



**PLANNING DIVISION  
STAFF REPORT**

**Planning and Zoning Board**

**October 27, 2021**

CASE No.: **ZON21-00278**  
**Development**

PROJECT NAME: **Power Road Food Truck**

Owner's Name:	Power Road Park LLC
Applicant's Name:	Sean Lake, Pew and Lake, PLC
Location of Request:	Within the 1300 to 1500 blocks of North Power Road (east side), within the 6800 block of East Hobart Street (south side), and within the 6800 block of East Halifax Drive (both sides). Located north of Brown Road on the east side of Power Road.
Parcel No(s):	218-04-003A, 218-04-003C, 218-04-005F, and 218-04-007C
Request:	Rezone from Office Commercial (OC) and Single Residence 35 (RS-35) to Neighborhood Commercial with a Planned Area Development overlay (NC-PAD) and Site Plan Review. This request will allow for a development that includes food trucks.
Existing Zoning District:	OC and RS-35
Council District:	5
Site Size:	6.13± acres
Proposed Use(s):	Food Trucks (Limited Service Restaurants) and related amenities
Existing Use(s):	Undeveloped
P&Z Hearing Date(s):	<b>October 27, 2021 / 4:00 p.m.</b>
Staff Planner:	Lesley Davis, Senior Planner
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	
Proposition 207 Waiver Signed:	No

## HISTORY

On **August 7, 1983**, the City Council approved annexation of 1,382± acres of property, including the subject parcels, from Maricopa County into the City of Mesa (Annexation 43, Ordinance No. 1737).

On **July 16, 1984**, the City Council assigned City of Mesa Residential 35 (RS-35) zoning district designation on the property (Case No. Z84-088, Ordinance No. 1854).

On **July 9, 2007**, the City Council approved to rezone 2.3± acres (parcels 218-04-005F and 218-04-007C) from RS-35 to Office Commercial (OC) and Site Plan Review to allow the development of office buildings (Case No. Z07-063, Ordinance No. 4732) on the property.

On **December 16, 2015**, the Planning and Zoning Board tabled the property owner's request to rezone the property from OC to Infill District 1 (ID-1) to develop the property for a self-storage facility (Case No. Z15-036). On September 26, 2017, the City received a second request to rezone the property from OC to ID-1 to develop the property for a self-storage facility (Case No. ZON17-00335). On **July 18, 2018**, the Planning and Zoning Board tabled the property owner's second request. No City Council action was taken on either request.

On **October 13, 2021**, the City's Board of Adjustment upheld an interpretation of the Zoning Administrator that current use of the property primarily for food trucks does not conform to the City's definition of "Parks and Recreation Facilities, Public".

## PROJECT DESCRIPTION

### **Background:**

The subject request is to rezone the subject site from Office Commercial and Single Residence 35 (RS-35) to Neighborhood Commercial with a Planned Area Development (NC-PAD) and a site plan review of an Initial Site Plan (See Section 11-69-1 of the City's Zoning Ordinance) to allow a development with mobile food units (hereinafter referred to as "food trucks") as the primary use and related amenities on the subject site. Currently, food truck use(s) is not specifically listed in the list of uses defined in the City's Zoning Ordinance (MZO). However, pursuant to the authority granted to the City's Zoning Administrator in Section 11-86-1 of the MZO, the Zoning Administrator has determined that food truck uses fall under the definition and classification of "Restaurants, Limited Service" as defined in the MZO (hereinafter referred to as "limited service restaurants"). Per Section 11-6-2 of the MZO, limited service restaurants are allowed as a primary use in the NC Zoning District.

Per Section 11-6-2 of the MZO, limited service restaurants are defined as: *"Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where no table service is provided. This classification includes cafeterias, fast-food restaurants,*

*carryout sandwich shops, limited-service pizza parlors and delivery shops, self-service restaurants, snack bars and takeout restaurants. A minimum of 40 percent of gross sales revenue must be from serving food to be classified as a Limited-Service Restaurant.”*

The final site plan submitted on October 21, 2021 (Exhibit 3.02), shows the proposed development will consist of food trucks, outdoor seating areas, seasonal fire pits, splash pad, great lawn, two small ancillary buildings for office uses, restrooms, a kitchen, storage, and vehicular parking areas. The applicant has been operating food trucks on the subject site since 2020 and an initial parking study and analysis submitted by the applicant included the possibility of having 18-20 food trucks on the subject site. For these reasons, and because rezoning the subject site to NC will allow food trucks as the primary use on the subject site, staff has included conditions of approval to address the use of food trucks on the subject site, more thoroughly explained below.

As part of the rezoning, the applicant is requesting a Planned Area Development (PAD) Overlay to allow certain modifications to the City’s development standards. Per Section 11-22-1 of the MZO, the purpose of a PAD Overlay is to allow modifications to certain required development standards to encourage innovative design and flexibility that creates a high-quality development. The PAD Overlay and final site plan also help mitigate potential impacts likely associated with the proposed development on adjacent and surrounding properties, and ensure sufficient parking capacity for the subject site and adequate capacity on the roads surrounding the subject site to handle vehicular traffic generated by the development. The PAD and final site plan show an orderly and well-designed site to accommodate food trucks, with locations of trash enclosures; a screen wall to buffer uses on the subject site from adjacent residential uses; and landscaping.

**General Plan Character Area Designation and Goals:**

The subject site is in the Neighborhood Character Area designation with a Suburban subtype as defined in the City’s General Plan. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood Character Area designation is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Per the Plan, the Neighborhood Character Area is the predominant character area in Mesa and primarily consists of single residences. However, as part of a total neighborhood area, the character area may also contain areas of commercial uses along arterial frontages. Per the General Plan, the Neighborhood Character Area can contain a wide range of housing options and often have associated non-residential uses such as schools, parks, places of worship and local servicing business.

Per Chapter 4 of the General Plan, nonresidential areas within neighborhoods should be designed and located to bring people together and to not disrupt the fabric and functioning of the neighborhood as a place where people live. The design, development, and maintenance of neighborhoods focuses on ensuring clean, safe, and healthy areas where people want to live and maintain their investments. Neighborhoods are also designed to provide opportunities for people to gain a sense of place and feel connected to the larger community.

Chapter 7 of the General Plan lists primary and secondary zoning districts under the Neighborhood Character area with Suburban sub-type designation. Per this Chapter of the General Plan, neighborhood commercial is listed a secondary zoning under the Neighborhood Character Area designation. Per the General Plan (pg.7-4,5&6), *“for those character area designations that include a list of primary and secondary uses zoning districts and land uses but do not include a specific minimum or maximum requirements, to establish the character traits and characteristics, a majority of the character area must first utilize the primary zoning districts and primary land uses. After the primary zoning districts and primary land uses are established, the use of secondary zoning districts and secondary land uses are permitted in appropriate locations as long as the secondary zoning districts and land uses add to the mixture of uses and zoning and otherwise foster vibrancy of the area.”*

Based on the requirement of the General Plan, a majority of the surrounding property is zoned for residential uses that has established the primary zoning and character trait of the dominant land uses within the character area. Therefore, rezoning of the subject site to NC, that is allowed as a secondary zoning district within the Neighborhood Character Area designation, will conform to the Neighborhood Character Area designation if all requirements and standards of the MZO, including recommended conditions of approval associated with the subject rezoning.

Regarding the requirements for nonresidential area within neighborhoods to be designed and located to bring people together and not disrupt the fabric and functioning of the surrounding neighborhood, the final site plan provided with the application shows construction of an 8-foot wall and a 25-foot landscape setback on the eastern section of the subject site to serve as a buffer to mitigate potential noise emanating from the subject site. The subject site is also located adjacent to an arterial road (i.e., Power Road). This location of the subject site at such a major thoroughfare makes it suitable for a nonresidential development and also potentially provide neighborhood services anticipated in the goals of the Neighborhood Character designation. The submittal documents also show amenities such as pedestrian walkways, splash pad, landscaping and trees, great lawn, picnic tables, and stage/gazebo, which will add to the mixture of uses and the vibrancy of the neighborhood. Staff reviewed the request and determined rezoning of the subject site to NC with intended uses of food trucks/limited service restaurants and related amenities, described above, is consistent with the Neighborhood Character Area designation and criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

#### Zoning District Designations

The subject request is to rezone the subject site from RS-35 and OC to NC-PAD to allow development on the subject site including food trucks/limited service restaurants, and also modification to certain development standards of the MZO. The request also includes Site Plan Review. Per Section 11-6-1 of the MZO, the purpose of the NC zoning district is to provide areas for locally oriented retail and service uses that serve the surrounding residential trade

area. Typical uses include retail stores, grocery-store-anchored shopping centers, drug stores, restaurants and cafes, gas stations, and convenience stores. Other compatible uses include small-scale medical and professional offices, personal services, as well as public and semi-public uses.

Section 11-6-2 of the MZO includes the list of permitted uses in the NC district. Per this section of the MZO, limited services restaurants, the use classification food trucks are within, are allowed as the primary use within the NC zoning district.

**Planned Area Development Overlay:**

The subject request includes a PAD overlay to allow modifications to certain required development standards of the MZO. Per Section 11-22 of the MZO, the purpose of the PAD overlay is to allow innovative design and flexibility that creates high-quality development for the subject site. Overall, the development of the subject site including food truck uses, complies with requirements of a PAD as outlined in Section 11-22 of the MZO. The development includes high-quality amenities and design standards above and beyond what is required for a limited service restaurant development. Specifically, the development shows a well-designed open space areas with a lawn for games, textured pavement surfaces, outdoor seating areas for patrons with picnic tables and market lighting, cabanas and shade canopies, fire pits, stage/gazebo, pedestrian walkway, additional landscaping, a splash pad, and an 8-foot high wall between the subject site and adjacent residential properties.

Table 1 below shows the MZO required standards and the applicant's proposed PAD standards.

*Table 1: Development Standards*

<b>MZO Development Standards</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Recommendation</b>
<u>On-site parking, loading and circulation standards</u> MZO Section 11-32-3	Required parking spaces shall be permanently marked.	<b>The parking spaces in the parking areas identified as alternative surface material on the final site plan are not required to be permanently marked.</b>	As proposed
<u>Interior parking lot landscaping</u> MZO Section 11-33-4	Parking lot landscape islands shall be installed at each end of a row of stalls and in between for a maximum of 8 contiguous parking spaces.	<b>The parking areas identified as alternative surface material on the final site plan are not required to have landscape islands.</b>	As proposed

<u>Maximum Fence Height –</u> MZO Section 11-30-4(B)(1)(a)	No fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 3.5 feet	<b>A six-foot (6') tall fence shall be installed the entire length of the front yard of the subject site along Power Road.</b>	As proposed
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Required On-site Parking, Loading and Circulation Standards:

Per Section 11-32-2(C)(2) of the MZO, required parking spaces shall be permanently marked. The applicant has proposed not to permanently mark parking spaces in the parking areas identified as alternative surface material on the final site plan. An alternative surface of decomposed granite, turf or other porous material would not sustain a delineation long term. Per MZO Section 11-32-2(C)(1), the Zoning Administrator, in collaboration with the City Engineer, may approve the alternative surface material.

Interior Parking Lot Landscaping:

Per Section 11-33-4(B)(1) of the MZO, parking lot landscape islands shall be installed at each end of a row of stalls in between for a maximum of 8 contiguous parking spaces. The applicant has proposed not to install parking islands in the parking areas identified as an alternative surface material identified on the final site plan. The applicant has indicated that the alternative surface material is intended to provide additional open space during non-peak periods and parking lot landscape islands are restrictive to active use of that space.

Maximum Fence Height in Front Yards:

Per Section 11-30-4(B)(1)(a) of the MZO, the maximum height of fences or walls allowed within or along the boundary of the front yard of the subject site is 3.5 feet. Based on this requirement, the maximum fence height allowed adjacent to Power Road is 3.5 feet. The applicant is requesting to construct a 6-foot view fence along Power Road, Hobart Street and Halifax Drive. The applicant has proposed that the 6-foot view fence be located within the required yard along Power Road. According to the applicant, the view fence will be integrated into the landscape design with landscape on both sides of the fence. From the submitted application, the proposed 6-foot fence adjacent to Power Road will be constructed with wrought iron to secure the boundary of the park but allow the public to see through the fence.

Development Agreement:

Applicant will enter into a development agreement with the City which will include terms and conditions such as: parking requirements, design review requirements, improvements required, construction deadlines, operational requirements for food truck events, noise and lighting requirements, and requirements designed to mitigate the effects of the development on neighboring properties. The development agreement will be presented to City Council for consideration at the same Council meeting as the subject rezoning request.

**Site Plan and General Site Development Standards:**

The final site plan shows four main accesses onto the subject site. Three of the access drives will be from Hobart Street along the northern boundary of the subject site, and one access from Halifax Drive to the south of the subject site. There is no proposed access from Power Road to the subject site. The final site plan shows development of the subject site will include food trucks (identified as “food truck area” on the final site plan), seasonal fire pits, a splash pad or tot lot, a great lawn for games, and outdoor seating areas. Because the subject site is being developed for food truck use, staff recommends the conditions of approval include the minimum required parking spaces for each food truck and for square footage of outdoor seating area and deadlines to apply for permits and complete construction of improvements of the CMU wall between the subject site and adjacent residential properties.

In addition, to mitigate other potential impact of the development such as noise, direct smell emanating from the food trucks, and preventing patrons looking directly into the adjacent residential homes, the final site plan shows proposed construction of an 8-foot CMU wall and a 25-foot landscape buffer on perimeter of the subject site adjacent to residential uses to the east and south. The design and orientation of the amenities shown on the final site plan including the “food truck area” and outdoor seating areas, also considered location of the adjacent residential properties (See Exhibit 3.02). Also, as shown on the final site plan (See Exhibit 3.02), the development will include a lawn area to buffer active uses on the subject site from the adjacent residential properties.

Further, the final site plan also shows proposed development of two small buildings (See Exhibit 3.02). One of the buildings will be located along Power Road, south of Halifax Drive. This building is identified as a kitchen and indoor storage building. The second building will be located south of Hobart Street and shown as administration and restrooms building. Location of these buildings away from the residential homes was intended to minimize any potential impacts to those surrounding homes. The final site plan also shows location of a solid waste enclosure on the east of the kitchen and indoor storage building. Overall, the final site plan, if constructed as shown, will mitigate impacts of the development on surrounding properties.

**Parking:**

Section 11-32-3(A) of the MZO establishes the parking requirements for limited service restaurants and provides that eating and drinking establishments with no drive through must have one parking space per 75 square feet of indoor area, and one parking space per 200 square feet of outdoor seating area. This requirement applies to the subject development because, as explained above, food trucks fall within the use classification of limited service restaurants.

The square footage of the food trucks is the indoor area on the subject site. Staff recommends using the square footage of a standard parking space, set forth in Section 11-32-2(H)(1) of the

MZO, to determine the square footage of a food truck. Per the MZO, a standard parking space is 9 feet by 18 feet, equaling 162 square feet. For purposes of calculating the parking required by Section 11-32-3(A), each food truck on the subject site is 162 square feet of indoor area. Based on the MZO requirements outlined here, staff recommends a condition of approval requiring a minimum of two parking spaces per food truck. Next, the outdoor seating area on the subject site as shown on the final site plan is 35,400 square feet. Section 11-32-3(A) of the MZO requires one parking space for every 200 square feet of outdoor seating area. Thus, 177 parking spaces are needed to accommodate the outdoor seating area of the subject site. In short, per the MZO requirements, the subject site is required to have 177 parking spaces for the 35,400 square feet of outdoor seating area, plus an additional two parking spaces per food truck.

As part of the proposed development, the applicant submitted a parking demand study. The applicant's parking study used the correct MZO requirements of Section 11-32-3(A) (one parking space per 75 square feet of indoor area, and one parking space per 200 square feet of outdoor seating area). However, applicant's parking study assumed that a food truck is 100 square feet without an explanation of how that number was reached. As stated above, staff determined a food truck is 162 square feet based on the size of a standard parking space in which food trucks park.

Based on the above, staff is recommending a condition of approval requiring one parking spaces for every 200 square feet of outdoor seating area and an additional two parking spaces per food truck. Staff is also recommending that the subject site have at least 30,000 square feet of outdoor seating area and that at least 170 of the required parking spaces are located on the subject site, meaning within the area depicted on the final site plan. Without these conditions of approval, the subject site will have insufficient parking capacity.

#### **Traffic Impact Analysis:**

According to the City's Transportation Department, Power Road, Hobart Street or Halifax Drive have adequate capacity to accommodate the traffic to be generated by the proposed use. However, in order to alleviate concerns raised by residents in the area with regard to the proposed food truck use on the subject site, the City's Transportation staff recommends that all event traffic should be directed to Hobart Street with parking only on the northeastern portion of the subject site (in the area marked on the final site plan as "Alternate Surface Material" and the striped parking spaces east of the administration/restroom building). Additionally, the Transportation Department recommends that all event traffic and parking is managed by the property owner during events and that the property owner direct traffic off of the surrounding streets to the parking areas indicated on the final site plan. This will also alleviate traffic congestion issues at Halifax Drive and Power Road and prevent event traffic from going through the adjacent neighborhood or park on the street when Halifax Drive is full. It is the City's understanding that traffic management policies will be included in the Good Neighbor Policy.



**Lighting:**

Initial application documents submitted by the applicant showed all proposed lighting on the subject site will be installed, as identified the documents, and comply with all City lighting requirements. The applicant also submitted a photometric study and a plan that showed all proposed lighting on the subject site will conform to the City's lighting standards as outlined in section 11-30-5 of the MZO. The final submitted documents, however, did not include specific information on lighting or a photometric study and plan. Staff has included a condition of approval to require the applicant to provide a photometric plan that conforms to the City's standards.

**Noise:**

The subject site must comply with Title 6, Chapter 12 of the Mesa City Code. It is the City's understanding this requirement will also be included in the Good Neighbor Policy.

**Design Review:**

Design Review approval is required for proposed buildings on the subject site, as well as for all the site details such as canopy structures, screen walls and landscape design. A condition of approval requires compliance with all requirements of design review. Additionally, the development agreement will set forth the deadlines which applicant must submit a complete design review application and respond to City comments to the design review application.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> (Across Power Road) RS-9 Existing single residence	<b>North</b> (Across Hobart Street) RS-35 Existing church	<b>Northeast</b> (Across Hobart Street) RS-35 Existing single residence
<b>West</b> (Across Power Road) Existing church and existing single residences	<b>Subject Property</b> Zoned RS-35 and OC RS-35 - Vacant OC- Existing food truck park	<b>East</b> RS-35 Existing single residences
<b>Southwest</b> (Across Power Road) RS-9 Existing single residence	<b>South</b> Zoned RS-35 Vacant Owned by City of Mesa	<b>Southeast</b> Zone RS-35 Vacant Owned by City of Mesa

**Compatibility with Surrounding Land Uses:**

The subject site is located adjacent to Power Road to the west. The northern property, across Hobart Street, is developed and used as a church. There are residential homes to the east and southeast of the subject site. The property to the south of the single parcel across Halifax Drive is proposed to be developed as a Fire Service Station by the City of Mesa.

The proposed rezoning and development of the subject site that includes food trucks (limited service restaurants) conforms to the intent of the NC district. However, because of the location of the adjacent residential homes, there are several mitigation measures required to minimize potential impacts to the surrounding neighborhoods. As discussed earlier in the report, the final site plan was designed to minimize impact of the use to the surrounding neighborhoods. Staff is recommending several conditions of approval to ensure potential impacts to the neighborhood are mitigated.

**Neighborhood Participation Plan and Public Comments:**

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 1,000-feet of the subject site, as well as HOAs within ½ mile and registered neighborhoods within one mile of the subject site. The applicant held one neighborhood meeting on the subject site on April 20, 2021. According to the applicant approximately 50 residents attended the meeting. City staff also attended the meeting. The major concerns discussed at the neighborhood meeting related to the current use of the subject site, fencing, lighting, noise, traffic congestion, parking, and required offsite improvement. In addition to discussions at the neighborhood meeting, staff have received emails numerous emails from residents expressing concerns and opposition to the request. According to the information submitted by the applicant, the overall sentiment of the community at the meeting is that they are opposed to the project.

According to the applicant, below are how the concerns have been addressed:

**a. Land use:**

- The proposed uses (limited service restaurants/food trucks) are allowed in the requested NC zoning district.

**b. Fencing:**

- An 8-foot block wall will be installed on the eastern boundary and a portion of the southern boundary (the southern border of APN 218-04-003A) of the subject site separating the residential uses to the east and south from the subject site. A 6-foot view fence will be provided around the remainder of the subject site. Additionally, a 25-foot landscape buffer will be provided between the subject site and the residential uses to the east and south.

**c. Lighting:**

- Lighting will be provided in accordance with City standards for safety.

**d. Noise:**

- The addition of the new 8-foot block wall and 25-foot landscape buffer should help mitigate noise.

**e. Traffic congestion:**

- Entrances on both Hobart Street and Halifax Drive should disperse traffic appropriately.
- Traffic congestion from a church located north of the subject site

should not be compounded by traffic from the subject site. Worship hours at the church should not conflict with hours of the food truck events on the subject site.

- Hobart and Halifax are public streets and will not be gated.

**f. Parking:**

- The final site plan shows 227 parking spaces which should alleviate overflow parking in the street.

As of writing this report, staff has received several letters of opposition and phone calls from surrounding property owners. Copies of the e-mails from the residents have been included in this staff report for the Board to review. Also details of the citizen outreach conducted by the applicant are included in the applicant's Citizen Participation Report (See Exhibit 4). Staff will provide the Board with any new information during the scheduled Study Session on October 27, 2021.

**Good Neighbor Policy:**

Property owner/applicant will create a Good Neighbor Policy intended to address concerns of the surrounding property owners and residents regarding the impact of the food truck development.

**Staff Recommendation:**

Based on the application received and the proceeding analysis with recommended conditions of approval, staff finds the subject rezoning request is consistent with the General Plan, the purpose of a PAD Overlay outlined in Section 11-22-1 of the MZO, and meets the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO; therefore, staff recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan.
2. Compliance with the final wall location plan.
3. Compliance with all requirements of Design Review.
4. Property owner shall create a Good Neighbor Policy to address the concerns of the neighbors.
5. The subject site shall have a minimum of 30,000 square feet of outdoor seating area.
6. The minimum parking spaces required for the subject site to have sufficient parking capacity is:
  - a. One parking space for every 200 square feet of outdoor seating area; and
  - b. An additional two parking spaces for each food truck.
7. Of the minimum required parking spaces required by Condition of Approval No. 6, at least 170 parking spaces shall be located on the subject site (the subject site is only the property depicted on the final site plan).
8. Mobile food units on the subject site shall operate only in the area identified on the final site plan as the "food truck area" so that mobile food units operating within 250

feet of any lot or parcel that is zoned for residential use in a residential zoning district (Mesa Zoning Ordinance, Title 11, Article 2, Chapter 5) are restricted to operating only in the area identified on the final site plan as the “food truck area”. The distance from the mobile food unit to the residential lot or parcel will be measured in a straight line from all points along the property line of the subject lot or parcel to the nearest point of the mobile food unit.

9. In addition to the restrictions of Condition of Approval No. 8, mobile food units operating within 250 feet of any lot or parcel that is zoned for residential use in a residential zoning district (Mesa Zoning Ordinance, Title 11, Article 2, Chapter 5) and within the area identified on the final site plan as the “food truck area” are restricted to locating in the most northwest available portion of the area identified on the final site plan as the “food truck area”, except that mobile food units that are part of a private event on the subject site may locate in the southern portion of the area identified on the final site plan as the “food truck area.” The distance from the mobile food unit to the residential lot or parcel will be measured in a straight line from all points along the property line of the subject lot or parcel to the nearest point of the mobile food unit.
10. Submit a photometric plan to the City that complies with all City development standards.
11. Construct an 8-foot tall CMU perimeter wall along the following perimeters of the subject site (as shown on the final site plan):
  - a. Eastern perimeter of Assessor Parcel Number 218-04-003A;
  - b. Southern perimeter of Assessor Parcel Number 218-04-003A;
  - c. Eastern perimeter of Assessor Parcel Number 218-04-005F; and
  - d. Eastern perimeter of Assessor Parcel Number 218-04-007C.
12. Apply for all required permits, including building permits, to construct the 8-foot tall CMU perimeter wall described in Condition of Approval No. 11 within five days of the date this ordinance is adopted by the Mesa City Council.
13. Commence construction of the 8-foot tall CMU perimeter wall described in Condition of Approval No. 11 within 30 days of issuance of the required permits.
14. Complete construction of the 8-foot tall CMU perimeter wall described in Condition of Approval No. 11 within 45 days of issuance of the required permits.
15. Execute and comply with the Development Agreement. The deadlines contained in Conditions of Approval Nos. 12 through 14 may be modified by the Development Agreement.
16. 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.
17. Compliance with all City codes and regulations, except the modifications to the development standards in the Mesa Zoning Ordinance approved with the PAD overlay and shown in the following table:

<b>MZO Development Standards</b>	<b>Approved</b>
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<u>On-site parking, loading and circulation standards</u> MZO Section 11-32-3	The parking spaces in the parking areas identified as alternative surface material on the final site plan are not required to be permanently marked.
<u>Interior parking lot landscaping</u> MZO Section 11-33-4	The parking areas identified as alternative surface material on the final site plan are not required to have landscape islands.
<u>Maximum Fence Height –</u> MZO Section 11-30-4(B)(1)(a)	A six-foot (6') tall fence shall be installed the entire length of the front yard of the subject site along Power Road.

**Exhibits:**

**Exhibit 1-Vicinity Map**

**Exhibit 2-Staff Report**

**Exhibit 3-Application Information**

- 3.01 Project Narrative
- 3.02 Final Site Plan
- 3.03 Landscape Plan
- 3.04 Final Wall Location Plan
- 3.05 Wall Details
- 3.06 Building Elevations
- 3.07 Color and Material Imagery
- 3.08 Parking Analysis
- 3.09 Traffic Impact Statement
- 3.10 Citizen Participation Plan

**Exhibit 4-Citizen Participation Report**