



**PLANNING DIVISION**  
**STAFF REPORT**

**Planning and Zoning Board**

**January 12, 2022**

CASE No.: **ZON21-00831**

PROJECT NAME: **Angela's Seafood**

Owner's Name:	Tina Heinbach, Garrett Development Corporation
Applicant's Name:	Dan Scott, Stewart + Reindersma Architecture, LLC
Location of Request:	Within the 2800 block of South Signal Butte Road (west side). Located south of Guadalupe Road on the west side of Signal Butte Road.
Parcel No(s):	304-04-988
Request:	Site Plan Modification. This request will allow for a restaurant with a drive-thru.
Existing Zoning District:	Limited Commercial (LC)
Council District:	6
Site Size:	1± acres
Proposed Use(s):	Restaurant with a drive-thru facility
Existing Use(s):	Vacant
Hearing Date(s):	January 12, 2022 / 4:00 p.m.
Staff Planner:	Sean Pesek, Planner II
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **January 22, 1990**, the City Council approved the annexation of approximately 1,228 acres of land, including the 1± acre subject site, into the City of Mesa and subsequently zoned the property Agriculture (AG) (Case No. A88-014; Ordinance No. 2483).

On **October 1, 2018**, the City Council approved a rezoning for 4.5± acres, including the 1± acre subject site, from AG to Limited Commercial (LC) to allow for the development of a group commercial center (Case No. ZON17-00384; Ordinance No. 5469).

On **April 17, 2019**, the Planning and Zoning Board approved a site plan modification for 4.5± acres, including the 1± acre subject site. The approved modifications reduced the previously approved building footprint on pad D and created a new commercial lot for a retail and restaurant use (Case No. ZON18-00929).

## **PROJECT DESCRIPTION**

### **Background:**

The subject property is currently vacant and located on the west side of Signal Butte Road, south of Guadalupe Road. The applicant is requesting a Major Site Plan Modification to a previously approved site plan to reduce the building footprint from 4,500 square feet to 1,526 square feet. Related changes include a reduction the required number of on-site parking spaces, the incorporation of a double drive-thru lane, and minor changes to the parking lot layout. Per Section 11-69-7(A) of the MZO, a change in the total building footprint that is more than 10% is considered a *major* modification and requires a public hearing review and approval process. Per Section 11-69-7(D) of the MZO, if a site plan approved by City Council is modified, and the modification does not qualify as *minor*, it shall be reviewed by the Planning and Zoning Board and approved by the City Council. Additionally, the request is required to be heard by City Council because it modifies a portion of condition #1 of zoning case ZON17-00384 (Ordinance No. 5469) requiring compliance with the site plan approved with zoning case ZON17-00384.

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

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood character area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Non-residential uses within neighborhoods shall be designed and located to bring people together and to not disrupt the fabric and function of the neighborhood as a place where people live. As part of a total neighborhood area, this character type may contain commercial uses along arterial frontages and at major street intersections. The proposed drive-thru restaurant is located along an arterial frontage and within a group commercial center, thereby complying with the goals of the Neighborhood character area.

### **Zoning:**

The subject property is zoned Limited Commercial (LC). Per Section 11-6-2 of the Mesa Zoning Ordinance (MZO), the proposed restaurant with drive-thru is an allowed use in the LC zoning district.

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

Per Section 11-19 of the MZO, the property is located within the Airport Overflight Area Three (AOA 3) of the Airfield (AF) Overlay District due to its proximity to the Phoenix-Mesa Gateway Airport. Per Section 11-19 of the MZO, there are no commercial use restrictions within the AOA 3. Phoenix-Mesa Gateway Airport staff reviewed the subject request and had no comments on the proposed development.

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

The purpose of requested modification is to reduce the floor area for a previously approved structure from 4,500 square feet to 1,526 square feet to accommodate the needs of the proposed user. Related changes include a reduction to on-site parking, the incorporation of a double-drive thru lane, and minor changes to the parking lot layout. The site plan shows pedestrian walkway connectivity between the building and Signal Butte Road and to existing and future commercial pad lots to the north and south. The design of the pedestrian walkway connectivity conforms to the requirements for such design outlined in Section 11-6-3(B)(3)(a) of the MZO. Access to the site will be provided through shared north/south access within the group commercial center and from a driveway located off Signal Butte Road. Sixteen (16) on-site spaces are provided in accordance with parking requirements of Section 11-32-3 of the MZO. Overall, the requested modifications conform to the requirements of the MZO include the review criteria for Site Plan Review in Section 11-69-5.

**Design Review:**

The Design Review Board will review the proposed building elevations and landscape plan on January 11, 2022 and provide feedback. The applicant will work with staff to incorporate the suggested changes by the Design Review Board.

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

<b>Northwest</b> AG School	<b>North</b> LC Restaurant	<b>Northeast</b> (Across S. Signal Butte Road) RS-6-PAD Single Residence
<b>West</b> AG School	<b>Subject Property</b> LC Vacant	<b>East</b> (Across S. Signal Butte Road) RS-6-PAD Single Residence
<b>Southwest</b> AG School	<b>South</b> LC Vacant	<b>Southeast</b> (Across S. Signal Butte Road) RS-6-PAD Single Residence

**Compatibility with Surrounding Land Uses:**

The site is generally located at the southwest corner of Signal Butte Road and Guadalupe Road, in a group commercial center. Parcels to the north and south are zoned Limited Commercial (LC) and developed with and/or entitled for commercial uses. To the west is an existing charter school. To the east, across Signal Butte Road, is an existing single residence subdivision. The subject request for a drive-thru restaurant will not be out of character with the surrounding area.

**Neighborhood Participation Plan and Public Comments:**

As part of the completed Citizen Participation Process, the applicant mailed notice letters to property owners within 1,000 feet of the site, Homeowner Associations (HOAs) within ½ mile of the site, and registered neighborhoods within one mile of the site. As of the writing of this report, the applicant has not received any comments/concerns from surrounding property owners. Staff

will provide the Board with any new information during the scheduled Study Session on January 12, 2022.

**Staff Recommendations:**

Based on the application received and the preceding analysis, staff finds that the requested Major Site Plan Modification is consistent with the General Plan 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 submitted.
2. Compliance with all requirements of ZON17-00384, except as modified by this request.
3. Compliance with all requirements of ZON18-00920, except as modified by this request.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of Design Review.
6. Prior to building permit issuance, a declaration of easements, covenants and restrictions regarding cross access and shared parking shall be recorded with Maricopa County.
7. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner shall execute and record the City's standard Avigation Easement and Release for Phoenix-Mesa Gateway Airport prior to the issuance of a building permit.
  - b. Any proposed permanent or temporary structure 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. An FAA determination notice of no hazard to air navigation shall accompany any building permit application for the property.
  - c. Prior to the issuance of a building permit, provide documentation that a registered professional engineer or registered professional architect has certified that noise attenuation measures have been incorporated into the design and construction of the buildings to achieve a noise level reduction to 45 decibels as specified in Section 11-19-5 of the Mesa Zoning Ordinance.
  - d. Provide written notice to future property owners that the project is within five miles of Phoenix-Mesa Gateway Airport.

**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 Building Elevations

Exhibit 4-Preliminary Grading and Drainage Plan

Exhibit 5-Citizen Participation Plan

Exhibit 6-Citizen Participation Report

Exhibit 7-Avigation Easement