



**PLANNING DIVISION
STAFF REPORT**

City Council

October 7, 2024

CASE No.: ZON22-00435	PROJECT NAME: Gateway Automall
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Owner's Name:	Gateway Land Investments, LLC, Signal Butte 20 DJB, LLC, Signal Butte 10 DJB, LLC
Applicant's Name:	Sean Lake, Pew & Lake
Location of Request:	Within the 10700 to 11000 blocks of East Pecos Road (north side), within the 6500 to 6800 blocks of South Signal Butte Road (both sides), and within the 6500 to 6800 blocks of South 222nd Street (east side). Located on the east and west sides of Signal Butte Road, and north of Pecos Road.
Parcel No(s):	304-34-934, 304-34-935, 304-34-933, 304-36-005, 304-36-006, 304-34-043, 304-34-019V, 304-34-019U, 30-34-019D, 304-34-019J, 304-36-007
Request:	Rezone from Agricultural (AG), Light Industrial (LI), and General Industrial (GI) to General Commercial with a Planned Area Development overlay (GC-PAD). This request will allow for the development of several automobile sales facilities and other commercial uses.
Existing Zoning District:	Agricultural (AG), Light Industrial (LI), and General Industrial (GI)
Council District:	6
Site Size:	62± acre
Proposed Use(s):	Several automobile sales facilities and other commercial uses.
Existing Use(s):	Vacant
P&Z Hearing Date(s):	March 27, 2024 / 4:00 p.m.
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (5-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **May 17, 1990**, the City Council annexed 613± acres, including 32.7± acres of the project site located east of Signal Butte Road, and established Agriculture (AG) zoning on the property (Case Nos. A90-001, Z90-025) (Ordinance Nos. 2514, 2529).

On **November 18, 1996**, the City Council approved a rezoning of a 4.6± acre portion of the project site located east of Signal Butte Road from Agriculture (AG) to M-2 (equivalent to current General Industrial [GI] zoning) to allow for a proposed propane storage facility (Case No. Z96-089) (Ordinance No. 3266).

On **April 5, 2004**, the City Council annexed 36.4± acres, including 29.3± acres of the project site located west of Signal Butte Road, and established Single Residence 43 (RS-43) zoning on the property (Case No. A03-05, Z04-018) (Ordinance No. 4148, 4178).

On **December 6, 2004**, the City Council approved a rezoning of 37± acres, including 29.3± acres of the project site located west of Signal Butte Road from Single Residence 43 (RS-43) to Light Industrial (LI)(Case No. Z04-098; Ordinance No. 4324).

On **March 27, 2024**, the Planning and Zoning Board recommended that City Council approve the Proposed Project (ZON22-00435) and adopt the associated Minor General Plan Amendment (ZON24-00164)

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the subject site from Agricultural (AG), Light Industrial (LI), and General Industrial (GI) to General Commercial with a Planned Area Development overlay (GC-PAD) (Proposed Project).

The proposed project site is currently vacant and located between Pecos Road and State Route 24 on both sides (east and west) of Signal Butte Road. The applicant is requesting a Planned Area Development overlay including approval of a conceptual site plan and phasing plan.

The conceptual site plan shows the development of six parcels to be used for automobile sales and ancillary commercial uses. Each parcel delineated on the conceptual site plan is a potential phase of development, the order of which has not yet been determined. Specific site plan review and approval, including design review, will be required for the development of each phase on the site.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Employment. The applicant is requesting to rezone the project site to General Commercial with a Planned Area Development overlay (GC-PAD). However, the GC zoning is not identified as a primary zoning district and retail sales is not identified as a primary land use in the Employment Character Area. To accommodate the rezoning request, the applicant is also requesting a Minor General Plan Amendment from Employment to Mixed Use Activity.

Per Chapter 7 of the General Plan, the Mixed Use Activity District is a large-scale (typically over 25 acres) community and regional activity area that usually has a significant retail 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. At least 70% of the total Mixed Use Activity District character area shall be reserved for primary zoning designations and primary uses. Primary zoning districts include districts such as Office Commercial (OC), Limited Commercial (LC), General Commercial (GC), Mixed-Use (MX), Planned Employment Park (PEP), and Infill Incentive District 2 (ID-2).

Primary land uses include general retail, including auto malls, restaurants, offices, personal services, movie theatres, and hotels. The requested rezoning to GC-PAD is as a primary zoning district in the Mixed Use Activity Character Area. The proposed use of automobile sales with associated commercial development is a primary land use in the Mixed Use Activity Character Area.

Chapter 16 (pg. 16-26) of the Mesa 2040 General Plan provides criteria that City Council may consider when evaluating a Minor or Major General Plan Amendment. The criteria to consider include the degree of impact to the surrounding community existing land use patterns, the extent to which the benefits of the amendment outweigh any impacts, and whether the proposed amendment will result in the loss of land for other planned uses.

The proposed Minor General Plan Amendment to Mixed Use Activity is consistent with the existing and anticipated development pattern of the area. Properties to the north of State Route 24 are zoned GC and are envisioned to be developed with commercial uses. Properties to the south, east and west of the project site are existing and proposed industrial developments whose employees will help to support the proposed commercial retail uses as a part of the proposed conceptual site plan.

Staff reviewed the Proposed Project and determined it is consistent with the goals of the Mixed Use Activity District and the review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Gateway Strategic Development Plan:

The Proposed Project is located within the Mixed-Use Community District of the Mesa Gateway Strategic Development Plan (GSDP). Per the GSDP, this district is envisioned to be the area that solidifies the goal to balance land uses and provide sustainability through the creation of a live/work/play community. It will contain the widest variety of land uses within the planning

area, with ultimate development including low- to high-density residential, commercial, employment, civic, and recreational use to provide a complete community experience.

The Proposed Project is consistent with the Mixed-Use Community District of the Gateway Strategic Development Plan.

Zoning District Designations:

The Proposed Project includes a rezoning from Agricultural (AG), Light Industrial (LI), and General Industrial (GI) to General Commercial with a Planned Area Development overlay (GC-PAD). Per Table 11-6-2 of the MZO, commercial uses, such as automobile sales, are permitted in the GC district subject to compliance with the specific use standards set forth in Section 11-31-5 of the MZO.

The Proposed Project conforms to the goals of the GC district.

Airfield Overlay – MZO Article 3 Section 11-19:

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

Per Section 11-19-4 of the MZO, there are no additional land use limitations beyond the base zoning.

PAD Overlay Modification – MZO Article 3, Chapter 22:

The Proposed Project includes Planned Area Development overlay (PAD) to allow for the approval of a conceptual site plan and a phased development plan as permitted by Section 11-22-1 of the MZO. The Proposed project includes six parcels, which are intended to be developed in phases. The timing of the phases has not yet been determined by the applicant.

All future development on the project site will require Site Plan Review and Design Review approval.

Site Plan and General Site Development Standards:

The applicant is requesting conceptual site plan approval that will require formal site plan review at time of development. The Proposed Project will develop in multiple phases as indicated on the conceptual site plan. . Each phase will provide for adequate access and circulation, drainage, and retention, as well as the internal landscaping required for that phase.

The conceptual site plan shows access to the site will be from Signal Butte Road and Pecos Road. Perimeter landscaping along Pecos Road and Signal Butte Road will be installed with the first phase of construction

Prior to the construction of each phase, a phasing plan will be submitted to ensure efficient infrastructure facilities, including but not limited to onsite drainage and roadway improvements, is available. Per Section 11-69-2 of the MZO, a specific site plan shall be required prior to any site development.

Design Review:

As the Proposed Project is implemented, proposed structures on site will require Design Review and approval.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across proposed street) Maricopa County C-3 Proposed Commercial	North HI Industrial	Northeast HI Industrial
West (Across 222 nd St) LI Vacant	Project Site LI, AG, GI Vacant	East HI Industrial
Southwest LI Industrial	South (Across Pecos Road) GI Vacant	Southeast (Across Pecos Road) GI Vacant

Compatibility with Surrounding Land Uses:

The project site is currently vacant, and is currently zoned LI, AG, and GI. Properties to the north and east are developed by FujiFilm and zoned HI. Properties to the west are zoned LI and are currently vacant. Properties to the south are zoned General Industrial and currently vacant.

The Proposed Project compatible with the surrounding development and land 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 as well as HOAs within ½ mile or registered neighborhoods within one mile 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 Recommendation:

The Proposed Project is consistent with the Mesa 2040 General Plan, the Gateway Strategic Development Plan, the review criteria for a Planned Area Development Overlay outlined in Section 11-22-1 of the MZO, and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

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

1. Prior to the issuance of any building permit, a specific site plan shall be submitted and approved in accordance with Chapter 69 of the Mesa Zoning Ordinance.
2. Prior to the issuance of any building permit, a Design Review application shall be submitted and approved in accordance with Chapter 71 of the Mesa Zoning Ordinance.
3. 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.

4. Execute and comply with the development agreement, DA21-00006, and all future amendments to it.
5. All off-site improvements and perimeter landscaping shall be installed per Development Agreement DA21-00006.
6. Access and circulation, drainage, and retention, internal landscaping, and landscape yard landscaping shall be installed with the corresponding phase as shown on the conceptual site plan.
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. Provide written notice to future property owners that the project is within two miles of Phoenix-Mesa Gateway Airport.
 - d. Prior to 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.
 - 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 the 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.

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