



**PLANNING DIVISION
STAFF REPORT**

City Council Meeting

August 21, 2023

CASE No.: ZON23-00338	PROJECT NAME: TMW Offroad
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Owner's Name:	Tyco Metal Works LLC
Applicant's Name:	Tim Nielsen, Farnsworth Construction Co.
Location of Request:	Within the 7400 block of South 89th Place (west side), within the 8900 block of East Winnston Avenue (north side), and within the 7400 block of South Atwood (east side). Located west of Ellsworth Road and north of Germann Road.
Parcel No(s):	304-62-164, 304-62-165, 304-62-180 & 304-62-181
Request:	Rezone from Light Industrial with a Planned Area Development Overlay (LI-PAD) to Light Industrial with a Planned Area Development Overlay and Bonus Intensity Zone Overlay (LI-PAD-BIZ) and Site Plan Review. This request will allow for an industrial development.
Existing Zoning District:	Light Industrial with a Planned Area Development overlay (LI-PAD)
Council District:	6
Site Size:	2.4± acres
Proposed Use(s):	Industrial Development
Existing Use(s):	Vacant
P&Z Hearing Date(s):	July 26, 2023 / 4:00 p.m.
Staff Planner:	Jennifer Merrill, Senior Planner
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote: 7-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **December 18, 1989**, City Council approved the annexation of approximately 3,346± acres of land, including the proposed project site (Case No. A89-003; Ord. No. 2473).

On **March 5, 1990**, City Council established Suburban Ranch (SR) zoning, (equivalent to current Single Residence-43 [RS-43] on the proposed project site (Case No. Z90-007; Ord. No. 2496).

On **June 21, 2004**, City Council approved a rezoning for 315± acres, including the proposed project site, from R1-43 to Manufacturing District (M-1) (equivalent to Light Industrial [LI]) (Case No. Z04-001; Ord. No.4208).

On **October 24, 2005**, City Council approved a rezone from M-1 to M-1-PAD and Site Plan Review to allow for a light industrial complex known as Gateway Airport Commerce Park (Case No. Z05-090; Ord. No. 4470). This approval included condition #2: “Review and approval by the Planning and Zoning Board, Design Review Board, and City Council of future development plans”.

On **December 18, 2006**, City Council approved an amendment to Ordinance #4470, modifying the previous condition to “Review and approval by the Design Review Board of all future development plans” (Case No. Z06-093; Ord. No. 4654).

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the proposed project site from Light Industrial with a Planned Area Development overlay (LI-PAD) to LI-PAD with a Bonus Intensity Zone overlay (LI-PAD-BIZ) and requesting Site Plan Review approval of an Initial Site Plan to allow an industrial development (Proposed Project).

The existing site is zoned LI-PAD; the PAD overlay was approved in 2005 to allow reduced interior side yard setbacks within the Gateway Airport Commerce Park industrial subdivision. The applicant is retaining the existing PAD overlay, which applies to the entire subdivision, and requesting a BIZ for additional modifications to development standards that would apply just to the proposed project site.

Currently, the site is vacant and located west of Ellsworth Road and north of Germann Road and occupies four parcels within the Gateway Airport Commerce Park. The submitted site plan shows development of an industrial building totaling 29,937 square feet.

General Plan Character Area Designation and Goals:

The proposed project site is located within the Employment character area of the Mesa 2040 General Plan. Per Chapter 7 of the General Plan, the goal for these districts is to provide for a wide range of employment opportunities. The proposed uses for the site, indoor warehouse and office, comply with the overall intent of the character area designation.

The proposed BIZ overlay and use of the property is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Mesa Gateway Strategic Development Plan:

The proposed project site is also located within the Logistics and Commerce District of the Mesa

Gateway Strategic Development Plan. Heavy industrial, light industrial and business park uses will be predominant within this district. This district should provide a high-quality employment environment that is compatible with increasing over-flight activities associated with Phoenix-Mesa Gateway Airport.

The proposed warehouse and office uses are consistent with the intent of the Mesa Gateway Strategic Development Plan.

Zoning District Designations:

The applicant is requesting to rezone the site from LI-PAD to LI-PAD-BIZ. Per Section 11-7-1 of the MZO, the purpose of the LI zoning district is to provide areas for limited manufacturing and processing, wholesaling, research, warehousing, and distribution activities within enclosed buildings, with restricted accessory outdoor storage as needed to support the primary uses.

Per Section 11-7-2 of the MZO, industrial uses are permitted in the LI zoning district. The proposed rezoning and intended development of the site for warehouse, fabrication, and office/showroom uses conforms to the goals of the LI District.

Airfield Overlay – MZO Article 3, Section 11-19:

Per Section 11-19 of the Mesa Zoning Ordinance (MZO), the site is located within the Airfield Overlay District, specifically within the Airport Overflight Area Two (AOA 2). The location of the property within the Airfield Overlay is due to its proximity to the Phoenix-Mesa Gateway Airport. Per Table 11-7-2 of the MZO, there are no additional use restrictions for office and warehouse uses located in the LI zoning district and AOA 2.

The development will experience noise from the airport. Phoenix-Mesa Gateway Airport staff reviewed the proposal and indicated that the proposed light industrial development is considered a compatible land use in vicinity to the airport and provided conditions of approval and design review considerations.

Bonus Intensity Zone Overlay Modification – MZO Article 3, Chapter 21:

The Proposed Project includes a BIZ overlay to allow for modifications to certain required development standards of the MZO.

Per Section 11-21-1 of the MZO, the purpose of a BIZ overlay is to provide for variation from the application of development standards to allow greater intensity of development and encourage unique, innovative developments of superior quality. Table 1 shows the MZO required standards and the applicant’s proposed BIZ standards.

Table 1: Development Standard Comparison

Development Standards	MZO Required	BIZ Proposed	Staff Recommendation
<u>Materials and Colors</u> – <i>MZO Section 11-7-3(B)(5)</i> -Materials	No more than fifty percent (50%) of the total facade may be covered with 1 single material	No more than 81% of the total façade may be covered with 1 single material	As proposed
<u>Parking Area Design</u> – <i>MZO Section 11-32-4(A)</i> -Setback of Cross Drive Aisles	50 feet from parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles to the property line abutting the street	40 feet from parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles to the property line abutting the street	As proposed

Materials and Colors:

Per Section 11-7-3(B)(5) of the MZO, to reduce the apparent massing and scale of buildings, facades shall incorporate at least three different and distinct materials, and no more than 50% of the total façade may be covered with one single material.

The applicant is requesting that concrete tilt up panels be allowed to cover a maximum of 81% of the building facade. The proposed concrete panels will be varied in both color and texture.

Parking Area Design:

Per Section 11-32-4(A) of the MZO, parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 50 feet from the property line abutting the street.

The applicant is requesting a 40-foot setback from the property line abutting Atwood to the parking spaces and cross drive aisle. According to the applicant, the modification is requested to enable full utilization of the site, and to provide a similar development pattern as other lots in Gateway Airport Commerce Park.

Justification:

Review and approval of a BIZ overlay is based on the criteria in Section 11-21 of the MZO. The City Council may approve a request for a BIZ overlay for projects that provide distinctive, superior quality designs and address environmental performance standards in the site or building design.

Per the Project Narrative, the Proposed Project offers superior quality design by using a compelling variety of building materials, heights, colors and textures, to articulate a dynamic and

visually pleasing statement. The building integrates sweeping metal overhangs in the yard areas, pronounced steel shade canopies at the dominant windows and entrances, ‘ribbed’ steel panels above the two major entry points, parapet height enhancements identifying the two key building corners, and ‘relief patterning’ in the tilt panel concrete walls, shifts in complimentary colors along the building facades create additional layered interest.

Overall, the Proposed Project demonstrates superior quality to meet the intent of the City’s Zoning Ordinance and General Plan.

Site Plan and General Site Development Standards:

The Proposed Project consists of a 29,937 square foot industrial building and outdoor storage yard. The building will be centrally located on the proposed project site with the outdoor storage yard on the rear one-half of the property adjacent to 89th Place and will be screened by an eight-foot wall in accordance with Section 11-30-7 of the MZO.

Primary access into the site is proposed via South Atwood, with secondary gated access to the outdoor storage yard from Winston and from 89th Place. Per Table 11-32-3.A, 40 parking spaces are required. Forty-two parking spaces are proposed west and north of the proposed building.

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

Design Review:

This request was required to be reviewed and approved by the Design Review Board per Case Number Z06-093, Ordinance Number 4654. The Design Review Board voted to approve this request at their June 13, 2023 meeting.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Atwood) LI-PAD Vacant	North LI-PAD Industrial	Northeast (Across 89 th Place) LI-PAD Industrial
West (Across Atwood) LI-PAD Vacant	Proposed Project Site LI-PAD Vacant	East (Across 89 th Place) LI-PAD Vacant
Southwest (Across Atwood) LI-PAD Vacant	South (Across Winston Avenue) LI-PAD Industrial	Southeast (Across 89 th Place) LI-CUP Commercial Recreation

Compatibility with Surrounding Land Uses:

The proposed project site is located near the south entrance to Gateway Airport Commerce Park. To the north of the proposed project site is vacant land approved for industrial use. Across the streets to the east and west are vacant industrial properties, and across Winston to the south

are existing industrial uses and a trampoline park. The proposed industrial development is compatible with the zoning and anticipated land uses in the area.

Neighborhood Participation Plan and Public Comments:

The applicant completed a Citizen Participation Process which included mailing letters to property owners within 500 feet of the site.

As of the writing of this report, staff has not received any response from neighboring property owners.

Staff Recommendation:

Staff finds that the requested rezone and Site Plan Review is consistent with the Mesa 2040 General Plan, the Gateway Strategic Development Plan, and the purpose for a Bonus Intensity Zone overlay outlined in Section 11-21 of the MZO, and 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. Review and approval by the Design Review Board of all future development Plans.
3. Compliance with Design Review Case No. DRB22-01109.
4. 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 Phoenix Mesa Gateway 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 Phoenix Mesa Gateway 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 Phoenix Mesa Gateway Airport
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must state in part: "This property, due to its proximity to Phoenix Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."

5. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with the PAD in zoning case no. Z06-093 [Ordinance no. 4654] and this BIZ shown on the following table:

Development Standards	Approved
<u>Materials and Colors</u> – MZO Section 11-7-3(B)(5) -Materials	No more than 81% of the total façade may be covered with 1 single material
<u>Parking Area Design</u> – MZO Section 11-32-4(A) -Setback of Cross Drive Aisles	40 feet from parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles to the property line abutting the street

Exhibits:

Exhibit 1-Vicinity Map

Exhibit 2-Staff Report

Exhibit 3-Application Information

3.1 Site Plan

3.2 Grading and Drainage Plan

3.3 Landscape Plan

3.4 Project Narrative

3.5 Elevations

3.6 Citizen Participation Plan

Exhibit 4-Citizen Participation Report