



PLANNING DIVISION
STAFF REPORT

Planning and Zoning Board

March 22, 2023

CASE No.: **ZON22-01174**

PROJECT NAME: **Elliot & Ellsworth Site Plan Modification**

Owner's Name:	El Coyote LLC
Applicant's Name:	Sean Lake, Pew & Lake
Location of Request:	Within the 3400 to 3600 blocks of South Ellsworth Road (east side), within the 9200 to 9400 blocks of East Elliot Road (north side) and within the 9200 to 9400 blocks of East Peterson Avenue (south side). Located north of Elliot Road and east of Ellsworth Road.
Parcel No(s):	304-04-923
Request:	Site Plan Review and Special Use Permit. This request will allow for the development of a commercial center. Also consider the Preliminary Plat for "Elliot and Ellsworth Commercial Center."
Existing Zoning District:	Limited Commercial with a Planned Area Development overlay (LC-PAD)
Council District:	6
Site Size:	17± acres
Proposed Use(s):	Commercial Center with medical office buildings, retail pads, and a hotel
Existing Use(s):	Vacant
Hearing Date(s):	March 22, 2023 / 4:00 p.m.
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **February 22, 1990**, the City Council annexed 1,228± acres of property, including the subject property, into the City of Mesa (Case No. A88-014; Ord. No. 2483).

On **April 2, 1990**, the City Council established Agriculture (AG) and Suburban Ranch (SR) (equivalent to current Single Residence-43) zoning on the recently annexed 1,228± acres (Case No. Z90-010 and Ord. No. 2512).

On **June 5, 2006**, the City Council approved a City-initiated rezone of 75± acres, including the subject property, from Single Residence 43 (R1-43) to Limited Commercial (LC, previously C-2) and Limited Industrial (LI, previously M-1) zoning designation (Case No. Z06-027 and Ord. No. 4556).

On **January 22, 2008**, the City Council approved to rezone 278± acres, including the subject property, from Agriculture (AG), Limited Commercial (LC, previously C-2) and Limited Industrial (LI, previously M-1) to C-2 with a Development Concept Master Plan (DMP), Planned employment Park (PEP-DMP), and M-1-DMP for the development of an Industrial/Employment Park (Case No. Z07-114; Ord. No. 4803).

On **November 3, 2014**, the City Council approved to rezone 1,054± acres, including the subject property, to create the Elliot Road Technology Corridor Planned Area Development Overlay (Case No. Z14-045; Ord. No. 5255).

On **January 26, 2022**, the Planning and Zoning Board approved a Site Plan and Preliminary Plat for Elliot and Ellsworth Commercial Center (Case No. ZON21-00061).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Major Site Plan Modification and Special Use Permit (SUP) to allow for the development of a 17± acre commercial center on the northeast corner of Ellsworth Road and Elliot Road.

On January 26, 2022 the Planning and Zoning Board approved an Initial Site Plan for the subject property to allow for the development of a commercial center. The approved site plan included six medical office buildings, five multi-tenant buildings with drive-thru facilities, and two restaurants with drive-thru facilities.

The approved site plan encompassed 15± acres and did not include the 2± acre parcel located on the corner of Ellsworth Road and Elliot Road. The applicant is modifying the site plan to incorporate the 2± acre corner parcel into the overall development. The newly incorporated parcel will contain a multi-tenant retail building and a restaurant with drive-thru facility. Other modifications include:

- A decrease in the square footage of Pad 2A from 6,000 square feet to 2,180 square feet;
- An increase in the square footage of PAD 2B from 8,300 square feet to 19,780 square feet;
- An increase in the square footage of Pad 3B from 6,700 square feet to 8,500 square feet;
- An increase in the square footage of Pad 5 (formerly labeled Building H) from 6,600 square feet to 8,500 square feet;
- A decrease in the square footage of Lot 9 from 6,600 square feet to 6,250 square feet;
- An increase in the square footage of Lot 10 from 6,600 square feet to 7,300 square feet; and
- Removal of buildings known as Lots, 11, 12 and 13; replaced with a 60,979 square foot hotel known as Lot 10, and four 4,800 square foot buildings (Buildings C, D, E, and F).

The requested Special Use Permit is to allow for a height increase within an AOA, to allow for the development of the 63-foot-tall hotel. The applicant is also requesting to modify the approved Preliminary Plat to accommodate the site plan modifications.

General Plan Character Area Designation and Goals:

Per the City of Mesa 2040 General Plan, the site is designated as Employment character type. The focus of the Employment character is primarily employment type land uses consisting of at least 20 acres. Examples of employment districts include large manufacturing facilities, business parks and warehousing. Employment districts may include retail and commercial uses that support the employment uses but rarely include residential uses. Commercial and retail uses are intended to serve as secondary and supportive uses to the primary employment uses.

The proposed medical offices are a primary land use in the Employment character area and are compatible with Dignity Health - Arizona General Hospital, located to the west across Ellsworth Road.

Mesa Gateway Strategic Development Plan:

The subject property is also located in the Mixed Use Community District of the Mesa Gateway Strategic Development Plan. Per the Strategic Plan, the main goals of the Mixed Use Community District are to maximize the value of Phoenix Mesa Gateway Airport and job creation. Development is intended to be intense, of high quality, and provide for pedestrian orientation with unique and attractive public spaces and building and site design that supports a pedestrian orientation.

Staff reviewed the request and determined it is consistent with the development review criteria outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. The proposed office and associated retail uses are consistent with the goals of the Employment character area designation, as well as the intentions of the Mixed Use Community District of the Mesa Gateway Strategic Development Plan.

Zoning District Designations:

The subject property is zoned Limited Commercial (LC). Per Section 11-6-2 of the City of Mesa Zoning Ordinance (MZO), the proposed medical offices, hotel, retail, and restaurant uses are 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 Airfield Overlay District, specifically within the Airport Overflight Area Three (AOA 3). The location of the property within the Airfield Overlay is due to its proximity to the Phoenix-Mesa Gateway Airport. Per Section 11-19-4 of the MZO, there are no use limitations within AOA 3 areas beyond those listed in the base zone.

Preliminary Plat:

Section 9-6-2 of the Mesa Subdivision standards requires approval of all subdivision plats located in the City to be processed through four progressive stages. Review and approval of a Preliminary Plat is the second stage in the series of the progressive stages. This review includes the evaluation of the overall design of the subdivision and details, such as utilities layout, ADA compliance, and retention requirements. The Preliminary Plat is reviewed and approved by the Planning & Zoning Board. Per Section 9-6-2 of the City's subdivision regulations, all plats are subject to Final Plat approval through the City Council.

The proposed Preliminary Plat would allow for the creation of a commercial plat for 14 lots. A Preliminary Plat titled, "Elliot Retail" was approved by the Planning and Zoning Board on January 26, 2022 (Case No. ZON21-00061). The applicant is requesting to modify the plat to match the proposed site changes.

The proposed changes to the preliminary plat are consistent with Section 9-6-2 and is compatible with the General Plan and surrounding area.

Site Plan and General Site Development Standards:

The site plan shows the construction of 19 buildings, including three multi-tenant retail buildings, six office buildings, one hotel, four restaurants with drive-thru facilities, and five multi-tenant buildings with drive-thru facilities.

The site plan shows six accesses into the site: two from Elliot Road, two from Ellsworth Road, and two from Peterson Avenue. Per Section 11-32-3 of the MZO, 766 parking spaces are required for the Proposed Project. The applicant is providing 817 parking spaces. The site plan also shows pedestrian connectivity throughout the site and to Elliot Road, Ellsworth Road, and Peterson Avenue.

Per Section 11-31-18(D) of the Mesa Zoning Ordinance (MZO), drive-thru lanes shall not be located parallel to arterial roadways. Where physical site conditions prevent such configuration, applicants shall provide a 40-inch-high screen wall adjacent to the public right-of-way. To meet this requirement, the applicant is proposing to screen the drive-thru lanes along Ellsworth Road with a standard masonry screen wall as well as a mesh canopy over the drive thru windows, creating a tunneling design that will complement the architecture of the buildings as well as providing for additional screening above and beyond what is required by code.

Special Use Permit (Building Height):

Per Table 11-6-3.A of the MZO, the maximum height allowed in the LC zoning district is 30 feet. The applicant is requesting a Special Use Permit (SUP) to exceed the maximum building height in the Airport Overflight Area (AOA) for the proposed 65-foot-tall hotel.

Per Section 11-66-2(C) of the MZO, the Planning and Zoning Board may consider an increase in the maximum building height when reviewed in conjunction with another request requiring action or recommendation by the Planning and Zoning Board.

Per Section 11-70-5 of the MZO, requirements for granting an SUP include: (1) Demonstrating that the proposed project will advance the goals and objectives of the General Plan and other City policies; (2) Demonstrating that the location, size, design, and operating characteristics of the project are consistent with the purpose of the zoning district designation on the property; (3) Ensuring the project will not be injurious or detrimental to adjacent properties or surrounding areas; and (4) Demonstrating that there are adequate public services and infrastructure to support the development.

The proposed development size, shape, and characteristics conform to the goals and purposes of the LC zoning district designation on the property and the General Plan employment designation. Allowing the increase in height of the proposed buildings will not be detrimental to the surrounding development. The adjacent property to the north and east are currently zoned LI-PAD within the Elliot Tech Corridor and is planned to be developed with similar uses that are intended to support the Elliot Tech Corridor as well as southeast Mesa as a whole. Therefore, the proposed project is consistent with the surrounding uses and character and will not negatively impact surrounding properties.

Design Review:

The Design Review Board reviewed the subject request at their February 14, 2023 meeting. Staff is working with the applicant to address minor aesthetic comments and recommendations from the Design Review Board that do not impact the site plan.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Ellsworth Rd) LI PAD Undeveloped	North (Across Peterson Ave) PEP PAD Undeveloped	Northeast (Across Peterson Ave) LI PAD Undeveloped
West (Across Ellsworth Rd) LC PAD and LI PAD North portion Undeveloped and Existing Medical Office on the south portion	Subject Property LC PAD Undeveloped	East LI PAD Undeveloped
Southwest (Across Elliot Rd and Ellsworth Rd) MX PAD Undeveloped	South (Across Elliot Rd) PC Undeveloped	Southeast (Across Elliot Rd) PC Undeveloped

Compatibility with Surrounding Land Uses:

The uses proposed in this development are supported by the General Plan as well as the Gateway Strategic Development Plan and ERCT. The proposed medical offices are a primary land use in the Employment character area and are compatible with Dignity Health - Arizona General Hospital, located to the west across Ellsworth Road.

Neighborhood Participation Plan and Public Comments:

The applicant has completed a Citizen Participation Process, which included letters mailed on March 7, 2023 to property owners within 500-feet of the site, as well as HOAs within ½ mile and registered neighborhoods within one mile of the site, inviting them to provide comments about the proposed project. As of writing this report, neither the applicant nor staff has received any comments or concerns from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session on March 22, 2023.

Staff Recommendations:

Based on the application received and the preceding analysis, staff finds that the subject request is consistent with the Mesa 2040 General Plan, the Mesa Gateway Strategic Development Plan, the review criteria for Site Plan Review approval outlined in Section 11-69-5 of the MZO, the approval criteria for a Special Use Permit outlines in Section 11-70-5, and meets the review criteria for approval of a Preliminary Plat outlined in Section 9-6-2 of the Mesa Subdivision Regulations; therefore, staff recommends approval with the following conditions.

Conditions of Approval:

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. 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.
5. Compliance with all applicable City of Mesa Development Codes and Regulations.
6. Compliance with all requirements of the Design Review Board case DRB21-00126.
7. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner must execute the City's standard Aviation 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 3 miles of Phoenix-Mesa Gateway Airport
 - e. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which states 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.”

Exhibits:

Exhibit 1- Staff Report

Exhibit 2- Vicinity Map

Exhibit 3-Application Information

3.1 Project Narrative

3.2 Site Plan

3.3 Grading and Drainage Plan

3.4 Landscape Plan

3.5 Elevations

3.6 Preliminary Plat

3.7 Preliminary Utility Plan

3.8 Citizen Participation Plan

Exhibit 4-Citizen Participation Report