specific site plan is required for all proposed developments on the property.

*Illustration 1- (2018-Approved Conceptual Plan (subject area outlined in red):*



*Illustration 2 - Proposed Rezone (subject area outlined in red):*



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

The applicant is requesting a Minor General Plan Amendment to change the character area designation from Neighborhood to a Mixed Use Activity District on the subject 89± acre site. Chapter 7 of the General Plan defines the Mixed Use Activity District character type as large-scale, typically over 25 acres, community and regional activity areas that usually have a significant retail commercial component. The goal is to help these districts be strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. Residential, in conjunction with a mix of uses, may be a component of the Mixed Use Activity District character type.

The requested Minor General Plan Amendment from Neighborhoods to Mixed Use Activity District conforms to the intended purposes for the requested rezoning on the property. As discussed, the goal of the GC zoning is to provide indoor, limited outdoor display and related service-oriented businesses that serve a large surrounding residential trade area within a 4-to-5-mile radius. The district includes several automobile-oriented uses and similar support services related to automobile, welding, and light assembly and fabrication related to an on-site commercial use. The location of the property at the corner of two arterial streets also fits into uses intended in the Mixed Use Activity District character designation and the GC zoning district such as automobile and retail sales that draws people from large radius area of 4-to-5 miles radius.

According to the applicant, the major intended uses on the property will be for automobile sales and complimentary uses that are generally associated with such services. The applicant also intends to develop certain areas on the property as multi-residence. These intended uses conform to the goals of the Mixed Use Activity District, as it will provide automobile sales services that will draw people from large radius areas for shopping. The multi-residence development also conforms to the character designation. Per Chapter Seven of the General Plan, the Mixed Use Activity district may take on significant residential character but will still have a mix of uses. Further, as part of the development, the applicant will enter into a Development Agreement (DA) with the City to require a higher percentage of the Gross Floor Area for the entire project to be

dedicated to non-residential uses beyond the minimum required in the Zoning Ordinance for the GC district. The DA will also restrict certain land uses on the property and set a density cap for the number of multiple residence units. This associated Development Agreement will be considered with the proposed general plan amendment and rezoning. Overall, the 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.

#### **Zoning District Designations:**

The proposed rezoning request to GC will allow for the development of mixed land uses, including auto sales and multi-residential uses on the property per Section 11-6-2 of the MZO. With approval of the CUP all portions of the property will comply with the City of Mesa's Zoning Ordinance and Design Guidelines for the proposed land uses. These areas will be subject to the City's review during the future Site Plan Review and Design Review processes for the respective parcels as required by Chapter 69 and 71 of the MZO. Although, future development of the site will require compliance with the City's Quality Development Design Guidelines, staff is recommending a condition of approval for the applicant to provide additional design guidelines in order to provide a cohesive, high-quality design and an appropriate transition of uses of the future mixed-use development (See Condition #6).

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

The applicant is requesting a PAD overlay to allow a conceptual plan on the property. Per Section 11-22-5 of the MZO, a conceptual plan may be requested on a property describing land uses, development themes, and ranges of intensity of development as ratios of activity, such as floor area ratio and dwelling units per acre. Approved conceptual plans require review and approval of a specific plan prior to development on the property. The conceptual plan document submitted with the application shows the zoning on the property and establishes the density per dwelling unit. Per Section 11-22-5 (B) of the MZO, a specific site plan is required prior to any development on the property. The site plan will show the specific site design, building elevations, landscaping, and other site related requirements.

The applicant is also requesting to limit certain land uses within the requested General Commercial zoning district on the property. Per Section 11-22-2 of the Mesa Zoning Ordinance, the PAD overlay district is to be used in conjunction with one or more underlying zoning districts; thereby permitting the same uses and activities as the underlying base zoning district, except those that may be excluded by the City Council. In accordance with this section of the MZO, approval of a development agreement is required in order to limit land use that are allowed in the GC zoning district designation on the property. The associated Development Agreement will be considered concurrently with the proposed general plan amendment and rezoning.

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

The proposed development is located approximately 2 miles east of Phoenix-Mesa Gateway Airport. The entire development boundary of the site is located within the Airport Overflight Area 3 (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 11-6-2 of the MZO, multiple residence uses are allowed in the AOA 3 subject to specific conditions of approval (see condition #8). The Phoenix-Mesa Gateway Airport staff reviewed the subject request and do not

oppose development of the site with the permitted uses in the zoning district so long as the development conforms to the standards conditions of approval for uses in the AOA 3. Staff has included the standard conditions of approval, such as noise attenuation and notification requirements to future property owners regarding proximity of the development to the airport.

**Council Use Permit (CUP):**

Per Table 11-6-2 and Section 11-31-31 of the Mesa Zoning Ordinance (MZO), multiple residence uses are allowed within the GC zoning district; provided:

1. A minimum of 40 percent of the Gross Floor Area of the entire project is reserved for non-residential uses;
2. A minimum of 65 percent of the ground floor of each building remains reserved for non-residential uses; and
3. Maximum residential density shall be no more than 25 dwelling units per acre in the GC district.

With regards to first requirement, the applicant is proposing a minimum of 60 percent of the Gross Floor Area of the entire 89-acre property to be non-residential uses. This requirement will be included in the Development Agreement. The proposed development also shows maximum density of 15 dwelling units per acre to be allowed for multi residence uses. This conforms to the allowed maximum density outlined in Section 11-31-31 of the MZO. The CUP is specifically only to allow 100 percent of the ground floor of buildings to be occupied by multi-residential uses.

The subject request conforms to the review criteria for approval of a CUP outlined in Section 11-31-31(E) of the MZO. Per this section of the MZO, the requested CUP and associated uses are required to be in compliance with the General Plan and compatible with surrounding uses. The requested CUP is consistent with the proposed General Plan character area designation of Mixed Use Activity District and surrounding uses. Per Section 11-22-5 of the MZO, all future development plans for the property will be required to obtain a specific site plan approval. The site plans shall be required to show compliance with city codes and regulations, as well as compatibility with adjacent land uses.

**Economic Analysis:**

It is the City's Economic Development goal and vision to diversify the tax base and create high value, high wage jobs that can be sustained for years to come and to preserve the City's designated commercial areas for future job growth. The proposed rezoning from RS-9-PAD, RS-6-PAD, RSL-2.5-PAD, RM-2-PAD, and LC-PAD to GC-PAD-CUP supports the goal and vision of the City's economic development. The predominant uses anticipated on the site are regional commercial uses, particularly high-quality auto dealerships, and other commercial uses, such as retail/commercial/office opportunities that will service the surrounding neighborhoods and region. In addition, the location of the property at the southwest and southeast corner of Williams Field Road and Signal Butte Road and close proximity to the SR 24 Freeway extension could be an ideal site to attract businesses and employment uses.

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

**Property on the west side of Signal Butte Road (Parcel 1 & 11 – Illustration 2):**

Northwest	North	Northeast
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(Across Williams Field Road) PC Vacant	(Across Williams Field Road) PC Single Residence	(Across Williams Field Road) RS-6-PAD Vacant
<b>West</b> RS-9-PAD & County RU-43 Vacant & Single Residence	<b>Subject Property</b> RS-9-PAD & RSL-2.5-PAD Vacant	<b>East</b> (Across Signal Butte Road) RS-6-PAD Vacant
<b>Southwest</b> RS-9-PAD & County RU-43 Vacant & Single Residence	<b>South</b> County RU-43 Single Residence	<b>Southeast</b> (Across Signal Butte Road) RS-6-PAD & RM-2-PAD Vacant

**Property on the east side of Signal Butte Road (Parcels 2, 10, 12-15 – Illustration 2):**

<b>Northwest</b> (Across Signal Butte Road) RSL-2.5-PAD Vacant	<b>North</b> (Across Underwood Avenue) RS-6-PAD Vacant	<b>Northeast</b> RSL-4.5-PAD Vacant
<b>West</b> (Across Signal Butte Road) RS-9-PAD, RSL-2.5-PAD & County RU-43 Vacant & Single Residence	<b>Subject Property</b> RS-6-PAD, RM-2-PAD & LC- PAD Vacant	<b>East</b> AG & GI Vacant
<b>Southwest</b> (Across Signal Butte Road) County RU-43 Vacant	<b>South</b> AG Vacant	<b>Southeast</b> GI Vacant

**Compatibility with Surrounding Land Uses:**

Currently, the subject site is surrounded by vacant land on both sides of Signal Butte Road. There is residential development to the south and west of Parcel 11 of the subject site. These residential developments are located in the County. The request to change the character area designation on the property and rezone to GC-PAD-CUP will provide an appropriate transition of uses from the arterial intersection of Williams Field Road and Signal Butte Road to the existing residential to the south and east of the site. Further, the requested minor general plan amendment and rezoning will create a regional center of commercial activity that will support the residents of the City of Mesa and surrounding areas.

**Neighborhood Participation Plan and Public Comments**

A Citizen Participation Process has been completed 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 one mile of the site. The applicant held a neighborhood meeting on February 20, 2020 at Meridian Elementary School. According to the applicant, four residents attended the neighborhood meeting and had questions about potential uses on the site and construction timelines. The applicant informed the residents that there were no specific site plans for development on the property. However, the City's current standards require residents to be notified whenever there are proposed site plans for review to approve specific development on

the property. As of writing this report, staff has not received any comments/concerns from surrounding property owners. The applicant will be providing an updated Citizen Participation Report to staff prior to the May 27, 2020 Study Session.

**Staff Recommendations:**

The minor General Plan amendment to change the character type from Neighborhood to Mixed Use Activity District is consistent with the goals of the General Plan. The request for rezoning from RS-9-PAD, RS-6-PAD, RSL-2.5-PAD, RM-2-PAD and LC-PAD to GC-PAD-CUP is consistent with the Mixed Use Activity District character type and is consistent with the review criteria for a Council Use Permit outlined in Section 11-31-31 of the MZO; Therefore, staff recommends approval of all requests with the following conditions of approval:

**Conditions of Approval:**

1. Specific Site Plan Review is required prior to any future development on the property.
2. Compliance with all requirements of the Subdivision Regulations.
3. Dedicate the right-of-way 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.
4. Compliance with all City development codes and regulations.
5. Prior to, or at the time of, the first specific site plan submittal, the applicant shall submit Design Guidelines for the subject site for review and approval through the Design Review Process.
6. Execute and comply with the Development Agreement.
7. 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. 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.
  - c. Provide written notice to future property owners that the project is within 4.5 mile(s) of Phoenix-Mesa Gateway Airport.
  - d. 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.
  - e. All final subdivision plats and sales and leasing offices shall include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which shall state in part: "This property, due to its proximity to Phoenix- Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."



**Exhibits:**

**Exhibit 1- Staff Report**

**Exhibit 2- Vicinity Map**

**Exhibit 3- Application Information**

3.1 Project Narrative

3.2 Illustrative Master Plan

3.3 General Plan Exhibit

3.4 Citizen Participation Plan

**Exhibit 4- Citizen Participation Report**

**Exhibit 5- Avigation Easement**