



**PLANNING DIVISION
STAFF REPORT**

Planning and Zoning Board

May 22, 2024

CASE No.: ZON23-00653, ZON24-00346	PROJECT NAME: The Landing at Falcon Field
---	--

Owner's Name:	EVERGREEN-GREENFIELD AND MCKELLIPS LAND LLC
Applicant's Name:	Jazzmine Clifton, Evergreen Dev Co
Location of Request:	Within the 4600 to 4800 block of East McKellips Road (south side), the 1700 to 2000 block of North 48th Street (west side), and the 1700 to 2000 block of North 46th Street (east side). Located east of Greenfield Road on the south side of McKellips Road.
Parcel No(s):	141-34-002H
Request:	ZON24-00346: Minor General Plan Amendment. This request will change the General Plan Character Area Type from Mixed Use Activity to Employment.
	ZON23-00653: Rezone from Light Industrial (LI) to LI with a Planned Area Development (LI-PAD), Site Plan Review, and revocation of a Council Use Permit (CUP). Also consider approval of a Preliminary Plat titled, "The Landing at Falcon Field".
Existing Zoning District:	Light Industrial
Council District:	2
Site Size:	34± acre
Proposed Use(s):	Restaurants with drive-thru facilities and Industrial
Existing Use(s):	Vacant
P&Z Hearing Date(s):	May 22, 2024 / 4:00 p.m.
Staff Planner:	Josh Grandlienard, AICP, Senior Planner
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **December 17, 1979**, the City Council annexed 577± acres, including 34± acres of the project site located east of Greenfield Road, and established M-1 (equivalent to the current Light Industrial) zoning on the property (Case Nos. Z79-118; Ordinance No. 1302).

On **September 06, 2005**, the City Council approved a Council Use Permit and Site Plan to allow for a Sam's Club which was never built (Case No. Z05-073; Ordinance No. 4458).

PROJECT DESCRIPTION

Background:

Case No. ZON23-00653 Rezone and Site Plan:

The applicant is requesting to rezone the project site from Light Industrial (LI) to Light Industrial with a Planned Area Development overlay (LI-PAD), approval of an Initial Site Plan, and revocation of a Council Use Permit (CUP).

The project site is currently vacant and located on the south side of McKellips Road in between N. 46th Street and N. 48th Street. In 2005, City Council approved a CUP for a large group commercial center and a site plan for the development of a Sam's Club (Case Z05-073). The proposal was never developed and therefore the site plan expired; however, the CUP did not have an expiration and therefore must be revoked. The 2005 rezoning Ordinance approving the CUP and site plan was conditioned on developing the specific Sam's Club use approved with that case. To develop the current proposal, the CUP (and the conditions of approval with it) must be removed from the property. Therefore, the applicant is requesting revocation of the CUP and Site Plan Review to allow for the development of an Industrial Center consisting of two restaurants with drive-thru facilities and four speculative industrial buildings.

The applicant submitted their complete application for Site Plan Review and rezoning application on August 9, 2023 prior to the effective date of the updated drive-thru ordinance, which now requires a CUP for drive-thrus in the LI zoning district. Because this application was submitted prior to the effective date of the new ordinance, per Section 11-1-6-C of the Mesa Zoning Ordinance (MZO), the previous regulations apply and a CUP is not required for drive-thrus on this site.

As a part of the rezone request, the applicant is requesting a PAD to allow for certain deviations from development standards. The PAD includes a request for a parking reduction for the industrial uses only, while the drive-thru uses will be parked consistent with the requirements of the MZO. Finally, the applicant is requesting approval of a preliminary plat to allow for the subdivision of the existing parcel into six separate lots to allow for individual ownership of each individual building.

Case No. ZON24-00346 Minor General Plan Amendment:

The applicant is requesting a Minor General Plan Amendment to change the Character Type of the 62± acre project site from Mixed Use Activity to Employment with an Industrial sub-type.

The applicant is seeking a concurrent rezone of the project site to Light Industrial with a Planned Area Development overlay (LI-PAD) in order to develop two drive-thrus and four industrial buildings. The current General Plan designation of Mixed Use Activity does not list Industrial uses as a primary or secondary use, nor does it include the Light Industrial district as a primary or secondary zoning district. Therefore, the applicant is seeking to change the character type designation to Employment with an Industrial sub-type, which lists Light Industrial as a primary zoning district and Industrial uses as a primary use.

The project site is less than 160-acres and is therefore considered a Minor General Plan Amendment per Chapter 16 of the Mesa 2040 General Plan.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Mixed Use Activity. The applicant is requesting to rezone the project site to Light Industrial with a Planned Area Development overlay (LI-PAD). However, the LI zoning is not identified as either a primary or secondary zoning district and industrial uses are not identified as either a primary or secondary land use in the Mixed Use Activity Character Area. In order to accommodate the request, the applicant is requesting a Minor General Plan Amendment from Mixed Use Activity to Employment with an Industrial sub-type.

Per Chapter 7 of the General Plan, Employment Districts are a character type that is primarily used for employment-type land uses of at least 20 acres. The Industrial sub-type is intended for locations that focus on manufacturing, warehousing and other industrial operations. These areas typically have larger lots and require access and circulation by large vehicles. Employment Districts typically have minimal connection to the surrounding area. The goal of Employment Districts is to provide for a wide range of employment opportunities in high-quality settings. The applicant is requesting to rezone all of the property within the proposed Employment District to LI-PAD. LI is identified as a primary zoning district in the Employment Character Area and the Industrial sub-type. Industrial uses are a primary land use in the Employment Character Area and supporting commercial uses are a secondary land use in the Industrial sub-type.

Chapter 16 (pg. 16-26) of the Mesa 2040 General Plan provides criteria that City Council may consider when evaluating a Minor or Major General Plan Amendment. The factors to consider include the degree of impact to the surrounding community, existing land use patterns in the area, the extent to which the benefits of the amendment outweigh any impacts, and whether the proposed amendment will result in the loss of land for other planned uses.

The proposed Minor General Plan Amendment to Employment is consistent with the existing and anticipated development pattern of the area. Properties to the north of McKellips Road are zoned LI and are a part of the Falcon Field Airport. Properties to the south and east of the project site are existing and proposed industrial developments. These properties are zones LI and are within an Employment Character Area. The property to the west of the subject site is within the LC zoning district and is a shopping center which includes a Walmart. The proposed Industrial facilities with associated commercial development are consistent with development patterns in the area.

Zoning District Designations:

The applicant is requesting to rezone the subject property from Light Industrial (LI) to Light Industrial with a Planned Area Development overlay (LI-PAD). Per Section 11-7-1 the purpose of the LI districts is to provide areas for limited manufacturing and processing, wholesaling, research, warehousing, and distribution activities take place within enclosed buildings, with restricted accessory outdoor storage as needed to support the primary uses. The LI district also provides for a full range of commercial activities. The proposed rezoning and development of the site for industrial and commercial uses conforms to the goals of the LI district.

Airfield Overlay – MZO Article 3 Section 11-19:

Per Section 11-19 of the MZO, the site is located within the City of Mesa Airfield (AF) Overlay District; specifically, within the Airport Overflight Area Two and Three (AOA 2 and 3). The location of the property within AOA 2 and 3 is due to its proximity to the Falcon Field Airport. Per Section 11-19-4 of the MZO, there are no additional land use limitations beyond the base zoning.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across E McKellips) LI-PAD Falcon Field Airport	North (Across E McKellips) LI-PAD Falcon Field Airport	Northeast (Across E McKellips) LI-PAD Falcon Field Airport
West (Across 46 th St) LC Large Commercial Center	Project Site LI Vacant	East LI Industrial
Southwest (Across 46 th St) LI Industrial	South LI Industrial	Southeast (Across 48 th Street) LI Industrial

Compatibility with Surrounding Land Uses:

The project site is currently vacant and is currently zoned LI. Properties to the north are within Falcon Field Airport and are Zoned LI-PAD. Properties to the east and south are zoned LI and are currently being utilized by various industrial users. Properties to the west are zoned Limited Commercial and within a large commercial center. Overall, the proposed development is compatible with the surrounding development and land uses.

PAD Overlay Modification – MZO Article 3, Chapter 22:

Per Section 11-22 of the MZO, the purpose of the PAD overlay is to allow innovative design and flexibility that creates high-quality development for the site. Table 1 below shows the MZO required standards, the modified standards approved under the existing PAD, and the applicant’s proposed PAD standards.

Table 1: Development Standards

Development Standards	MZO Required	Proposed PAD	Staff Recommendation
<u>Required Parking Spaces by Use –</u> MZO Table 11-32-3.A -Industrial Shell	75% at 1 space per 500 square feet plus 25% at 1 space per 375 square feet	<p>80% of the total industrial square footage (441,056 SF) will be parked at 1 space per 900 square feet</p> <p>20% of the total industrial square footage (110,264 SF) will be parked at 1 space per 375 square feet</p>	As Proposed
<u>Maximum Building Height –</u> MZO Section 11-7-3	40 feet	45 feet	As Proposed
<u>Trash and Refuse Collection Areas –</u> MZO Section 11-30-12(C)(1)(2)(3)	<p>Solid waste and recycling storage areas located outside or on the exterior of any building shall be screened to a minimum height of 6-feet.</p> <p>Enclosure material shall be solid masonry or concrete tilt- up with decorated exterior-surface finish compatible to the main structure(s).</p> <p>Gate material shall be decorative, solid, heavy-gauge metal or a heavy-gauge metal frame with a</p>	<p>Instead of a full refuse enclosures, roll off dumpsters surrounded by painted bollards in a fixed location within enclosed truck court shall be allowed</p>	As Proposed

	covering of a view-obscuring material.		
--	--	--	--

Required Parking Ratio:

Per Table 11-32-3.A of the MZO, shell industrial buildings, with no specified users, shall park the development at 75% of the building at one parking space per 500 square feet and 25% of the building at one parking space per 375 square feet. The applicant is requesting the following parking ratio with 80% of the total industrial square footage (441,056 SF) parked at one space per 900 square feet and the remaining 20% of the total industrial square footage (110,264 SF) parked at one space per 375 square feet.

Maximum Building Height:

Per Section 11-7-3 of the MZO, 40 feet is the maximum allowed height in the LI zoning districts. The applicant is seeking to increase the maximum height to 45 feet. Per the applicant, the proposed deviation will allow for greater flexibility for the ultimate end users which may require taller clear ceiling heights.

Truck Docks, Loading and Service Areas:

Per Section 11-30-12(C)(1)(2)(3) of the MZO, solid waste and recycling storage areas must be screened to a minimum of six feet with a solid masonry or tilt up concrete surface. The applicant is seeking to allow for rolled bollards instead of the standard trash enclosure for all dumpsters located within a screened truck court. Per the applicant, enclosures within the truck court can pose a potential nuisance, hindering efficiency and creating obstacles for drivers navigating the space. As an alternative option the applicant will provide fixed locations with yellow painted bollards around the roll-off dumpsters, ensuring they are securely positioned and accessible.

Justification:

The applicant’s justification for the requested deviations are enhanced building elevations and landscaping along McKellips Road. The proposed landscaping along the McKellips frontage will include required street trees and additional shrubs as well as a pedestrian connection along McKellips that connects on site. A total 6,020 square feet of amenity area with landscaping will also be provided for employee break and gathering area.

Site Plan and General Site Development Standards:

The Proposed Project consists of two drive-thru restaurant buildings and four industrial buildings. The drive-thru restaurants are shown at the northwest corner of the project site. Building P1 is 3,305 square feet in size and Building P2 is 3,624 square feet in area. The four industrial buildings are 156,500 square feet for Building A, 98,000 square feet for Building B, 185,500 square feet for Building C, and 161,500 square feet for Building D.

Based on the requested parking calculations, the Proposed Project requires a total of 786 parking spaces on site, and the applicant is proposing to include 821 parking spaces. Primary access to the site is from McKellips Road with additional access drives provided off of 46th Street and 48th Street.

Overall, the proposed site plan complies with the review criteria for Site Plan Review in Section 11-69-5 of the MZO consistent with the proposed PAD deviations.

Design Review:

The Design Review Board reviewed the subject request at their May 14, 2024 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.

Council Use Permit:

Per Section 11-70-6(E) of the MZO, any CUP granted under this Chapter (MZO 11-70-6) may be revoked if the permittee or holder of the permit has failed to initiate construction or undertake the use in question within a one-year period following the effective date of the permit or variance. The project site received a Council Use Permit on September 6, 2005, for the development of a large commercial center. However, the project was never constructed, and the site plan expired on September 6, 2007. The applicant is requesting to develop the land for an industrial development therefore the CUP for a large commercial center is no longer relevant.

Preliminary Plat:

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 progressive stages. This review includes the evaluation of the overall site, including utilities layout, ADA compliance, and retention requirements. The Preliminary Plat is reviewed and approved by the Planning and 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 proposed Preliminary Plat will create six lots, each containing one building. The proposed request meets the review criteria for approval of a Preliminary Plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations.

Development Agreement:

A Development Agreement will also be recorded on the property to limit certain land uses to protect existing uses in the area as well as Falcon Field Airport to the north. The proposed development agreement will be heard by City Council at the same meeting as this zoning request and will be required to be recorded prior to issuance of building permits.

Neighborhood Participation Plan and Public Comments:

The applicant completed a Citizen Participation Process which included mailing letters to property owners within 1,000 feet of the site as well as HOAs within ½ mile or registered neighborhoods within one mile of the site. As of the date of this report, staff has not been contacted by any resident or property owner to express support or opposition to this request.

Staff will provide the Board with any new information during the scheduled Study Session on May 22, 2024.

Staff Recommendation:

ZON24-00346

The requested Minor General Plan Amendment to change the Character Type Designation from Mixed Use Activity to Employment is consistent with the goals and intent of the Mesa 2040 General Plan, including the General Plan amendment criteria outlined in Chapter 15.

ZON23-00653

The subject request is consistent with the Mesa 2040 General Plan, the review criteria for a Planned Area Development Overlay outlined in Section 11-22-1 of the MZO, meets the review criteria for approval of a Preliminary Plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations, 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. Compliance with all requirements of Design Review Case No. DRB24-00018.
3. Compliance with the Preliminary Plat submitted.
4. Compliance with the Subdivision Regulations.
5. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. Execute and comply with the development agreement, DA23-00024, and all future amendments to it.
7. 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. Provide written notice to future property owners that the project is within two miles of Falcon Field Airport.
 - d. 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.
 - 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 Falcon Field Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."

8. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD overlay as shown in the following table:

MZO Development Standards	Approved
<u>Required Parking Spaces by Use –</u> <i>MZO Table 11-32-3.A</i> -Industrial Shell	80% of the total industrial square footage (441,056 SF) will be parked at 1 space per 900 square feet 20% of the total industrial square footage (110,264 SF) will be parked at 1 space per 375 square feet.
<u>Maximum Building Height –</u> <i>MZO Section 11-7-3</i>	45 feet
<u>Trash and Refuse Collection Areas –</u> <i>MZO Section 11-30-12(C)(1)(2)(3)</i>	Instead of a full enclosure, roll off dumpsters surrounded by painted bollards in a fixed location within enclosed truck court shall be allowed

Exhibits:

- Exhibit 1 – Staff Report
- Exhibit 2 – Vicinity Map
- Exhibit 3 – Project Narrative
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan
- Exhibit 6 – Preliminary Grading and Drainage Plan
- Exhibit 7 – Elevations
- Exhibit 8 – Preliminary Plat
- Exhibit 9 – Citizen Participation Plan
- Exhibit 10 – Citizen Participation Report
- Exhibit 11 – PowerPoint Presentation