



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

**Planning and Zoning Board**

**May 25, 2022**

CASE No.: **ZON21-01311**

PROJECT NAME: **Bulletproof Diesel**

Owner's Name:	KGN, LLC
Applicant's Name:	Robert Brown, Robert Brown Architects
Location of Request:	Within the 2900 to 3100 block of North Oakland (west side), within the 4200 to 4400 block of East Palm Street (south side), and within the 2900 to 3100 block of North Omaha (east side). Located west of Greenfield Road on the north side of McDowell Road.
Parcel No(s):	141-25-150
Request:	Site Plan Modification. This request will allow for a building expansion to an existing industrial development.
Existing Zoning District:	Light Industrial (LI)
Council District:	1
Site Size:	3± acres
Proposed Use(s):	Industrial
Existing Use(s):	Industrial
P&Z Hearing Date(s):	May 25, 2022 / 4:00 p.m.
Staff Planner:	Kellie Rorex, Senior Planner
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **January 6, 1979**, the City Council annexed approximately 542± acres of land, including the subject site, into the City of Mesa (Ordinance No. 1208).

On **June 21, 1979**, the City Council zoned 138± acres of land, including the subject site, from Maricopa County Rural 43 to Agricultural (AG), to establish comparable City zoning on recently annexed land (Ordinance No. 1254, Case No. Z79-073).

On **September 21, 1981**, the City Council approved a rezoning of 236± acres of land from AG to Residential 35 (RS-35) and AG with conceptual Light Industrial (LI) to allow development of an 88-lot single residence subdivision and a 55-lot industrial park. The subject 3± acre site was rezoned to AG with conceptual LI zoning (Ordinance No. 1521, Case No. Z81-065).

On **April 19, 1982**, the City Council approved a rezoning of 73± acres of land, including the subject site, from AG with conceptual LI zoning to LI to allow for the development of a 44-lot industrial park (Ordinance No. 1593, Case No. Z82-010).

On **May 7, 1984**, the City Council approved the removal of a condition of approval that required a 60-foot landscape buffer along the west property line. The condition was removed due to a change in adjacent land uses which were the basis of the condition (Case No. SPM84-008).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a Major Site Plan Modification to allow for an 11,451 square foot building expansion at an existing industrial site. The subject 3± acre site was developed in 2003 and is located within an established industrial park at the northwest corner of Greenfield and McDowell Roads. The initial site plan was approved through the permitting process, not by the Planning and Zoning Board or the City Council, as site plan review was not required by the Mesa Zoning Ordinance at the time, due to the industrial use being permitted in the zoning district. This major modification to the initial site plan requires review and approval by the Planning and Zoning Board pursuant to Section 11-69-7(D)(2) of the Mesa Zoning Ordinance because it is a major modification not listed in Section 11-69-7(D)(1).

The existing site is considered legal non-conforming as it does not comply with current landscaping and foundation base requirements, or parking space size requirements. A separate request for a Substantial Conformance Improvement Permit (SCIP) has been submitted by the applicant and will be reviewed by the Board of Adjustment at their May 4<sup>th</sup> hearing. The purpose of a SCIP is to allow non-conforming sites to redevelop by bringing the site further into conformance with current zoning ordinance standards.

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

The General Plan Character area designation on the property is Employment. Per Chapter Seven of the General Plan, the purpose of the Employment character area designation is to provide employment type land uses with such areas typically having minimal connection to the surrounding area. Examples of Employment districts include areas for large manufacturing facilities, warehousing, and business parks.

Staff reviewed the request for a proposed building expansion at an existing industrial site and determined it is consistent with the development review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. The site is within an existing industrial park and is compatible with surrounding uses and meets the intent of the Employment Character Area designation.

**Falcon Field Sub Area Plan:**

The property is also located within the Falcon Field Sub-Area. A Falcon Field Sub Area Plan was adopted by the City Council in 2007 to provide a planning policy document that is focused on the unique characteristics of the area including airport operations and strong business linkages to the airport. One of the goals of the plan is to ensure the Falcon Field Sub Area is an oasis of abundant, high-quality employment for professionals, technical experts, and highly skilled labor. The proposed expansion meets the goals of the Falcon Field Sub-Area Plan by expanding an existing high quality industrial site within the sub area.

**Zoning District Designations:**

The subject property is zoned Light Industrial (LI). Indoor warehousing is a permitted use in the LI zoning district, per MZO Table 11-7-2.

**Airfield Overlay – MZO Article 3 Section 11-19:**

Per Section 11-19 of the MZO, the site is located within an Airfield (AF) Overlay District. Specially within the Airport Overflight Area 3. The location of the property within the Airfield Overlay is due to its proximity to the Falcon Field Airport. Per Section 11-7-2 of the MZO, there are no use limitations imposed on industrial development in the LI district. Additionally, planning staff did send the subject request to the Falcon Field Airport Authority, however, no comments were provided.

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

The subject site is located within an existing industrial park at the northwest corner of Greenfield and McDowell Roads, less than one mile from the Falcon Field Airport. The site is 3± acres in size and is zoned LI. The site has access from North Omaha to the west, Palm Street to the north, and North Oakland to the east. Parking is located to the north and east side of the building. The 11,451 square foot building expansion will be built to the west of the existing building where the existing screened storage yard is located. Per the plan, two automatic gates will be installed at the southeast and southwest corners of the building to create a new screened storage area and an additional parking area. The site plan also shows an outdoor amenity area at the northwest corner of the building for employment use.

**Substantial Conformance Improvement Permit (SCIP):**

As part of the development of the property, the applicant requested a SCIP through the Board of Adjustment. Per Section 11-73-1 of the MZO, the purpose of a SCIP is to provide a process by which improvement standards can be incrementally installed on non-conforming site when they are enlarged, buildings are replaced, extended or have additions constructed; or other site modifications developed. The intent is to recognize existing site constraints while working with applicants to bring non-conforming developments into substantial compliance.

The Board of Adjustment is scheduled to review the requested SCIP (Case No. BOA22-00236) on June 1, 2022 to allow the following existing conditions that do not comply with the standards from the MZO to remain:

- 1) A 12'-4" wide landscape yard along the south property line where MZO Section 11-33-3(B)(2)(a) requires 15 feet.
- 2) An 18'-11" wide landscape yard along the north property line where MZO Section 11-7-3 requires 20 feet.
- 3) A minimum 5'-3" x 15-foot interior parking lot landscape island where MZO Section 11-33-4(B)(2) requires a minimum 8' x 15' parking lot landscape island.
- 4) A minimum 4'-3" foundation base area on the north side of the building where MZO Section 11-33-5(A)(1) requires 15 feet.
- 5) A minimum 6'-10" foundation base area on the east side of the building where MZO Section 11-33-5(A)(1) requires 10 feet.
- 6) A minimum 9' x 16' parking space dimensions where MZO Section 11-32-2(H)(1) requires 9' x 18'.

Staff will update the Board on the SCIP request and the BOA hearing during the May 25, 2022, study session. Overall, the proposed request meets the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

#### **Design Review:**

The Design Review Board is scheduled to review the subject request on May 10, 2022. Staff will be working with the applicant to address any comments and recommendations from the Design Review Board.

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

<b>Northwest</b> LI Industrial/Vacant	<b>North</b> LI Industrial	<b>Northeast</b> LI Industrial
<b>West</b> LI Vacant	<b>Subject Property</b> LI Industrial	<b>East</b> LI Industrial
<b>Southwest</b> LI Auto Repair	<b>South</b> LI Industrial	<b>Southeast</b> LI Industrial

#### **Compatibility with Surrounding Land Uses:**

The subject site is located within an existing industrial park. To the north, east, and south of the site are existing industrial developments. To the east are vacant parcels zoned LI and within the industrial park. The site is also within one mile of the Falcon Field Airport. Overall, the proposed project will be compatible with surrounding land uses.

#### **Neighborhood Participation Plan and Public Comments:**

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 500-feet of the site, as well as HOA's within ½ mile and registered neighborhoods within 1 mile of the site. The applicant held a neighborhood meeting via zoom on January 24, 2022. No neighbors attended the meeting. As of writing this report, neither the applicant nor staff has received any comments/concerns from surrounding property owners. The applicant will be providing an updated Citizen Participation Report to staff prior to the May

25, 2022 Study Session. Staff will provide the Board with any new information during the scheduled Study Session.

**Staff Recommendation:**

Based on the application received and the preceding analysis, staff finds that the requested Major Site Plan Modification is consistent with the Mesa 2040 General Plan and meets the review criteria for Site Plan approval outlined in Section 11-69-5 of the MZO; therefore, staff recommends approval with the following conditions.

**Conditions of Approval:**

1. Compliance with final site plan submitted.
2. Compliance with all requirements of Design Review.
3. Compliance with all requirements of Case No. BOA22-00236.
4. Compliance with all City development codes and regulations, except those modified through Board of Adjustment Case No. BOA22-00236.
5. Compliance with all requirements of Chapter 19 of the Mesa Zoning Ordinance including:
  - a. Owner must execute the City's standard Avigation Easement and Release for Falcon Field 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 Falcon Field 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. Provide written notice to future property owners that the project is within one mile of the Falcon Field Airport

**Exhibits:**

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Application Information

3.1 Site Plan

3.2 Grading and Drainage Plan

3.3 Landscape Plan

3.2 Elevations

3.3 Project Narrative

3.4 Citizen Participation Plan

Exhibit 4 – Citizen Participation Report