



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

November 1, 2023

CASE No.: BOA22-00543	CASE NAME: Starbucks at University and Val Vista
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Owner’s Name:	Bird Lady LLC
Applicant’s Name:	Jon Gillespie, Pew & Lake, PLC
Location of Request:	Within the 400 Block of North Val Vista Drive (west side) and within 3500 block of East University Drive (north side). Located north of University Drive and west of Val Vista Drive.
Parcel Nos:	140-12-008D
Nature of Request:	Requesting a Development Incentive Permit (DIP) to allow deviations from certain development standards for a restaurant with drive-thru
Zone District:	Neighborhood Commercial (NC)
Council District:	1
Site size:	1.5± acres
Existing use:	Vacant
Hearing date(s):	November 1, 2023 / 5:30 p.m.
Staff Planner:	Kwasi Abebrese, Planner I
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **September 19, 1972**, the subject site was annexed into the City of Mesa as part of a 997± annexation (Ordinance No. 767).

On **August 29, 2016**, the Mesa City Council approved a rezone of the project site from Single-Residence 9 (RS-9) to Neighborhood Commercial (NC) to allow for the development of a retail commercial center with an outdoor dining (Case No. Z16-033; Ordinance No. 5351).

On **September 7, 2016**, the Board of Adjustment approved a Development Incentive Permit (DIP) and a Special Use Permit (SUP) for outdoor dining, as well as the development of a new group commercial center on the project site (Case No. BA16-048).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Development Incentive Permit (DIP) to allow for deviations from certain development standards to allow for the development of a 2,400 square foot limited service restaurant with a drive-thru (Proposed Project). The site is approximately 1.5± acre in size and located north of University Drive on the west side of Val Vista Drive.

Per Section 11-72-1 in the Mesa Zoning Ordinance (MZO), the purpose of a DIP is to provide incentives for the development of smaller tracts of land that would have difficulty meeting current development standards. Per Section 11-72-2 of the MZO, incentives that may be granted by the DIP are limited to: modifications to building setbacks, landscaping design, on-site parking, building height, and other site development provisions contained in the MZO. Through the DIP, the applicant is requesting a reduction to the required landscape yard widths along the north, west and east property lines as well as the width of the foundation base at the north side of the proposed building. In addition, the request includes a reduction to the setback of the cross-drive aisle at the east side of the site. The requested deviations from the MZO ensure that the proposed development will comply with the other requirements for the site while also allowing development on an infill parcel.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood with a Suburban Sub-type. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods can contain a wide range of housing options and often have non-residential uses such as schools, parks, places of worship and local serving businesses. The Suburban Sub-type is primarily residential in nature but may contain commercial uses along arterial frontages and at major street intersections.

The proposed limited-service restaurant with drive-thru is located at the northwest corner of East University and North Val Vista Drives. The provision of the commercial use at the intersection of two arterial roadways conforms to the intent of the Neighborhood character area of the General Plan.

Staff reviewed the subject request and determined it is consistent with the development review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. The proposed development will improve the streetscape at the intersection of Val Vista and University Drives.

Zoning:

The subject property is zoned Neighborhood Commercial (NC). The purpose of the NC district is to provide areas for locally oriented retail and service uses that serve the surrounding residential trade area within a ½ to two-mile radius. Typical uses include, but not limited to, grocery store and additional large commercial developments, gas stations and convenience stores, restaurants and cafes.

Per Section 11-6-2 of the MZO, a limited service restaurant with a drive-thru is permitted in the NC district with the approval of a Special Use Permit (SUP). The Planning and Zoning Board is scheduled to hear the SUP request in conjunction with the Major Site Plan modification request at their October 25th meeting.

Site Characteristics:

The project site is located east of Val Vista Drive on the north side of University Drive and consists of one parcel totaling 1.5± acres. The proposed site plan shows the development of one restaurant building approximately 2,400 square feet with a 400 square feet outdoor patio. The development includes a drive-thru lane that is located along the west, south and east sides of the building. The lane will be screened with a 40-inch masonry wall, landscaping and an architecturally integrated drive-thru canopy from North Val Vista and East University Drives.

Vehicular access to the site is provided at the northeast corner from North Val Vista Drive and the southwest corner of the site from East University Drive. On-site walkways will connect the primary entrance as well as the other entrances of the proposed building to the public sidewalks on North Val Vista and East University Drives and to the adjacent residential developments.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-9 Existing Single-Residences	North RS-9 Existing Single-Residences	Northeast (Across North Val Vista Drive) LC Existing Commercial Development
West NC Vacant	Subject Property NC Vacant	East LC Existing Commercial Development
Southwest (Across East University Drive) RM-4 Existing Multiple-Residences	South (Across East University Drive) LC Existing Commercial Development	Southeast (Across North Val Vista Drive) RM-4 Existing Multiple-Residences

Mesa Zoning Ordinance Requirements and Regulations:

Development Incentive Permit (DIP) Section 11-72 of the MZO

The purpose of a DIP is to provide incentives for smaller tracts of land that would have difficulty meeting current development standards. To qualify for consideration, a parcel must meet the criteria set forth in Section 11-72-1 of the MZO. After review of the application, the subject property qualifies as a by-passed parcel as it does not exceed 2.5 acres and has been in its current configuration for more than ten years. The lot has direct access to City utilities; is within an area where not more than 25% of developable land is vacant and more than 50% of the surrounding parcels have been developed for more than 15 years. The requested modifications will result in a development that is commensurate with existing development in the area.

Table 1 below compares Mesa Zoning Ordinance (MZO) requirements, the applicant’s proposal, and staff’s recommendation for the subject property. Items in bold face type indicate deviation

Table 1: Development Standards

Development Standard	MZO Requirement	Applicant Proposed	Staff Recommendation
Setback of Cross Drive Aisles – MZO Section 11-32-4(A): Drive aisle on the east side of the property	50 feet	17 feet	As proposed
Landscape Yard – MZO Section 11-33-3(B)(1), Non-single residence use adjacent to single residence use: North property line	20 feet	10 feet	As proposed
Landscape Yard – MZO Section 11-33-3(B)(2), Non-single residence uses adjacent to other non-single residence: West property line	20 feet	0	As proposed
Foundation Base Width – MZO Section 11-33-5(A), Exterior walls with public entrance: North side of proposed building	15 feet	10 feet	As proposed

Section 11-72-1 of the MZO, a Development Incentive Permits (DIP) may be approved to allow incentives for the development of parcels that meet the following criteria:

A. AREA

1. Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years; or
2. Total area of the site does not exceed 5 net acres and was created by the assembly of 2 or more individual, contiguous parcels.

The subject property is 1.5± acres and has been in its current configuration for more than 10 years according to Maricopa County aerals.

The request complies with this criterion.

- B. UTILITIES. The parcel is served by, or has direct access to, existing utility distribution facilities.

The parcel has access to City of Mesa utilities.

The request complies with this criterion.

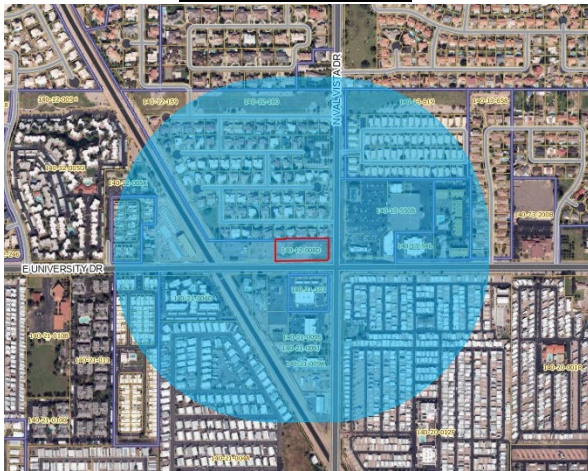
- C. SURROUNDING DEVELOPMENT. The parcel is surrounded by properties within a 1,200-foot radius in which:

1. The total developable land area is not more than 25 percent vacant; and
2. Greater than 50 percent of the total number of lots or parcels have been developed 15 or more years ago.

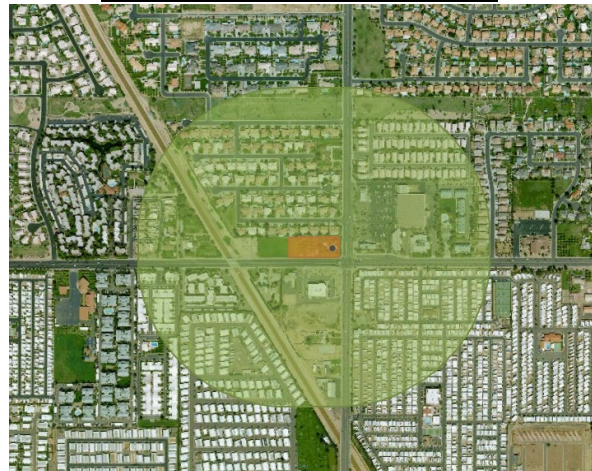
Based on current aerial photography, the total developable land area (within the 1,200-foot radius of the subject property) is less than 25% vacant. Additionally, after comparing the 15-year historical aerial photo with current aerial photo, staff determined that almost all the total number of lots within the 1,200-foot radius of the subject property were developed more than 15 years ago.

The request complies with this criterion.

2023 Aerial Photo



15-year Historical Aerial Photo



Per Section 11-72-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on a DIP that:

1. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/policies, and the permitted uses as specified in this Ordinance;

The proposed commercial development is consistent with the intent of the General Plan's Neighborhood character area designation; a limited service restaurant with a drive-thru is an allowed use in the LC district with the approval of a Special Use Permit.

The request complies with this criterion.

2. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1,200-foot radius of the by-passed property; and

The incentives will allow development that is commensurate with existing development within 1200 feet radius of the project site. The size of the proposed building is consistent with other commercial developments in the area. The proposed development will be compatible with surrounding development.

The request complies with this criterion.

3. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.

The proposed site plan, building as well as landscape design was reviewed by the Design Review Board on October 17, 2023. The Board has no comments or concerns related to the building and landscape design. The Planning and Zoning Board will consider the requests for a Special Use Permit and Major Site Plan Modification at their October 25, 2023 meeting.

The request complies with this criterion.

Findings:

- A. The subject property does not exceed 2.5 net acres and the parcel has been in its current configuration for more than 10 years.
- B. The subject property is served by, or has direct access to, existing utilities within University and Val Vista Drives.
- C. The total developable land area within 1,200 feet of the subject property is not more than 25 percent vacant.
- D. Greater than 50 percent of lots within 1,200 feet of the subject property have been developed for more than 15 years.
- E. The requested deviations through the DIP will allow for the development of a bypassed parcel.
- F. The proposed development is consistent with the General Plan's Neighborhood character area designation.
- G. The requested modifications will result in a development that is commensurate with existing development in the vicinity.

Neighborhood Participation Plan and Public Comments:

The applicant conducted early outreach with neighbors prior to formal submittal by holding a virtual neighborhood meeting on May 23, 2023. According to the applicant seven households

attended the meeting. Concerns that were discussed included: 1) hours of operation; 2) health concerns with the location of the trash enclosure; 3) the condition of the existing block wall between the project site and adjacent residential properties; 4) location of parking next to residential properties; 5) potential for the development of another drive-thru on the adjacent parcel to the west; and 6) general design questions.

Details of the applicant's response are outlined in the Citizen Participation Report. The applicant answered general questions on the proposed operations and explained site constraints that influenced the site design.

The applicant also completed a Citizen Participation Process with their formal submittal which included mailing letters to 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.

As of the date of this report, staff has not been contacted by any neighbors or other interested parties.

Staff Recommendation:

Based on the application received and preceding analysis, Staff finds the request for a Development Incentive Permit meets the required findings in Section 11-72-1 and Section 11-72-3 of the MZO, and therefore recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site and landscape plans as submitted.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of case ZON23-00545.
4. Compliance with all requirements of case DRB23-00551.
5. Compliance with all requirements of the Development Services Department regarding the issuance of building permits

Exhibits:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Narrative and Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Landscape Plan
- Exhibit 6 – Elevations