



**PLANNING DIVISION
STAFF REPORT**

Planning and Zoning Board

June 14, 2023

CASE No.: **ZON22-01332**

PROJECT NAME: **Power and Guadalupe Retail**

Owner's Name:	DR ONE LLC
Applicant's Name:	Sean Lake, Pew & Lake, PLC
Location of Request:	Within the 2700 block of South Power Road (east side) and within the 6800 block of East Guadalupe Road (north side). Located east of Power Road and north of Guadalupe Road.
Parcel No(s):	304-05-981C, 304-05-981D, 304-05-982G and 304-05-982E
Request:	Site Plan Modification, Special Use Permit, and amending conditions of approval on case Z88-032. This request will allow for a restaurant with a drive-thru facility and an automobile/vehicle washing facility.
Existing Zoning District:	Limited Commercial (LC)
Council District:	6
Site Size:	1.7± acres
Proposed Use(s):	Limited-Service Restaurant with Drive-thru Facilities and Automobile/Vehicle Washing Facility
Existing Use(s):	Convenience Market, Service Station, and Automobile/Vehicle Washing Facility
P&Z Hearing Date(s):	June 14, 2023 / 4:00 p.m.
Staff Planner:	Charlotte Bridges, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **August 21, 1983**, the City Council annexed 1,855± acres of land, including the project site into the City of Mesa (Ordinance No. 1731).

On **November 2, 1983**, the City Council rezoned 30± acres of recently annexed property, including the project site, from Maricopa County-43 to City of Mesa Single Residence-7 (R1-7) (equivalent to current Single Residence-7 [RS-7]) and Conceptual Limited Commercial (C-2)

(equivalent to current Limited Commercial [LC]) to allow for a shopping center (Case No. Z83-128, Ordinance No. 1765).

On June 21, 1999, the City Council rezoned the subject site from RS-7 to LC to allow for the development of convenience store/service station and automobile/vehicle washing facility (Case No. Z99-040, Ordinance No. 3640).

On November 2, 1999, the Board of Adjustment approved two Special Use Permits (SUPs) to allow the development of an automobile service station and an automobile/vehicle washing facility (Case No. BA99-030).

PROJECT DESCRIPTION

Background:

The applicant is requesting approval of a Major Site Plan Modification and a Special Use Permit (SUP) for a parking reduction to accommodate the redevelopment of the site.

The project site is currently developed with a convenience market, service station, and a car wash. The applicant is proposing to redevelop the site by demolishing the existing service station fuel canopy and lube center, convert the existing convenience market into a 2,178 square foot limited-service restaurant with a drive-thru facility, and enlarge the existing automobile/vehicle washing facility (car wash) from a 1,152 square feet to a 3,174 square feet with 20 covered vacuum bays (Proposed Project). Because the existing zoning (Z99-040) requires compliance with the originally approved site plan, the requested site plan modification requires modification of the conditions of approval for zoning case Z99-040 (Ordinance No. 3640) and review and approval by City Council.

To accommodate the redevelopment of the project site, the applicant is also seeking a SUP for the expansion of the car wash, an SUP to allow the car wash to expand into the existing non-conforming eight-foot-wide building setback and landscape yard along the east property line, and a Substantial Conformance Improvement Permit (SCIP) to allow to allow certain non-conforming conditions to remain on the site with its redevelopment. The Board of Adjustment will be hearing these requests at its June 7, 2023 public hearing.

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. The Neighborhood-Suburban character area can contain a wide range of housing options and often have associated nonresidential uses such as schools, parks, places of worship, and local serving businesses. Commercial uses within this type should be located along arterial frontages and major street intersections.

The Proposed Project complies with the intent of the character area by providing services to residents in the area and is located along an arterial intersection. Staff reviewed the request

and determined it is consistent with the criteria for review outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Zoning District Designations:

The subject property is zoned Limited Commercial (LC). Per Section 11-6-2 of the MZO, a restaurant with a drive-thru facility is a permitted use in the LC zoning district, subject to the additional development standards of Section 11-31-18 of the MZO for drive-thru facilities.

Per Section 11-6-2 of the MZO, an automobile/vehicle washing facility (car wash) requires approval of a SUP and is subject to the additional development standards of Section 11-31-7 of the MZO for an automobile/vehicle washing facility. On June 7, 2023, the Board of Adjustment will review the SUP request to the expanded the existing car wash on the project site.

Airfield Overlay – MZO Article 3 Section 11-19:

Per Section 11-19 of the MZO, the property is located within the Airfield (AF) Overlay District. Specifically, within the Airport Overflight Area Three (AOA 3), due to its proximity to the Mesa-Phoenix Gateway Airport. Per Section 11-19-4(C) of the MZO, there are no use limitations beyond those in the LC district.

Site Characteristics:

The project site is located at the northeast corner of Power and Guadalupe Roads. The applicant is proposing to demolish the existing service station fuel canopy and lube center on the southwest corner of the project site and convert the existing convenience market into a 2,178 square foot limited service restaurant with a drive-thru facility. The proposed drive-thru window will be located along the eastern elevation of the building. The drive-thru lane will circulate south of the proposed parking and along the eastern portion of the building. The drive-thru facility complies with all the development standards of Section 11-31-18 for drive-thru facilities.

The applicant proposes to expand the 1,152 square foot automobile/vehicle washing facility located along the eastern property line by adding 2,022 square feet of gross floor area to the carwash tunnel (3,174 square feet total) and 20 covered vacuum bays west of the carwash tunnel. The proposed car wash complies with all the development standards of Section 11-31-7 for automobile/vehicle washing facilities.

There are two existing driveway accesses onto Power Road and one existing driveway access on Guadalupe Road. Per Table 11-32-3(A) of the MZO, 22 parking spaces are required for the limited service restaurant use and eight parking spaces are required for the car wash use. In total 30 parking spaces are required for the Proposed Project. The applicant is requesting a SUP for a parking reduction and is proposing 25 parking spaces for the Proposed Project (see the SUP analysis below).

The landscape plan shows the trees and shrubs planted around the perimeter of the site as well as in the parking lot landscape islands in the parking areas and in the foundation base areas around the perimeter of the buildings.

Zoning Ordinance, Section 11-32-6 – Parking Reductions

The applicant is seeking approval of an SUP for a parking reduction per Section 11-32-6 of the MZO. Per Section 11-70-5(E), a SUP shall only be granted if the approving body finds the request complied with the following:

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 Proposed Project complies with the intent of the Neighborhood-Suburban character area by providing local services to residents. Its location along an arterial intersection ensures that it does not interrupt the fabric and function of the surrounding neighborhood.

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 with any other applicable City plan or policies;

The proposed uses are consistent with the intent of the LC district which is to provide areas for indoor retail, entertainment and service-oriented businesses that serve the surrounding residential trade area within a one to 10-mile radius.

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

In addition to the Proposed Project's location on an arterial intersection, it is also buffered from nearby residential uses by Monterey Park. Therefore, staff does not foresee any detrimental impacts to the neighborhood or City.

The proposal meets this criterion.

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

The Proposed Project is an adaptive reuse of the site. Adequate public facilities and services are already available to the project site.

The proposal meets this criterion.

In addition to the approval criteria of Section 11-70-5(E), requests for a parking reduction must also comply with the approval criteria per Section 11-32-6(A) below:

1. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site—exist that will reduce parking demand at the site;

The Proposed Project contains a combination of uses: 1) restaurant with drive-thru facility; and 2) a car wash. Per Table 11-32-3(A) of the MZO, eight parking spaces are required for the car wash and 22 parking spaces for the restaurant use. The site plan also shows eight standard parking spaces for the car wash and 17 spaces for restaurant.

In addition to the dedicated parking spaces, the carwash will also have 20 vacuum stalls. The businesses will be located on the same parcel and therefore parking can be shared between the uses. The applicant anticipates that most patrons of the car wash will use the vacuum stall spaces when visiting the facility. Therefore the eight dedicated spaces for the carwash should be available for overflow parking of the restaurant if needed.

The proposal meets this criterion.

2. The use will adequately be served by the proposed parking; and

In total, 45 on-site parking spaces are provided for the Proposed Project. The Parking Demand Study submitted with this application states that based on the ITE calculations, the provided standard parking spaces for both uses is estimated to be within the peak parking demand ranges.

The proposal meets this criterion.

3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.

The provided Parking Demand Study indicates the uses will be adequately served by the proposed parking. On-street parking is not available on Power or Guadalupe Roads therefore will not impact the supply on on-street parking in the area.

The proposal meets this criterion.

Design Review:

The City's Design Review Board is scheduled to review the subject request on June 13, 2023. Staff will work with the applicant to address any comments and recommendations from the Design Review Board.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Power Road)	North LC	Northeast RS-6-PAD
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City of Gilbert Maricopa Flood Control District retention area	Monterey Park	Monterey Park
Northwest (Across Power Road) City of Gilbert Maricopa Flood Control District retention area	Project Site LC Convenience Market, Service Station, Automobile/Vehicle Washing	East LC-PAD Vacant
Southwest (Across Power & Guadalupe Roads) City of Gilbert Maricopa Flood Control District retention area	South (Across Guadalupe Road) PS Gilbert Unified School	Southeast (Across Guadalupe Road) PS Gilbert Unified School

Compatibility with Surrounding Land Uses:

The project site is currently developed with a convenience market, service station, and car wash. To the north and northeast of the project site is City of Mesa Monterey Park. East of the project site is vacant/undeveloped property zoned LC-PAD. South across Guadalupe Road is a Gilbert Unified school. West across Power Road is Maricopa Flood Control retention areas within the Town of Gilbert's jurisdiction.

The Proposed Project is appropriate for its location at the corner of two arterial roads and is compatible with the surrounding uses.

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 registered neighborhoods, and HOAs within one mile of the site.

As of writing this report, neither the applicant nor staff has received any comments from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session.

Staff Recommendation:

Staff finds that the Proposed Project is consistent with the Mesa 2040 General Plan and meets the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO, and the SUP approval criteria of Sections 11-32-6(A) and 11-70-5 of the MZO.

Staff recommends approval with the following conditions.

Conditions of Approval:

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of Design Review Case No. DRB22-01304.
3. Compliance with all requirements of Board of Adjustment Case No. BOA22-01323.

4. Compliance with all City development codes and regulations, except for those modified by Case No. BOA22-01323.
5. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner must execute the City's standard Aviation Easement and Release for Mesa-Phoenix 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 Mesa-Phoenix 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 three miles of Mesa-Phoenix 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 Mesa-Phoenix Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."

Exhibits:

Exhibit 1 – Staff Report

Exhibit 2 – Vicinity Map

Exhibit 3 – Application Information

- 3.1 Project Narrative
- 3.2 Parking Demand Study
- 3.3 Site Plan
- 3.4 Landscape Plan
- 3.5 Elevations
- 3.6 Grading and Drainage Report
- 3.7 Citizen Participation Plan

Exhibit 4 – Citizen Participation Report