



**PLANNING DIVISION
STAFF REPORT**

Planning and Zoning Board

August 9, 2023

CASE No.: ZON23-00276	PROJECT NAME: Higley 202 Industrial
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Owner's Name:	Boyle Family LP
Applicant's Name:	Rauf Moosavi, Moosavi Design and Architecture
Location of Request:	Within the 3800 block of North Higley Road (east side). Located east of Higley Road and north of Thomas Road.
Parcel No(s):	141-38-009F, 141-38-009H, 141-38-009K, 141-38-009M
Request:	Site Plan Review. This request will allow for an office and associated contractor's yard. Also consider the Preliminary entitled, "Higley Industrial Subdivision".
Existing Zoning District:	Light Industrial (LI)
Council District:	5
Site Size:	5± acres
Proposed Use(s):	Construction office with an associated contractor's yard
Existing Use(s):	Vacant
P&Z Hearing Date(s):	August 9, 2023 / 4:00 p.m.
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	APPROVAL with conditions

HISTORY

On **January 23, 1983**, the City Council annexed approximately 2,335± acres of land into the City (Ordinance No. 1682), including the subject property, and subsequently zoned the property Single Residence 90 (RS-90) (Case No. Z83-037, Ordinance No. 1710).

On **May 21, 2007**, the City Council approved a Rezone from RS-90 to Light Industrial (LI) and Site Plan to allow for a commercial development. The site plan was not executed within two years of the approval and therefore expired (Case No. Z07-027, Ordinance No. 4699)

PROJECT DESCRIPTION

Background:

The project site is currently vacant and located north of the 202 Red Mountain Freeway, east of Higley Road, and north of Thomas Road. The applicant is requesting approval of an Initial Site Plan to develop a construction office and associated contractor's yards.

The applicant is also requesting approval of a Preliminary Plat to combine the four existing lots into one lot.

General Plan Character Area Designation and Goals:

The General Plan Character area designation on the property is Employment. Per Chapter 7 of the General Plan, the purpose of the Employment character area designation is to provide employment type land uses with such areas typically having minimal connection to the surrounding area. Examples of Employment districts include areas for large manufacturing facilities, warehousing, and business parks.

Staff reviewed the site plan request for the construction office and associated contractor's yards and determined it is consistent with the development review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Falcon Field Sub Area:

The subject property is located within the Falcon Field Sub Area and the proposed use is consistent with the intent of the area by reducing the impact of aviation related uses from neighboring residential uses. The proposed industrial park will act as a buffer between the airport and the residential uses to the northeast as well as reducing the impact of the 202 Red Mountain Freeway for those properties to the north.

Zoning District Designations:

The subject property is currently zoned LI. Per Section 11-7-1 of the MZO, the intent of the Light Industrial zoning district is to provide areas for limited manufacturing and processing, wholesaling, research, warehousing, and distribution activities that take place within enclosed buildings, with restricted accessory outdoor storage as needed to support the primary uses. Light Industrial areas can be used to buffer General Industrial uses from other less intense uses. This district also provides for a full range of commercial activities, generally on a limited scale, including high-impact commercial uses, outdoor display, and outdoor sale.

Per Table 11-7-2 of the MZO, a construction office and associated contractor's yards is permitted in the LI zoning district.

Airfield Overlay – MZO Article 3 Section 11-19:

Per Section 11-19 of the MZO, the property is located within the Airfield (AF) Overlay District. Specifically, within the Airport Overflight Area Three (AOA 3). The location of the property within the AOA 3 is due to its proximity to the Falcon Field Airport. Per Section 11-19 of the MZO, there are no use limitations beyond those set by the base district.

Site Plan and General Site Development Standards:

The site plan shows construction of two buildings, a 5,400 square foot construction office and a 7,744 square foot workshop.

The construction office would be located centrally on the site with the workshop and contractors yard located on the rear half of the lot. Parking would be located in front of the office building adjacent to Higley Road.

Primary access will be via two access points from Higley Road that will provide for both ingress and egress. Per Section 11-32-3 of the MZO, office portions of the building are to be parked at 1 space per 375 square feet and the warehousing portion at 1 space per 900 square feet. The site plan shows 60 parking spaces, which provides the minimum number required of 42 parking spaces.

Overall, the proposed site plan conforms with the MZO including the review criteria for Site Plan Review outlined in Section 11-69-5 of the City of MZO.

Development Agreement:

Due to no existing sewer infrastructure in the area, a development agreement is required to allow for temporary septic on site until sewer is readily available in the area. The property owner will be required to tie into the sewer once the line has been completed to the frontage of the subject parcel. The proposed development agreement will be heard by City Council at a future date and will be required to be recorded prior to issuance of building permits.

Design Review:

The Design Review Board reviewed the subject request at their March 14, 2023 meeting. Staff is working with the applicant to address minor aesthetic comments and recommendations from the Design Review Board that do not impact the site plan.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Higley Road) LI Vacant	North RS-90 & LI Single Residence & Industrial	Northeast RS-90 Vacant
West (Across Higley Road) LI Vacant	Project Site LI Vacant	East RS-90 Vacant
Southwest (Across Higley Road) LI Vacant	South RS-90 Single Residence	Southeast RS-90 Vacant

Compatibility with Surrounding Land Uses:

The project site is currently vacant. To the north is a single residence home and an industrial business. East of the project site is vacant land zoned RS-90. South of the project site is a single

residence that is zoned RS-90, and to the west is vacant land zoned Light Industrial. The Proposed Project is compatible with the surrounding development and land uses.

Preliminary Plat:

The applicant is requesting Preliminary Plat approval to combine the four lots into one lot. Section 9-6-2 of the Mesa Subdivision standards requires approval of all subdivision plats located in the City to be processed through four progressive stages. Review and approval of a Preliminary Plat is the second stage in the series of the progressive stages. This review includes the evaluation of the overall design of the subdivision and details, such as utilities layout, ADA compliance, and retention requirements. The Preliminary Plat is reviewed and approved by the Planning & Zoning Board. Per Section 9-6-2 of the City's subdivision regulations, all plats are subject to Final Plat approval through the City Council. The request meets the review criteria for approval of a Preliminary Plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations.

Neighborhood Participation Plan and Public Comments:

The applicant completed a Citizen Participation Process which included notifying 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.

Staff was contacted by one property owner north of the project site who had concerns about the impact of the proposed drainage and how it might affect their property. The applicant reached out to the concerned property owner and showed how the proposed drainage which improve the area and reduce the impact of the local stormwater when compared to current conditions.

At the Planning and Zoning Board's July 12, 2023 meeting, the property owner directly north of the Proposed Project, Nicole Smale, provided comment on several of her concerns with the proposal. Below is a summary of Nicole's comments and how they have been addressed by the applicant.

- Nicole expressed concern with the proposed contractor's yard and how visible it would be from her property. In response, the applicant revised their site plan to expand the landscape yards along the north and south property lines. The landscape yards were previously between 8-15 feet wide and now range between 30-40 feet in width. The increased landscape yards will allow for additional landscaping and for grading and retention along the north property line. The applicant will be providing an eight-foot screen wall around the entire contractor's yard. The eight-foot wall along the north property line will be placed on top the planned retaining wall.
- She also commented on the existing drainage in the area that currently impacts her property, and expressed concern over how Higley Road would capture the storm water runoff generated by the Proposed Project. The applicant is responsible for retaining stormwater onsite for a 100-year, two-hour storm event. The retention should improve current drainage conditions in the area by retaining the runoff that is currently following natural drainage patterns and flowing off-site.
- She expressed concern with how right-of-way for 54th Street would be developed, which is located east of the Proposed Project. The Proposed Project does not have direct frontage on 54th Street and therefore is not responsible for improvements. All future

projects located along 54th will be required dedicate right-of-way as a part of the development as well as design and build the required off-site and on-site improvements.

Staff will provide the Board with any new information during the scheduled Study Session on August 9, 2023.

Staff Recommendations:

Staff finds that the proposed project meets the review criteria for Preliminary Plat approval outlined in Section 9-6-2 of the Mesa Subdivision Regulations, and Site Plan Review criteria outlined in Section 11-69-5 of the MZO.

Staff recommends approval with the following conditions.

Conditions of Approval:

1. Compliance with final site plan submitted.
2. Compliance with the landscape plan submitted.
3. Compliance with the Preliminary Plat submitted.
4. Compliance with all requirements of the Subdivision Regulations.
5. Compliance with all requirements of Design Review case DRB22-01156.
6. Prior to the issuance of any building permit, execute the development agreement and record the development agreement with the Maricopa County Recorder's Office.
7. Execute and comply with the development agreement, DA23-00008.
8. Compliance with all City development codes and regulations.
9. 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 one mile 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."

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
- 3.5 Grading and Drainage Report
- 3.6 Line of Sight Study
- 3.7 Citizen Participation Plan

Exhibit 4-Citizen Participation Report