



**PLANNING DIVISION  
STAFF REPORT**

**Planning and Zoning Board**

**June 22, 2022**

CASE No.: <b>ZON22-00260</b>	PROJECT NAME: <b>University and Ellsworth Commercial</b>
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Owner's Name:	Valencia Heights LLC
Applicant's Name:	Benjamin Tate, Withey Morris
Location of Request:	Within the 9100 block of East University Drive (south side) and the 300 block of North Ellsworth Road (west side). Located south of University Drive and west of Ellsworth Road.
Parcel No(s):	218-40-378A
Request:	Rezone from Multiple Residence 4 (RM-4) to Limited Commercial (LC) and Site Plan Review. This request will allow for the development of a restaurant with drive-thru.
Existing Zoning District:	Multiple Residence 4 (RM-4)
Council District:	5
Site Size:	4± acres
Proposed Use(s):	Commercial
Existing Use(s):	Vacant
P&Z Hearing Date(s):	June 22, 2022 / 4:00 p.m.
Staff Planner:	Robert Mansolillo, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	
Proposition 207 Waiver Signed:	

**HISTORY**

On **January 5, 2004**, the City Council annexed 58± acres, including the subject site, into the City of Mesa and subsequently zoned the properties R-4, C-2, R1-43 (Case No. Z03-057; Ordinance No. 4142).

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting is to rezone 4± acres of land from Multiple Residence 4 (RM-4) to Limited Commercial (LC) and approval of an Initial Site Plan to allow for the development of a restaurant with drive-thru.

The 4± acre property is currently undeveloped and located on the southwest corner of the University Dr. and Ellsworth Rd. The subject site consists of one parcel; however, the applicant has indicated the intent is to split the parcel into two lots under a future application. The western portion of the parcel indicated on the site plan as Lot 1 will be developed with a restaurant with a drive-thru facility while the eastern portion, indicated as Lot 2 on the site plan, will remain undeveloped. Future development of the eastern portion of the site (Lot 2) will require site plan review and approval.

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

Per the City of Mesa 2040 General Plan, the site is designated as a Neighborhood Village character area. The focus of the Neighborhood Village character area is to provide shopping areas that serve the neighborhood population within less than a two-mile radius. These shopping areas are generally between 15 and 25 acres in size and are typically located at arterial intersections. These centers serve as the focal point for the surrounding neighborhoods and the gathering place for residents. In addition, these centers typically support alternative transportation modes such as walking and bicycling by providing pedestrian and bike connections to surrounding areas.

Per Chapter 7 of the General Plan, Limited Commercial (LC) zoning is listed as a primary zoning category within the Neighborhood Village character area. Furthermore, the proposed rezoning is consistent with the Neighborhood Village character area designation and the goals for creating a strong commercial center. Allowing rezoning of the site to an LC District will provide opportunity for the development of neighborhood commercial uses to support the surrounding community to the site. Staff reviewed the request and determined it is also consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

### **Zoning District Designations:**

The request is to rezone 4± acres of the site from RM-4 to LC to allow for commercial uses. Per Section 11-6-1 of the Mesa Zoning Ordinance (MZO), the purpose of the LC district is to provide indoor retail areas, entertainment and service-oriented businesses that serve the surrounding residential areas. The provided site plan for Lot 1 shows a restaurant with drive-thru facility. No specific use has been identified for Lot 2; however, typical uses can include grocery store, large commercial retail, drug stores, fast-food restaurants, hardware and building supply stores, gas stations with convenience stores, and restaurants.

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

The proposed site plan shows the development of a 2,647 square foot restaurant with a drive-thru on the western portion of the subject site, adjacent to University Dr. and the Loop 202 Red

Mountain Freeway. The proposed drive-thru lane will enter on the south-side of the building and wrap around the northern side of the property. Per Section 11-31-18(D) of the MZO, drive-thru lanes shall not be located parallel to arterial roadways. Where physical site conditions prevent such configuration, 40-inch-high screen walls must be provided adjacent to the public right-of-way. There is a 125-foot electrical transmission easement the transverses the southern portion of the parcel prevents that highly constrains the site and prevents the drive-thru lane from being located away from University Dr. However, the applicant is providing a 40-inch-high screening wall to provide screening from University Dr. and the internal access road in accordance with Section 11-31-18(D) of the MZO.

Parking will be located on the south side of the building. Per Section 11-32-3 of the MZO, the total number of parking spaces required for the use is 28 spaces, 38 spaces will be provided. Primary vehicular access will be provided via two driveways, one from University Dr. to the north and another from Ellsworth Rd. to the east. The site plan shows pedestrian walkway connectivity between the building, parking area, as well as pedestrian connections to University Dr. The design of the pedestrian walkway connectivity conforms to the requirements for such design outlined in Section 11-7-3(B)(1)(d) of the MZO.

This request is consistent with the review criteria for Site Plan Review outlined in Section 11-69-5 of the City of Mesa MZO and meets the development standards for a drive-thru facility as outlined in Section 11-31-18 of the MZO.

**Design Review:**

The City’s Design Review Board reviewed the proposed elevations and landscape plan on May 10, 2022. Staff is working with the applicant on minor revisions to address comments made by the Board.

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

<p><b>Northwest</b> (Across University Dr.) N. 202 Red Mountain Freeway</p>	<p><b>North</b> (Across University Dr.) LC Undeveloped</p>	<p><b>Northeast</b> (Across University Dr. and Ellsworth Rd.) LC Gas Station with Convenience Store</p>
<p><b>West</b> N. 202 Red Mountain Freeway</p>	<p><b>Subject Property</b> RM-4 Undeveloped</p>	<p><b>East</b> (Across Ellsworth Rd.) LC Gas Station with Convenience Store</p>
<p><b>Southwest</b> N. 202 Red Mountain Freeway</p>	<p><b>South</b> RM-4 PAD Multiple Residence</p>	<p><b>Southeast</b> (Across Ellsworth Rd.) Maricopa County Mobile Home Subdivision</p>

**Compatibility with Surrounding Land Uses:**

Properties surrounding the subject site are a mix of commercial and multiple residence developments. The requested rezone and proposed use as a restaurant with a drive-thru is compatible with the commercial uses that are already present in the surrounding area.

**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.

As of the writing of this report, staff has not received any comments from surrounding property owners. The applicant will be providing an updated Citizen Participation Report to staff prior to the June 22, 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 rezone request from RM-4 to LC and the proposed site plan is consistent with the Mesa 2040 General Plan and meets the purpose of the LC zoning district outlined in Section 11-6-1 of the MZO, and the review criteria for Site Plan Review approval 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 the landscape plan submitted.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Site Plan Review through the public hearing process for future development plans.
5. Recordation of a cross-access and parking agreement when and if the subject site is subdivided.
6. Compliance with all requirements of Design Review Case No. DRB22-00261.
7. Compliance with all City development codes and regulations.

**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

3.4 Elevations

3.5 Project Narrative

3.6 Citizen Participation Plan

Exhibit 4-Citizen Participation Report