



PLANNING DIVISION
STAFF REPORT

Planning and Zoning Board

December 14, 2022

CASE No.: ZON22-00680	PROJECT NAME: Denny's Restaurant
Owner's Name:	Evergreen - Point 22 & Signal Butte, L.L.C.
Applicant's Name:	Akram Rosheidat, MRT Design, LLC
Location of Request:	Within the 4200 block of South Signal Butte Road (west side). Located north of East Point Twenty-Two Boulevard on the west side of South Signal Butte Road.
Parcel No(s):	312-08-976
Request:	Site Plan Modification. This request will allow for the development of a restaurant.
Existing Zoning District:	Planned Community (PC)
Council District:	6
Site Size:	0.90± acres
Proposed Use(s):	Restaurant
Existing Use(s):	Vacant
Hearing Date(s):	December 14, 2022 / 4:00 p.m.
Staff Planner:	Chloe Durfee Daniel
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **November 3, 2008**, City Council annexed 3,136.35± acres of land into the City of Mesa and established a R1-43 zoning, now known as Single Residential-43 (RS-43). (Case No. Z08-055; Ord. #4891; Ord. 4891).

On **November 3, 2008**, City Council approved a Major General Plan Amendment changing the land use designation to Mixed Use Community on 3,136.35± acres. (Case No. GPMAJOR08-01; Ord. #9353).

On **November 3, 2008**, City Council approved an establishment of a Community Plan for a Mixed Use Community with a new zoning of Planned Community District (PCD), now known as Planned Community (PC), on 3,136.35± acres of land into the City of Mesa. (Case No. Z08-056; Ord. #4893).

On **April 28, 2011**, the Planning and Zoning Board approved the establishment of a Development Unit Plan for Development Unit 6 of the Mesa Proving Grounds Community Plan on 3,140.55± acres of land. (Case No. Z11-010).

On **May 5, 2014**, City Council approved a major amendment to the Eastmark (Mesa Proving Grounds) Community Plan pertaining to Development Unit 5 to allow the additional land use groups in Development Unit 5 on 3,136.35± acres of land. (Case No. Z14-014; Ord. 5214).

On **March 23, 2016**, the Planning and Zoning Board approved the establishment of a Development Unit Plan for Development Unit 6-South of the Eastmark Community Plan on 109.41± acres of land. (Case No. Z16-014).

On **September 21, 2016**, the Planning and Zoning Board approved an amendment for the Development Unit Plan for Development Unit 6-South of the Eastmark Community Plan on 112.87± acres of land. (Case No. Z16-047).

On **May 17, 2017**, the Planning and Zoning Board approved the establishment of a Development Unit Plan for Development Unit 5/6 of the Eastmark Community Plan on 728.9± acres of land. (Case No. Z17-019).

On **July 18, 2018**, the Planning and Zoning Board approved a site plan review for a development of a retail/commercial center on 16.9± acres of land. (Case No. Z18-00355).

On **August 20, 2018**, City Council approved a revision to the community plan on 3,136.35± acres of land. (Case No. Z18-00121; Ord. 5464).

PROJECT DESCRIPTION

Background:

The subject site is 0.90± acres of vacant property within the Eastmark Planned Community District (PCD). The applicant is requesting approval of a Site Plan Modification to allow for a restaurant development. Per Section 6 of the Community Plan (CP) approved with the PCD, City of Mesa Site Plan Review approval is required for all development projects, other than single-family residential, located all or partially within three hundred (300) feet of Signal Butte Road.

The proposed site plan shows a restaurant building within the already approved larger group commercial center. Vehicular access to the site will be to the north, south, east, and west out onto Signal Butte Road or onto other parcels within the group commercial development. The site plan also shows a continuation of the system of pedestrian walkways connecting onsite buildings to each other, to public sidewalks along Signal Butte Road, and to the rest of the surrounding development.

General Plan Character Area Designation and Goals:

The property is located in a Mixed-Use Community character area designation of the City's General Plan. Per Chapter 7 of the General Plan, the primary focus of the Mixed Use character area designation is for large land areas where it is possible to develop a mixture of uses that create a complete and identifiable community. Such mix of uses include employment, industrial, office, retail, medical, educational, community service, tourism, entertainment, open space,

recreational, and residential uses. The subject request conforms to the goals of the Mixed-Use Community character area and the development review criteria outlined in Chapter 15 of the General Plan by adding to the mix of uses envisioned for the Mix Use Community.

The property is also located within the Mixed-Use Community District of the City's Gateway Strategic Development Plan. According to this plan, the focus of the Mixed-Use Community District is to provide sustainability through the creation of a live/work/play community with a wide variety of land uses including low- to high-density residential, commercial, employment, civic and recreational uses. The subject request conforms to the goals of the Gateway Strategic Development Plan by providing a commercial use to support existing and developing residential within the Eastmark community.

Zoning District Designations:

This subject property is zoned Planned Community (PC) and has an approved Community Plan (CP). Specifically, the property is located within the Development Unit 5/6 South (DU 5/6S) of the Eastmark (Mesa Proving Grounds) Community Plan. The Development Unit Plan for DU 5/6S includes a land use allocation plan that requires specific identification and location of land use types during the review and approval of a site plan. The subject site is a part of a larger commercial center that was approved through case ZON18-00355, and the Land Use Group (LUG) identified was District (LUG D). This designation is consistent with the standards of the Community Plan and Development Unit.

Airfield Overlay – MZO Article 3 Section 11-19:

Per Section 11-19 of the Mesa Zoning Ordinance (MZO), the site is located within the City of Mesa 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 Phoenix-Mesa Gateway Airport. Per Section 11-19-4(C) of the MZO, there are no use restrictions in the AOA 3 beyond those applicable to the base zoning district.

Site Plan and General Site Development Standards:

The applicant is proposing a 3,993 sq. ft. restaurant on the property. The proposed site plan shows one building with both pedestrian and auto circulation to Signal Butte Road and to the rest of the larger commercial development. There is also a small outdoor patio connected to the building. The proposed site plan shows 50 parking spaces in addition to cross access to the surrounding parcels. In conclusion, the proposed site plan is consistent with the development standards set forth in the District Land Use Group (LUG-D) and with the review criteria for Site Plan Review outlined in Section 6.1 of the CP. This request is also consistent with the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

Design Review:

The Eastmark Design Review Committee conditionally approved the elevations and landscape plan for Denny's at the Point on March 25, 2022. Final approval by the Eastmark Design Review Committee is required prior to permitting.

Surrounding Zoning Designations and Existing Use Activity:

Northwest PC Retail	North PC Restaurant	Northeast (Across Signal Butte Road) RS-7 Single Residence
West PC Retail	Subject Property PC Vacant	East (Across Signal Butte Road) RS-7 Single Residence
Southwest PC Grocery Store	South PC Retail	Southeast (Across Signal Butte Road) RS-7 Single Residence

Compatibility with Surrounding Land Uses:

The subject property is within the Eastmark Community. It is currently part of a larger group commercial development located on the west side of Signal Butte Road and north of Point Twenty-Two Boulevard. The properties to the west and north of the subject site are retail and restaurant buildings under development while the properties south and southwest from the subject property are an existing grocery store and two other PAD retail sites. To the east of the site, across Signal Butte Road is a single-family residential development. The proposed restaurant use will be compatible with the surrounding area, the Community Plan, the DU Plan for DU5/6S of the PC, the Mixed Use Community Character Area, and within the Mesa Gateway Strategic Development Plan.

Neighborhood Participation Plan and Public Comments:

The applicant submitted a Citizen Participation Plan that conforms to the requirements of the Community Plan and MZO Chapter 11. The Citizen Participation Plan included notifications as identified in the CP, including sending notifications to all HOAs with one-half (1/2) mile, registered neighborhood associations within one (1) mile, and all property owners within 1,000-feet of the property boundary.

As of writing this report, neither the applicant nor staff have received any comments regarding the project. Staff will provide the Board with any new information during the scheduled Study Session on December 14, 2022.

Staff Recommendations:

The subject request is consistent with the Mesa 2040 General Plan, Eastmark Community Plan, the Development Unit Plan for Development Unit 5/6 South and meets the review criteria for Site Plan Review approval outlined in Section 6.1 of the Eastmark Community Plan; therefore, staff is recommending approval of the request with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan submitted.
2. Final Eastmark Design Review approval is required prior to the issuance of a building permit.
3. Compliance with Ordinance Number 4893 and the adopted Eastmark (Mesa Proving Grounds) Community Plan.
4. Compliance with the Eastmark Development Unit 5/6 South Development Unit Plan.
5. Compliance with all City development codes and regulations.
6. 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 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 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 three miles 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 the Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."

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 Elevations

3.5 Project Narrative

3.6 Citizen Participation Plan

Exhibit 4-Citizen Participation Report