

ZON21-00792 District 6. Within the 7300 to 7600 blocks of South Hawes Road (east side), the 8400 block of East Germann Road (north side) and the 7300 to 7500 blocks of South 85th Place (west side). Located north of Germann Road and east of Hawes Road. (34± acres). Rezone from Light Industrial with a Bonus Intensity Zone overlay (LI-BIZ) and Office Commercial with a Bonus Intensity Zone overlay (OC-BIZ) to Light Industrial with a Planned Area Development overlay (LI-PAD) and Office Commercial with a Planned Area Development overlay (OC-PAD) and Site Plan Review. This request will allow for an industrial development. This request will allow for an industrial development. Dennis Newcombe, Gammage & Burnham P.L.C., applicant; HAWES OZ FUND LLC, owner. **(Companion case to preliminary plat "Hawes Commerce Center", associated with item *5-b)**

Planner: Jennifer Merrill

Staff Recommendation: Approval with conditions

Summary:

Staffmember Jennifer Merrill presented case ZON21-00792: The request is to rezone from Light Industrial and Office Commercial with a BIZ overlay, to Light Industrial and Office Commercial with a PAD overlay, site plan review, and consideration of a preliminary plat. The purpose of the request is to allow for an industrial development. The location is on the north side of Germann Road, on the east side of Hawes Road alignment. Here's a view of the site looking north from Germann Road. And here's the view of the site looking southwest across the site from at 5th Place. The General Plan character area for the site is Employment. And the purpose of the Employment character area is to provide a wide range of employment opportunities with high quality settings. And the uses that are anticipated are office, warehouse, research, and development, and the request complies with the General Plan. The existing zoning for this site is Limited Industrial, with a BIZ overlay and Office Commercial with a BIZ overlay. Those zoning districts were approved in 2009, as part of a request for a movie production studio. The BIZ overlay was attached to a Site Plan for the movie production studio. The current proposal is for an Industrial Park, and there are some modifications to the standard code requirements that are being requested, and therefore the Planned Area Development overlay is being requested. So, the proposed rezoning is to LI PAD and OC PAD. And the industrial uses that are proposed are our industrial uses that are permitted in the LI zoning district. The PAD request includes a variety of modifications to the code requirements. The standard maximum building height in the Light Industrial zoning district is 40 feet, and the proposal is to is for a maximum of 46 feet building height. There are also some requests to modify the development standards for the buildings including not requiring some parapet detailing, and not requiring the maximum of each facade being covered with one material, limiting it to 50%. The proposed buildings are concrete tilt up buildings, and so they are going to be covered with more than 50% one material. The roof mounted equipment standard screening requirements include providing a screening element that is at least as high as the rooftop mechanical units. That is what code requires. The proposal is to provide line of sight screening. So instead of having a screening element that is at the same height or higher than those rooftop units, the view of the rooftop units would be proposed to be blocked (or masked) by the parapet as seen from pedestrian walking at the ground level, rather than at eye level with the parapet. The parking area screen walls are required to be setback from parking areas at least five feet, and the proposal is for them to be setback by just

two feet. The request also includes a modification to the standard parking requirements. And the proposal includes just a flat parking ratio of one parking space per 600 square feet of building area. The foundation base is proposed to be reduced in width from 15 feet to 12 feet along exterior walls with public entrances. And then the entry plazas for the buildings are proposed to be reduced in size to have a minimum dimension of 16 feet, when 20 feet is required. The justification for the PAD request is that the landscape area along the east side of the site is 83 feet in width. The standard code requirement for landscape along that 85th Place is only 20 feet, so they are expanding that landscape buffer substantially. The site plan shows the three proposed industrial buildings, they total almost 550,000 square feet and there are some screened loading areas either behind the buildings, or in between the buildings. The access to the site is from Germann and Hawes Roads, and there are 931 parking spaces proposed. These are the elevations for the build, and they were discussed at the Design Review Board. Last week the Design Review Board had some comments on the elevations and the landscaping, and staff has working with the applicant to address those. Here are the renderings from 85th Place.

The applicant completed a citizen participation process. They mailed letters to property owners within 1000 feet, and HOAs, and registered neighborhoods. They had an in-person neighborhood meeting in October of last year. And they did complete the public notification process for this hearing, as well as for the Design Review Board meeting last week. Staff did not receive any inquiries from neighbors. Today we did receive some blue cards. In summary, the request complies with the Mesa 2040 General Plan. It also meets the criteria for a PAD overlay outlined in Chapter 22 of the Zoning Ordinance, and it also meets the criteria for Site Plan Review outlined in Chapter 69 of the Zoning Ordinance. Staff recommendation is approval with conditions. However, there are a couple of additional conditions.

Boardmember Crockett read the additional stipulations: These additional stipulations came about as a result of discussions that we had in the study session prior to this public hearing. The first addresses a question by board member Peterson about whether the appropriate consents had been worked out for the site plan with regard to the right of ways owned by or controlled by the Queen Creek Irrigation District. So, the additional stipulation proposed to address that question is this: prior to submitting an application for any permit on the property submit a letter of approval from the Queen Creek Irrigation District and the Bureau of Reclamation for the site design shown on the grading and drainage plan, and site plan. And if a letter of approval is not submitted, submit a revised site plan for review and approval through City Site Plan review process. So that's the first. And then there are two other stipulations that have been proposed and worked out between the applicant and some of the residents in the area. The first is this: truck court screen wall and gate along east side between buildings Two and Three shall be 10 feet tall. And then screen wall along at 5th place shall vary in height between six and eight feet. Are those consistent with your notes?

Staffmember Jennifer Merrill confirmed.

Boardmember Corckett added: And are there any other stipulations that you're aware of at this time to be added to the proposal?

Staffmember Jennifer Merrill confirmed that there are not.
Boardmember Crockett invited the applicant to speak.

Lindsay Shuby spoke: With the law firm of Gammage and Burnham, 40, North Central Phoenix, Arizona 85004. I have a presentation, but it looks a lot like the one you've just heard from Jennifer. So, I'd like to thank you guys, Boardmember Peterson for bringing the irrigation district up, we're hoping to have that result before we get to Council, in terms of site plan so that we can deal with that stipulation. I understand and appreciate raising that, at this point to make sure that we deal with that, and it doesn't cause problems. We've done a lot of work with the neighbors. Chair Crockett in terms of your question of line of sight, that was result of the request to lower the building height on the side across from the neighbors. So yeah, we're happy that we were able to all compromise a bit, and we had a fruitful discussion before the hearing that led to those two additional stipulations. The undulation of the of the height of the six-foot wall is to intend, where the residential subdivisions exit, to make sure that we've got eight feet there, but to have some type of, you know, architectural and aesthetic interest in that wall. So, it's not just a big eight-foot block wall, but there's some interest there. So, we'll work with staff on that approval, but unless you have any questions for me, I don't want to bore you with another presentation, I mean, I know board member Boyle wants more presentations because it's his last night. So, and I would be remiss to say, board member Boyle, we will miss you up here. So, I'm sure we will see you in and around Mesa but thank you also for your service on the P&Z.

Boardmember Crockett spoke:

Thank you for being sensitive to our time. Just quickly, the additional stipulations that I read, is the applicant. supportive of those?

The applicant confirmed.

Boardmember Crockett continued: Okay. We'll take some public comment. It sounds like maybe some of this has been resolved. We'll find out. I have two people that I want to ask about. The first is Craig Merkley. Okay, so he's given me the thumbs up sign. And then the other is oh, they're both Craig Merkley.

Conversation ensued and Craig Merkley was invited to speak.

Boardmember Crockett added: Why don't you step to the microphone I'll go ahead and have you provide your name, and your address for the record and then I'm going to ask if you're satisfied with the stipulations that we've read into the record today.

Craig Merkley, 8559 East woodland Avenue, Mesa, Arizona, 85212 spoke: Council members grateful to be here. I am the neighbor down the street, just a little bit from this project.

Boardmember Crockett spoke: And we read a couple of stipulations regarding the height of screen walls. Does that address your concerns?

Craig Merkley responded: Yes.

Boardmember Allen motioned to approve the case ZON21-00792 with additional stipulations. The motion was seconded by Boardmember Ayers.

That: The Board recommends the approval of case ZON21-00792 with additional stipulations, conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with the Preliminary Plat submitted.
3. Compliance with all requirements of the Subdivision Regulations.
4. Compliance with all requirements of Design Review Case No. DRB21-00926.
5. Any future changes to the approved site plans that include any portion of the 150-foot buffer zone shall be processed through the Planning and Zoning Board and City Council public hearing process.
6. All street improvements and street frontage landscaping shall be part of the first phase of construction.
7. 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.
8. 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. 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.
 - c. Provide written notice to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.
 - d. 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.
 - e. All final subdivision plats and sales and leasing offices shall include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which shall 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."
9. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this PAD and shown in the following table:

Development Standard	Approved
<u>Maximum Building Height –</u> <i>MZO Section 11-7-3(A)</i>	46 feet

<u>Massing and Scale</u> – <i>MZO Section 11-7-3(B)(2)(c)(iii)</i> -Parapet detailing	Detailing such as cornices, moldings, trim, or variations in brick coursing is not required on any building parapets.
<u>Materials and Colors</u> – <i>MZO Section 11-7-3(B)(5)(b)</i>	All buildings may be constructed of a single material
<u>Roof-mounted Equipment Screening</u> – <i>MZO Section 11-30-9(A)(1)</i>	The height of the screening element shall be of sufficient height to screen the structure’s tallest piece of installed equipment from the public rights-of-way via line-of-sight studies reviewed and approved by the City
<u>Parking Area Screening</u> – <i>MZO Section 11-30-9(H)(6)</i>	When using a screen wall there shall be a landscaped setback of at least 2 feet between the screen wall and the edge of the parking area.
<u>Parking Spaces Required</u> – <i>MZO Section 11-32-3(A)</i> -Shell industrial buildings	1 parking space per 600 square feet of building area
<u>Foundation Base</u> – <i>MZO Section 11-33-5(A)(1)</i> - Exterior walls with public entrances - Typical Building Entrances for buildings larger than 10,000 square feet	A 12-foot-wide foundation base, measured from face of building to face of curb along the entire length of the exterior wall. For buildings with corner entries, both adjacent walls require a 15-foot-wide foundation base. Entry plazas provided with minimum depth of 16 feet.

Vote: 5-0 (Chair Sarkissian and Vice Chair Villanueva-Saucedo, absent)

Upon tabulation of vote, it showed:

AYES – Boyle, Allen, Crockett, Ayers, and Peterson

NAYS – None