

4 Discuss and make a recommendation to the City Council on the following zoning cases:

- *4-a ZON22-01332 "Guadalupe & Power Retail" (District 6).** Within the 2700 block of South Power Road (east side) and within the 6800 block of East Guadalupe Road (north side). Located east of Power Road and north of Guadalupe Road. (1.7± acres). Site Plan Modification, Special Use Permit, and amending conditions of approval on case Z88-032. This request will allow for a restaurant with a drive-thru facility and an automobile/vehicle car wash. DR One, LLC, Owner; Sean Lake, Pew & Lake, PLC, Applicant.

Planner: Charlotte Bridges

Staff Recommendation: Approval with conditions

Summary: This case was on the consent agenda and was not discussed individually.

Boardmember Sarkissian motioned to approve case ZON22-01332. The motion was seconded by Vice Chair Ayers.

That: The Board recommends to approve case ZON22-01332 conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of Design Review Case No. DRB22-01304.
3. Compliance with all requirements of Board of Adjustment Case No. BOA22- No. BOA22-01323.
4. 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 Mesa-Phoenix 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 Mesa-Phoenix 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 three miles of Mesa-Phoenix 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 must state in part: "This property, due to its proximity to Mesa-Phoenix Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Crockett, Ayers, Sarkissian, Allen, Peterson, Pitcher, Montes

NAYS – None

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Note: Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov