



**PLANNING DIVISION
STAFF REPORT**

City Council Meeting

June 19, 2023

CASE No.: ZON22-01178	PROJECT NAME: Take 5 @
Ellsworth	

Owner's Name:	Lowes HIW Inc.
Applicant's Name:	Jesse Macias, M3 Design
Location of Request:	Within the 1200 to 1300 blocks of South Ellsworth Road (east side). Located south of Southern Avenue on the east side of Ellsworth Road.
Parcel No(s):	220-81-770
Request:	Site Plan Modification and amending the conditions of approval on case Z05-033. This request will allow for a minor automobile/vehicle repair facility.
Existing Zoning District:	Limited Commercial (LC)
Council District:	5
Site Size:	2.7± acres
Proposed Use(s):	Automobile/Vehicle Repair, Minor
Existing Use(s):	Vacant
P&Z Hearing Date(s):	April 26, 2023 / 4:00 p.m.
Staff Planner:	Charlotte Bridges, Planner II
Staff Recommendation:	APPROVAL with conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote: 6-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **March 20, 1986**, the City Council annexed 230± acres of land, including the project site into the City of Mesa (Case No. A86-001; Ordinance No. 2040).

On **August 6, 1986**, the City Council rezoned 227± acres of recently annexed land, including the project site, from Maricopa County Rural 43 and Maricopa County Rural 43 Special Use (SU) to

General Multiple Residence-4 R-4 (equivalent to Multiple Residence-4 [RM-4]) and Agricultural (AG). The project site was specifically zoned AG (Case No. Z86-069; Ordinance No. 2104).

On **December 4, 2000**, the City Council rezoned 23± acres, including the project site, from AG to Limited Commercial C-2 (equivalent to Limited Commercial [LC]) and approved a Site Plan to allow the development of commercial shopping center with a grocery store, two major tenants, five pad sites, and one office building (Case No. Z00-081; Ordinance No. 3839).

On **May 2, 2005**, the City Council approved a Site Plan Modification for 18± acres, including the project site, to reconfigure the previous approved site plan to allow the development of a group commercial center anchored by a Lowe's home improvement store, two limited-service restaurants with drive-thru facilities, one commercial building, and a self-storage facility (Case No. Z05-033; Ordinance No. 4385).

PROJECT DESCRIPTION

Background:

The applicant is requesting approval of a Major Site Plan Modification to modify the previously approved site plan for the project property to allow for the development of a minor automobile/vehicle repair facility (Proposed Project) in the LC District.

The project site is located on the west side of the group commercial center along Ellsworth Road south of Southern Avenue. The proposed site plan modification will replace the 14,000± square foot general commercial building and the 3,200± square foot limited-service restaurant with a drive-thru facility with a 1,682± square foot minor automobile/vehicle repair facility in the northwestern portion of the pad site. The remainder of the site will remain vacant at this time. Future site plan approval is required for future developments on the remainder of the lot.

Per Section 11-69-7(C) of the Mesa Zoning Ordinance (MZO), the Proposed Project is considered a Major Site Plan Modification and required to go through the public hearing review and approval process. Because the existing zoning (Z05-033) requires compliance with the originally approved site plan, the requested site plan modification requires modification of condition of approval number 1 of zoning case Z05-033 (Ordinance No. 4385) and review and approval by City Council.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the project site is Mixed Use Activity District. Per Chapter 7 of the General Plan, Mixed Use Activity District character areas are large in scale (over 25 acres) and generally have a substantial commercial component including shopping areas such as malls, power centers, or lifestyle centers that are designed and developed to attract customers from a large radius. The goal of these districts is to help create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences.

The project site is located within an existing group commercial center at the southeast corner of two arterial roads. Development of a minor automobile/vehicle repair use on the property will provide services to residents in the surrounding neighborhoods, as well as contribute to the economic vitality of the commercial center.

Staff reviewed the proposed use and determined it conforms to the purpose and intent of the Mixed Use Activity District and the development review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

Zoning District Designations:

The project site is zoned Limited Commercial (LC) district. Per Section 11-6-2 of the MZO, an automobile/vehicle service and repair, minor use is permitted in the LC zoning district subject to the additional development standards in Section 11-31-6 of the MZO.

Airfield Overlay – MZO Article 3 Section 11-19:

Per Section 11-19 of the MZO, the project site is located within the Airfield Overlay District, specifically within the Airport Overflight Area Three (AOA 3). Per Section 11-19-4-(C) of the MZO, there are no use limitations beyond those in the LC district. Proposed developments within an AOA 3 overlay area are subject to the supplementary provisions of Section 11-19-5 of the MZO. These supplementary provisions are included as conditions of approval for this request.

Site Plan and General Site Development Standards:

The existing 2.7± acre pad site is currently vacant and located along the Ellsworth Road frontage towards the south end of an existing group commercial center at the southeast corner of Southern Avenue and Ellsworth Road.

The proposed site plan shows the development of a 1,682± square foot minor automobile/vehicle repair facility with three service bays on the northwest portion of the existing pad site.

Access to Proposed Project is provided by three existing access points along Southern Avenue and three existing points along Ellsworth Road into the existing group commercial center. An existing access from Ellsworth Road and a shared drive aisle is located directly to the north of the project site. A second existing access from Ellsworth Road and a shared drive aisle is located at the south side of the larger pad side.

The site plan shows the construction of a new drive aisle along the east side of the facility connecting to a main shared drive aisle running north to south through the commercial center. The new drive aisle will allow customers to enter the facility from the south and exit to the existing shared drive aisle to the north.

Per Section 11-32-2 of the MZO, five parking spaces are required for the Proposed Project. Five parking spaces are provided on the east side of the proposed building. Additional parking spaces are available to the Proposed Project through a shared access and parking agreement with the existing group commercial center.

Per Section 11-31-6 of the MZO, an automobile/vehicle repair, minor use, shall be located, developed, and operated in compliance with the following standards.

- A. Minimum Lot Size. 1 acre, unless part of a larger group commercial center.
The project site is only 0.5± acres but is part of a larger group commercial center.

- B. Screening. Car service and storage areas shall be screened per Sections 11-30-9(F), Auto Service Bays and 11-30-9(H), Parking Areas.
The project site is separated from the existing residential uses to the west by Ellsworth Road and in compliance with Section 11-30-9(H) of the MZO, the service bays are oriented perpendicular to Ellsworth Road and screened from Southern Avenue by an intervening building. A new three-foot, four-inch, masonry screen wall and plant material along the west side of the new facility will screen the service lanes from Ellsworth Road.

- C. Litter. No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles may be stored outside of the main building.
The project narrative indicates no parts or serviced vehicles will be stored on the site.

- D. Noise. All body and fender work, or similar noise-generating activity, shall be enclosed in masonry or similar building with sound attenuating measures incorporated into the building design and construction to absorb noise to comply with Title 6, Chapter 12 of the Mesa City Code. Bay openings shall be oriented so as to minimize the effects of sound emanating from the auto repair building towards residential uses, towards outdoor restaurant seating and outdoor reception areas. Compressors shall be located within separately enclosed, sound attenuated rooms.
Per the project narrative, there is no servicing of automobiles or pneumatic tools being used at the proposed facility. In addition, the oil compressor is located in a storage room within the enclosed building with 25db output.

Based on the project narrative and site plan, the location, size, design, and operating characteristics of the proposed automobile/vehicle repair, minor, use is consistent with the intent of the LC district and meets the development standards outlined in Section 11-31-6 of the MZO.

Design Review:

The Design Review Board reviewed the proposed elevations and landscape plan on April 11, 2023 and had only minor comments.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across South Ellsworth Road) RM-2-PAD Existing single residences	North LC Existing group commercial center	Northeast LC Existing group commercial center
West (Across South Ellsworth Road) RM-2-PAD Existing single residences	Project Site LC Vacant	East LC Existing group commercial center
Southwest (Across South Ellsworth Road) RM-3-PAD Existing multiple residences	South AG Existing ADOT retention basin	Southeast AG Existing ADOT retention basin

Compatibility with Surrounding Land Uses:

To the north, the project site is adjacent to an existing shared drive aisle within the existing group commercial center. To the east and south, the project site will be adjacent to the remainder of the project site, which will remain vacant pending future development. Ellsworth Road separates the project site from the existing single and multiple residence neighborhoods to the west.

The proposed minor automobile/vehicle repair use will be compatible with the surrounding land uses.

Neighborhood Participation Plan and Public Comments:

The applicant completed a Citizen Participation Process which included inviting property owners within 1,000 feet of the site, as well as HOAs within ½ mile and registered neighborhoods to a virtual neighborhood meeting and to the scheduled public hearing. No invitees attended the virtual meeting held on February 7, 2023.

As of writing this report, staff has not received any comments/concerns from surrounding property owners.

Staff Recommendations:

Staff finds the Proposed Project meets the development standards of Section 11-31-6 of the MZO for an automobile/vehicle repair, minor use, 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 final site plan and landscape plan submitted.
2. Compliance with all requirements of Design Review Case No. DRB22-00179.
3. Compliance with all conditions of approval of Ordinance No. 4385 (Zoning Case No. Z05-033), except compliance with the final site plan and landscape plan submitted with this request (Case No. ZON22-01178).
4. Compliance with all City development codes and regulations.

5. 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 Phoenix-Mesa 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 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 5± 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 states in part: "This property, due to its proximity to 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 – Staff Report

Exhibit 2 – Vicinity Map

Exhibit 3 – Application Information

3.1 Project Narrative

3.2 Site Plan

3.3 Landscape Plan

3.4 Elevations

3.5 Grading and Drainage Report

3.6 Citizen Participation Plan

Exhibit 4 – Citizen Participation Report