



**PLANNING DIVISION
STAFF REPORT**

City Council

May 6, 2024

CASE No.: ZON22-00779	PROJECT NAME: Gallery Park Freeway Landmark Monument
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Owner's Name:	POWER 202 MIXED-USE LLC
Applicant's Name:	Ralph Pew, Pew & Lake PLC
Location of Request:	Within the 4900 to 5200 blocks of South Power Road (east side) and within the 6800 to 7000 blocks of East Ray Road (north side). Located south of the Loop 202 SanTan freeway and east of Power Road.
Parcel No(s):	304-30-063, 304-30-072, 304-30-074, 304-30-073, 304-30-976, 304-30-977, 304-30-978, 304-30-975, 304-30-979, 304-30-980, 304-30-982, 304-30-983, 304-30-981, 304-30-984, 304-30-985, 304-30-986
Request:	Council Use Permit (CUP). This request will allow for a Freeway Landmark Monument (FLM) within the Gallery Park commercial center.
Existing Zoning District:	Limited Commercial with a Planned Area Development Overlay (LC-PAD)
Council District:	6
Site Size:	42± acres
Proposed Use(s):	Mixed Use
Existing Use(s):	Mixed Use
P&Z Hearing Date(s):	April 10, 2024 / 4:00 p.m.
Staff Planner:	Sean Pesek, Senior Planner
Staff Recommendation:	APPROVAL with conditions
Planning and zoning Board Recommendation:	APPROVAL with conditions (5-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **May 20, 2019**, the property was annexed as a part of a larger 69± acre annexation and given the comparable zoning of Agriculture (AG) (Ord. No. 5508, Case No. ANX18-00502).

On **May 20, 2019**, the City Council approved a rezoning for 42± acres, including the project site, from Agricultural (AG) to Limited Commercial with a Planned Area Development Overlay (LC-PAD); a Council Use Permit; and an Initial Site Plan to develop the Gallery Park commercial center (Ord. No. 5509, Case No. ZON18- 00775).

On **July 08, 2021**, the City Council approved a modification to the previously approved Planned Area Development by expanding the PAD from 40± acres to 42± acres and a rezoning of 1± acre of the 42± acres from Agriculture (AG) to Limited Commercial with a Planned Area Development Overlay (LC-PAD) (Ord. 5634, Case No. ZON21-00069).

On **June 20, 2022**, the City Council approved a major site plan modification for 42± acres, including the project site, to allow for a 4-story dual brand hotel (Ord. No. 5707, Case No. ZON21-01285).

On **September 11, 2023**, the City Council approved a major site plan modification for 42± acres, including the project site, to allow for a bank with drive-thru ATM (Ord. No. 5809, Case No. ZON23-00282).

On **April 9, 2024**, the Design Review Board recommended approval of the Freeway Landmark Sign. Per Section VII.C.3 of the approved FLM guidelines, the Design Review Board is required to conduct a work study session and make a recommendation.

On **April 10, 2024**, the Planning and Zoning Board recommended approval of the Council Use Permit for the Freeway Landmark Sign with conditions (Vote 5-0).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Council Use Permit (CUP) to allow for a Freeway Landmark Monument (FLM) sign within the northern portion of Gallery Park (Proposed Project). The project site is generally located north of Ray Road on the east side of Power Road and is approximately 42 acres in size. The Proposed Project consists of one, two-faced FLM sign with a maximum height of 75 feet and a total sign area of 1,526 square feet.

Per Section 11-43-7 of the MZO, a FLM is permitted within the LC district, subject to approval of a CUP. Prior to consideration of the CUP by City Council, the Design Review Board and Planning and Zoning Board shall review and provide a recommendation.

The Planning and Zoning Board may only consider applications based on the adopted FLM guidelines and the criteria for a CUP outlined in Section 11-70-6 of the MZO. The FLM's design, materials, method of illumination, electronic displays (including electronic message panels) and other architectural features are subject to consideration by the Design Review Board.

General Plan Character Area Designation and Goals:

The General Plan Character area designation on the property is Mixed Use Activity District with a Community sub-type. 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. These districts often include other uses such as office, entertainment, and residential.

LC zoning is listed as a primary zoning district in the Community Sub-type. Staff reviewed the proposed project and determined it is consistent with the criteria for review outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Mesa Gateway Strategic Development Plan:

The site is located within the Mesa Gateway Strategic Development Plan, and specifically located within the Inner Loop District of the Plan. Per the Strategic Plan, the focus of the Inner Loop District is to provide a high-quality, mixed-use environment that is compatible with increasing over-flight activities associated with the Phoenix-Mesa Gateway Airport operations.

The Proposed Project conforms to the Mesa Gateway Strategic Development Plan, as well as the goals of the Mixed Use Activity character designation envisioned in the General Plan.

Zoning District Designations:

The project site is currently zoned LC-PAD. Per Section 11-43-7(C) of the MZO, a FLM is allowed in the LC district subject to approval of a Council Use Permit.

Council Use Permit:

A FLM is permitted in the LC zoning district, subject to the approval of a CUP in accordance with the required findings outlined Section 11-70-6 of the Zoning Ordinance. The required findings are as follows:

- A. 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 conforms with the goals of the Mesa 2040 General Plan, the Mesa Gateway Strategic Development Plan, and meets the development review criteria outlined in Chapter 15 (pg. 15-1). The Proposed Project will enhance commercial activity within Gallery Park by attracting visitors and patrons from the surrounding area in a safe and appropriate manner.

- B. 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 height, size, and design characteristics of the Proposed Project are generally consistent with the adopted guidelines and conform with the goals of the General

Plan and Mesa Gateway Strategic Development Plan. As part of the application process, the applicant and a third party conducted a location analysis and worked with Staff to determine the optimal height required to make the sign legible while also assuring traffic safety. Banners with varying lengths were attached to a crane to indicate the sign’s prospective height and a vantage of the banners was taken from different angles along the 202 SanTan Freeway.

- C. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area of the proposed project or improvements in the neighborhood or to the general welfare of the City; and

The Proposed Project is located approximately 176 feet south of the centerline of the eastbound freeway entrance ramp and 334 feet from the centerline of the elevated eastbound freeway lane, providing adequate separation from nearby drivers. The proposed sign area is also appropriate to the scale and type of regional development represented by Gallery Park.

- D. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Adequate public services, public facilities and public infrastructure are available to serve the Proposed Project.

Surrounding Zoning Designations and Existing Use Activity:

Northwest Loop 202 SanTan Freeway	North Loop 202 SanTan Freeway	Northeast Loop 202 SanTan Freeway
West (Across Power Road) Town of Gilbert Commercial	Project Site LC-PAD Commercial	East (Across RWCD Canal) LI-PAD Light Industrial
Southwest (Across Power Road) Town of Gilbert Commercial	South (Across Ray Road) LC Commercial	Southeast (Across Ray Road) LC-PAD Hotel

Compatibility with Surrounding Land Uses:

The project site is partially developed and adjacent to properties zoned commercial and developed with commercial uses to the west and south. The Roosevelt Water Conservation District (RWCD) canal abuts the subject site to the east. The 202 freeway abuts the project site to the north. The Proposed Project is compatible with the surrounding developments.

Compliance with the approved Freeway Landmark Monument Guidelines (Resolution No. 8700):

In 2006, the Mesa City Council approved guidelines to facilitate the construction of well-designed, appropriately sited, and aesthetically pleasing freeway signage within its jurisdiction (Resolution No. 8700).

Table 1 evaluates the Proposed Project against the Freeway Landmark Monument Guidelines. Requested modifications to the FLM Guidelines are shown in bold text.

Table 1: Guideline vs. Proposed Project

FLM Guideline	Proposed Project
General Provisions	
The number of FLMs per development should be limited to one (1)	One (1) FLM (Complies)
Along any given one-mile length of freeway frontage, there should be no more than three (3) FLMs on one side of the freeway	Three (3) FLMs (Complies)
At least 20% of the total sign area should be used for the project or destination name	9% of the total sign area is used for the project or destination name
The project location or destination name should be located towards the topmost visible portion of the FLM, under any sign embellishment (if used)	Destination name is located at the top of the proposed FLM (Complies)
When a FLM is used for a group C-O-I development, the sign area used for names of individual tenants within the overall development should be considered secondary to the project or destination name	Individual tenant letter signage will be smaller than the destination name (Complies)
Location and Siting	
On a parcel or approved development site of at least thirty (30) contiguous acres which has frontage on a freeway and an intersecting arterial street	42± acres (Complies)
On property having a General Plan character area designation of Mixed Use Activity	Character Area for the site is Mixed Activity (Complies)
No closer than two thousand feet (2,000') from an existing or approved Freeway Landmark Monument on the same side of the freeway	776 feet from an existing Freeway Landmark Monument on the same side of the freeway (Located in the Town of Gilbert)
A distance of no less than ten times the proposed height of the FLM from existing residential uses (2,000 feet required)	4,700 feet (Complies)
No greater than two hundred feet (200') from the right-of-way line of the adjacent Freeway or property owned by the Arizona Department of Transportation or the City of Mesa	Within 30± feet (Complies)
Design and Construction	
No higher than reasonably necessary to be visible from a vehicle approaching on the same side of the freeway and located within sufficient distance to permit vehicles to safely exit the freeway	Complies

FLM Guideline	Proposed Project
Having a form, texture, color, and finish that incorporates representations complimentary to the primary architectural or natural features of the associated development	Complies
Having low maintenance, architectural-grade surfacing materials such as metal, masonry, ceramic tile, glass, or stucco	Complies
Having a horizontal to vertical ratio not exceeding 1:3	0.9:3 (Complies)
Maximum 1 square foot of total sign area per 2 lineal feet of freeway frontage, not to exceed 750 square feet (535.5 square feet for the Proposed Project)	1,526 square feet of total sign area
Limiting nighttime illumination to just the sign copy or sign message	Complies
Exterior Illumination	
Constitutes a design component of the overall Freeway Landmark Monument architecture	Complies
Is integrated into the primary physical elements of the Freeway Landmark Monument and is harmonious with the architectural style of the structure	Complies
Serves only for the purpose of embellishing the nighttime architecture of the Freeway Landmark Monument, and does not portray an advertising message	Complies
Is compatible with the land use and architecture of adjacent developments	Complies
Complies with the Outdoor Light Control Provisions of the Mesa City Code, and the National Electrical Code, as evidenced by submittal of complete design plans and specifications	Complies
Electronic Message Display	
The display is limited to text messages only, with no animation or video	The electronic display includes static text and graphics
Each message shall be displayed for a minimum period of one hour	Each message shall be displayed for a minimum of 8 seconds before changing
The intensity of the Light Emitting Diode (LED) display shall not exceed 7,000 nits during the day and 2,500 nits at night	Complies
The applicant provides written certification from the sign manufacturer that the sign's light intensity has been factory pre-set not to exceed the specified limits	Complies

Sign Area for Destination Name:

Per Section IV.A.4 of the approved guidelines, at least 20% of the total sign area should be used for the project or destination name. Per the submitted sign plan, approximately 9% of the total sign area will be used for the destination name.

Per the project narrative, the proposed illumination on the destination name sign copy will ensure adequate visibility from the west and east.

Minimum FLM Separation:

Per Section IV.B.3 of the approved FLM guidelines, a proposed FLM shall be located no closer than 2,000 feet from an existing or approved Freeway Landmark Monument on the same side of the freeway.

Per the submitted sign package, an existing freeway sign is located approximately 776 feet to the west, within the large commercial center in Gilbert's jurisdiction.

Maximum Sign Area:

Per Section IV.C.5 of the approved FLM guidelines, the total sign area shall not exceed (1) square feet per two (2) lineal feet of freeway frontage. The subject site has approximately 1,071 lineal feet of freeway frontage, which equates to a maximum total sign area of 535.5 square feet.

The submitted sign package shows approximately 1,526 square feet of sign area for both faces. Per Section 11-41-7(A)(6) of the MZO, the total sign area for a two-face sign is the sum of the areas of both faces if the horizontal distance between the two faces is separated by two feet or more.

Per the project narrative, the proposed sign area is commensurate to the size and scale of the regional mixed use activity center and unique design themes of the project.

Static Electronic Text:

Per Section IV.E.1 of the approved FLM guidelines, electronic display should be limited to static text.

Per the submitted sign package, the property owner is requesting use of static images in addition to static text.

Message Interval:

Per Section IV.E.3 of the approved FLM guidelines, each message shall be displayed for a minimum period of one hour.

Per the submitted sign package, the applicant is requesting a minimum display interval of eight seconds. While the minimum message interval identified in the FLM guidelines is one hour, per Section 11-43-5(A) of the MZO, the minimum interval for each message on electronic message panels is eight seconds. The applicant's request for a minimum display interval of eight seconds

is consistent with the sign code requirements for message display intervals for electronic message panels.

Modifications to FLM Guidelines – Section V:

Per Section V. of the approved FLM guidelines, the City Council may approve modifications or alternatives when:

- A. The proposed Freeway Landmark Monument incorporates special design features or unique architectural elements that represent superior quality;

The Proposed Project incorporates special design features and unique architectural elements. The colors, materials, and layout of the FLM sign are in conformance with the Gallery Park design guidelines and the approved Comprehensive Sign Plan.

- B. Such modifications or alternatives are consistent with the intent of these Guidelines and will result in conditions that are commensurate with or superior to these Guidelines; and

The proposed modifications are consistent with the outlined objectives to promote safety and quality design. The proposed FLM is appropriately sited along the northern boundary of the subject site and has natural separation from the adjacent freeway. The increase in sign area and use of electronic display are appropriate given this condition.

- C. An individualized assessment reveals the existence of extraordinary conditions involving topography, land ownership, adjacent development, parcel configuration, or other factors related to the development site

Due to a drainage area located on the south side of the freeway, over 300 feet separates the northern property line from the freeway. Furthermore, a tall sound barrier is present on the south side of the Power Road off ramp that significantly reduces the visibility range for most signs.

Site Plan and General Site Development Standards:

The Proposed Project consists of one, two-faced freeway landmark monument sign with a maximum height of 75 feet and a total sign area of 1,526 square feet. The sign is set back from the northern property line by 30 feet and is approximately 300 feet east of Power Road.

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, and registered neighborhoods, and Homeowners Associations within one mile of the site.

A virtual neighborhood meeting was held on August 2, 2023. A summary of the neighborhood meeting is provided on pages three and four of the Citizen Participation Report.

Staff Recommendation:

Staff finds that the Proposed Project is consistent with the Mesa 2040 General Plan and Mesa Gateway Strategic Development Plan, complies with the criteria for a CUP outlined in Section 11-70-6 of the MZO, and meets the requirements of the approved Freeway Landmark Monument Guidelines, or the modification criteria per Section V. of the approved Freeway Landmark Monument Guidelines, as applicable (Resolution No. 8700).

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

1. Compliance with final sign detail submitted.
2. Compliance with all requirements of Case No. DRB22-00780.
3. Compliance with all City development codes and regulations, except the modifications to the Freeway Landmark Monument Guidelines as shown in the following table:

FLM Guideline	Approved
General Provisions	
At least 20% of the total sign area should be used for the project or destination name	9% of the total sign area is used for the project or destination name
No closer than two thousand feet (2,000') from an existing or approved Freeway Landmark Monument on the same side of the freeway	776 feet from an existing Freeway Landmark Monument on the same side of the freeway (Located in the Town of Gilbert)
Design and Construction	
Maximum 1 square foot of total sign area per 2 lineal feet of freeway frontage, not to exceed 750 square feet (535.5 square feet for the Proposed Project)	1,526 square feet of total sign area
Electronic Message Display	
The display is limited to text messages only, with no animation or video	The electronic display includes static text and graphics
Each message shall be displayed for a minimum period of one hour	Each message shall be displayed for a minimum of 8 seconds before changing

Exhibits:

- Exhibit 1 – Presentation
- Exhibit 2 – Resolution
- Exhibit 3 – Vicinity Map
- Exhibit 4 – Minutes
- Exhibit 5 – Submittal Documents