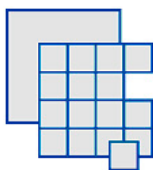


NWC of Power Road & Guadalupe Road Project Narrative

Submitted by:

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Pew & Lake, PLC.
Real Estate and Land Use Attorneys

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Introduction

Pew & Lake, PLC., on behalf of P & M LLC, is pleased to submit this narrative and related exhibits in support of a Site Plan modification, Substantial Conformance Improvement Permit, and Special Use Permit applications for the existing gas station, auto repair, and car wash located at the NEC of Power Road & Guadalupe Road. The site is approximately 2.52 gross acres and further identified as Maricopa County parcels, APNs: 304-05-982E, 304-05-982G, 304-05-981C, 304-05-981D. This project site is currently operating as a gas station and auto repair facility and car wash. However, with approval, the gas station/ auto repair facility will be reimagined into a soda shop drive through. Additionally, the thriving car wash will be upgraded to the newest technology as an accessory use to the primary business.

Figure 1 – Site Aerial



Project Description

Preliminary conceptual drawings have been submitted with this application to illustrate the vision for the site improvements and modifications. As previously stated, the convenience store and auto repair facility are the primary use on site. However, the proposed re-use will redesign the main building to accommodate a soda shop drive-thru. The changes include removing the gas pumps and the canopy as well as removing the lube bay. The proposed soda shop building will have an open floor plan including an indoor dining area. The drive-thru lane is 12 feet wide with 81.7 feet of order stacking and 100 feet of order to window stacking. Two menu boards will be located along the drive-thru.

The existing car wash will be redesigned to create a single one-way drive-thru tunnel with a mechanical room, electrical enclosure, and employee areas. Customers will have a waiting room with vending machines and a window displaying a view of the inside of the tunnel car wash. The car wash break room and restroom are for employees only and have been labeled as such on the site plan. The floor plan of the car wash has been modified to show the only access to the restroom is through the employee break

room. Trash receptacles have been added adjacent to each car wash parking bay per **MZO Section 11-31-7(E)**. These have been labeled on the site plan. Additionally, the site plan was revised to show a pedestrian route from Power Road all the way to the car wash building. Landscape islands with the connecting sidewalks have been designed to have enough room for the 5' sidewalk and the MZO required tree and shrubs.

This project can be compared to another gas station re-use operation location at the NEC of Gilbert and Brown Roads. Previously, Swig/Soda Shop located on 30,726 square foot corner of Gilbert and Brown Roads, was a gas station and mechanic shop. The conversion brought the community a highly successful soda shop that has become a neighborhood favorite. The current site at Power and Guadalupe is located on approximately 70,141 square feet of property which will provide significantly more space for stacking and the operation of business.

Request

The applicant is requesting a minor site plan modification as shown on the re-use plan. Additionally, this request includes upgrading the elevations of the building. Specifically, the applicant is considering the following development request for City of Mesa approval: (1) Site Plan Modification (2) Substantial Conformance Improvement Permit (3) Special Use Permit.

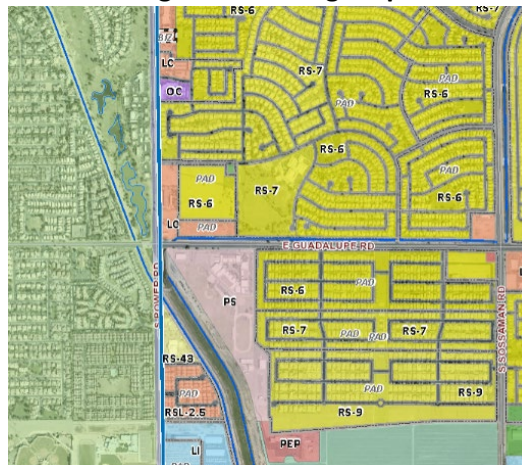
Relationship to Surroundings

The project site is located on the northeast corner of Power & Guadalupe Roads. The surrounding area is largely residential, near Highland Jr. High and a public park. The proposed development is a complementary use within this neighborhood. The proposed upgrade to the existing operation will create a more pleasant retail experience for customers and provide a neighborhood gathering place.

Table 1 – Relationship to Surrounding Area

Direction	Use	Zoning
North	QuikTrip / Residential Single-Family	LC- Limited Commercial
East	Vacant land/ Monterey Park	RS-6 PAD
South	Highland Jr. High / Residential Single-Family	PS - Public School
West	Residential Multi-Family	Town of Gilbert
Site	Gas station, Car wash, Repair	LC- Limited Commercial

Figure 2 - Zoning Map



Public Utilities and Services

Table 2 – Service Providers

Water	City of Mesa
Sewer	City of Mesa
Electricity	Salt River Project
Telephone	Century Link / Cox
Police/ Fire	City of Mesa

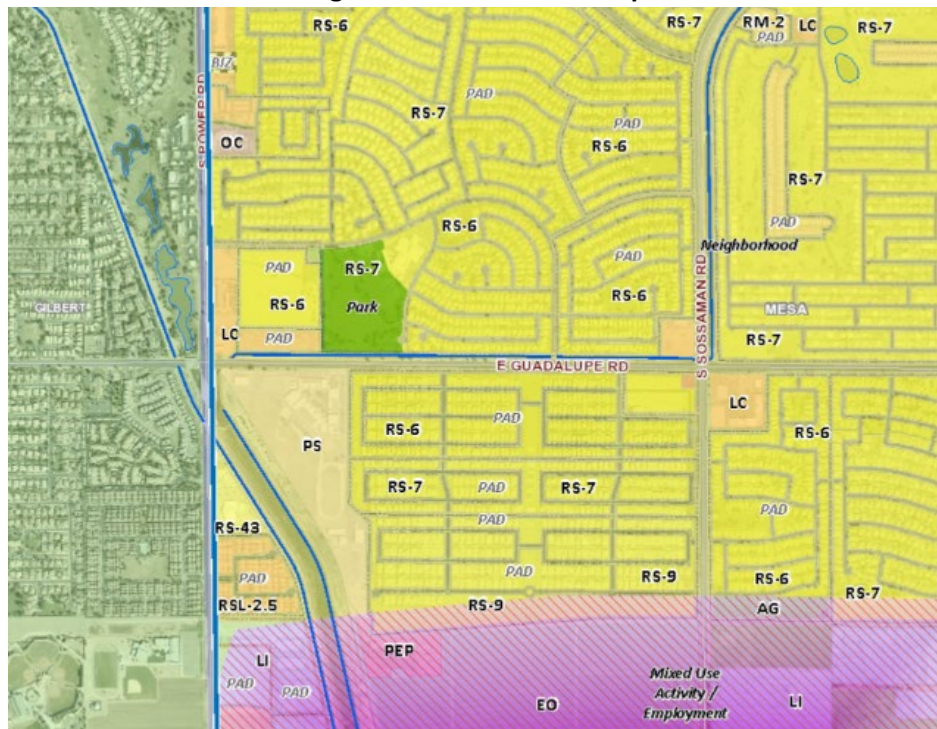
Location and Accessibility

The subject property is located on the north side of Guadalupe Road and the east side of Power Road. Two entries are located along Power Road and one entry is located on Guadalupe Road. A detailed Circulation Plan has been provided with this application to illustrate traffic and pedestrian circulation. The restaurant owners will utilize traffic cones during business hours to safely control the drive-thru queueing to back up to the west, away from the Guadalupe Road access.

General Plan Compliance

The proposed development conforms to the intent of the Neighborhood character area of the City of Mesa 2040 General Plan. Per Chapter 7 of the General Plan, Neighborhood character areas often have associated nonresidential uses schools, parks, and local serving businesses. Nonresidential uses should be designed and located to bring people together and to not disrupt the fabric and functioning of the neighborhood as a place where people live. This project will help unify the neighborhood and connect the surrounding uses. The site is located between a park and Highland Jr. High, which makes this an ideal use for the community.

Figure 3 - General Plan Map



Development Standards

The proposed project is in the LC district and meets or exceeds the development standards set forth in **MZO section 11-6-3.A** with the exception of the items identified in the table below.

Table 3 - Requested Modifications to the LC District Development Standards

LC District Standard	Existing Modification
Existing side and rear landscape setbacks can't comply with minimum 15' requirement per MZO Section 11-6-3(A).	Existing north is 10', east is 8' minimum, southwest is 9'
Existing east side building setbacks can't comply with minimum 15' requirement per MZO Section 11-6-3(A).	Existing is 8' minimum
Existing front 6-lane arterial landscape setback along Power Road can't comply with minimum 15' requirement per MZO Section 11-6-3(A).	Existing is 6'

Table 4 - Existing Non-Conforming Elements

Standard	Existing	Proposed
10' foundation base for car wash per MZO section 11-33-5(A)(2)(a).	7.5'	10' (SUP)
Cross aisle setback set back 50' from property line per MZO section 11-32-4(A).	6'	6' (SCIP)
15' foundation base for restaurant public entry per MZO section 11-33-5(A)(1).	7.5' on south side and 10.9' on west side	7.5' on south side and 10.9' on west side (SUP)
Parking island minimum 8' wide per MZO section 11-33-4(B)(2).	6.7'	13' in total. (7' landscape and 5' sidewalk, 1' curb) (SCIP)
Existing side and rear landscape setbacks can't comply with minimum 15' requirement per MZO Section 11-6-3(A).	north is 10', east is 8' minimum, southwest is 9'	north is 10', east is 8' minimum, southwest is 9' (SUP)
Existing east side building setbacks can't comply with minimum 15' requirement per MZO Section 11-6-3(A).	8' minimum	8' minimum (SUP)
Existing front 6-lane arterial landscape setback along Power Road can't comply with minimum 15' requirement per MZO Section 11-6-3(A).	6'	6' (SUP)

Special Use Permit

SUP Request One

Approval of a Special Use Permit is being requested for the existing car wash facility. Automobile Washing, as described in **Section 11-86-4**, shall be located, developed, and operated in compliance with the land use regulations in **Article 2** and the following standards:

- **Location.** Automobile/Vehicle Washing, as a primary use, is only allowed on sites with at least one frontage on an arterial street.

- ✓ **Although the carwash is not a primary use, the site has frontage along Power Road and Guadalupe Road.**
- **Setbacks.** No building or structure shall be located within 20 feet of any interior lot line abutting a residential zoning district.
 - ✓ **The site is isolated from residential uses.**
- **Drive-up Aisles and Required Queuing Area.** Drive-up aisles shall be at least 11 feet wide; if adjacent to a street, they shall be screened as specified in **Section 11-30-9(E)**, Drive-through Windows and Automated Car Washes. The drive-up aisle shall provide queuing space, with no encroachment into required landscape areas or building setbacks, for at minimum:
 - ✓ **4 vehicles per pull-through rack for each automatic wash bay.**
 - ✓ **3 vehicles per bay for self-serve, coin-operated and/or hand wash facilities.**
- **Landscaping.** Automobile/Vehicle Washing, as a primary use, in addition to perimeter, parking lot and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area.
 - ✓ **The proposed landscape area exceeds 10% of the site area.**
- **Litter.** One permanent, non-combustible trash receptacle per wash bay is required.
 - ✓ **One permanent, non-combustible trash receptacle per wash bay is provided.**
- **Noise.** Sound attenuating measures shall be incorporated into the building design and construction to absorb noise such that the sound level readings at the street and at interior property lines are no more than 55 decibels. Mechanical equipment for centralized vacuum equipment shall be housed in an enclosed room.
 - ✓ **The building will include sound attenuating measures and mechanical equipment will be housed in an enclosed room.**

Additional Special Use Permit Criteria. When a Special Use Permit is required by **Article 2**, each of the following items shall be included in the evaluation:

1. The number of automobile related activities within 600-feet of an intersection of arterial streets shall not exceed 2, including automobile/vehicle washing, automobile service stations, automobile sales or rental lots, or automobile/vehicle repair.
 - ✓ **The only other automobile related activity within 600-feet of the project site is the QuikTrip located north of the site.**
2. Proposed locations within "-U" designated areas shall be oriented with canopies and fuel dispensing equipment away from the street, either to the side or to the rear of a building.
 - ✓ **The proposed development is not within a "U" designated area.**
3. Compliance with all development standards for the applicable zoning district, including compliance with all requirements for automobile related services located in all mixed districts and "-U" designated districts.
 - ✓ **The project is in compliance with Zoning development standards of the LC district and requirements for automobile related services except for the items previously listed which are existing non-conforming elements that are included in the Substantial Conformance Improvement Permit.**
4. The use is found to be in compliance with the General Plan, applicable Sub-area plans and other recognized development plans or policies and will be compatible with surrounding uses.

- ✓ **The carwash use conforms to the intent of the Neighborhood character area.**

5. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use shall adequately provide paved parking and on-site circulation in a manner that minimizes impacts on adjacent sites; and existing or proposed improvements to the site shall minimize dust, fugitive light, glare, noise, offensive smells, and traffic impacts on neighboring residential sites.

- ✓ **The proposed site provides paved parking and on-site circulation that minimizes impacts on adjacent sites. All improvements will minimize dust, fugitive light, glare, noise, offensive smells, and traffic impacts on neighboring residential sites.**

6. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations.

- ✓ **The operator of the business will be in conformance with normal operating hours and in conformance with the City code. All permits will be received from the City of Mesa prior to redevelopment/reuse and construction to ensure conformance with all City codes. The plans will be reviewed by the property owners' registrants as well as by the City of Mesa Plan Review Department to ensure compliance with zoning, building and safety regulations.**

7. A finding that a "good neighbor policy" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses. Such policies shall include, but are not limited to, the name and telephone number of the manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures.

- ✓ **At this time, the applicant is developing the details necessary to complete a "Good Neighbor Policy". The applicant will continue to work with staff and remain in compliance with all necessary requirements.**

8. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current City development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines

- ✓ **A Substantial conformance Improvement Permit (SCIP) is included with this application.**

SUP Request Two

The proposed development is also requesting a Special Use Permit to allow for a parking reduction for the restaurant on site. Per **Section 11-32-6(A)** within the City of Mesa Development Code, A Special Use Permit for reduced parking shall only be issued if the following criteria are found to be true;

1. Special conditions- including but not limited to the nature of the proposed operation; proximity to frequent transit service transportation characteristics of persons residing, working, or visiting the site – exist that will reduce parking demand at the site;
- ✓ **The restaurant requires 22 parking spaces, but only 17 are proposed. However, there are several vacuum stalls for the carwash that are not included in the parking requirement but are intended to be used as additional parking for the restaurant when needed.**
2. The use will adequately be served by the proposed parking; and
- ✓ **Many of the customers will be using both the car wash and the soda shop when visiting the site.**
3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

- ✓ **The additional parking provided by the vacuum bays, and considering the nature of the site, there will not be a detrimental impact on the supply of on-street parking in the surrounding area.**
- 4. The applicant has provided a Parking Demand Study.

SUP Request Three

A Special Use Permit is being requested to allow the carwash to expand into the 8-foot non-conforming setback/landscape yard along the east property line. and the required 15' wide foundation base along the west side of the carwash. Per **Section 11-36-7(B) of the MZO**, Alterations and enlargements that extend into a nonconforming yard or height limit may be approved where the alteration or enlargement would not:

1. Further reduce any existing nonconforming yard
 - ✓ **No further reduction to existing nonconforming yard is proposed.**
2. Exceed applicable building height limits
 - ✓ **The proposed buildings do not exceed any height limits.**
3. Further reduce existing nonconforming lot coverage or floor area ratio requirements; and
 - ✓ **The development will not further reduce existing nonconforming lot coverage or floor area ratio requirements.**
4. Increase the required number of off-street parking spaces unless parking is provided under current standards for the addition of the use only.
 - ✓ **The number of off-street parking spaces does not increase.**

A Special Use Permit shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. **Per MZO Section 11-70-5(E)**

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
 - ✓ **The proposed project is within the Neighborhood area of the Mesa 2024 General Plan. The Neighborhood designation includes nonresidential uses that are compatible with the area. In this case, a carwash and a soda shop are complementary uses to the neighborhood and provide a place for community members to connect.**
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
 - ✓ **The site is located on approximately 2.52 acres near a future public park and Highland Junior High School. The design of the site has been developed to complement the size and anticipated users. Overall, the proposed car wash and soda shop are a complementary nonresidential use within the Neighborhood character area. The project will provide a gathering place in a central location for the community.**
3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and

- ✓ **The proposed project will not be injurious or detrimental to the surrounding area, neighborhood, or to the general welfare of the City.**
- 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.
- ✓ **Adequate public services, facilities, and infrastructure current exists and will remain available to serve the proposed project.**

Substantial Conformance Improvement Permit

A Substantial Conformance Improvement Permit is being requested to bring the non-conforming elements of the development into substantial compliance with the current MZO. The improvements authorized by the SCIP will result in a development that is compatible with and not detrimental to adjacent properties or neighbors. The table on the next page identifies the existing non-conforming elements on the site, the items in bold are being brought into compliance with the proposed development. **The proposed improvements will bring the entire site into substantial conformance and will not cause or create any of the following conditions:**

- ✓ The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
- ✓ The creation of new non-conforming conditions.

The site improvements are as follows:

1. The northeast landscape island is now in compliance with **MZO Section 11-33-4(B)(2)**.
2. The landscape islands in front of the carwash are now in compliance with **MZO Section 11-33-4(B)(2)**. Previously they were less than 6' wide.
3. Pedestrian connection out to Power Road now in compliance with **MZO Section 11-30-8(A)**.
4. The carwash foundation base is now in compliance with **MZO Section 11-33-5(A)(2)(a)** for building sides without a public entrance (10'). The foundation base was previously 7.5'.
5. Per **MZO Section 11-33-2**, all landscaping on site will be brought into compliance by replacing and adding landscaping where necessary.

Conclusion

The proposed modified plan for the project site is intended to comply with all applicable City of Mesa standards. As submitted, the proposed development plan will improve the existing use of the site.

GOOD NEIGHBOR POLICY and
PLAN OF OPERATION for:

SURF'S UP! CAR WASH FACILITY
and
THIRSTY SODA POP & THE CORNDOG COMPANY
DRIVE-THRU RESTAURANT

6810 E Guadalupe Road, Mesa, AZ 85209
(NE Corner of Power Road & Guadalupe Road in Mesa)

Our proposed re-development located at the NorthEast corner of Power Road and Guadalupe Road is zoned LC (Limited Commercial) and is an approximately 2.54 acre parcel which has, in the past, been operating as a gas station and adjoining auto repair facility, with a separate car wash, but which has been re-imagined into a branded soda shop drive-thru restaurant with a limited in-house, sit-down food service area called "Thirsty" Soda Pop which will also serve corndogs from "The Corndog Company" (a known-brand franchise) amongst other deep-fried treats, with a separate multi-service carwash facility called "Surf's Up!" Car Wash with a surfing-themed car wash experience will upgrade the existing car wash to the newest car cleaning technology. It's all going to be a great revitalization of the key business corner of Power and Guadalupe in Mesa!

The soda shop industry in the Mountain West has exploded over the last number of years and the number of people drinking soda and associated beverages has spurred a niche beverage market that has intensified in the last decade. One well-known soda brand founder recently stated that "[We] proved people like their soda everywhere. It may sound weird to some people who have never been, but it's happiness in a cup!" Our "Thirsty" soda shop concept will be included in this industry model growth of bringing happiness to our community—especially with the inclusion of deep-fried corndogs, cheese, candy bars, Oreos, and some waffle fries—and will be a new and exciting business concept addition to the SouthEast Mesa neighborhoods. It will have a look and feel of invitation as a new business and as a new concept in the food markets in Mesa!

The car wash/auto spa industry in Mesa is well-established in many areas, but not near our re-development site—there is only one exterior service car wash within nearly 2½ miles of our NE corner of Power Road and Guadalupe Road and our analysis of the three-mile radius market for a car wash has the population density to support 3-4 express model car wash facilities. Our proposed "Surf's Up!" carwash facility will highlight the existing car wash that is already present and has been operational for more than 20 years and will revitalize the use and visibility of the current deteriorating corner business that has been present. Our "Surf's Up!" Car Wash will rely upon the national car wash industry-leading Sonny's Car Wash brand for its design, development, and all of its equipment so that—as the newest car wash in town!—it is a state-of-the-art, quiet, quick, and easy car wash facility for neighbors to come-in and wash their cars regularly!

On site operations of the drive-thru restaurant and the car wash facility will be during reasonable industry hours of operation. Our “Thirsty” Soda Shop/”The Corndog Company” drive-thru restaurant will be open from 6:00am until close at 10:00pm, with limited in-house food service available during these same hours in a dining area. Our “Surf’s Up!” Car Wash facility will be open from 7:00am until close at 7:00pm. Hours of operation will be assessed regularly, based upon market demand.

The total building area for both on site facilities is 5,352 square feet of building area on a gross site area of 2.54 acres. The drive-thru restaurant building will include 2,178 square feet of building area and the car wash facility will include 3,174 square feet of building area. Our re-development includes a total of 45 on site parking spaces, including one van accessible space and one additional ADA accessible space. Additionally, bicycle parking spaces and equipment will be made available to all patrons. The existing site currently has access available by two (2) right-in, right-out only driveways on Power Road and one (1) right-in, right-out only driveway on Guadalupe Road—all three (3) of which will be retained in our re-development.

A minimum of three (3) employees will be on site at the drive-thru restaurant and a minimum of two (2) employees will be on site at the car wash facility during operational hours. Employees will arrive 30-60 minutes prior to opening to clean the facilities and to prepare the cooking equipment and test the car wash equipment. Employees will be required to walk the entire facility site—both inside and outside—before the opening shift and at the end of the closing shift to ensure that the entire facility site is in a clean and presentable manner, free from trash, debris, etc. Our drive-thru restaurant employees will be focused inside of the restaurant to assist patrons with point-of-sale, cooking, and window/counter service. Additional employees will assist both inside and outside as needed. Our car wash employees will be focused on assisting the patrons at the car wash pay station, in the car wash tunnel (guiding customers onto the conveyor and making sure that the equipment is operating correctly), and being available for patron issues or concerns. Additional employees will assist to maintain the equipment and to assist with operations as needed. Each parking stall at the car wash will be provided with a vacuum as well as a trash can to aid our staff in controlling litter and debris on site.

Our proposed site re-development will have the highest quality of construction and development and will be highlighted by a sustainable design that will please the eye and be inviting to all patrons for many years to come. All noise and lighting will be installed appropriately and controlled as a courtesy to the community: The noise of the car wash will be mitigated by installing the central vacuum system inside a masonry enclosure and running all main feeds to the vacuum stanchions underground, and the lighting on the entire site will be mitigated by having all light sources shielded so as not to have any footcandle spillage of light over our property lines. To prevent illegal, non-business-hours occupancy and damage, our buildings will be secured with state-of-the-art electronic security equipment, as well as commercial physical safety equipment and devices with roll-down doors at the car wash at both ends of the tunnel. Security cameras will be installed on site and within all buildings—including inside of the car wash tunnel—as well as in the surrounding outside areas of our business site. The footage from the

cameras will be made available to police, legal investigation agencies, and neighbors should such footage prove helpful to them.

Our proposed re-development with a “Thirsty” Soda Pop/”The Corndog Company” drive-thru restaurant and “Surf’s Up!” Car Wash will be a Phoenix Valley first and a new gem located in the City of Mesa. We will employ local team members, generating local community employment as well as City tax revenue. It will be an appropriate addition to the SouthEast Mesa retail development along Power Road from both the North and, as it is now developing, from the South. Our surf-themed car wash will reflect well the new “Cannon Beach” surf park development in Mesa to the South and our “Thirsty” sodas and “The Corndog Company” corndogs and treats will satisfy the hunger of the almost-across-the-street local high school/junior high school kids as well as all patrons who come to enjoy from our adjoining neighborhoods.

In the event that there is ever an issue that requires our site management attention, our on site Manager will do his/her absolute all to address such a concern on site. If, for some reason, a concern remains unresolved, it will be relegated to the Owners who will address the issue directly.

Owners’ contact information is as follows:

Ray Johnson & David Darling
4445 East Holmes Avenue
Suite 107
Mesa, Arizona 85206
480-854-2300

Complaints requiring the attention of the staff and procedural changes on site will be addressed on a daily basis during morning staff meetings, until the operations are sufficiently revised to address the complaint. Each complaint will be followed-up by a personal response to the individual filing the complaint from the Owners of the facility.

Thank you for your support of our new re-development at the NorthEast corner of Power Road and Guadalupe Road! We appreciate the opportunity to provide a GOOD NEIGHBOR POLICY and we look forward to serving the local neighborhoods and community.

Please, at any time, let us know if there are any questions or a need for additional information.