



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

September 4, 2024

CASE No.: BOA24-00104	CASE NAME: WM Fuel Mesa 3799
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Owner’s Name:	Trent Rachel, Walmart Stores Inc.
Applicant’s Name:	Ryan Alvarez, Kimley-Horn
Location of Request:	330 West Baseline Road. Located east of Country Club Drive on the north side of Baseline Road.
Parcel No:	139-50-051B
Nature of Request:	Requesting a Special Use Permit (SUP) for a Service Station in the Light Industrial (LI) District.
Zone District:	Light Industrial (LI)
Council District:	4
Site size:	23± 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 **June 18, 1973**, the City Council annexed the project site into the City of Mesa as part of a larger 4,119.8± acre annexation (Ord. No. 812).

On **November 16, 1998**, the City Council approved a Council Use Permit (CUP) and a rezoning from Light Industrial (LI) and General Commercial (GC) to LI with a CUP to allow for a group commercial center on 33± acres, including the subject site (Case No. Z98-044; Ord. No. 3565).

On **December 6, 2004**, the City Council approved a site plan modification to allow for the development of a commercial shopping center on 33± acres (Case No. Z04-093; Ord. No. 4327).

On **February 2, 2005**, the Design Review Board reviewed and approved a 203,091 square foot Walmart Supercenter (Case No. DR05-004).

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 light industrial (LI) zoning district. The site plan was approved in 2004 and included a proposed service station located in the southeast corner of the site, but the service station was never built (Case No. Z04-093; Ord. No. 4327). That Ordinance required review and approval by the Board of Adjustment of a SUP for the proposed service station. This application is moving concurrently with a Design Review application (DRB24-00275) for the elevations and landscaping as well as a Major Site Plan Modification application (ZON24-00274) for the site changes.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character type designation on the property is Mixed Use Activity District with a Community subtype and Employment with a Business Park subtype. 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. The goal of Community-Scale Districts is to provide high-quality opportunities for commercial and entertainment activities consistent with the needs of today's consumer.

The focus for the Employment character type is to provide for a wide range of employment opportunities in high-quality settings. The Business Park subtype is typically low intensity developments that contain a number of separate businesses, offices, and light industrial facilities. The Proposed Project complies with both character types 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 Light Industrial (LI). Per Section 11-7-1 of the MZO, the purpose of the LI zoning district is used to buffer 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. Per Table 11-7-2 of the City of Mesa Zoning Ordinance (MZO), service stations are permitted in the LI zoning district with a Special Use Permit.

Site Characteristics:

The proposed site plan shows the development of a 1,618 square foot service station building and a 6,280 square foot fuel canopy in the southwest portion of the site in a current parking field.

The fuel canopy will contain 10 pumps and will be located adjacent to Baseline Road. The Service station building will be located further north behind the fuel canopy. With the addition of the proposed service station and canopy, the site now requires 554 parking spaces, per Table 11-32-3 of the MZO, and 921 spaces are provided. Access to the site is from Baseline Road and via internal drive aisles.

Surrounding Zoning Designations and Existing Use Activity:

Northwest GC Hotel	North LI Office/Warehousing	Northeast LI Office/Warehousing
West LI Commercial	Subject Property LI Commercial	East LI Office/Warehousing
Southwest (Across Baseline Road) Gilbert Office/Commercial	South (Across Baseline Road) Gilbert Offices	Southeast (Across Baseline Road) Gilbert Office

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 with a Community Sub-type and Employment with a Business Park Sub-type 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 Mixed Use Activity District with a Community Sub-type and Employment with a Business Park Sub-type 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 LI 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

Findings:

- A. The site is zoned Light Industrial.
- B. The original site was approved through Z04-093 and DR05-004.
- 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 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
- G. 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
- H. 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.
 - I. 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.

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 June 27, 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 ZON24-00274.
- 2. Compliance with design review case DRB24-00275.

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