



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

**Planning and Zoning Board**

**November 16, 2022**

CASE No.: **ZON22-00832**

PROJECT NAME: **Rally's**

Owner's Name:	Winco Foods, LLC
Applicant's Name:	Greg Hitchens
Location of Request:	Within the 6900 block of East Southern Avenue (south side). Located south of Southern Avenue and east of Power Road.
Request:	Site Plan Review. This request will allow for a restaurant with a drive through.
Existing Zoning District:	Limited Commercial with a Planned Area Development Overlay (LC-PAD)
Council District:	6
Site Size:	0.81± acres
Proposed Use(s):	Restaurant
Existing Use(s):	Parking Lot
Hearing Date(s):	November 16, 2022 / 4:00 p.m.
Staff Planner:	Kwasi Abebrese, Planner I
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **December 3, 1986**, the property was annexed into the City of Mesa as part of a larger annexation 136± acre (Ordinance No. 2137).

On **January 5, 1987**, City Council approved a rezone of a larger 97 acre parcel from previous zoning under Maricopa County jurisdiction to C-2 (the equivalent to Limited Commercial (LC))(Case No. Z86-124; Ordinance No. 2160).

On **February 17, 1987**, City Council approved a rezone of a larger 83± acre parcel to Agriculture (AG) to establish a holding zone for future development (Case No. Z87-006; Ordinance No. 2174).

On **April 5, 1988**, City Council approved a rezone of a larger 207± acre parcel from Agriculture (AG) to AG (Conceptual M-1 (the equivalent of Light Industrial (LI) and C-2) to allow for marketing of the property as an employment opportunity site (Case No. Z88-016; Ordinance No. 2324).

On **May 4, 1992**, City Council approved a Development Master Plan (DMP) for a larger 1,400± acre property as part of the Master Plan for Superstition Springs (Case No. Z92-014; Ordinance No. 2693).

On **December 20, 1993**, City Council approved a rezone from AG DMP (Conceptual C-2, M-1 and PEP) to C-2 with Site Plan Review and modification of the DMP to allow for the development of a retail shopping center (Case No. Z93-050; Ordinance No. 2858).

On **April 14, 2022**, the Planning Director approved a Lot Split which divided Lot 1 of the Final Plat of Winco into two (Case No. ADM21-00931).

## **PROJECT DESCRIPTION**

### **Background:**

The subject property is currently a paved parking lot located on the south side of East Southern Avenue and east of Power Road. The site was previously part of Lot 1 of the Winco Final Plat which was divided into two lots in 2022. Currently there is an approved site plan which allows for the development of an 8,000 square foot pad building. The applicant is therefore requesting a Site Plan Modification to develop the site for a 1,073 square foot restaurant with a drive through.

Per Table 11-6-2 of the Mesa Zoning Ordinance (MZO), a restaurant with a drive through is permitted within the Limited Commercial zoning district.

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

The General Plan character area designation on the property is Mixed Use Activity District and Neighborhood with a Traditional sub-type. Per the General Plan, the Mixed Use Activity District character area is a large community and regional activity area that usually has a significant retail commercial component. The goal of the district is to help create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. Per Chapter 7 of the General Plan, the 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. Traditional neighborhoods may also contain supportive land uses such as small, neighborhood scale offices, retail, restaurants, and personal services that are located along arterials, and collector streets. The proposed development of a restaurant with a drive through is consistent with the 2040 Mesa General Plan by contributing towards serving as a viable center of commercial activity that will attract people to the place as well as serve the surrounding community. Staff reviewed the request and determined the proposed use of the property is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan.

The site is also located in the Transit District within the Corridors sub-type. This area is intended to be less intense, but still evolve into a more urban pattern with buildings brought close to the property lines and parking behind or beside the building. Typical uses in the Corridors sub-type include retail, restaurants, and central public gathering places.

**Zoning District Designations:**

The subject site is currently zoned Limited Commercial with a Planned Area Development Overlay (LC-PAD). Per Section 11-6-2 of the MZO, a restaurant with a drive through is permitted in the LC zoning district.

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

Per Section 11-19 of the MZO, the site is located within the City of Mesa Airfield (AF) Overlay District; specifically, within the Airport Overflight Area three (AOA 3). The location of the property within the AOA 3 is due to its proximity to the Phoenix-Mesa Gateway Airport. Per Section 11-6-2 of the MZO, the AOA 3 allows for the development of a restaurant.

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

The proposed site plan shows development of one restaurant building with a drive through totaling approximately 1,073 square feet. Vehicular access to the site is provided at the northeast corner from East Southern Avenue and the southwest corner of the site also from East Southern Avenue. Pedestrian access to the site will be from East Southern Avenue from a new sidewalk which will lead directly to the front of the building. Parking will be located west of the proposed building. The parking area will be screened by a 3-foot wall.

The building will include an outdoor patio with seating for twenty patrons. This comprises a total of five precast concrete tables with seating for a maximum of four people and fiberglass shade umbrellas. The proposed outdoor eating area conforms to Section 11-31-19 of the MZO on requirements for outdoor eating areas. Moreover, the building will include a covered walk-up order window at the front for customers to place and pick up orders as well as drive lanes for drive through customers. The lanes will have dual order points behind the building with a pick up window located east of the building and another pick up window on the west for delivery orders only. This conforms to the standards for drive through facilities set forth in Section 11-31-18 of the MZO. Overall, the proposed site plan conforms to the requirements of the MZO including the review criteria for Site Plan Modification in Section 11-69-5.

**Design Review:**

The Design Review Board will review the subject request at their November 8, 2022 work session. Staff will be working with the applicant to address comments and recommendations from the Design Review Board.

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

<b>Northwest</b> (Across E. Southern Avenue) LC Commercial	<b>North</b> (Across E. Southern Avenue) RS-6 Single Residential	<b>Northeast</b> (Across E. Southern Avenue) RS-6 Single Residential
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<b>West</b> LC-PAD Commercial	<b>Subject Property</b> LC-PAD Vacant Parking Lot	<b>East</b> LC-PAD Commercial
<b>Southwest</b> LC-PAD Commercial	<b>South</b> LC-PAD Commercial	<b>Southeast</b> LC-PAD Commercial

**Compatibility with Surrounding Land Uses:**

The subject site is currently a paved parking lot. To the east, south, and west are existing commercial uses. The properties to the north and northwest across East Southern Avenue are currently zoned Single Residential. Overall, the proposed development will not be out of character with the surrounding uses.

**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 or registered neighborhoods within one mile of the site. As of the date of this report, staff has not been contacted by any resident or property owner to express support or opposition to this request. Staff will provide the Board with any new information during the scheduled Study Session on November 16, 2022.

**Staff Recommendations:**

Based on the application received and the preceding analysis, staff finds the subject request is consistent with the Mesa 2040 General Plan and 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 Design Review, Case No. DRB22-00920.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner must execute the City's standard Avigation Easement and Release for Phoenix-Mesa Gateway 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 Phoenix-Mesa Gateway 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. Prior to the issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.

- d. Provide written notice to future property owners that the project is within 2 miles of Phoenix-Mesa Gateway 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

3.4 Elevations

3.5 Project Narrative

3.6 Citizen Participation Plan

Exhibit 4-Citizen Participation Report