



**PLANNING DIVISION
STAFF REPORT**

City Council Meeting

July 10, 2023

CASE No.: ZON22-01332	PROJECT NAME: Power and Guadalupe Retail
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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 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
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (Vote: 7-0)
Proposition 207 Waiver Signed:	Yes

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 project 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).

On **June 7, 2023**, the Board of Adjustment approved: 1) an SUP for the expansion of the car wash; 2) 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 3) a Substantial Conformance Improvement Permit (SCIP) to allow to allow certain non-conforming conditions to remain on the site with its redevelopment.

On **June 14, 2023**, the Planning and Zoning Board approved an SUP for a parking reduction.

PROJECT DESCRIPTION

Background:

The project site is located at the northeast corner of Power and Guadalupe Roads and is currently developed with a convenience market, service station, and a car wash. The applicant is requesting approval of a Major Site Plan Modification to accommodate the redevelopment of the site for a limited-service restaurant with a drive-thru facility and automobile/vehicle washing facility (car wash).

The applicant is proposing to demolish 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 car wash from the current 1,152 square feet to 3,174 square feet with 20 covered vacuum bays (Proposed Project).

Because the existing zoning case (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.

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 project site 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 an SUP and is subject to the additional development standards of Section 11-31-7 of the MZO for an automobile/vehicle washing facility.

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 and Airport Overflight Area Three (AOA 3), because of 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 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 Project 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 requested an SUP for a parking reduction and is proposing 25 parking spaces for the Proposed Project.

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.

Design Review:

The City’s Design Review Board reviewed the Proposed Project on June 13, 2023. Staff will work with the applicant to address the comments and recommendations from the Design Review Board.

Surrounding Zoning Designations and Existing Use Activity:

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

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 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.

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. 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 Avigation 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

1.1 Project Narrative

1.2 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