



Planning and Zoning Board

Case Information

CASE NUMBER: Z17-011 (PLN2017-00047)
LOCATION/ADDRESS: The 5400 block of South Power Road (east side).
GENERAL VICINITY: Located south of Ray Road on the east side of Power Road.
REQUEST: Site Plan Review
PURPOSE: This request will allow for the development of a retail center, to include a medical marijuana facility.
COUNCIL DISTRICT: District 6
OWNER: Dwight and Jori Udall
APPLICANT: Vending Logistics, LLC – Dixon Oates
STAFF PLANNER: Kim Steadman

SITE DATA

PARCEL NUMBER: 304-37-017
PARCEL SIZE: 2.43± acres
EXISTING ZONING: LC along the Power Rd. frontage, and LI behind that
GENERAL PLAN Character area: Mixed Use Activity District
SUB-AREA PLAN: Gateway Strategic Development Plan
Phoenix-Mesa Gateway Airport Strategic Development Plan.
CURRENT LAND USE: Storage and Industrial

HISTORY/RELATED CASES

May 16, 2005: Annexed to the City of Mesa. (Ordinance 4398)
May 16, 2005: Comparative zoning to City R1-43. (Z05-029)
June 6, 2005: Rezone to C-2 and M-1. Stipulation for Site Plan Review through Council. (Z05-044)

SITE CONTEXT

NORTH: Multi-tenant retail– Zoned LC-PAD
EAST: undeveloped – Zoned LI
SOUTH: Existing industrial and residence – Zoned LC and LI
WEST: (Across Power Road, Town of Gilbert) agricultural use – zoned BP;
(Across Power Road, Town of Gilbert) retail center – zoned RC

STAFF RECOMMENDATION: Approval with conditions
P&Z BOARD RECOMMENDATION: ☒ Approval with conditions. ☐ Denial
PROPOSITION 207 WAIVER SIGNED: ☒ Yes ☐ No

PROJECT DESCRIPTION/REQUEST

This is a request for Site Plan Review for a parcel on Power Road, near the Phoenix-Mesa Gateway Airport. The rear third of the property houses a metal fabricator, and the front two thirds of the site is used for storage. The applicant proposes a three-phase development on the front two-thirds of the site, leaving the metal fabricator at the rear. The first phase of development includes a two-tenant retail

building with a parking lot. The second phase will add tenant spaces to the phase one building, while the third phase includes an additional multi-tenant retail building.

NEIGHBORHOOD PARTICIPATION

The applicant's citizen participation plan included mailings to property owners within 1,000 feet of the site, HOAs within ½ mile, and registered neighborhoods within 1 mile. A notification of the hearing date was also sent to property owners within 500-feet of the property. The applicant reports that nobody attended their neighborhood meeting held on March 28, 2017. The Citizen Participation report indicates that nobody was in attendance. To date, Planning Staff has not received any inquiries from neighbors on this request. No citizens addressed this item at the Design Review work session.

CONFORMANCE WITH THE MESA 2040 GENERAL PLAN

Summary: The adopted Mesa 2040 General Plan designates the character type for this site as a Mixed-Use Activity District. This project continues the surrounding pattern of uses along Power Rd, which has elements of both Employment (fabrication, and contractor yards, etc.) and Mixed Use Activity District (retail uses). This project preserves an industrial fabrication use, and adds a retail use along Power Rd. The proposal maintains jobs and adds retail uses to the Mixed-Use Activity District. The character of the development is consistent with the goals and objectives of the General Plan and is also appropriate adjacent to Phoenix-Mesa Gateway. The existing industrial use was acknowledged by zoning case Z05-029 which rezoned the site from residential to industrial. This mix of uses is a goal of the Gateway Strategic Development Plan.

The goal of the Mesa 2040 General Plan is to establish and maintain neighborhoods and to build a sense of place in neighborhoods and in commercial/employment areas of activity. Rather than focusing on individual land uses, the Plan focuses on the "character of development in different areas." Character types combine concepts of land use with building form and intensity to describe the type of area being created through the development that occurs.

Criteria for review of proposal: Section 11-69-5 A. 1. of the Zoning Ordinance requires site plans to be consistent with and conform to the adopted General Plan. Determining consistency with the General Plan requires a review of the proposal against the character area requirements and the other goals and policies of the Plan and any adopted sub-area plans. The following criteria (Ch. 15 of the Plan) have been developed for use during the review process to determine whether the proposed development is achieving the vision and goals of the Plan and thus meeting the statute requirements.

1. Is the proposed development consistent with furthering the intent and direction contained in the General Plan?

The General Plan focuses on creating land development patterns that emphasize the character of place and focusing on those principles that build neighborhoods, stabilize the job base, and improve the sense of place.

The opportunity for development of this property to implement the design goals of the General Plan is constrained by the existing development pattern, zoning, and lot sizes in the area. The proposed retail is in keeping with the adjacent retail development. The approved site plan for the

lot to the north does not allow for cross access. This site plan includes the opportunity for cross access to the property to the south. A goal of the Mixed-Use Character type is to find a balance between auto and pedestrian orientation. Given this particular location, there is not much opportunity for pedestrian circulation beyond the internal circulation on the property. Another goal of the General Plan is high quality development that leads to a better sense of place. The current design is being reviewed by the Design Review Board for improvements to the architecture to better address this goal.

2. Is the proposed development consistent with adopted sub-area or neighborhood plans?

This property is within the Inner Loop District of the Gateway Strategic Development Plan. The District seeks to create a “high-quality, mixed use environment that is compatible with increasing over-flight activities associated with Phoenix-Mesa Gateway Airport operations”. The Plan envisions concentrations of light industrial, office, and retail within this area. This proposal for an industrial/retail development is consistent with the vision and goals of the Inner Loop District, within the Gateway Plan.

3. Is the proposed development consistent with the standards and guidelines established for the applicable character type(s)?

Figure 7-1 of the Mesa 2040 General; Plan designates this area as Mixed Use Activity District. The Mixed-Use Activity District lists typical uses as retail, restaurants, services. The parking lot is designed to allow pedestrians to circulate between the buildings. This proposal is consistent with the established character type.

4. Will the proposed development serve to strengthen the character of the area by:

- **Providing appropriate infill development;**
This development infills an area that has seen spotty development. Adding retail in this location is in keeping with the General Plan.
- **Removing development that is deteriorated and/or does not contribute to the quality of the surrounding area;**
The existing storage use within an LC district along Power Rd. is not appropriate. The proposed retail use contributes to the developing retail, which is in keeping with the General Plan.
- **Adding to the mix of uses to further enhance the intended character of the area;**
The proposed multi-tenant retail development adds to the mix of uses in the area.
- **Improving the streetscape and connectivity within the area;**
The site is designed to connect to future retail development to the south, and provides cross access to the industrial use at the rear of the parcel. The design of the building that is along Power Rd. is critical to the future streetscape.
- **Meeting or exceeding the development quality of the surrounding area;**
The proposal was discussed by the Design Review at a work session on March. 14th. The Board made comments and requested a second work session to discuss the revised design.

5. Does the proposed development provide appropriate transitions between uses? In more urban areas these transitions should generally be accomplished by design elements that allow adjacent

buildings to be close to one another. In more suburban locations these transitions should be addressed through separation of uses and/or screening;

The two uses, retail and industrial, share circulation. The site plan balances the circulation needs of the two uses, and any transitioning is accomplished through the required landscaping.

STAFF ANALYSIS

Zoning:

This parcel has LC zoning on the front 200', facing Power Road. The remainder of the parcel is zoned LI. The whole parcel is currently in use as a storage yard, without permanent structures on the front part, adjacent to Power Road. The applicant proposes retaining a metal fabrication use on the rear third of the parcel. The front two thirds will develop with two multi-tenant buildings, to be built in phases. The retail spaces of the first phase are to be built within the LI portion of the site. The LI zoning allows the applicant to apply to the Zoning Administrator for the registration of the site as a location where a medical marijuana dispensary would be permitted. The second retail building will be built adjacent to Power Road, in the LC-zoned part of the site.

Site plan:

Site Plan Review through City Council is required by Condition of Approval #1 of case Z05-044. Access to the site is from Power Road, to a parking lot that will serve two retail buildings. The access drive will continue past the retail buildings to provide access to the existing industrial use at the rear of the property. The parcel also has frontage on the Saranac alignment, to the east.

Substantial Conformance Improvement Permit (SCIP)

The existing industrial site plan was developed in the County, and was annexed into the city as a nonconforming use. The existing site plan is not in conformance with current code. For the proposed retail portion of the site to receive site plan approval the entire site, both the existing industrial and the new retail portions, must come into compliance. Mesa offers the SCIP process to bring such sites into substantial conformance. The SCIP process will address exceptions to Code, including parking in the industrial use, screening requirements and required foundation base. The Board of Adjustment will review the SCIP request following action by the Planning & Zoning Board. **(See condition 8.)**

Design Review:

The Gateway Strategic Development Plan seeks to create a "high-quality, mixed-use environment that is compatible with increasing over-flight activities associated with Phoenix-Mesa Gateway Airport operations". The design was discussed by the Design Review Board at the March 14, 2017 work session. (DR17-015) The Board found the design needed more architectural expression, and requested a second work session to see revisions.

Airfield Overflight Area:

This site falls within the area of the Gateway Strategic Development Sub-Area Plan. This property is within Airfield Overflight Area 2 (AOA 2). This designation restricts outdoor entertainment uses, requires an aviation easement **(See condition 5)** and noise attenuation in construction **(See condition 6)**. Location within the Airport Area also necessitates evaluation by the FAA for impact on air traffic. Given the height, location, and proposed use, no impacts are expected. However, the applicant will

need to complete an FAA Form 7460 and submit the findings of that review with their building construction plans. The plans will need to indicate what, if any, mitigation measures are being included to satisfy any issues raised by the FAA review. **(See condition 7).**

Parking:

Parking is calculated as follows:

- Phase I, II & III retail site is parking:
 - Dispensary Tenant Space: 1 space per 375 sf of building area, for a retail use.
 - All other Retail Spaces (Shell Retail): 1 space per 275 sf of building area which is the ratio for unspecified "General offices, retail, and services".
 - Using these ratios, 40 spaces are required. 41 spaces are proposed for the retail uses.
- Existing Industrial Use:
 - Industrial Use (Work Building): 1 space per 600 sf of building area.
 - Storage Building: 1 space per 900 sf of building area.
 - Using these ratios, 14 spaces are required. 11 are proposed for industrial uses.
 - The Board of Adjustment will determine if this is in substantial conformance. **(See condition 9.)**

CONCLUSION:

The proposed project complies with the General Plan, the development standards of the Gateway Strategic Development Plan, and meets all review criteria for Site Plan Review from Chapter 69 of the Zoning Ordinance (Section 11-69-5). Staff recommends approval with the following conditions:

CONDITIONS OF APPROVAL:

1. Compliance with the development as described in the project narrative and as shown on the site plan, elevations and landscape plan;
2. Compliance with all City development codes and regulations;
3. Signs (detached and attached) require separate approval and permit for locations, size, and quantity;
4. **Compliance with all conditions of Design Review approval DR17-015 for architectural and landscaping design;**
5. **Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix Mesa Gateway Airport (which will be prepared and recorded by the City prior to the issuance of a building permit);**
6. **Noise attenuation measures to be incorporated into the design and construction of the buildings to achieve a noise level reduction of 25 dB;**
7. **Due to the proximity to Phoenix Mesa Gateway Airport, any proposed structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77.9, (form 7460), to determine any effect to navigable airspace, air navigation facilities. A completed form with response by the FAA must accompany building permit application for structures on this property;**
8. **All modifications to zoning development standards shown on the site plan to be approved by the Board of Adjustment through approval of a Substantial Conformance Improvement Permit. Any modifications not approved by the Board of Adjustment will require Site Plan Modification to meet code requirements.**