



**PLANNING DIVISION
STAFF REPORT**

Planning and Zoning Board

September 22, 2021

CASE No.: ZON21-00449	PROJECT NAME: Whataburger at Power and Ray
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Owner's Name:	GS TRUST/5427 S POWER LLC
Applicant's Name:	Kevin Zenk, Sustainability Engineering Group, LLC
Location of Request:	Within the 5400 block of South Power Road (east side). Located south of Ray Road on the east side of Power Road.
Parcel No(s):	304-37-018C
Request:	Site Plan Review. This request will allow the development of a restaurant with a drive-thru.
Existing Zoning District:	Limited Commercial (LC) and Light Industrial (LI)
Council District:	6
Site Size:	2.41± acres
Proposed Use(s):	Restaurant with Drive-Thru
Existing Use(s):	Unoccupied Single Residence
P&Z Hearing Date(s):	September 22, 2021 / 4:00 p.m.
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **May 16, 2005**, the City Council annexed approximately 67± acres of property, including the subject site, into the City of Mesa and established R1-43 zoning on the subject site (Ordinance No. 4398, Case No. A04-04, and Ordinance No. 440, Case No. Z05-029).

On **June 6, 2005**, the City Council approved a rezoning from R1-43 to C-2 and M-1 for the subject property and the property to the north, subject to Site Plan Review by the Planning and Zoning Board and City Council for any future development plans (Ordinance No. 4405, Case No. Z05-044).

PROJECT DESCRIPTION

Background:

The applicant is requesting approval of an initial site plan to allow the development of a restaurant with a drive-thru facility on the property. Currently, the property contains an unoccupied home and is zoned Limited Commercial (LC) on the front (east) 313 feet, and Light Industrial (LI) on the rear (west) 177 feet of the property. Per Tables 11-6-2 and 11-7-2 of the Mesa Zoning Ordinance (MZO), the proposed restaurant with a drive-thru is allowed in the LC and LI zoning districts.

Based on the application submitted, the proposed restaurant will be approximately 3,751 square feet and will be centrally located on the site with a drive-thru lane wrapping around the eastern and northern portions of the building. Per case Z05-044 (Ord. No. 4405), Site Plan Review by the Planning and Zoning Board and City Council of future development plans is required.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Mixed Use Activity. Per Chapter 7 of the General Plan, the Mixed Use Activity District is a largescale (typically over 25 acres) community and regional activity area that usually has a significant retail and 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. The goal of the Mixed Use Activity District is to create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences.

The subject site is also located within the Inner Loop District of the Mesa Gateway Strategic Development Plan. The Inner Loop District should provide a high-quality, mixed-use environment that is compatible with increasing over-flight activities associated with Phoenix-Mesa Gateway Airport operations. The proposal is consistent with the goals of the General Plan and Mesa Gateway Strategic Development Plan.

Zoning District Designations:

The subject property is zoned Limited Commercial (LC) and Light Industrial (LI). Per Sections 11-6-2 and 11-7-2 of the Mesa Zoning Ordinance (MZO), the proposed restaurant with a drive-thru is permitted in the LC and LI zoning districts.

Site Plan and General Site Development Standards:

The proposed site plan shows construction of a 3,751 square foot restaurant building with a drive-thru facility. Per the site plan, primary access to the site will be directly from Power Road, however, cross-access is also proposed with the properties to the north and south. The proposed site shows reduced landscape setbacks along the north and south property lines as allowed for properties with cross-access with the adjacent properties per Section 11-33-2(A)(2) of the MZO. Included is a condition of approval requiring the applicant to execute and provide the City with documentation of the recorded cross-access easements with the properties to

the north and south prior to development of the site. If cross-access easements are not provided, the perimeter landscape setbacks are required to be a minimum of 15-feet.

The site plan shows the drive-thru lane will be wrapped around the proposed building with the order box on the east side of the building and pick up window located to the north. The proposed drive-thru complies with the requirements of Section 11-31-18 of the MZO, which includes physically separating the drive-thru lane from non-drive-thru traffic, providing a two foot (2') foundation base along the exterior of the building adjacent to drive-thru lane, architecturally integrating the pick-up window with the building and providing an awning over the pick-up window, orienting the drive-thru away from arterials, and providing the appropriate stacking distances.

Per Section 11-32-3(A) of the MZO, 38 parking spaces are required for the proposed use. The site plan shows 48 parking spaces, which is 125% of the minimum required number of spaces. Per Section 11-32-3(C) of the MZO, the number of parking spaces provided by any development in surface parking lots shall not exceed 125% of the minimum required spaces unless approved through an Administrative Use Permit.

Perimeter landscaping will be provided along the site’s perimeter in accordance with Section 11-33-3 of the MZO. In addition, the rear half of the site will be used as opens space and retention. A row of landscaping will also be provided along the rear half of the lot providing a visual barrier between the developed portion of the lot and the portion to be used as retention and open space Overall, the proposed site plan conforms to the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

Design Review:

On September 14, 2021, the Design Review Board reviewed the proposed elevations and landscape plan for the development. Staff will share the Board’s review comments at the Planning and Zoning Board Study Session.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across Power Road) Maricopa County RC Undeveloped</p>	<p>North LC and LI Existing Marijuana Facility</p>	<p>Northeast LI Undeveloped</p>
<p>West (Across Power Road) Maricopa County RC Undeveloped</p>	<p>Subject Property LC and LI Unoccupied Single Residence</p>	<p>East LI Industrial</p>
<p>Southwest (Across Power Road) Maricopa County RC Undeveloped</p>	<p>South LC Unoccupied Single Residence</p>	<p>Southeast LI Industrial</p>

Compatibility with Surrounding Land Uses:

The subject site is surrounded by commercial and industrial zoned properties. Specifically, there is an existing marijuana facility located north of the property. The properties to the south and east are former residences and are currently vacant or occupied with commercial or industrial uses. The property also abuts Power Road to the west. From the City's road system classification, Power Road is classified as a major arterial road. Overall, the proposed development adjacent to a major arterial road to the west and an existing dispensary to the north makes it compatible with the surrounding area and development.

Neighborhood Participation Plan and Public Comments:

As part of the completed Citizen Participation Process, the applicant mailed notice letters to property owners within 1,000 feet of the site. There are no nearby HOAs or neighborhood associations. As of writing this report, neither the applicant nor staff have received any comments/concerns from surrounding property owners. The applicant will be providing an updated Citizen Participation Report to staff prior to the September 22, 2021 Study Session. Staff will provide the Board with any new information during the scheduled Study Session.

Staff Recommendation:

Based on the application received and the preceding analysis, staff finds that the subject request is consistent with the General Plan, meets drive-thru facility criteria of Section 11-31-18, and meets the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO; therefore, staff recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with final site plan submitted.
2. Compliance with all requirements of DRB21-00447.
3. Prior to issuance of a building permit, record a cross-access easement with the adjacent property to the north and/or the adjacent property to the south;
 - a. If a cross-access easement is not recorded to the north, then the required perimeter landscape setback(s) shall be a minimum of 15-feet along the northern perimeter.
 - b. If a cross-access easement is not recorded to the south, then the required perimeter landscape setback(s) shall be a minimum of 15-feet along the southern perimeter.
4. Compliance with all City development codes and regulations.

Exhibits:

Exhibit 1-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3-Application Information

3.1 Project Narrative

3.2 Site Plan

3.3 Landscape Plan

3.4 Elevations

Exhibit 4-Citizen Participation Report