



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

September 4, 2024

CASE No.: BOA24-00092	CASE NAME: WM Fuel Mesa 5349
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Owner’s Name:	Trent Rachel, Walmart Stores Inc.
Applicant’s Name:	Ryan Alvarez, Kimley-Horn
Location of Request:	Within the 8300 block of East Guadalupe Road. Located west of Hawes Road on the south side of Guadalupe Road.
Parcel No:	304-04-820
Nature of Request:	Requesting a Special Use Permit (SUP) for a Service Station in the Limited Commercial with a Planned Area Development overlay (LC-PAD) District.
Zone District:	Limited Commercial with a Planned Area Development overlay (LC-PAD)
Council District:	6
Site size:	7± acres
Existing use:	Retail/Commercial
Hearing date(s):	September 4, 2024 / 5:30 p.m.
Staff Planner:	Chloe Durfee Daniel, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **February 22, 1990**, the City Council annexed the project site into the City of Mesa as part of a larger 1,722± acre annexation (Case No. A88-013; Ord. No. 2482).

On **April 2, 1990**, the City Council established zoning on 1,776.4± acres of recently annexed land, including the subject site, to Agricultural (AG), Suburban Ranch (SR)[equivalent to RS-90], and Limited Commercial (C-2) [equivalent to LC](Case No. Z90-009; Ord. No. 2511).

On **January 21, 1996**, the City Council approved a rezoning from Agricultural (AG) to R1-7 [equivalent to RS-7], R1-6 [RS-6], R1-6 PAD [RS-6-PAD] for a Development Master Plan to allow for a single residence community containing approximately 770 lots and a 16-acre commercial tract, including the subject site (Case No. Z95-106; Ord. No. 3134).

On **June 2, 2003**, the City Council approved a site plan review to allow for the development of a neighborhood market on 14.6± acres (Case No. Z03-016; Ord. No. 4073).

On **August 6, 2003**, the Design Review Board approved a 30,690 square foot Walmart Neighborhood Market (Case No. DR03-055).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to allow for a service station for an existing group commercial center in the limited commercial (LC) zoning district. The site plan was approved in 2003 (Case No. Z03-016) and required the review and approval by the Board of Adjustment of a SUP for a proposed service station per Ordinance No. 4073. This application is moving concurrently with a Design Review application (DRB24-00147) for the elevations and landscaping as well as a Major Site Plan Modification application (ZON24-00145) for the site changes.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character type designation on the property is Neighborhood Village. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood Village character type is to provide for the regular shopping and service needs of the nearby population. These centers serve as the focal point for the surrounding neighborhoods and residents.

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 subject property is zoned Limited Commercial with a Planned Area Development overlay (LC-PAD). 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), service stations are permitted in the LC zoning district with a Special Use Permit.

Site Characteristics:

The proposed site plan shows the development of a 609 square foot service station building and a 4,313 square foot fuel canopy on the northern portion of the site within a vacant pad site.

The fuel canopy will contain six pumps and will be located adjacent to Guadalupe Road. The Service station building will be located under the fuel canopy. With the addition of the proposed service station and canopy, the site now requires 113 spaces, per Table 11-32-3 of the MZO, and 206 spaces are provided. Access to the site is from Guadalupe Road and via internal drive aisles.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across Guadalupe Road) RS-7-PAD Single Residence</p>	<p>North (Across Guadalupe Road) RS-7-PAD Single Residence</p>	<p>Northeast (Across Guadalupe Road) RS-7-PAD Single Residence</p>
<p>West LC-PAD Commercial</p>	<p>Project Site LC-PAD Commercial</p>	<p>East LC-PAD Commercial</p>
<p>Southwest LC-PAD Walmart Neighborhood Market</p>	<p>South LC-PAD Walmart Neighborhood Market</p>	<p>Southeast LC-PAD Walmart Neighborhood Market</p>

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 Neighborhood Village 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 Board of Adjustment 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 Neighborhood Village 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 be 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

Findings:

- A. The site is zoned Limited Commercial with a Planned Area Development overlay.
- B. The original site was approved through Z03-016 and DR03-055.
- C. The proposed site meets all of the requirements for a service station in section 11-31-25 of the MZO.
- D. The proposed use conforms to the goals of the Mesa 2040 General Plan.
- E. 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.
- F. 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
- G. 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
- H. 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.
 - I. The building and 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.

Neighborhood Participation Plan and Public Comments:

The applicant completed a Citizen Participation Process, which included mailing notification letters to all property owners within 500 feet of the subject property. The applicant held a neighborhood meeting on May 9, 2024, with no citizen attendees. As of the writing of this report, staff has not been contacted by any resident or property owner to express support or opposition to the request.

Staff Recommendation:

Based upon the application received and preceding analysis, Staff finds that the requested Special Use Permit for a service station complies with the review criteria for a service station outlined in Section 11-31-25 of the MZO and the required findings for a Special Use Permit outlined in Section 11-70-5 of the MZO; and therefore, recommends approval of the request with the following conditions.

Conditions of Approval:

- 1. Compliance with zoning case ZON24-00145.
- 2. Compliance with design review case DRB24-00147.

Exhibits:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Narrative and Justification Statement
- Exhibit 4 – Operations Plan and Good Neighbor Policy
- Exhibit 5 – Site Plan
- Exhibit 6 – Landscape Plan
- Exhibit 7 – Elevations