



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

**Planning and Zoning Board**

**May 3, 2023**

CASE No.: **BOA23-00087**

PROJECT NAME: **QBD Dunkin**

Owner's Name:	VIEL GLUCK LP/BEN FATTO LP
Applicant's Name:	Larson Design Group
Location of Request:	Within the 300 block of East McKellips Road (north side) and within the 2000 block of North Mesa Drive (west side). Located north of McKellips Road and west of Mesa Drive.
Parcel No(s):	136-14-019B
Nature of Request:	Requesting a Development Incentive Permit (DIP) to allow deviations from certain development standards for a restaurant with a drive-thru in the Limited Commercial (LC) zoning district
Existing Zoning District:	Limited Commercial (LC)
Council District:	1
Site Size:	0.75± acres
Proposed Use(s):	Restaurant with drive-thru
Existing Use(s):	Vacant auto fuel canopy
Hearing Date:	May 3, 2023 / 5:30 p.m.
Staff Planner:	Jennifer Merrill
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **August 6, 1973**, the City Council annexed 168± acres into the City of Mesa, including the subject property, and established C-2 (equivalent to Limited Commercial [LC]) zoning on the property (Ordinance No. 823). According to Maricopa County aerial images, the site has contained a canopy structure since the 1970s, but the property has not been in use for many years and the fuel canopy is in disrepair.

On **April 26, 2023**, the Planning and Zoning Board approved a site plan for development of a restaurant with a drive-thru (Case No. ZON23-00052).

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting approval of a Development Incentive Permit (DIP) to allow for the development of a 1,800 square foot restaurant with a drive-thru (Proposed Project). The site is approximately 0.75± acres in size and located at the northwest corner of McKellips Road and Mesa Drive.

Per Section 11-72-1 of the Mesa Zoning Ordinance (MZO), the purpose of a DIP is to provide incentives for the development of smaller tracts of land that would have difficulty meeting current development standards. Per Section 11-72-2 of the MZO, incentives that may be granted by the DIP are limited to: modifications to building setbacks, landscaping design, on-site parking, building height, and other site development provisions contained in the MZO. Through the DIP, the applicant is requesting: 1) a reduction to the landscape yard width along the north property line; 2) reductions to the building setback and landscape yard width along the south property line; 3) an encroachment into the 50' corner setback radius; 4) reductions to the distances between parking spaces along main drive aisles connecting directly to a street and drive aisles that cross such main drive aisles, from the property lines abutting the streets; 5) a reduction to the foundation base width along the north elevation of the building; and 6) a reduction to the foundation base width along the south elevation of the building. The requested deviations from the MZO ensure the proposed development will comply with the other requirements for the site while also allowing development on an infill parcel.

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

The General Plan character area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the goal of the Neighborhood character area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods can contain a wide range of housing options and often have associated nonresidential uses such as schools, parks, places of worship, and local serving businesses.

The total area devoted to local serving businesses (commercial and office activities) in one location is generally less than 15 acres and these businesses typically serve people within a mile radius of the area. Non-residential areas within neighborhoods should be designed and located to bring people together and to not disrupt the fabric and functioning of the neighborhood as a place where people live.

The proposed drive-thru restaurant conforms with the intent of the character area because it has been designed as much as possible to have a pedestrian orientation and pedestrian-scale design.

Staff reviewed the subject 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 development will improve the streetscape at the intersection of Mesa Drive and McKellips Road.

### **Zoning District Designations:**

The subject property is zoned Limited Commercial (LC). The purpose of the LC District is to provide areas for indoor retail, entertainment and service-oriented businesses that serve the

surrounding residential trade area within a one (1) to ten-mile radius. Typical uses include, but are not limited to, grocery store and additional large commercial developments, anchored tenant shopping centers with additional drug stores, fast-food restaurants, hardware and building supply stores, gas stations with convenience stores, and restaurants and cafes.

Per Section 11-6-2 of the MZO, a restaurant with a drive-thru is an allowed use in the LC zoning district and conforms to the intent of the LC District.

**Site Characteristics:**

The subject property is located at the northwest corner of McKellips Road and Mesa Drive and consists of one parcel approximately 0.75± acres in size.

The proposed site plan shows one restaurant building with a drive-thru facility that is 1,800 square feet, with canopies that extend across a drive-thru lane along the south and east sides of the building. Primary access to the site is provided from both McKellips Road and Mesa Drive. A pedestrian walkway will connect the building entrance to the parking area and the sidewalk adjacent to McKellips Road.

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

<b>Northwest</b> LC SRP – well site	<b>North</b> LC SRP – well site	<b>Northeast</b> (Across Mesa Drive) RM-4 Vacant
<b>West</b> LC SRP – well site	<b>Subject Property</b> LC Vacant (vacant fuel canopy)	<b>East</b> (Across Mesa Drive) RM-4 Vacant
<b>Southwest</b> (Across McKellips Road) RS-43 Mesa Public School	<b>South</b> (Across McKellips Road) LC Auto Repair	<b>Southeast</b> (Across McKellips Road and Mesa Drive) LC Auto Service Station

**Mesa Zoning Ordinance Requirements and Regulations:**

**Development Incentive Permit (DIP) Section 11-72 of the MZO**

The purpose of a DIP is to provide incentives for smaller tracts of land that would have difficulty meeting current development standards. To qualify for consideration, a parcel must meet the criteria set forth in Section 11-72-1 of the MZO. After review of the application, the subject property qualifies as a by-passed parcel as it is less than 2.5 acres in size and has been in its current configuration for more than 10 years. The lot has direct access to City utilities; is within an area where not more than 25% of developable land is vacant, and more than 50% of the surrounding parcels have been developed for more than 15 years. The requested modifications will result in a development that is commensurate with existing development in the area.

Table 1 below compares MZO requirements, the applicant's proposal, and staff's recommendation for the subject property. Items in bold face type indicate deviation from code requirements:

**Table 1: Development Standards**

<b>Development Standard</b>	<b>MZO Requirement</b>	<b>Applicant Proposed</b>	<b>Staff Recommendation</b>
Perimeter Landscape Yard Reduction – MZO Section 11-33-3.B.2	15 feet	<b>6'-6"</b>	As proposed
Front Setback Reduction – MZO Section 11-6-3.A	15 feet	<b>8 feet</b>	As proposed
Corner Setback Radius Encroachment – MZO Section 11-30-10.A	50-foot radius	<b>As shown on Final Site Plan</b>	As proposed
Parking space setback from McKellips Rd ROW – MZO Section 11-32-4.A	50 feet	<b>28 feet</b>	As proposed
Drive-thru lane setback from Mesa Dr ROW – MZO Section 11-32-4.A	50 feet	<b>24 feet</b>	As proposed
Foundation Base width for exterior walls without a public entrance adjacent to drive aisles – MZO Section 11-33-5.A.2.b	5 feet	<b>3 feet</b>	As proposed

Pursuant to Section 11-72-1 of the MZO, a Development Incentive Permit (DIP) may be approved to allow incentives for the development of parcels that meet the following criteria:

**A. AREA**

1. Total area of the parcel does not exceed 2.5 net acres, and the parcel has been in its current configuration for more than 10 years; or
2. Total area of the site does not exceed 5 net acres and was created by the assembly of 2 or more individual, contiguous parcels.

**The subject property is 0.75± acres and has been in its current configuration for more**

than 10 years according to Maricopa County aerals.

*The request complies with this criterion.*

- B. UTILITIES. The parcel is served by, or has direct access to, existing utility distribution facilities.

**The parcel has access to City of Mesa utilities.**

*The request complies with this criterion.*

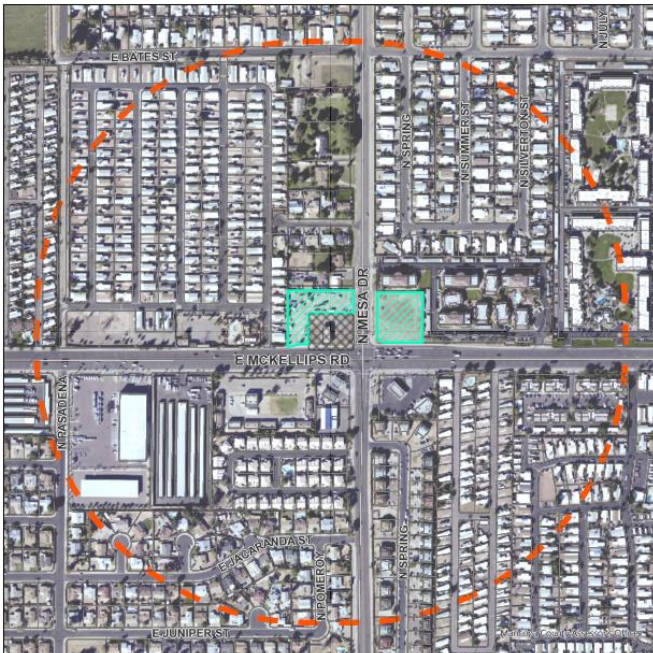
- C. SURROUNDING DEVELOPMENT. The parcel is surrounded by properties within a 1,200-foot radius in which:

1. The total developable land area is not more than 25 percent vacant; and
2. Greater than 50 percent of the total number of lots or parcels have been developed 15 or more years ago.

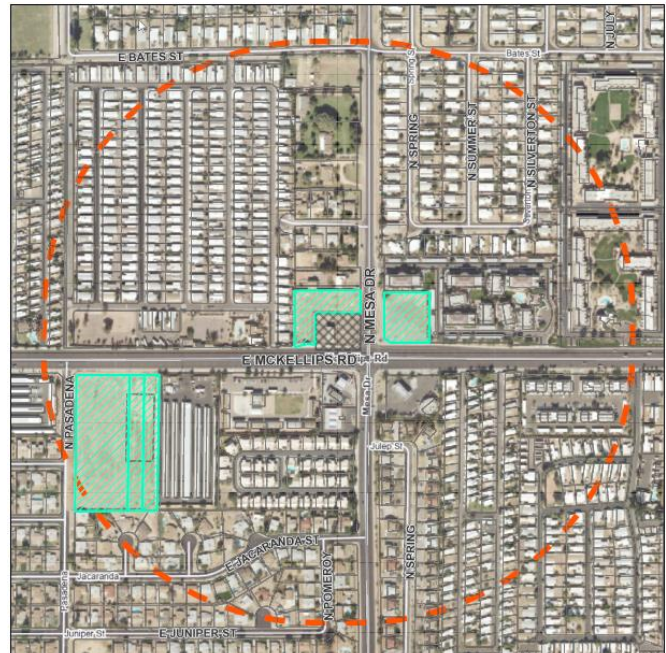
**Based on current aerial photography, the total developable land area (within the 1,200-foot radius of the subject property) is less than 25% vacant. Additionally, after comparing the 15-year historical aerial photo with the current aerial photo, staff determined that more than half of the total number of lots (within the 1,200-foot radius of the subject property) were developed more than 15 years ago.**

*The request complies with this criterion.*

2022 Aerial Photo



15-year Historical Aerial Photo



Per Section 11-72-3 of the MZO, the Board of Adjustment shall find upon sufficient evidence when making a decision on a DIP that:

1. The proposed development is consistent with the General Plan, any other applicable Council adopted plans and/policies, and the permitted uses as specified in this Ordinance;

**The proposed development is consistent with the General Plan's Neighborhood character area designation; a restaurant with a drive-thru is an allowed use in the LC District.**

***The request complies with this criterion.***

2. The incentives do not allow development that is more intense than the surrounding neighborhood; commensurate with existing development within a 1,200-foot radius of the by-passed property; and

**The incentives will allow development that is commensurate with existing development within 1,200 feet radius of the property. The size of the proposed building is consistent with other retail/service uses in the area. The proposed development will be compatible with surrounding development.**

***The request complies with this criterion.***

3. The architectural elements, construction and landscape materials, and other site improvements of the proposed development meet the intent of the Design Standards of this Ordinance.

**The proposed project meets the intent of the Design Standards of the MZO. The Planning and Zoning Board reviewed and approved the initial site plan request at the April 26, 2023 hearing.**

***The request complies with this criterion.***

Findings:

- A. The subject property is 0.75± acres and has been in its current configuration for more than 10 years.
- B. The subject property is served by, or has direct access to, existing utilities.
- C. The total developable land area within 1,200 feet of the subject property is not more than 25 percent vacant.
- D. Greater than 50 percent of lots within 1,200 feet of the subject property have been developed for more than 15 years.
- E. This requested deviations through the DIP will allow for the development of a bypassed parcel.
- F. The proposed development is consistent with the General Plan's Neighborhood character area designation.

- G. The requested modifications will result in a development that is commensurate with existing development in the vicinity.
- H. The proposed development meets the intent of the Design Standards of this Ordinance and was approved by Mesa's Planning and Zoning Board at the April 26, 2023 public hearing.

**Neighborhood Participation Plan and Public Comments:**

The applicant completed a Citizen Participation Process, which included mailing letters to property owners within 500-feet of the site. As of the writing of this report, neither the applicant nor staff received any comments/concerns from surrounding property owners. Staff will provide the Board with any new information during the scheduled Study Session on May 3, 2023.

**Staff Recommendation:**

Based on the application received and preceding analysis, Staff finds the request for a Development Incentive Permit meets the required findings in Section 11-72-1 and Section 11-72-3 of the MZO, and therefore recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site and landscape plan as submitted.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of ZON23-00052 for site plan approval.
4. Compliance with all requirements of Design Review Case No. DRB23-00053.
5. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

**Exhibits:**

Exhibit 1 – Vicinity Map  
Exhibit 2 – Staff Report  
Exhibit 3 – Narrative/Justification Statement  
Exhibit 4 – Site Plan  
Exhibit 5 – Landscape Plan  
Exhibit 6 – Elevations