



PLANNING DIVISION

STAFF REPORT

Planning and Zoning Board

November 13, 2024

CASE No.: ZON24-00426	PROJECT NAME: WM Fuel Mesa 1646
Owner's Name:	Trent Rachel, Retail Trust III
Applicant's Name:	Ryan Alvarez, Kimley-Horn
Location of Request:	Within the 6000 to 6200 blocks of East Southern Ave (south side). Located west of Superstition Springs Blvd on the south side of Southern Ave.
Parcel No(s):	141-54-561A and 141-54-059J
Request:	Major Site Plan Modification and amending condition of approval Number One for Case No. Z99-043; and a Special Use Permit. This request will allow for a Service Station.
Existing Zoning District:	Limited Commercial (LC)
Council District:	6
Site Size:	18.9± acres
Proposed Use(s):	Service Station
Existing Use(s):	Vacant
Hearing Date(s):	November 13, 2024 / 4:00 p.m.
Staff Planner:	Chloe Durfee Daniel
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **August 18, 1988**, the City Council annexed the project site into the City of Mesa as part of a larger 484.74± acre annexation (Case No. A88-008; Ord. No. 2358).

On **October 3, 1988**, the City Council established comparable zoning on recently annexed property including R-S (now Office Commercial), C-2 (now Limited Commercial), R-3 (now Multiple Residence-3), R-4 (now Multiple Residence-4), and SR (Suburban Ranch) on 437.8± acres, including the subject site (Case No. Z88-056; Ord. No. 2382).

On **April 4, 1990**, the Design Review Board approved the elevations and landscape plans for a commercial center (Case No. DR90-004).

On **April 16, 1990**, the City Council approved a site plan to allow for the development of the first phase of a commercial development consisting of a major anchor tenant and two restaurant pad buildings on 13.75± acres (Case No. Z90-014; Ord. No. 2519).

On **September 6, 1999**, the City Council approved a site plan modification to expand the existing Walmart (Case No. Z99-043; Ord. No. 3644).

On **September 29, 1999**, the Design Review Board approved the 89,107 square foot expansion of the existing Walmart (Case No. DR99-106).

On **December 4, 2023**, the City Council approved a site plan modification for two areas of expansion of the existing Walmart (Case No. ZON23-00501; Ord. No. 5831).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Major Site Plan Modification, a Special Use Permit, and to amend condition number one on Ordinance 5831 to allow for the development of a service station (Proposed Project).

The project site is approximately 0.9 acres of the larger 18.9± acre Walmart site and is located on the south side of Southern Avenue west of Superstition Spring Boulevard. The site plan for the commercial center was originally approved by City Council on April 16, 1990 (Case No. Z90-014) and later modified by City council on September 6, 1999 (Case No. Z99-043; Ord. 3644). Condition of approval number one for Ordinance 3644 requires compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, and elevations submitted. Condition of approval number one was amended on December 4, 2023, by Ordinance 5831, requiring compliance with the final site plan submitted. The applicant is therefore requesting a Major Site Plan Modification and a rezone to amend conditions of approval to enable the development of a service station on the project site.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character type designation on the property are Mixed Use Activity District with a Regional Scale subtype and Neighborhood with a Suburban Sub-type.

Per Chapter 7 of the General Plan, the primary focus of the Mixed Use Activity District character type is to create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. Regional-Scale Districts primarily serve the population up to a 10-mile radius, are typically larger than 60 acres and contain multiple large format commercial buildings, unique features (lifestyle center), enclosed malls, and/or auto-malls that attract customers from a large trade area. The goal of Regional-Scale Districts is to provide a location for businesses and attractions that brings people to Mesa from the larger region.

The focus for the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods can contain a wide

range of housing options and often have non-residential uses such as schools, parks, places of worship and local serving businesses. The Suburban Sub-type includes neighborhoods which are primarily single residence in nature with most lots ranging in size from 6,000 sq. ft. to 18,000 sq. ft. As part of a total neighborhood area, this character type may also contain areas of duplexes and other multi-residence properties and commercial uses along arterial frontages and at major street intersections. Schools, parks, and religious institutions are frequently found in these neighborhoods. Streets are generally wide and contain sidewalks on both sides.

The Proposed Project complies with the character type by furthering the availability and accessibility of the existing business and fuel access to the surrounding area.

Zoning District Designations:

The project site is zoned Limited Commercial (LC). Per Section 11-6-1 of the MZO, the purpose of the LC zoning district is to provide areas for indoor retail, entertainment and service-oriented businesses that serve the surrounding residential trade area within a one (1) to ten-mile radius. Per Table 11-6-2 of the City of Mesa Zoning Ordinance (MZO), a service station is an allowed use in the LC zoning district with the approval of a Special Use Permit.

Surrounding Zoning Designations and Existing Use Activity:

Northwest LC Commercial	North (Across Southern Ave) Maricopa County Single Residence	Northeast LC Commercial
West RM-2/GC Multiple Residence & parking lot	Project Site LC Commercial	East (Across Superstition Springs Blvd.) LC Commercial
Southwest RM-2-PAD Single Residence	South LI-PAD Auto Sales	Southeast (Across Superstition Springs Blvd.) LC Commercial

Compatibility with Surrounding Land Uses:

The project site is currently part of a larger group commercial development located on the south side of Southern Avenue and west Superstition Springs Boulevard. The properties to the north, across Southern Avenue, are single family residential within the jurisdiction of Maricopa County while the other properties to the east and south are commercial uses. To the southwest of the subject site is a single residence development. The proposed expansions will be compatible with the surrounding area.

Site Plan and General Site Development Standards:

The proposed site plan shows the development of a 1,556 square foot service station building and a 4,773 square foot fuel canopy on the northern portion of the site within an existing parking area.

The fuel canopy will contain eight pumps and will be located adjacent to Southern Avenue. The Service station will be located to the south of the fuel canopy. Access to the site is from Southern Avenue and via internal drive aisles.

All landscape areas will be revegetated to be consistent with the landscape plan approved with Case No. DR90-004 and DR99-106 and the currently proposed landscape plan DRB24-00424.

Staff finds that with the approval an SUP, the project complies with development standards.

Mesa Zoning Ordinance Requirements and Regulations:

Service Station Special Use Permit MZO Section 11-31-25

Per Section 11-31-25(l) of the MZO, when required, the review of the Special Use Permit for a Service Station shall include a review and determination regarding the following items:

1. 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; and

The project site is located in the Mixed Use Activity District and Neighborhood character area designation of the Mesa 2040 General Plan. The existing development is consistent with the goals and objectives of the General Plan and approval of the SUP will advance the goals and objectives of City plans and policies. The use is also compatible with the surrounding uses.

The proposal meets this criterion.

2. 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; and

A plan of operations has been submitted that addresses all requirements.

The proposal meets this criterion.

3. 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, including sound attenuation, lighting control measures, and vehicular access and traffic control. Such policies shall include, but are not limited to, the name and telephone number of the position, manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures; and

A Good Neighbor Policy has been submitted that addresses all requirements.

The proposal meets this criterion.

4. 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.

The site and building for the use meet City development standards and design guidelines while requesting alternative compliance.

The proposal meets this criterion.

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.

There is acceptable documentation that demonstrates the building and site provide parking and circulation as well as minimizes impacts of dust, light, glare, noise offensive smells on adjacent properties and neighboring residential in the area.

The proposal meets this criterion.

Special Use Permit MZO Section 11-70-5

Per Section 11-70-5(E) of the MZO, the Planning and Zoning Board shall also find the following criteria are met for approval of a SUP:

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 project site is located in the Mixed Use Activity District and Neighborhood character area designation of the Mesa 2040 General Plan. The existing development is consistent with the goals and objectives of the General Plan and approval of the SUP will advance the goals and objectives of City plans and policies.

The proposal meets this criterion.

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 any other applicable City plan or policies;

The service station is consistent with and conforms with the LC zoning district and the General Plan designations.

The proposal meets this criterion.

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 have an injurious or detrimental impact to surrounding properties or detrimental to the surrounding area or to the general welfare of the City.

The proposal meets this criterion.

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

The City of Mesa utilities and public infrastructure are available to serve the existing development.

The request meets this criterion

Design Review Board:

The Proposed Project was heard by the Design Review Board at their October 8, 2024 meeting. The Board had minor comments and the applicant is working with staff to update their documents. Staff will provide the Board with any new information during the scheduled Study Session on November 13, 2024.

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. The applicant held a neighborhood meeting on August 5, 2024, and had three attendees with various questions and concerns.

Those concerns included general impacts to the adjacent neighborhoods, increases in HOA fees, decrease in property values, increases in crime, noise increases, and visibility of new signage for the fuel station. The applicant answered questions addressing concerns by providing information about their operations plan and good neighbor policy and the visibility of the site. Staff has also received general questions about the proposed project and the process the applicants are going through.

Staff will provide the Board with any new information during the scheduled Study Session on November 13, 2024.

Staff Recommendations:

Staff finds that the Proposed Project is consistent with the Mesa 2040 General Plan and meets 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. Compliance with the final site plan submitted.

2. Compliance with all requirements of Case No. DRB24-00424.
3. Compliance with all City development codes and regulations.
4. Compliance with the Plan of Operation and Good Neighbor Policy submitted.
5. Prior to the issuance of a Certificate of Occupancy, landscaping must comply with the landscape plan approved with case no. DR90-004, DR99-104, and DRB24-00424 and all dead, dying, and missing landscape materials must be replaced with landscape materials of similar type and size.

Exhibits:

Exhibit 1-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3-Project Narrative

Exhibit 4-Site Plan

Exhibit 5-Landscape Plan

Exhibit 6-Grading and Drainage Plan

Exhibit 7-Elevations

Exhibit 8-Operations Plan and Good Neighbor Policy

Exhibit 9-Citizen Participation Plan

Exhibit 10-Citizen Participation Report