



PLANNING DIVISION
STAFF REPORT

Planning and Zoning Board

January 11, 2023

CASE No.: ZON22-01064	PROJECT NAME: Gravity Energy Drinks
Owner's Name:	Travis Carter, McKellips Lindsay Equities LLC
Applicant's Name:	Tim Rasnake, Archicon, Architecture and Interiors, LC
Location of Request:	Within the 2900 block of East McKellips Road (south side). Located east of North Lindsay Road on the south side of East McKellips Road.
Parcel No(s):	141-14-001R
Request:	Site Plan Review and a Special Use Permit. This request will allow for a restaurant with a drive-thru.
Existing Zoning District:	Neighborhood Commercial
Council District:	1
Site Size:	1± acres
Proposed Use(s):	Restaurant with a Drive Thru
Existing Use(s):	Vacant
Hearing Date(s):	January 11, 2023 / 4:00 p.m.
Staff Planner:	Chloe Durfee Daniel
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **September 24, 1979**, the subject property was annexed into the City of Mesa as part of a larger 2,225.47± acre annexation (Ord. #1277).

On **December 17, 1979**, the City Council rezoned 17.91± acres of newly annexed land from Maricopa County Rural-43 and C-2 (Limited Commercial) to establish Suburban Ranch (SR), RS (Single Residential), and C-2 (LC), including the subject parcel, to develop Farmer's Market and professional offices (Case # Z79-154; Ord. #1299).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Site Plan Review and a Special Use Permit (SUP) to allow for a restaurant with a drive thru in the Neighborhood Commercial (NC) zoning district on a currently

vacant site. The applicant is proposing to construct a new restaurant with two drive thru lanes on either side of the building to help promote faster queuing movement and cause less traffic congestion issues.

The Mesa 2040 General Plan Character Area designation for the subject site is Neighborhood. Per Chapter 7 of the Plan, the goal of the Neighborhood Character designation is to provide safe places for people to live, feel secure and enjoy their surrounding community. The restaurant with a drive-thru use would qualify as a supportive use within the Neighborhood Character designation.

General Plan Character Area Designation and Goals:

As stated above, the Mesa 2040 General Plan Character Area designation on the property is Neighborhood. Per Chapter 7 of the Plan, the character area may contain areas of commercial and office uses, where appropriate. However, nonresidential areas within neighborhoods should be designed and located to bring people together and not disrupt the fabric and functioning of the neighborhood as a place where people live.

The subject request complies with the Neighborhood Character Area. Development of a restaurant with a drive thru on the property will provide a supportive use to residents within the area, as well as contribute to support the other commercial uses in the neighborhood without disrupting the fabric of the existing single residence community.

Zoning District Designations:

The subject property is zoned Neighborhood Commercial (NC). Per Section 11-6-1 of the City of Mesa Zoning Ordinance (MZO), the NC district is to provide areas for locally oriented retail and service uses that serve the surrounding residential trade area within a ½ to two (2) mile radius. Per Section 11-6-2 of the MZO, restaurants with a drive-thru are allowed in the NC 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 Falcon Field Airport. Per Section 11-19-4(C) of the MZO, there are no use restrictions in the AOA 3 beyond those applicable to the base zoning district.

Site Plan and General Site Development Standards:

The proposed site plan shows the development of a 796 square foot (SF) restaurant with a drive-thru on both sides of the building. The site is accessed from McKellips Road by both vehicles and pedestrians with further walkways to the building and for workers along the drive-thru lanes. There are 14 parking spaces provided on site with only 8 spaces required per the MZO. As there is over 125% of the required parking being provided on the site, an Administrative Use Permit (AUP) is required thru an administrative review prior to permits being issued. The site plan is also showing a driveway connection to the property to the east of the subject property. A cross access agreement will be required with the property owners to the east, or an Administrative Review will be required to remove the driveway connection in the future if a cross access easement cannot be obtained. This request is consistent with the review criteria for Site Plan Review

outlined in Section 11-69-5 of the MZO. This request is consistent with the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO.

Design Review:

The Design Review Board has reviewed the proposed building elevations and landscape plan at its January 10, 2023, Work Session. Staff will work with the applicant to include any recommended changes from the Design Review Board as they pertain to the building elevations and landscape plan.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across McKellips Road) RM-4 Mobile Homes	North (Across McKellips Road) RM-2/RM-4 Mobile Homes	Northeast (Across McKellips Road) RM-2 Mobile Homes
West NC Vacant	Subject Property NC Vacant	East NC Vacant
Southwest NC Vacant	South NC Vacant	Southeast NC Vacant

Compatibility with Surrounding Land Uses:

The subject property is located on the south side of McKellips Road immediately surrounded by other vacant NC properties with Single Residence-43 (RS-43) further to the south and LC further to the east and west. Across McKellips Road, there are two mobile home developments. The proposed restaurant with a SUP for a drive thru is compatible with the surrounding area.

Zoning Ordinance, Section 11-70-5 – Special Use Permit

Per Section 11-6-2 of the MZO, requests for drive-thru facilities within the NC zoning district require approval of a Special Use Permit. Per Section 11-70-5 of the MZO, the Planning and Zoning Board shall find upon sufficient evidence when making a decision on a SUP that:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;

The proposal complies with the Neighborhood Character Area designation of the Mesa 2040 General Plan by providing a restaurant with a drive-thru use that serves the surrounding residential area.

The proposal complies with this criteria.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and any other applicable City plan or policies;

The location, size, design, and operating characteristics of the proposed restaurant with a drive-thru align with the types of development outlined within the definition of the Neighborhood Commercial zoning district within the Mesa Zoning Ordinance and comply with the Mesa 2040 General Plan, and the Neighborhood Character Area.

The proposal complies with this criteria.

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and

The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, which include other supportive uses for residential areas, nor will the site be injurious or detrimental to the surrounding neighborhoods or the general welfare of the City.

The proposal complies with this criteria.

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

The addition of the site does not add any additional burden to the existing public services, public facilities, nor public infrastructure. The public infrastructure is already on-site and will adequately serve the site and proposed use.

The request complies with this criterion.

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 and inviting them to provide comments on the proposed project. The applicant also held a neighborhood meeting on October 6, 2022 at the Glenwood Commercial Development Office at 4360 E. Brown Road, Suite 106, Mesa, AZ 85205. They had one attendee curious about the incoming site and answered a few questions. She stated that she was excited for the new commercial in the area. As of writing this report, staff has not received any additional comments/concerns from surrounding property owners. Staff will provide the Board with any new information during the Study Session.

Staff Recommendations:

Based on the application received and preceding analysis, staff finds that the request for Site Plan Review and a Special Use Permit for restaurant with a drive-thru in the NC District is consistent with the Mesa 2040 General Plan, meets the review criteria for Site Plan Review outlined in Section 11-69-5 of the MZO, and Special Use Permit approval criteria per Section 11-70-5 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. DRB22-00929.
3. Compliance with all City development codes and regulations.
4. Prior to issuance of any building permit, record a cross-access easement with the adjacent property to the east to allow cross access between the two properties.
5. Prior to application for any building permit, apply for and receive approval for an Administrative Use Permit to allow the number of parking spaces to exceed 125% of the minimum required parking spaces or reduce the parking to comply with the Zoning Ordinance.
6. 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 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 two miles of Falcon Field Airport.
 - d. Prior to 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.
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must state in part: "This property, due to its proximity to the Falcon Field Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."

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