



**PLANNING DIVISION
STAFF REPORT**

City Council

May 6, 2024

CASE No.: ZON23-01002	PROJECT NAME: Whataburger – Power & Broadway
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Owner’s Name:	WNDG, LLC
Applicant's Name:	David Cox, Sustainability Engineering Group
Location of Request:	Within the 300 block of South Power Road (east side) and within the 6800 block of East Broadway Road (north side). Located north of Broadway Road on the east side of Power Road.
Parcel No(s):	218-21-1023
Request:	Major Site Plan Modification and amending the conditions of approval for Case No. Z91-038. This request will allow for a restaurant with a drive-thru facility.
Existing Zoning District:	Limited Commercial (LC)
Council District:	2
Site Size:	1± acres
Proposed Use(s):	Restaurant with a drive-thru facility
Existing Use(s):	Bank
P&Z Hearing Date(s):	April 10, 2024 / 4:00 p.m.
Staff Planner:	Kwasi Abebrese, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (5-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **December 16, 1974**, the City Council annexed 3,956± acres, including the project site, into the City of Mesa (Ordinance No. 907).

On **May 19, 1975**, the City Council established a comparable zoning of Limited Commercial (C-2) (equivalent to current Limited Commercial [LC]) on the annexed property and approved a

site plan which was previously approved by Maricopa County to allow for the development of a shopping center on 61± acres, including the project site (Case No. Z75-034; Ordinance No. 936).

On **April 23, 1979**, the City Council approved a rezone of 57± acres, including the project site, from C-2 to R-4 (equivalent to current Multiple Residence-4 [RM-4]) and a site plan modification to allow for the development of a neighborhood shopping center, professional offices, an apartment complex, and a 486-space travel trailer park (Case No. Z79-037; Ordinance No. 1227).

On **December 16, 1985**, the City Council approved a rezone of 19± acres, including the project site from R-4-PAD to C-2 and a site plan review to allow for the development of a mixed-use development comprised of a retail center, hotel, and an apartment complex (Case No. Z85-138; Ordinance No. 2018).

On **September 8, 1986**, the City Council approved a rezone of 19± acres, including the project site, from R-4-PAD to C-2 and C-2 with a High-Rise Zone overlay (C-2-HRZ) and a site plan to allow for the development of a retail center, a 122-unit apartment complex, and a hotel (Case No. HRZ86-002; Ordinance No. 2114).

On **December 19, 1988**, the City Council reverted the approved zoning of 19± acres, including the project site, from C-2 and C-2-HRZ to C-2 due to a failure to comply with a time stipulation (Case No. Z88-066; Ordinance No. 2399).

On **November 18, 1991**, the City Council approved a site plan to allow for the development of a 118,674 square foot shopping center with two (2) pad buildings on a 12.6± acre parcel including the project site (Case No. Z91-038; Ordinance No. 2645).

On **February 3, 1993**, the Design Review Board approved a site plan, building elevations as well as landscape design to allow for the development of a 3,600 square foot bank on the project site. This project entailed a modification to one of the proposed two pad buildings approved per Case No. Z91-038 (Case No. DR93-004).

On **March 12, 2024**, the Design Review Board reviewed the proposed building elevations and landscape plan. Staff is working with the applicant to address minor comments and recommendations from the Design Review Board that do not impact the site plan.

On **April 10, 2024**, the Planning and Zoning Board recommended approval of the major Site Plan modification and amending the conditions for Case No. Z91-038 with conditions (Vote 5-0).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Major Site Plan Modification to allow for a restaurant with a drive-thru facility in the Limited Commercial (LC) zoning district (Proposed Project).

The project site is approximately 1± acre in size and is located north of Broadway Road on the east side of Power Road. The site is currently comprised of one existing bank building. The Proposed Project encompasses the demolition and replacement of the existing bank building with a new 2,859 square foot restaurant building with a drive-thru facility.

The existing building and site improvements were approved by the Design Review Board in 1993 (Case No. DR93-004) and occupies one of the two pad sites proposed for a shopping center that was approved by the City Council in 1991 (Case No. Z91-038).

Condition of approval number 1 in Case No. Z91-038 requires compliance with the final site plan submitted. The applicant proposes a modification to the previously approved site plan that modifies the proposed footprint of the building and site improvements by more than 10%. Per Section 11-69-7 of the Mesa Zoning Ordinance (MZO), the change requires the modification be heard through the public hearing process by the Planning and Zoning Board and the City Council.

General Plan Character Area Designation and Goals:

The Mesa 2040 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, the Mixed-Use Activity District character area is a large community and regional activity area that usually has a significant retail commercial component, including shopping areas such as malls, power centers, or lifestyle centers designed to attract people from a large radius. Community Scale Sub-type primarily serves the neighborhood population within a 4-mile radius and typically contain one or two big box buildings and associated shops and pad sites. This character type is typically at the intersection of two arterial streets. Limited Commercial is a primary zoning district and restaurants with drive-thrus are a primary land use for the Mixed-Use Activity-Community Scale character type.

The project site is located in the Transit District within the Station Area Sub-type, characterized by being within 1/8 mile of a transit or major bus stop transfer station. This area is intended to have more intense development than the associated corridor and is expected to transition into a denser urban form. Typical uses in the Station Area Sub-type include retail, restaurants, and central public gathering places.

The Proposed Project conforms to the goals of the General Plan character areas. The Proposed Project provides restaurant and quick delivery food services to the surrounding residents and contributes to creating the needed services to sustain the group commercial center. Staff reviewed the request and determined it is consistent with the review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Zoning District Designations:

The project site is zoned Limited Commercial (LC). Per Section 11-6-1 of the MZO, the purpose of the LC district is to provide areas for indoor retail and service-oriented businesses that serve the surrounding residential trade area within a one (1) to ten-mile radius. Per Section 11-6-2 of the MZO, a restaurant with a drive-thru facility is permitted in the LC district.

Surrounding Zoning Designations and Existing Use Activity:

Northwest LC (Across Power Road) Existing Commercial Development	North LC Existing Commercial Development	Northeast LC Existing Commercial Development
West LC (Across Power Road) Existing Commercial Development	Project Site LC Existing Commercial Development	East LC Existing Commercial Development
Southwest LC (Across Broadway Road) Existing Commercial Development	South LC (Across Broadway Road) Existing Commercial Development	Southeast LC (Across Broadway Road) Existing Commercial Development

Compatibility with Surrounding Land Uses:

The project site is surrounded by existing commercial developments. Currently, the properties to the north and northwest across Power Road are zoned Limited Commercial and developed as restaurants with drive-thru facilities. To the east and west of the site across Power Road are existing group commercial centers. The properties to the south and southwest of the site across Broadway Road currently consist of an existing gas station and mortuary respectively.

The Proposed Project will not be out of character with existing developments and uses in the surrounding area.

Site Plan and General Site Development Standards:

The Proposed Project includes the development of a 2,859 square foot restaurant building with a drive-thru. The building will be located on the east side of the project site and will replace the existing bank building which will be demolished. The proposed building will include an indoor dining area as well as a two-lane drive-thru for customers. The drive-thru lanes will begin at the south side of the building and will wrap around the eastern portion of the proposed building with the pick-up window located at the eastern elevation. The drive-thru facility complies with the development standards outlined in Section 11-31-18 of the MZO for drive-thru and pick up window facilities.

Vehicular access to the site is provided from two existing shared drive aisles from Power and Broadway Roads, specifically at the north and southeast sides of the project site respectively. On-site walkways will connect the primary entrance of the proposed building to the public sidewalks on Power and Broadway Roads.

Per Section 11-32-3 of the MZO, a total number of 28 parking spaces are required for the Proposed Project. The submitted site plan shows a total number of 28 parking spaces proposed.

The Proposed Project conforms to the requirements of the MZO including the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

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 and registered neighborhoods within one mile of the site.

Staff has not received comments from neighboring properties owner for the Proposed project.

Staff Recommendation:

Staff finds that the Proposed Project is consistent with the Mesa 2040 General Plan, the review criteria for Site Plan Review approval outlined in Section 11-69-5 of the MZO.

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

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of Design Review, Case No. DRB23-00703.
3. 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