



PLANNING DIVISION
STAFF REPORT

City Council Meeting

November 6, 2023

CASE No.: ZON22-00610	PROJECT NAME: Business Depot Suites
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Owner's Name:	Ten Mountain Investments, LLC
Applicant's Name:	Sean Lake, Pew & Lake, PLC
Location of Request:	Within the 4200 to 4400 blocks of East Southern Avenue (north side) and within the 1100 block of South Oakland Street (east side). Located west of Greenfield Road on the north side of Southern Avenue.
Parcel No(s):	140-48-116
Request:	Rezone from Neighborhood Commercial with a Planned Area Development overlay (NC-PAD) to Limited Commercial with a Planned Area Development overlay and Bonus Intensity Zone overlay (LC-PAD-BIZ) and Site Plan Review. This request will allow for a commercial development.
Existing Zoning District:	NC-PAD
Council District:	2
Site Size:	1.4± acres
Proposed Use(s):	Commercial
Existing Use(s):	Vacant
Hearing Date(s):	September 27, 2023 / 4:00 p.m.
Staff Planner:	Sean Pesek, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (4-0)
Proposition 207 Wavier Signed:	Yes

HISTORY

On **October 6, 1973**, Mesa City Council approved the annexation of 392± acres of land, including the project site, into the City of Mesa (Annexation 163, Ordinance No. 829).

On **June 17, 1985**, Mesa City Council approved a rezone for 21± acres, including the project site, from Agriculture (AG) to Limited Commercial (C-2) [equivalent to current LC zoning] to allow for a commercial center consisting of mini-storage and general retail uses (Case No. Z85-067, Ordinance No. 1953).

On **November 6, 2000**, Mesa City Council approved a rezone for 20± acres, including the project site, from Limited Commercial (LC) to Neighborhood Commercial with a Planned Area Development Overlay (NC-PAD) and Office Commercial with a Planned Area Development Overlay (OC-PAD) to allow for a commercial development (Case No. Z00-075, Ordinance No. 3824).

On **September 27, 2023**, the Planning and Zoning Board recommended approval of the rezoning and site plan with conditions (4-0).

On **October 10, 2023**, the Design Review Board reviewed the submitted elevations and landscape plan. Staff will work with the applicant to address comments and recommendations from the Design Review Board that do not impact the site plan.

PROJECT DESCRIPTION

Background:

The applicant is requesting to rezone the project site from Neighborhood Commercial with a Planned Area Development Overlay (NC-PAD) to Limited Commercial with a Planned Area Development Overlay and Bonus Intensity Zone Overlay (LC-PAD-BIZ), and approval of an Initial Site Plan Review to allow for a commercial development (Proposed Project). The Proposed Project consists of twelve commercial suites across three, one-story buildings with a total building area of 21,840 square feet.

The proposed project site is located on the north side of Southern Avenue, west of Greenfield Road and is part of the Greenfield Court Commercial Center PAD. The existing PAD overlay was approved in 2000 and encompasses the entire business park, including the proposed project site.

Per Section 11-22-3 of the MZO, the minimum site area for a PAD is 5 acres so a PAD overlay is not an option for this project; there is no minimum size requirement for a BIZ overlay. The requested BIZ overlay would allow modifications to certain development standards set forth in the Mesa Zoning Ordinance (MZO) that pertain to the 1.3±-acre site. Section 11-21-1 of the MZO specifies that the intent of the BIZ overlay is to provide for variation from the application of residential densities and other development standards to allow greater intensity of development and encourage unique, innovative developments of superior quality. As will be discussed in later sections, the Proposed Project provides a high-quality design that is consistent with the Greenfield Court Design Guidelines.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood Village Center. Per Chapter 7 (pg. 7-16) of the General Plan, the goal of the Neighborhood Village Center, over time, is to provide for the regular shopping and service needs of the nearby population,

...serving as the focal point for surrounding neighborhoods. Limited Commercial (LC) zoning is listed as a primary zoning district within this character area; personal services and office uses are listed as primary land uses. The Proposed Project conforms to the intent of the Neighborhood Village Center Character Area and is consistent with the review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Zoning District Designations:

The Proposed Project would rezone the proposed project site from NC-PAD to LC-PAD-BIZ. Per Section 11-6-2(B)(2) of the MZO, the purpose of the LC district is to provide areas for indoor retail, entertainment and service-oriented businesses that serve the surrounding residential trade area within a one (1) to ten-mile radius. Typical uses include, but are not limited to, grocery store and additional large commercial developments, anchored tenant shopping centers with additional drug stores, fast-food restaurants, hardware and building supply stores, gas stations with convenience stores, and restaurants and cafes. Other typical uses include, but are not limited to, those anchors and large commercial developments that are typically located within a regional mall, retail outlet, or power center. Compatible uses include medical and professional offices, as well as public and semi-public uses.

The Proposed Project will include tenant spaces for a variety of service-oriented businesses but will not be marketed for any particular land use(s). Per the submitted project narrative, anticipated end users may include, but are not limited to contractors, event planners, painters, and appliance repair. The Proposed Project is permitted within the LC district.

BIZ Overlay – MZO Article 3, Chapter 21:

The Proposed Project includes a Bonus Intensity Zone overlay (BIZ) to allow for modifications to certain required development standards of the MZO on the property. Per Section 11-21 of the MZO, the purpose of the BIZ overlay is to allow greater intensity of development and encourage unique, innovative developments of superior quality for the site.

Table 1 below shows the MZO required standards and the applicant’s proposed BIZ standards.

Table 1: Development Standards

Development Standards	MZO Required	BIZ Proposed	Staff Recommendation
<u>Minimum Building Setback –</u> <i>MZO Table 11-6-3.A</i> -Street Facing Side (Commercial Collector)	20 feet	15 feet	As Proposed

Development Standards	MZO Required	BIZ Proposed	Staff Recommendation
<u>Required Landscape Yards – MZO Section 11-33-3(B)</u> -Non-Single Residence Adjacent to Non-Single Residence (North Property Line) -Non-Single Residence Adjacent to Non-Single Residence (East Property Line)	15 feet	8 feet	As Proposed
<u>Trash and Refuse Collection Location – MZO Section 11-30-12(B)</u>	Not permitted in required landscaped yards	Permitted in the east landscaped yard	As Proposed
<u>Setback of Cross Access Drive Aisles – MZO Section 11-32-4(A)</u>	Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 50 ft from the property line abutting the street	Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 15 feet, 5 inches from the property line abutting the street	As Proposed

Minimum Building Setback:

Per MZO Table 11-6-3.A, the minimum building setback from the west property line is 20 feet.

The applicant is requesting to reduce the minimum setback to 15 feet to accommodate Building #1.

Required Landscape Yards:

Per Section 11-33-3(B) of the MZO, non-single residence uses adjacent to non-residential districts and/or uses shall provide a 15-foot landscape yard.

The applicant is requesting to reduce the required landscape yard width to eight feet along the north property line and 10 feet along the east property line. Tree and shrub quantities in both yards will exceed the minimums per MZO to compensate for the reduced yard widths.

Trash and Refuse Collection Location:

Per Section 11-30-12(B) of the MZO, the solid waste and recycling storage area shall not be located within any required parking and landscaped areas.

The applicant is proposing a collection area within the east landscape yard to comply with Solid Waste's standard design detail. Placement of the collection area within the east landscape yard will have no detrimental impact to the neighboring property to the east.

Setback of Cross Access Drive Aisles:

Per Section 11-32-4(A) of the MZO, parking spaces located along main drive aisles connecting to a street shall be set back at least 50 feet from the property line abutting the street.

The applicant is proposing to reduce the parking setback to 15 feet, 5 inches. Despite the reduction, the center drive aisle is wide enough to provide a safe backing and turning distance for the westernmost parking stalls.

BIZ Justification:

Section 11-21-1 of the MZO specifies that the intent of the BIZ overlay is to provide for variation from the application of residential densities and other development standards to allow greater intensity of development and encourage unique, innovative developments of superior quality.

Vertical and horizontal articulation methods are used on the south facade of Building #3 to give the appearance of a multi-story office development from the public realm. Enhanced landscaping is also provided along the west and south property line. Per Section 11-33-3 of the MZO, 10 trees are required within the west and south yards.

Per the submitted landscape plan, 16 trees are proposed in each yard, with additional trees and shrubs within the Southern Avenue right-of-way. The Proposed Project provides a high-quality design that is consistent with the Greenfield Court Design Guidelines.

The Proposed Project complies with the requirements of a BIZ overlay.

Site Plan and General Site Development Standards:

The Proposed Project consists of three one-story commercial buildings with a total of 12 commercial suites. Each suite will be individually metered for electric and pre-plumbed with water and sewer stubs to accommodate private restrooms. Given the speculative nature of the Proposed Project, specific land uses are unknown, so required parking was determined by analyzing the particular characteristics of the development in accordance with Section 11-32-3(G) of the MZO.

Per the submitted site plan, each suite is allotted three designated parking/loading spaces for customers, tenants, or employees for a total of 54 on-site spaces. This equates to 1 space per 404 square feet of floor area, which is slightly more than the required ratio for traditional office uses (1 space per 375 square feet of gross floor area).

Primary access to the site is from S. Oakland, with a shared, secondary access drive in the southeast corner. A paved pedestrian walkway will connect the development with the existing sidewalk along Southern Avenue. Landscaped yards are provided along all property lines and proposed tree and shrub quantities exceed the minimums set forth in the MZO.

The Proposed Project conforms with the requirements of the MZO including the review criteria for Site Plan Review outlined in Section 11-69-5.

Development Agreement:

Due to the unique nature of the Proposed Project, a development agreement is required to prohibit certain commercial uses that do not further the goals of the Neighborhood Village Center character area. Also included in the Development Agreement are provisions relating to business licenses and outside parking of commercial vehicles.

The proposed development agreement (DA23-00001) will be heard by City Council in conjunction with the Proposed Project and will be required to be recorded prior to issuance of building permits.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across S. Oakland) NC-PAD-CUP Medical Office</p>	<p>North OC-PAD Medical Office</p>	<p>Northeast OC-PAD Medical Office</p>
<p>West (Across S. Oakland) OC-PAD Vacant</p>	<p>Project Site NC-PAD Vacant</p>	<p>East NC-PAD & LC-PAD Vacant & Commercial</p>
<p>Southwest (Across Southern Avenue) RM-3-PAD Multiple Residence</p>	<p>South (Across Southern Avenue) RM-3-PAD Multiple Residence</p>	<p>Southeast (Across Southern Avenue) LC Commercial</p>

Compatibility with Surrounding Land Uses:

Property to the north and northeast is zoned OC-PAD and developed with medical office buildings. Property to the immediate west is zoned OC-PAD and undeveloped. Properties to the east are zoned NC-PAD and LC-PAD and are vacant and developed with a variety of commercial uses including restaurant, bank, and general retail. Properties to the south, across Southern Avenue, are zoned RM-3-PAD and developed with apartments.

Overall, the Proposed Project is compatible with the surrounding development and land 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 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 Recommendations:

Staff finds the Proposed Project meets the intent of the Mesa 2040 General Plan, the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO and meets the review criteria for a Bonus Intensity Zone outlined in Section 11-21-5 of the MZO.

Staff recommends approval with the following **Conditions of Approval:**

1. Compliance with the final site plan submitted.
2. Compliance with Case No. Z00-075.
3. Compliance with all requirements of Design Review Case No. DRB22-00637.
4. Execute and comply with development agreement (DA23-00004).
5. Prior to the issuance of any building permit, record with Maricopa County a cross-access easement with the adjacent property to the west (APN 140-48-133).
6. Compliance with all City development codes and regulations, except the modifications to the development standards approved with this BIZ as shown in the following table:

Development Standard	Approved
<u>Minimum Building Setback</u> – <i>MZO Table 11-6-3.A</i> -Street Facing Side (Commercial Collector)	15 feet
<u>Required Landscape Yards</u> – <i>MZO Section 11-33-3.B</i> -Non-Single Residence Adjacent to Non-Single Residence (North Property Line) -Non-Single Residence Adjacent to Non-Single Residence (East Property Line)	8 feet 10 feet
<u>Trash and Refuse Collection Location</u> – <i>MZO Section 11-30-12(B)</i>	Permitted in the east landscaped yard
<u>Setback of Cross Access Drive Aisles</u> – <i>MZO Section 11-32-4(A)</i>	Parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles shall be set back at least 15 feet, 5 inches from the property line abutting the street

Exhibits:

- Exhibit 1 – Presentation
- Exhibit 2 – Ordinance
- Exhibit 3 – Ordinance Map
- Exhibit 4 – Vicinity Map
- Exhibit 5 – Site Plan
- Exhibit 6 – P&Z Minutes
- Exhibit 7 – P&Z Submitted Documents