



**PLANNING DIVISION
STAFF REPORT**

City Council Meeting

January 13, 2025

CASE No.: ZON22-01264	PROJECT NAME: Power Retail Development
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Owner's Name:	Power Road Gateway, LLC
Applicant's Name:	Tim Rasnake, Archicon
Location of Request:	Approximately 1,200 feet south of the southwest corner of South Power Road and East Williams Field Road.
Parcel No(s):	304-49-007P
Request:	Rezone from Limited Commercial with a Bonus Intensity Zone Overlay (LC-BIZ) to LC with a new BIZ Overlay (LC-BIZ) and Major Site Plan Modification for a multi-tenant commercial building with a drive-thru facility.
Existing Zoning District:	Limited Commercial with a Bonus Intensity Zone Overlay (LC-BIZ) District
Council District:	6
Site Size:	2± acres
Proposed Use(s):	Multi-tenant commercial building and drive-thru facilities
Existing Use(s):	Vacant
Hearing Date(s):	December 11, 2024 / 4:00 p.m.
Staff Planner:	Charlotte Bridges, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	APPROVAL with Conditions (6-0)
Proposition 207 Waiver Signed:	Yes

HISTORY

On **October 20, 1997**, the City Council annexed 21.3± acres, including the project site, into the City of Mesa and subsequently zoned the property Agricultural (AG) (Ordinance No. 3398, Case No. Z97-081).

On **September 18, 2017**, the City Council rezoned 11± acres from AG to Multiple Residence-4 with a Bonus Intensity Zoning overlay (RM-4-BIZ), Limited Commercial with a Bonus Intensity

Zone overlay with a Council Use Permit (LC-BIZ-CUP) and Limited Commercial with a Bonus Intensity Zone overlay (LC-BIZ) and approved a site plan to allow the development of a multi-residential development with commercial and retail uses. As a part of this approval, the project site was zoned LC-BIZ (Ordinance No 5407, Case No. Z17-034).

On **August 13, 2024**, the Design Review Board reviewed the proposed elevations and landscape plan. Staff is working with the applicant to incorporate recommendations from the Board.

On **December 11, 2024**, the Planning and Zoning Board recommended that City Council approve the Proposed Project (Case No. ZON22-01264).

PROJECT DESCRIPTION

Background:

The applicant is requesting a rezoning from Limited Commercial with a Bonus Intensity Zone Overlay (LC-BIZ) to LC with a new BIZ Overlay (LC-BIZ) and Major Site Plan Modification to allow for a multi-tenant commercial building with a drive-thru facility development (Proposed Project). The 2± proposed project site is currently vacant.

In 2017, Case No. Z17-034 rezoned the proposed project site to include a BIZ overlay to allow an increase in building height in the LC district from 30 feet to 50 feet. The Proposed Project elevations show a building height of 25 feet, 4-inches, which complies with the LC District's maximum building height of 30 feet. The applicant is requesting a new BIZ overlay to allow modification of certain development standards of the MZO to facilitate the proposed project.

A site plan approved with Case No. Z17-034 showed the development a 18,200 square feet commercial building with a drive-thru facility on the project site. The Proposed Project includes a 10,861 square foot commercial building with a drive-thru. The Proposed Project does not meet the criteria for a Minor Site Plan Modification identified in Section 11-69-7(A) of the Mesa Zoning Ordinance (MZO). A Major Site Plan Modification, approved by City Council, is required.

General Plan Character Area Designation and Goals:

The 2040 General Plan Character area designation on the property is Specialty with an Airport Sub-type. Per Chapter 7 of the General Plan, the primary focus of the Specialty character designation is to encourage large areas devoted to single use such as an educational campus, airport, or medical facility. Although LC is not a listed zoning district in the Airport Sub-type, the Proposed Project does not include a rezone to a different zoning district, but a new BIZ overlay tailored to the commercial development.

The General Plan identifies that typical uses for this character type may be supported by retail, offices, residential, hotels, or dormitories. Development in the character area should maintain a campus feel and connection between buildings as well as high quality building design and materials.

The Proposed Project site falls within a larger development area that includes the ASU Polytechnic Campus and the Phoenix-Mesa Gateway Airport. The Proposed Project provides

support commercial uses consistent with adjacent uses and conforms with the Specialty character area designation.

The Proposed Project is consistent with the criteria for review outlined in Chapter 15 (pg. 15-1&2) of the Mesa 2040 General Plan.

Gateway Strategic Development Plan:

The proposed project site is located within the Airport/Campus District of the Gateway Strategic Development Plan. The focus of the Airport/Campus District is to provide a variety of uses that support regional destinations within the area. Commercial development is a supported use within the district.

Zoning District Designations:

The proposed project site is zoned Limited Commercial with a Bonus Intensity Zone overlay (LC-BIZ). The purpose of the LC zoning district is to provide areas for indoor retail, entertainment and service-oriented businesses that serve the surrounding residential trade area.

Per Section 11-6-2 of the City of Mesa Zoning Ordinance (MZO), a variety of commercial uses, including a restaurant with a drive-thru, are permitted in the LC zoning district.

Airfield Overlay – Mesa Zoning Ordinance (MZO) Article 3, Section 11-19:

Per Section 11-19 of the MZO, the proposed project site is located within the Airfield (AF) Overlay District; specifically the Proposed Project is within the Airport Overflight Area Three (AOA 3). The location of the property within AOA 3 is due to its proximity to the Phoenix-Mesa Gateway Airport.

Per Section 11-19-4(C) of the MZO, there are no use limitations in the AOA 3, beyond those in the base district.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across Power Road) Town of Gilbert PF/I Vacant</p>	<p>North RM-4-PAD Multiple Residences</p>	<p>Northeast (Across Power Road) PS ASU Polytechnic Campus</p>
<p>West (Across Power Road) Town of Gilbert PF/I Vacant</p>	<p>Project Site LC-BIZ Vacant</p>	<p>East (Across Power Road) PS ASU Polytechnic Campus</p>
<p>Southwest (Across Power Road) Town of Gilbert PF/I Vacant</p>	<p>South Power Road Right-of-Way</p>	<p>Southeast (Across Power Road) PS ASU Polytechnic Campus</p>

Compatibility with Surrounding Land Uses:

The proposed project site is adjacent to the west side of the ASU Polytechnic Campus and Phoenix-Mesa Gateway Airport. The proposed use will be compatible with surrounding uses.

Site Plan and General Site Development Standards:

The Proposed Project includes development of a 10,861 square foot multi-tenant commercial building with a 900 square foot outdoor eating area, and a drive-thru on a 2± acre lot. Access to the site is provided from south and north bound Power Road via shared accesses and cross drive aisles with the property to the north. Access to the proposed drive-thru is south of the proposed building and proceeds north along the east side of the project site and proposed building and exits to the shared drive aisle to the north of the building.

Per Section 11-32-3 of the MZO, the total number of parking spaces required for the use is 54 spaces. The Proposed Project includes 61 parking spaces located along the north and south sides of the building.

The Proposed Project shows pedestrian connectivity to the public sidewalk along south and north bound Power Road.

The Proposed Project is consistent with the development standards for drive-thru facilities set forth in Section 11-31-18 of the MZO and the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

BIZ Overlay Modification – MZO Article 3, Chapter 21:

The Proposed Project includes a request for a BIZ overlay zoning to allow modification of a certain development standard of the MZO. Per Section 11-21-1 of the MZO, the purpose of a BIZ overlay is to provide for variation from the application of development standards to allow greater intensity of development and encourage unique, innovative developments of superior quality.

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

Table 1: Proposed Development Standards

Development Standards	MZO Required	BIZ Proposed	Staff Recommendation
<u>Setback of Cross Drive Aisle</u> – <i>MZO Section 11-32-4(A)</i>	Drive aisles that cross main drive aisles connecting directly to a street shall be set back at least 50 feet from the property line abutting the street.	Drive aisles that cross main drive aisles connecting directly to a street shall be set back at least 30 feet from the property line abutting the street. (Existing at south and north bound Power Road)	As Proposed

Setback of Cross Drive Aisles:

Per Section 11-32-4(A) of the MZO, drive aisles that cross main drive aisles connecting directly to a street shall be set back at least 50 feet from the property line abutting the street. The existing on-site shared drive aisles with the multiple residence development to the north that cross the shared accesses from Power Road into the project site do not meet this 50-foot setback requirement.

The applicant is requesting to maintain the existing 30 feet distance where the existing on-site shared drive aisles cross the shared accesses from south and north bound Power Road. These were previously constructed and align on-site vehicular circulation between the multiple residence development to the north and the Proposed Project.

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, and registered neighborhoods within one mile of the site.

Staff has not received any comments or concerns from surrounding property owners.

Staff Recommendations:

Staff finds the Proposed Project is consistent with the Mesa 2040 General Plan, the Gateway Strategic Development Plan, the intent of the BIZ overlay outlined in MZO Section 11-21-1, and the criteria for Site Plan Review outlined in MZO 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 DRB23-00014.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication, whichever comes first.
4. Prior to the issuance of a building permit, provide a sewer report demonstrating compliance with Title 18 of the Arizona Revised Statutes R18-9-E301-D requirements for lift station flows, sewage retention and wet well sizing.
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 Phoenix 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 two 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 must state 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.”
6. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIZ and shown in the following table:

Development Standards	Approved
<u>Setback of Cross Drive Aisle</u> – <i>MZO Section 11-32-4(A)</i>	Drive aisles that cross main drive aisles connecting directly to a street shall be set back at least 30 feet from the property line abutting the street. (Existing at south and north bound Power Road)

Exhibits:

- Exhibit 1 - Presentation
- Exhibit 2 - Ordinance
- Exhibit 3 - Ordinance Map
- Exhibit 4 - Vicinity Map
- Exhibit 5 - Site Plan
- Exhibit 6 - Minutes
- Exhibit 7 - Submittal Documents