

ZON22-00051 District 4. Within the 1600 block of South Stapley Drive (east side). Located south of the US 60 Superstition Freeway on the east side of Stapley Drive. (1.5± acres). Site Plan Modification. This request will allow for the development of a restaurant. Yelena Fiester, GreenbergFarrow, applicant; DSW MESA GRAND/SPECTRUM LLC , owner.

Planner: Evan Balmer

Staff Recommendation: Approval with Conditions

Summary:

Principal Planner Evan Balmer presented case ZON22-00051:

This is a request for a Site Plan Modification, to allow the development of a new Texas Roadhouse restaurant adjacent to the existing Texas Roadhouse. The subject property is located on the southeast corner of Stapley and the US 60 It's cross hatched on the map here. Two images of the site: the first is looking at the existing Texas Roadhouse from Stapley Drive, the second image on the right is from the Mesa Grande Center parking lot, looking to the west to give you an approximation of where the new restaurant would be located. The General Plan designation is Mixed Use Activity. This is generally, large scale areas over 25 acres that provide unique shopping and entertainment experiences, and generally provide a mixture of different uses. The zoning on the property is Light Industrial with a Council Use Permit overlay. That CU P was approved in 1998, which allowed for the development of large commercial developments within the LI zoning district.

The site plan for the site shows a new 90, approximately 9200 square foot, Texas Roadhouse built directly to the east of the existing Texas Roadhouse. There are 66 parking stalls shown on the site plan. There is a shared parking agreement in place for the Mesa Grande development, which was put in place when the center was was developed. When the new building is finished with construction, the existing building would be removed and that area landscaped. The landscaping plan shows primarily Mesquites, a few Mexican Fan Palms and some ready echoes. And here you can see some elevations of the building. This will be going to Design Review Board in September.

The applicant did complete the Citizen Participation process, which included letters to property owners within 1000 feet of the site, HOAs, and registered neighborhoods within a mile of the site. They did hold a neighborhood meeting in February via Zoom. They did have one attendee who had questions and concerns about parking for the center. If I could back up just a second, a few things that came up at our study session, the board asked about construction and where that would take place, the construction yard, and where they would set up. I spoke with the applicant, and it was approved to be just on the east side of Texas Roadhouse, as far north on the site as possible, to be hopefully as minimally impactful to adjacent developments as possible. And I did reiterate the fact that the intention with moving the building to the east, is that the future restaurant, the patrons to that restaurant would primarily utilize the parking that would be to the east of that site.

That being said, it is consistent with the Mesa 2040 General Plan, as well as the review criteria for Site Plan Review from Chapter 69. Staff is recommending approval with conditions. I'm happy to answer any questions the board might have; the applicant is here as well, if the board has any further questions.

Applicant Heather Prasan spoke:

My address is 4601 North 39th Place in Phoenix. I would like to thank Mr. Balmer for that presentation, and for clarifying the comment about the construction staging.

Texas Roadhouse has been a longtime member of the community, as Boardmember Pitcher pointed out. They're very excited to be bringing a new modernized facility and continue that relationship and serving their their customers here in Mesa. I would like to respond to a few of the issues that came up in the study session. As Mr. Balmer pointed out, the construction staging is a legitimate concern that we need to address. And we are working with the fire marshal, and also with staff to come up with a plan that puts it as far north as possible, and in the area east of the building. We think that will be the least impactful to the other tenants, but also for Texas Roadhouse. That restaurant that's there is going to be operating during construction. And we don't want that to be an issue either, right? We think the construction duration should be about four and a half months. And again, Texas Roadhouse is very motivated to to have that be as short as possible, to be good neighbor and to be a good steward for their customers and their employees.

As for the permanent parking, the plan that you reviewed was done with careful consideration and input from staff including including Rachel, and others. We have done our best as a team to put forth a plan that meets the City's goals and objectives. But that being said, we are open to incorporating some additional parking, if the board would like us to consider that. So, I have no further questions. I do have John story here who is at Texas Roadhouse, as well as the Elena Fiester architect, if there are any other technical questions that you'd like to ask them.

Chair Crockett invited member of the public to speak.

Ryan Bird, 10575 North 114th Street in Scottsdale, Arizona spoke:

I represent the lot three owner, Charleston's building. It's Wasatch Equity Advisors, and that's the building just to the south of the proposed Texas Roadhouse. We are here today to object to the application as it stands now. We would like further comments and maybe

a review of the site plan. The number one objection is the parking, we lose 26 spaces, roughly based upon the moving of this building to the east, and an already tight parking space that has an AMC Center in it, which will greatly affect my client, and his tenant Charleston's. If you look at the CC&R's for this location, they are recorded. I can read them into the record, just the one section regarding parking, says the shopping center, this is on number five, page 24 recorded document 98, 03263 through 5, the shopping center shall at all times contain a number of

parking spaces equal to, or greater of a 20 750 full spaces, or six parking spaces for each 1000 square feet of floor area of the shopping center. The site plan that they've proposed doesn't address this total at all. We're losing 26. So we're not sure if they're in compliance with the ECRs for this property.

Secondly, they haven't put anything on the site plan to show how will recoup the loss of those 26 spaces, especially when they're going to be operating a restaurant while, they're constructing a restaurant. So, now we have an existing restaurant, we have 26 spaces we're losing and we have a staging area to the right of that, that even takes more spaces for four and a half months on a center that was already struggling with parking. And we get complaints from our tenant regarding that, all of the time. So, the question we have in the comments for the planner, and for the applicant, is how many spots in the shopping center are we actually losing? Are they doing anything to recoup those spots? Are they in compliance with the CC&R that control this property? In addition to the CC&R, we have the construction work. And it says in the CC&Rs that the work has to be a minimal disruption. And I think when you look at where that staging areas, and the loss of parking spaces for my client, which is directly to the south of that location, it's not a minimal, it's going to be a major problem for four and a half months during construction. And then after that we lose those 26 spaces, roughly.

Chair Crockett inquired:

You said that, you're talking about the CC&Rs and the number of parking spaces, as you go east from both of these restaurants all the way to the end of the movie theater, there is parking further to the east. And I go have dinner at both of these restaurants on a fairly regular basis. I love them both really. They're terrific. And I know there's a lot of traffic congestion right around the restaurants. But if you go further east, you can always find a parking space. Now you're hiking a little bit further, coming back to the restaurant. But when you talk about the number of spaces you're losing, what's the parking lot that we're talking about? Does the parking lot go all the way to the to the eastern boundary, where the AMC is, or what's the parking area that's covered by the CC&Rs for your client?

Ryan Bird responded:

The CCN ours cover the entire development of the mesa grande shopping center. Each individual certain pads are owned by Mesa grande themselves. Other pads are individually owned, but they're all subject to the CCN ours in that whole development. Okay. And the issue is to the east where you're talking about that's where the staging is gonna be.

Chair Crockett inquired:

Yeah, you can go for a good 100, 200 yards to the east. There's a lot of parking on the north side of the AMC. And a lot of the times there's large areas over there that are vacant that you can park, and like I said, you just have to go further east. But let me ask you this question. Have you had any discussions with with Texas Roadhouse yet on this issue?

Ryan Bird responded:

So I had brief discussions with the original planner. I don't think it was Mr. Balmer, I think it was somebody else. And they got transferred. Since that, no, we just got a notice on the door earlier

this week, I got an email from a Mr. Hartman, who was the commercial broker that represents the landlord entity for Mesa Grande, just wanting to know what our concerns were. I've conveyed those to him, he gave me some information with the site plan and how many parking spots we were actually losing. Because we didn't have any other information, because on the site plan, you can't see it. They just moved the building to the east, but it's essentially two parking rows, roughly in the picture; it looks like they're about 10 each, and then some towards the back of the new building. So, and I understand there's a lot of parking to the east, but as you know, people that go to restaurants, they want to park right in front of both these locations.

Chair Crockett added:

No, I know. So I usually drop the family off, drive east and and I hike back. So I understand. Let me close.

Chair Crockett invited the applicant to respond.

Applicant Heather Prasan spoke:

Thank you Mr. Bird for sharing that with everyone. With respect to the construction staging, it's a little hard to see on that scale of a map, but what we're envisioning is a rectangular shaped construction stage area, tucked right up against the freeway frontage on the east side of the building. So it would be east of the black outline to site area, but as far north as you can get without getting into the landscape or the right of way. So I understand the concern. And you know, Texas Roadhouse is also very mindful of that, as I mentioned. Just to clarify too, so the parking that's currently there will not be touched during construction. Because what's going to happen so that Texas Roadhouse can keep all their employees employed during this process, they're going to build the new building on the east half of the site, and then they are going to tear down the other buildings. So they're not intending to impact that parking to the south of the building at all. Four and a half months, parking will be lost. Right. And, and I you know, I share Mr. Bird's concern for the parking, but I think that that is as far away from from Charleston's and is part of our our plan, right, to keep that further away from them. One of the ideas for moving the building to the east, we actually think we're going to be more accessible to that parking to the east that you mentioned. And you know, I'm kind of the same, I feel like I can eat more if I park further away. So I may be in the minority, but our hope is that with the new orientation of the building, we'll be able to be more accessible to some of those stalls that you mentioned. And again, we can certainly talk about looking again at the plan with staff to see about adding some more parking, but we have been working with them to come up with a plan that met the goals and objectives that the City is trying to achieve there.

Boardmember Pitcher inquired:

So I've just got a couple of questions. One is, is it in compliance with the existing CC&Rs after?

Applicant Heather Prasan responded:

Boardmember Pitcher inquired:

And that 2750 is for the whole center like Mr. Bird mentioned? And the second thing is, is any of the parking going to be recouped at all?

Applicant Heather Prasan responded:

I don't think so. Because, you know, except for the construction staging, we're not touching anything outside of the area that's outlined in the site. And so the parking, that's currently shown, kind of the south part of that site will still be maintained, once the new building is up. But the parking, that I guess is at the northeast portion of that site area, that's where the new building is going. And those are the stalls that are being removed.

Boardmember Pitcher inquired:

And so the end, the third point was disrupted.

Boardmember Pitcher inquired:

And you've addressed that.

Applicant Heather Prasan responded:

So, you know, the Yeah, we I mean, we want to be good neighbors, and we're happy to have our superintendent, go over and talk to the store manager and try to do whatever we can. Texas Roadhouse does this a lot. I know Charleston does this a lot with our buildings, and it's really important to try to minimize the disruption to the extent we can.

Boardmember Peterson inquired:

Heather, what are, through the the Association, the obligations for both the approval to do this modification, but then also for what for parking? And what's the status of of that approval through the Association?

Applicant Heather Prasan responded:

Thank you for asking that. Good question. So, James Hardman, that Mr. Byrd mentioned, he's actually one of the owners of the center. And he and his partner had to get approvals from AMC, and I think one other owner, because they were either in their lease or in the CC&Rs, allowed permitted, to review and approve, and we've gotten those approvals from them.

Boardmember Ayers added:

So a couple of things, just in a hearing that, by the way, I appreciate that having that approval makes me feel a little bit better about it. In general, however, just a couple of things, I think moving forward, having those conversations with Charleston is gonna be important. I'm gonna be honest, I think you're very optimistic thinking that four and a half months is going to be enough time to build that. As an architect, I can tell you right now; that's very optimistic. And I think there's gonna be more impacts, especially with the timing. I'm curious. You know, and this is not our purview, but I'm curious as to kind of the timeframes when you'll be on site working and how that would impact the site. I think there's going to be more impact than you're kind of anticipating, as well. But with that, I would say having that kind of support and the approvals coming down from the center itself, I feel better about it as well. But I'd say- encourage you to have many conversations to do what you can with Charleston's.

Applicant Heather Prasan responded:

Thank you. I appreciate that. The construction timing, we were talking about this earlier in the recess, and just being in Arizona, you know, any construction project that we see, they're usually starting real early and getting out real early. So the good news with that is, you know, I know that Texas Roadhouse does mostly dinner. So there will be an impact there. I'm not as familiar with Charleston's but I would hope that, if there is disruption, it's not going to be going on the whole day. And frankly, we'll be done pretty early because people don't want to be held in the heat.

Board Member Peterson added:

Just one more comment on that, as Boardmembers Ayers just mentioned for parking of contractors or people working on that to have those pushed further to the east for lunchtime, or that type of thing for both Charleston's and Texas Roadhouse that they're not in the prime spaces for lunchtime parking.

Applicant Heather Prasan responded:

Most of them are, will be gone by early afternoon. It's just that lunchtime. Well, and we're happy to work continue to work with staff and Charleston's to find the best possible place for the construction staging. I mean, we also we want to keep it close enough that then there's you know, not a bunch of issues back and forth. But I think, you know, our goal is to to make it as minimally impact impactful as possible.

Chair Crockett read a public comment into the record:

Timothy Lekowski, 1332 East Hope Circle, in support of this item.

I am a patron of Texas Roadhouse, who lives just directly north across the freeway. The food service and staff are excellent. The restaurant is so successful that on any given weekend day, there is a waiting line outside this can be uncomfortable on hot days, as well as rainy ones. Parking is a big problem because of the current parking lot configuration. I also feel that there are not enough ADA parking spots. I say this because many of the customers are seniors with disabilities who aren't always able to get an ADA parking spots. In closing, I fully support the renovation and expansion.

Boardmember Sarkissian stated:

Just to clarify, I believe, if you tell me if I'm wrong, the city of Mesa manages the shared parking agreement and making sure that the complex overall is still maintaining what it is required? Correct?

Principal Planner Evan Balmer resonded:

Thank you Chair board members. The City does not enforce the CC&R's...

Conversation ensued and Principal Planner Evan Balmer continued:

So the shared parking agreement is not part of the overall PAD or development plan or anything.

When the shared parking agreement, to my knowledge was adopted at the time the the original development was was constructed. I don't believe it was part of the PAD, this site has a CUP that allows for the large commercial development in LI zoning districts. But the shared parking agreement was not part of the original PAD. And we don't have authority over the CC&Rs.

Assistant Planning Director Rachel Prelog added:

If I could clarify a couple items that that came up during discussions as well, there was one question about the permanent parking. And if they were replacing any, just to clarify, there are going to be 13 additional spots that are provided with this new design, on the site plan, on the south side of the new landscape area, there is going to be a new row of parking that's going to be installed there that will recoup some of those parking spots.

Chair Crockett inquired:

So when we talk about losing 26, you're saying that we're going to get back 13 of the 26?

Assistant Planning Director Rachel Prelog added:

That is correct. Yes. And then to follow up on, Boardmember Sarkissian's comment, the City does not enforce the CC&R's, but we as a City look at the overall parking ratios that are required by the City to ensure that the development is still meeting those ratios. So in that sense, the overall shopping center does still have ample parking to meet the required parking of the city.

Chair Crockett inquired:

And the comment we just read about ADA parking. Have you looked at that issue and whether the ADA parking is is consistent with the requirements?

Assistant Planning Director Rachel Prelog added:

Yes. And with this new with this new design, those ADA parking spots are actually going to be within that new row that's being provided right there. So there will be six ADA parking stalls directly adjacent to the entry.

Boardmember Peterson inquired:

So what is the net- net parking difference from where we are today, versus once everything's all built and up and functioning?

Principal Planner Evan Balmer responded:

The required parking for this would be 100 and I believe it 222 spaces based on square footage. They are providing 66 spaces, the original site plan I believe had 92 I think we're at about a 20ish, stall reduction from why it is there currently.

Boardmember Peterson inquired:

And then second question is that the code for not allowing additional parking, for not allowing parking between the building and Stapley? What is the workaround? Or is if the applicants open

for that? Because it seems like a little bit of a wasted opportunity there. Peterson. So a couple points on that.

Principal Planner Evan Balmer responded:

First, we have requirements in our zoning ordinance to limit the amount of parking between a building and an arterial roadway, like Stapley. We have code provisions that require parking on the side, and the rear of the building. This one is a bit of a unique scenario because there is an existing building on the Stapley frontage and I would like to point out that Charlestons is also right up against the Stapley frontage. We worked with Panera, which is a little farther south. So we've gotten a precedent for all the buildings along the street frontage. We felt that with the existing building being removed, the closest that we could get to those code requirements would be to include landscaping in front of the building, to be more in line with our code requirements that look to move parking to the side and the rear of the buildings and not have it between the front of a building and an arterial street?

Boardmember Peterson inquired:

So is there a way to add Park in there if that's if that's part of the the permanent solution?

Principal Planner Evan Balmer responded:

Chair board member Peterson the, the reason that we we worked with the applicant to come up with with this solution was that this was the closest that we could get to our current code requirements. So it is, something that we could look at having parking in front of the building, but it's discouraged through our Zoning Ordinance. So if this was just a clean side, vacant property they're coming in, to develop just from the ground up, the requirement we would be looking for is to get that building as close to Stapley as possible to really engage that street frontage. So not being able to do that unnecessarily with with this location, we felt that the best engagement with Stapley would not be parking, rather, would be landscaping, which is how we ended up at this at this scenario.

Assistant Planning Director Rachel Prelog added:

So Chair, Boardmember Peterson, to follow up on that question- including a deviation, it would require a PAD at this point, so we would have to come back, we would have to re notice this item and come back to the board for that motion. As the background, we did work very closely with the applicant on this design, with the original design of this center. As you can see those pad centers, they were all directly along Stapley Drive, that was really the intent to provide, that connectivity, that pedestrian connectivity, you know, having the buildings really fronting the street there. So originally, they did come in and proposed parking there, which we told the applicant that that was not allowed per the code.

We've worked with them on solutions to be able to keep that existing building in place while they construct their new building. And as Evan was describing, kind of the the solution that came about was being able to pull the landscaping towards the building to achieve that same intent without having them demolish the existing building, and reconstruct it in the same place.

Chari Crockett added:

You know, I suspect that moving the Texas Roadhouse further east is actually going to help the parking situation around Charleston's in the long run, I do continue to worry about the construction period over the next, you know, six months or a year. I'd in the study session, I'd mentioned a Good Neighbor Policy. I know we don't the city doesn't mandate or enforce those but, it seems to me that the applicant and the owner of Charleston's could get together and agree on a sort of a code of conduct on how things are going to work during the construction period, which is what I'm most worried about.

So I don't know how maybe we could get a little feedback on on whether something like that could could potentially make things better. I think during any construction project, there's going to be inconvenience and an annoyance factor and things aren't going to work the best way they could while you're building. But like I said, I think, this is going to be a better situation for both restaurants once the construction is completed.

Principal Planner Evan Balmer responded:

Yes, thank you, Chair Crockett. So is the applicant previously mentioned, they're willing to work with Charles sands, and maybe I'll let her speak a little bit more about that. But we can as staff work when the construction documents come in to make sure that you know the staging areas and those things are consistent with what we've discussed today, to try to minimize as much impact as we can to both restaurants

Boardmember Pitcher motioned to approve case ZON2-00051. The motion was seconded by Boardmember Sarkissian.

That: The Board recommends approve the case ZON22-00051 conditioned upon:

1. Compliance with final site plan submitted.
2. Compliance with all requirements of Design Review case DRB22-00044.
3. Compliance with all City development codes and regulations.
4. Compliance with all conditions of approval from zoning Case Number Z97-080, except compliance with the final site plan and elevations submitted with this request instead of the site plan and elevations submitted with zoning Case Number Z97-080.

Vote: 5-0 (Allen, absent)

Upon tabulation of vote, it showed:

AYES – Crockett, Ayers, Sarkissian, Peterson, Pitcher

NAYS – None