



**PLANNING DIVISION
STAFF REPORT**

City Council Meeting

November 20, 2023

CASE No.: ZON23-00545	PROJECT NAME: Starbucks at University and Val Vista
Owner's Name:	Bird Lady, LLC.
Applicant's Name:	Pew & Lake, PLC
Location of Request:	Within the 400 to 500 blocks of north Val Vista Drive (west side) and within the 3500 block of East University Drive. Located west of Val Vista Drive and north of University Drive.
Parcel No(s):	140-12-008D
Request:	Major Site Plan Modification and amending conditions of approval for Case No. Z16-033S. This request will allow for a restaurant with a drive thru.
Existing Zoning District:	Neighborhood Commercial (NC)
Council District:	1
Site Size:	1.5± acres
Proposed Use(s):	Restaurant
Existing Use(s):	Vacant
P&Z Hearing Date(s):	October 25, 2023 / 4:00 p.m.
Staff Planner:	Samantha Brannagan, Planner II
Staff Recommendation:	Approval with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (6-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **September 18, 1972**, the City Council annexed 1,000± acres, including the project site, into the City of Mesa (Ordinance No. 767).

On **August 29, 2016**, the City Council approved a rezone from Single Residence-9 (RS-9) to Neighborhood Commercial (NC) and a site plan to allow for development of a neighborhood commercial center (Case No. Z16-033; Ordinance No. 5351).

On **October 17, 2023**, the Design Review Board reviewed the building elevations and landscape plans and had no comments or concerns.

On **October 25, 2023**, the Planning and Zoning Board approved a Special Use Permit to allow for an accessory drive-thru in the Neighborhood Commercial zone (Proposed Project). Per Section 11-66-2(C) of the Mesa Zoning Ordinance (MZO), the Planning and Zoning Board may hear and act on Special Use Permits when requested in conjunction with another request requiring action or recommendation by the Planning and Zoning Board (Vote 6-0). Following the P&Z Board hearing, staff added an additional condition of approval, to comply with the existing development agreement that was recorded in 2016 (condition of approval no. 3).

On **November 1, 2023**, the Board of Adjustment approved a Development Incentive Permit (DIP) to modify development standards. The requested deviations include:

- Reduction from the required 20-foot landscape yard to 10 feet from the northern property line.
- Reduction from the required 15-foot landscape yard to 0 feet from the western property line.
- Reduction from the required 10-foot foundation base to 5 feet.
- Reduction from the required 50-foot cross aisle setback to 17 feet from the right-of-way of North Val Vista Drive at the eastern property line.

PROJECT DESCRIPTION

Background:

The applicant is requesting a Major Site Plan Modification to allow for the development of a limited-service restaurant on the 1.5± acre project site.

In 2016, a site plan was approved for the development of a bakery with outdoor dining on the project site (Case No. Z16-033; Ordinance No. 5351). Condition of approval No. 1 in Case Z16-033 required compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.

The applicant is requesting a Major Site Plan Modification and a modification of the conditions of approval for Case No. Z16-033, which requires review and approval by City Council in accordance with Section 11-69-7(D)(1) of the MZO.

General Plan Character Area Designation and Goals:

The General Plan Character Type designation on the property is Neighborhood with a Suburban Sub-type and Neighborhood Village Center. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood Character Area is to provide a safe place for people to live where they can feel secure and enjoy their surrounding community.

In addition, per Chapter 7 of the General Plan, Neighborhood Village Centers are typically shopping areas that serve the surrounding neighborhoods within a two-mile radius with a mix of retail, residential, and office uses. These centers serve as the focal point for the surrounding

neighborhoods and the gathering place for local residents. The design, development, and maintenance of neighborhoods focuses on ensuring clean, safe, and healthy areas where people want to live and maintain their investments.

The project site is adjacent to properties within the Neighborhood Character Area to the north and west and properties to the east and south within the Neighborhood Village Center character area. This location creates a unique opportunity for the Proposed Project to fulfill the intent of both character areas. Per Chapter 7 of the General Plan, while the primary focus of Neighborhoods is to provide safe places to live and feel secure, associated uses include non-residential such as local service commercial, retail, and office uses to generally serve people within a mile radius. The Neighborhood Village Center also provides non-residential uses to those living primarily within a two-mile radius and includes mix of uses including both small and large scale retail and commercial uses.

The Proposed Project will serve those living in the immediate area as well as those living within several miles from the project site. The Proposed Project, as a small-scale commercial use, will serve the surrounding neighborhoods and is consistent with both the Neighborhood and Neighborhood Village Center Character Areas of the General Plan.

Zoning District Designations:

The proposed project site is zoned Neighborhood Commercial (NC). Per Section 11-6-1 of the MZO, the purpose of the NC zoning district is to provide areas for locally oriented retail and service uses that serve the surrounding residential trade area within a ½ to two-mile radius. Typical uses include retail stores, grocery-store-anchored shopping centers, drug stores, restaurants and cafes, gas stations, and convenience stores.

The Proposed Project is permitted in the NC zoning district with approval of a Special Use Permit. Planning and Zoning Board approved the Special Use Permit on October 25, 2023.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-9 Single Residence	North RS-9 Single Residence	Northeast (Across Val Vista Dr.) LC Group Commercial Center
West NC Vacant	Project Site NC Vacant	East (Across Val Vista Dr.) LC Group Commercial Center
Southwest (Across University Dr.) RM-4 Single Residence	South (Across University Dr.) LC Service Station & Mortuary	Southeast (Across Val Vista Dr.) RM-4 Mobile Home Subdivision

Compatibility with Surrounding Land Uses:

The proposed project site is currently vacant, as is the parcel directly to the west. Parcels to the north and northwest are zoned RS-9 and contain single family residences. Parcels to the east and

south are zoned LC and contain various commercial uses. Properties to the southeast across University Drive and Val Vista Drive are zoned RM-4 and developed as a mobile home subdivision. Properties to the southwest are zoned RM-4 and contain single-family residences.

The Proposed Project is compatible with the commercial uses located at the northeast and northwest corners of University and Val Vista Drive.

Site Plan and General Site Development Standards:

The Proposed Project consists of a one-story 2,400± square foot limited-service restaurant with a drive-thru. The proposed building is located proximate to the corner of University Drive and Val Vista Drive. The facility contains one drive-thru lane that runs along the south and east sides of the building with the pick-up window located along the eastern façade. A 400 square foot outdoor dining area is located on the west side of the building between the building and the entry of the drive-thru lane.

The proposed drive-thru is located adjacent to University and Val Vista Drive to provide increased separation from residential uses to the north. In accordance with Section 11-31-18(D) a 40-inch screen wall is provided. In addition, an integrated canopy, extending over and across the drive-thru lane is provided along both University and Val Vista Drive to provide additional screening.

Access to the site exists from both University Drive and Val Vista Drive. Per Table 11-32-3 of the MZO, 26 parking spaces are required. The site plan shows 26 parking spaces located to the north and west of the proposed building as well as three bicycle parking spaces located adjacent to the outdoor eating area.

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

Neighborhood Participation Plan and Public Comments:

The applicant conducted early outreach with neighbors prior to formal submittal by holding a virtual neighborhood meeting on May 23, 2023. According to the applicant seven households attended the meeting. Concerns that were discussed included: 1) hours of operation; 2) health concerns with the location of the trash enclosure; 3) the condition of the existing block wall between the project site and adjacent residential properties; 4) location of parking next to residential properties; 5) potential for the development of another drive-thru on the adjacent parcel to the west; and 6) general design questions.

Details of the applicant's response are outlined in the Citizen Participation Report. The applicant answered general questions on the proposed operations and explained site constraints that influenced the site design.

The applicant also completed a Citizen Participation Process with their formal submittal 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.

At the October 25, 2023 Planning and Zoning Board Meeting, 1 online comment card in support of the project and 2 comment cards in opposition were received.

Staff Recommendation:

Staff finds the Proposed Project complies with the Mesa 2040 General Plan, 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 final site plan submitted.
2. Compliance with all requirements of Design Review Case No. DRB23-00551.
3. Compliance with the development agreement (Maricopa County Recorder's Number 2016-0646806).
4. Receive approval of a Development Incentive Permit from the Board of Adjustment and comply with all requirements of Case No. BOA23-00543.
5. Compliance with all City development codes and regulations except for those modified by Case No. BOA23-00543.
6. Dedicate ten feet of right-of-way on Val Vista Drive (for a total of 65 feet of right-of-way) at the time of application for a building permit, at the time of recordation of a plat, or at the time of the City's request for dedication, whichever comes first.
7. Grant an easement for an expanded bus shelter on University Drive at the time of application for a building permit, at the time of recordation of a plat, or at the time of the City's request for dedication, whichever comes first.
8. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner must execute the City's standard Avigation Easement and Release for Falcon Field Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b. Due to the proximity to Falcon Field Airport, any proposed permanent or temporary structure, as required by the FAA, is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.
 - c. Prior to the issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.
 - d. Provide written notice to future property owners that the project is within two miles of Falcon Field Airport.
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which states in part: "This property, due to its proximity to Falcon Field Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
9. Execute a landscape maintenance agreement with the owner and the property owners to the north of the project site.

Exhibits:

Exhibit 1 – Presentation

Exhibit 2 – Ordinance

Exhibit 3 – Ordinance Map

Exhibit 4 – Vicinity Map

Exhibit 5 – P&Z Minutes

Exhibit 6 – Submittal Documents