



**PLANNING DIVISION
STAFF REPORT**

Cit Council Meeting

November 18, 2024

CASE No.: ZON24-00649	PROJECT NAME: Avalon Ranch Lots 4, 5, & 6
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Owner’s Name:	Avalon Ranch, LLC
Applicant’s Name:	David Lack, Avalon
Location of Request:	Within the 3600 block of South Power Road (east side). Located south of Elliot Road on the east side of Power Road.
Parcel No(s):	304-19-992, 304-19-993 & 304-19-994
Request:	Rezone from Limited Commercial to Limited Commercial with a Bonus Intensity Zone Overlay (LC-BIZ) and Major Site Plan Modification. This request will allow for a modification to a group commercial center.
Existing Zoning District:	Limited Commercial (LC)
Council District:	6
Site Size:	2.2± acres
Proposed Use(s):	Commercial
Existing Use(s):	Vacant
P&Z Hearing Date(s):	October 23, 2024 / 4:00 p.m.
Staff Planner:	Cassidy Welch, Senior Planner
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (6-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **October 23, 1998**, the City Council annexed approximately 154± acres of property, including the project site, into the City of Mesa (Case No. A98-004, Ord. No. 3535); and subsequently zoned the property to Single Residence (RS-43) (Case No. Z98-103, Ord. No. 3577).

On **April 5, 1999**, the City Council approved a rezone of 82± acres of land, including the project site, from RS-43 to Limited Commercial (LC), Multiple Residence 3 (RM-3), and Light Industrial (LI) to allow a mixed-use development (Case No. Z99-016, Ord. No. 3610).

On **August 25, 2008**, the City Council approved a rezone of 12± acres, including the project site, from LC to LC with a Planned Area Development and Bonus Intensity Zone Overlay (LC-PAD-BIZ) to allow for the development of a commercial center (Case No. Z08-044, Ord. No. 4873).

On **May 15, 2023**, the City Council approved a rezone of 12± acres, including the project site, from Limited Commercial with a Planned Area Development and Bonus Intensity Zone Overlay (LC-PAD-BIZ) to Limited Commercial (LC) and Site Plan Review to allow a group commercial center (Case No. ZON22-01271, Ord. No. 5781).

On **October 23, 2024**, the Planning and Zoning Board recommend that City Council approve the proposed project (Case No. ZON24-00649).

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the subject site from Limited Commercial (LC) to Limited Commercial with a Bonus Intensity Zone Overlay (LC-BIZ) and approval of a Major Site Plan Modification to allow for the development of two restaurants with drive-thrus and a minor automobile repair facility (Proposed Project).

The proposed project site is currently vacant and located south of Elliot Road on the east side of Power Road. The proposed project site is comprised of three parcels, totaling approximately 2.2± acres, within a larger 12± acre site.

In 2023, a site plan was approved for four drive-thru restaurants, one service station, and two commercial buildings (Case No. ZON22-01271). With the approved site plan, Pads B-D were designated as three drive-thru restaurants.

The Proposed Project includes modification to Pads B-D to allow for two drive-thru restaurants (Pads B & C) and one minor automobile repair facility (Pad D). The proposed modifications are considered a Major Site Plan Modification per Section 11-69-7(C) of the Mesa Zoning Ordinance (MZO) and is required to be heard and decided up by City Council, along with the requested rezone for a BIZ overlay.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property is Mixed Use Activity District with a Community-Scale District sub-type. Per Chapter 7 of the General Plan, Mixed Use Activity character areas are large in scale (over 25 acres) and provide community and regional activity areas. Per the Plan, these areas generally have a substantial commercial component including shopping areas such as malls, power centers, or lifestyle centers that are designated and developed to attract customers from a large radius. The goal of this district is to also help

create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences.

Per Chapter 7 of the General Plan, Community-Scale District sub-types primarily serve the neighborhood population up to a 4-mile radius and typically contain one to two large format commercial buildings and associated shops and pad sites.

The LC-BIZ zoning is primary zoning district and the commercial land uses are a primary land uses in the Mixed Use Activity District character area.

The Proposed Project is consistent with the Mixed Use Activity District character area designation and the review criteria outlined in Chapter 15 (pg. 15-1&2) of the Mesa 2040 General Plan.

Mesa Gateway Strategic Development Plan:

The proposed project site is located within the Inner Loop District of the Mesa Gateway Strategic Development Plan. The focus of the Inner Loop District is to provide a high-quality, mixed-use environment that is compatible with increasing over-flight activities associated with the Phoenix-Mesa Gateway Airport operations.

The Proposed Project is consistent with the goals and intent of the Mesa Gateway Strategic Development Plan.

As a recommendation of the Mesa Gateway Strategic Development Plan, the City of Mesa conducted a specific land use study in 2018 (i.e., the 2018 Inner Loop Land Use Study) for the Inner Loop Area of the Plan. The intent of the study was to ensure appropriate allocation of land uses and distribution that aligns with the goals of the Mesa Gateway Strategic Development Plan.

The Proposed Project conforms with the recommendation of the land use study.

Zoning District Designations:

The applicant is requesting to rezone the subject site from Limited Commercial to Limited Commercial with a Bonus Intensity Zone Overlay (LC-BIZ). Per Section 11-6-1 of the MZO, the intent of the Limited Commercial zoning district is to provide areas for indoor retail, entertainment and service-oriented businesses that serve the surrounding residential trade area.

Per Section 11-6-2 of the MZO, restaurants with drive-thrus and minor automobile repair facility are permitted uses in the LC zoning district.

Airfield Overlay – MZO Article 3, Section 11-19:

Per Section 11-19 of the MZO, the site is located within the Airfield Overlay District, specifically within the Airport Overflight Area Three (AOA 3). The location of the property within the Airfield Overlay is due to its proximity to the Phoenix-Mesa Gateway Airport.

Per Section 11-6-2 of the MZO, the proposed uses are permitted in the AOA 3.

BIZ Overlay Modification – MZO Article 3, Chapter 21:

The Proposed Project requests approval of a Bonus Intensity Zone overlay (BIZ) to allow for modifications to certain development standards of the MZO. Per Section 11-21-1 of the MZO, the purpose of a BIZ overlay is to provide for variation from the application of development standards to allow greater intensity of development and encourage unique, innovative developments of superior quality.

Table 1 below shows the MZO required standards and the applicant’s proposed BIZ standards.

Table 1: Development Standards

Development Standards	MZO Required	BIZ Proposed	Staff Recommendation
<u>Minimum Lot Width –</u> <i>MZO Table 11-6-3</i>	100 feet	90 feet	As proposed
<u>Minimum Foundation Base –</u> <i>MZO Section 11-33-5(A)</i> <i>- Exterior Walls with</i> <i>Public Entrance</i>	15-foot-wide foundation base	10-foot-wide foundation base	As proposed

Minimum Lot Width:

Per Table 11-6-3 of the MZO, the minimum lot width for lots in the LC zoning district is 100 feet. The applicant is requesting a reduction to the minimum lot width from 100 feet to 90 feet.

According to the applicant, the requested lot width is to accommodate the modified building footprints for the two drive-thru restaurants and associated parking resulting in a needed redesign of existing lot widths.

Minimum Foundation Base:

Per Section 11-33-5(A) of the MZO, a minimum 15-foot-wide foundation base shall be provided, measured from face of building to face of curb along the entire length of the exterior wall with public entrances. The applicant is requesting a reduction to the minimum foundation base for Pads B & C from 15-feet to 10-feet.

According to the applicant, the requested foundation base reduction is to accommodate the specific users building footprints and associated parking, as well as the reduced lot widths.

Justification:

Review and approval of a Bonus Intensity Zone Overlay (BIZ) is based on the criteria in Section 11-21 of the MZO. The City Council may approve request for a BIZ overlay for projects that provide distinctive, superior quality designs and address environmental performance standards in the site or building design.

Per the submitted project narrative, the Proposed Project provides superior design through a holistic approach to the site design and building designs as well as providing public amenity spaces adjacent to both drive-thru restaurants and increased landscape screening of the proposed minor automobile repair facility.

The Proposed Project demonstrates superior quality to meet the intent of the City’s Zoning Ordinance and General Plan.

Site Plan and General Site Development Standards:

The approved site plan for the commercial center shows four drive-thru restaurants, one service station, and two large commercial buildings. The proposed modification includes an increase in the building square footage of Pad B from 3,000 square feet to 3,843 square feet, a decrease in the building square footage of Pad C from 2,500 square feet to 2,320 square feet and a modification of Pad D from a 2,100 square foot drive-thru restaurant to a 1,674 square foot minor automobile repair facility. As a part of the approved site plan, outdoor dining areas were located to the west of Pads B & C. In order to maintain the same level of engagement with Power Road and contribute to a high-quality development, a condition of approval has been added to require future review of outdoor amenity areas adjacent to Pads B & C (Condition #5).

Per the approved plan, the proposed project site will be accessed from shared drive aisles from Power and Elliot Roads. An internal access road parallel to Power Road connects the three parcels and will remain. No modifications to the approved access and site layout are proposed.

The proposed drive-thru facilities comply with the requirements of Section 11-31-18 of the MZO. The proposed minor automobile repair facility complies with Section 11-31-6 of the MZO.

Per Section 11-32-3(A) of the MZO, 545 parking spaces are required for the entire development. A Special Use Permit (SUP) for a parking reduction was approved with Case No. ZON22-01271 (526 parking spaces). The site plan modification increases the provided parking by eight spaces (534 parking spaces) and is within the reduction approved for the entire development.

Design Review:

Per Section 11-71-2 of the MZO, Design Review for each of the proposed buildings is required. Staff will be working with the applicant to address any comments and recommendations from the Design Review Board.

Surrounding Zoning Designations and Existing Use Activity:

<p style="text-align: center;">Northwest (Across Elliot Road & Power Road) Town of Gilbert Vacant</p>	<p style="text-align: center;">North (Across Elliot Road) LC Vacant</p>	<p style="text-align: center;">Northeast (Across Elliot Road) LI-PAD Vacant</p>
<p style="text-align: center;">West (Across Power Road) Town of Gilbert</p>	<p style="text-align: center;">Project Site LC- BIZ</p>	<p style="text-align: center;">East LC-PAD</p>

Vacant	Vacant	Offices
Southwest (Across Power Road) Town of Gilbert Vacant	South LC-PAD & LI-PAD-PAD Commercial & School	Southeast LI-PAD-PAD School

Compatibility with Surrounding Land Uses:

Properties south of the project site are currently developed with a school and a swim school. An existing government office is located to the east of the project site. The properties to the west of the project site are located within the Town of Gilbert and expected to develop in a manner consistent with the subject request. The property to the north of the project site is currently vacant and zoned Limited Commercial. It is anticipated that the property will develop for commercial uses similar to the Proposed Project.

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 as well as registered neighborhoods, and HOAs within one mile of the site.

As of the writing of this report, staff has not received any comments or concerns from surrounding property owners.

Staff Recommendation:

Staff finds that the Proposed Project is consistent with the Mesa 2040 General Plan, the Gateway Strategic Development Plan, the purpose for a Bonus Intensity Zone overlay outlined in Section 11-21 of the MZO, and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO per Section 11-69-7.

Staff recommends approval of the request with the following **Conditions of Approval:**

1. Compliance with the final site plan submitted.
2. Future Design Review approval for the development of Pads B - D.
3. Prior to the issuance of a building permit, obtain approval of and record with Maricopa County a lot line adjustment for Lots 4, 5 & 6 as identified on the Avalon Ranch final plat.
4. Prior to the issuance of a building permit, submit for an Administrative Review to revise site plan to add a minimum 300 square foot amenity area on the west side of Pads B & C.
5. 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.
6. All off-site improvements and street frontage landscaping must be installed in the first phase of construction.
7. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner must execute the City's standard Avigation Easement and Release for Phoenix-Mesa Gateway Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b. Due to the proximity to Phoenix-Mesa Gateway Airport, any proposed permanent or temporary structure, as required by the FAA, 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. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.

- c. Prior to the issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.
 - d. Provide written notice to future property owners that the project is within 2 miles of Phoenix-Mesa Gateway Airport
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which states 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."
8. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIZ and shown in the following table:

Development Standards	Approved
<u>Minimum Lot Width</u> – <i>MZO Table 11-6-3</i>	90 feet
<u>Minimum Foundation Base</u> – <i>MZO Section 11-33-5(A)</i> <i>- Exterior Walls with Public Entrance</i>	10-foot-wide foundation base

Exhibits:

- Exhibit 1 - Presentation
- Exhibit 2 - Ordinance
- Exhibit 3 - Ordinance Map
- Exhibit 4 - Vicinity Map
- Exhibit 5 - Site Plan
- Exhibit 6 - Minutes
- Exhibit 7 - Submittal Documents