



**PLANNING DIVISION  
STAFF REPORT**

**City Council Hearing**

**June 7, 2021**

CASE No.: <b>ZON19-00507</b>	PROJECT NAME: <b>Vertuccio Farms</b>
Owner's Name:	Cono Vertuccio and Vertuccio Family Limited Partnership
Applicant's Name:	Pew & Lake, PLC
Location of Request:	Within the 4000 block of South Power Road (east side). Located north of Warner Road on the east side of Power Road.
Parcel No(s):	304-17-003A, 304-17-003H, 304-17-003J 304-17-003K & 304-17-003L
Request:	Rezone from Limited Commercial (LC) and Light Industrial (LI) to Light Industrial with a Planned Area Development Overlay (LI-PAD); and Site Plan Review. This request will allow for the development of a large-scale commercial recreation development.
Existing Zoning District:	Limited Commercial (LC) & Light Industrial (LI)
Council District:	6
Site Size:	25± acres
Proposed Use(s):	Commercial Recreation-Large Scale, retail and restaurant with a drive-thru
Existing Use(s):	Commercial Recreation-Large Scale, retail and restaurant with a drive-thru
P&Z Hearing Date(s):	<b>April 8, 2020 / 4:00 p.m.</b>
Staff Planner:	Tom Ellsworth, Principal Planner
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

**HISTORY**

On **September 22, 1998**, the City Council adopted an ordinance annexing the property into the City of Mesa (Ord. #3535).

On **December 21, 1998**, the City Council approved and rezoned the property to City of Mesa Single Residence (RS-43) zoning designation (Case #Z98-103, Ordinance #3577).

On **August 15, 2005** the City Council approved a City initiated rezoning of the property from Single Residence (RS-43) to Limited Commercial (LC) and Light Industrial (LI). The purpose of the rezoning was to bring the site into conformance with the City's General Plan designation of Mixed Use/Employment Case #Z05-066, Ordinance #4440).

On **October 3, 2018** the Board of Adjustment approved a Special Use Permit (SUP) to allow the number and duration of special events on the property to exceed the allowed maximum number of 4 consecutive days per year. The SUP expired on January 16, 2019 (Case #BOA18-00663).

On **October 2, 2019** the Board of Adjustment approved a Special Use Permit (SUP) to allow the number and duration of special events on the property to exceed the allowed maximum of 4 consecutive days per year. The SUP expired on January 16, 2020 (Case #BOA19-00671).

## PROJECT DESCRIPTION

### Background

The applicant is requesting to rezone the property from Limited Commercial (LC) and Light Industrial (LI) to LI with a Planned Area Development (PAD) overlay. The applicant is also requesting approval of a site plan to allow the continued use of the property for an existing agricultural themed outdoor commercial recreation development.

The subject site is located north of Warner Road on the east side of Power Road. According to city records, the property was annexed into the City of Mesa in 1998. At the time of annexation, the existing development on the site included agricultural related uses, such as a small farm stand, a small retail building, a fruit tree crop and a corn maze.

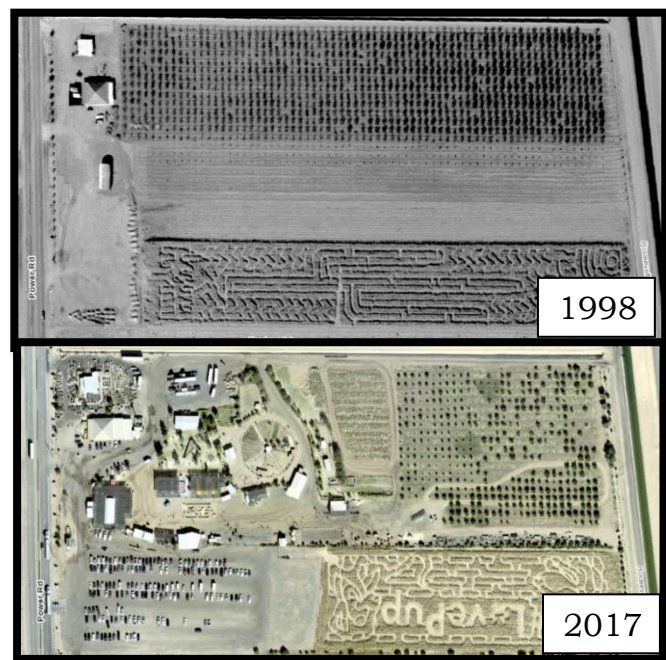


Figure 1

Since the annexation of the property into the City of Mesa, the property owner has expanded the use of the property to include other agricultural themed outdoor recreational development known as “Vertuccio Farms”. The existing uses on the site have grown organically over time without the benefit of a formal site plan review. These uses include a 4.6± acre fruit tree orchard, a 5± acre corn maze with a garden, a retail store (farm stand), a drive thru coffee shop, outdoor pottery sales, various sunshades, pavilions, a farm equipment building and a concession stand. A comparison of the Maricopa County Historical aerials shown as Figure 1 depicts the growth of the agriculture based recreational uses on the site since the property was annexed into the City in 1998.

The applicant is requesting the subject rezoning with a PAD overlay and associated site plan review to formalize the development on the site. The PAD overlay will allow modifications to certain required design standards of the City of Mesa Zoning Ordinance to allow a site design that is uniquely designed and oriented for development and operation of an agriculturally themed type of commercial large scale recreation use with associated retail.

According to the applicant, the intent of the request is to keep the existing agricultural-based uses and activities, as well as continue to expand the business to be a regional draw for people around the metro area and beyond. In addition to day-to-day uses on the site, the site also hosts numerous special events and activities such as seasonal festivals (e.g the u-pick fruit tree crops from May to June, the Fall Festival from October to November, and the Holiday Festival that runs from the end of November through the first part of January each year). Vertuccio Farms also hosts educational field trips and birthday parties during the fall and spring seasons of each year.

Per Section 11-31-27 of the MZO, the applicant is currently required to obtain approval of Special Use Permits through the Board of Adjustment in order to allow more than four special events throughout the year. The subject request will allow the use of the site as an agriculture themed large commercial recreation use throughout the year without having to obtain a Special Use Permit. As part of the rezoning request and development of the site, the property owner is required to make certain improvements on the property, such as the installation of landscaping adjacent to Power Road and Rembrandt Avenue, installation of post and rail fencing adjacent to Power Road, paving of certain parking areas on the property with asphalt including the year-round farm stand areas shown on the site plan. According to the applicant, all parking areas used for special events, including hosting field trips will be treated with an all-weather dust-controlled surfaces.

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

The General Plan Character area designation on the property is Mixed Use Activity District/Employment with a Regional Scale subtype. Per Chapter 7 of the General Plan, the Mixed-Use Activity Districts are large-scale (over 25 acres) community and regional activity areas that include typical uses such as retail, restaurants, offices, services, and entertainment. The primary goal of the Mixed-Use Activity District is to help these districts to be strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. Per the Plan, the goal of the Regional-Scale sub-type is to provide a location for businesses and attractions that bring people to Mesa from the larger region. Further, per Chapter 7 of the General Plan, the goal of the Employment Character area designation is to provide a wide range of employment opportunities in high quality settings.

In accordance with the General Plan, retail, restaurants and sports complexes are listed as typical uses within the Mixed-Use Activity District's Regional-Scale sub-type. Also, per the General Plan, light Industrial uses are listed as a primary zoning district within the Employment District.

#### Gateway Strategic Development Plan:

The subject site is also located within the Inner Loop District of the Gateway Strategic Development Plan. Per this Plan, the focus of the Inner Loop District is to create a mixed-use environment that is compatible with Phoenix-Mesa Gateway Airport operations. The plan states that flexibility is important as development transitions to mixed uses, with concentrations of light industrial, office, and retail, with a possibility of higher-density residential uses in the future (The Mesa Gateway Strategic Development Plan, pg. 26).

#### Inner Loop Study

The subject site is located within the 2018 Inner Loop Land Use Study area. The intent of the study was to ensure appropriate allocation of land uses and distribution that aligns with the goals of providing a wide variety of uses that will result in high-quality, mixed use environment that is also compatible with the Phoenix Mesa Gateway Airport operations. The Inner Loop Land Use study designates this site as appropriate for Employment/Business Park type uses. The proposed LI zoning designation conforms with the recommendations of the land use study.

The request to continue to use the site for large scale commercial uses with an agriculture theme that attract customers from a large radius for shopping and patronizing various activities on the site conforms to the goals of the Mixed Use Activity and the Employment character area designation. The use also conforms to the Gateway Strategic Development Plan by adding to the mix of land use types envisaged for the area. Overall, staff reviewed the request and determined it is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan. The proposed development is consistent with the goals of the General Plan and the Gateway Strategic Development Plan.

#### **Airfield Overlay – Mesa Zoning Ordinance (MZO) Article 3 Section 11-19:**

The subject site is located approximately 1.5 miles north of Phoenix Mesa Gateway Airport. Per Section 11-19 of the Mesa Zoning Ordinance (MZO), the site is located within the Airfield (AF) Overlay District. Specifically, within Airport Overflight Area (AOA) 3. Per Section 11-19-5 of the Mesa Zoning Ordinance (MZO), the supplementary provisions of the AOA 3 are subject to specific conditions of approval (see condition #11). The location of the property within the Airfield Overlay is due to its proximity to the Phoenix Mesa Gateway Airport. The Phoenix Mesa Gateway Airport reviewed the request and provided a response letter indicating that the Light Industrial zoning district is compatible with uses within the vicinity of the airport.

#### **Zoning District Designations:**

The applicant is requesting to rezone the property from LC and LI to LI with a Planned Area Development (PAD) Overlay. As stated, the purpose of the PAD overlay is to allow modifications to certain development standards of the Mesa Zoning Ordinance (MZO). Specifically, the requested zoning will allow the continuation of the uses on the property as well as anticipated future expansion with certain uses. Per Section 11-7-2 of the MZO, the proposed use of the property including large-scale recreation, the general retail farm stand, and restaurant with a drive through are permitted uses in the LI zoning district.

**Planned Area Development (PAD) Overlay – MZO Article 3, Chapter 22:**

The purpose of the PAD overlay is to allow modifications to certain required development standards to allow for innovative design and flexibility to create a high-quality development for the unique commercial recreational uses on the property.

Table 1 below shows the MZO required standards, the applicant's proposed PAD standards, and staff's recommendation:

**Table 1**

<b>MZO Required Development Standards</b>	<b>Proposed PAD Standards or MZO Deviations</b>	<b>Staff Recommendation</b>
<b>Landscape</b>		
<u>Section 11-33-3-Perimeter Landscaping</u> 1 Tree and 4 Shrubs per 25 Linear Feet of Street Frontage	Rembrandt Avenue: No landscape material along Rembrandt Avenue except for the first 100' from Power Road to the first entry drive on Rembrandt Avenue shall comply with Section 11-33-3. Power Road: Landscaping shall comply with Section 11-33-3.	As proposed and as shown on the site plan and landscape plan dated 02-10-2020
<u>Section 11-33-4-Interior Parking lot landscaping</u> Landscape Island required every 8 contiguous parking spaces a minimum of 15' by 8'	No Landscape Islands on the parking lot as shown on site plan	As proposed and as shown on the site plan and landscape plan. If current parking lot is expanded or additional parking lot added, those parking lots will comply with Section 11-33-4.
<b>Parking</b>		
<u>Section 11-30-9(H)-Parking Area Screening</u> Parking areas and drive aisles shall be screened from street(s) with masonry walls varying from 32" to 40" in height, berm or combination of walls/berms. No more than 40 percent of the screening shall be accomplished with dense landscaping.	No masonry walls or berms proposed. More than 40% of the required screening is achieved through densely planted landscape	As proposed
<u>Section 11-32-2(C)-General Parking Regulation and Standards</u> Required parking and loading spaces, maneuvering areas, and driveways shall be paved with asphalt, concrete, paving stone, or masonry	The only areas that are required to be paved are: 1) the area around the existing farm stand (Building 1) as shown on the site plan, 2) the area around the coffee shop (Building 17) and, 3) the driveway entry points into the site. All other areas can have an all-weather/dust-controlled driving surface	As proposed and as shown on the site plan with the condition that those areas that can have an all-weather or dust control surface must receive approval from the City prior to installing any all-weather or dust-control materials.
<u>Section 11-32-4(G)2-Parking Lot Layout</u> No more than 200 parking spaces shall be allowed together in one group or cluster	Allow 300 spaces to be located in one area or in a group or one cluster	As proposed

<u>Section 11-32-4(G)3 -Pedestrian Access</u> Provide a safe, convenient and comfortable network of pedestrian walkways within parking areas for users.	No separate pedestrian pathways provided	Prior to approval of any building permit, the applicant shall submit a parking plan, for City approval, showing pedestrian circulation on the site.
<b>MZO Required Development Standards</b>	<b>Proposed PAD Standards or MZO Deviations</b>	<b>Staff recommendation</b>
<u>Drive-thru Standards</u>		
<u>Section 11-31-18 Drive thru facilities</u> Physically separate drive-thru traffic lane from the non- drive-thru traffic area with a five foot (5') wide raised landscape median  Provide 2-foot foundation base along exterior building where adjacent to drive-thru lane  Pick-up windows to be architecturally integrated into the building it serves. Provide awnings or architecturally integrated structures for weather protection  Provide 40-inch high screen walls adjacent to the public right-of-way (Power Road)	No landscape median at existing drive-thru for the coffee shop  No foundation base at existing drive-thru for the coffee shop  No weather protection or architecturally integrated structure is proposed at the existing coffee shop  No screen wall is proposed adjacent to the right-of-way for the existing coffee shop	As Proposed for the existing drive thru, Any additional drive-thru facilities, beside the existing coffee shop, on the site must comply with Section 11-31-18 of the Mesa Zoning Ordinance.

As shown on the table above, the applicant is requesting deviations from certain landscaping, parking, drive-thru and design development standards outlined in Sections 11-33, 11-32, 11-31 and 11-7-3 of the Mesa Zoning Ordinance (MZO):

Landscape:

- Per Section 11-33-3 of the MZO, the required perimeter landscape material for the LI zoning district adjacent to collector streets (Rembrandt Avenue) is one tree and four shrubs for each 25' of street frontage. In order to maintain the agriculture theme of the development, the applicant is requesting to deviate from the required landscape material and maintain an existing wire fencing along Rembrandt Avenue, except for the first 100' off Power Road. Per the landscape plan, the applicant is proposing to continue the landscape design from Power Road around the corner onto Rembrandt Avenue.
- Section 11-33-4 of the MZO requires landscape islands with landscape materials to be installed at the end of all parking spaces and in between every eight parking spaces. According to the applicant, the installation of the landscape islands will diminish the agricultural character and theme of the site, hence the request to deviate from such standard of the MZO.

#### Parking:

- Section 11-30-9(H) of the MZO requires a 32" to 40" high masonry screen wall for parking and circulation areas; and no more than 40 percent of the screening shall be accomplished with dense landscaping. In order to maintain the agricultural feel and theme of the development, the applicant is proposing to screen the parking and circulation areas with more than 40% dense landscaping and an open rail fence as shown on the landscape plan.
- Section 11-32-2(C) of the MZO requires paving of parking and circulation areas. The proposed site plan shows paving in the areas surrounding the existing farm stand (labeled as building one on the site plan) and coffee shop (labelled as building 17) and instead utilizes a dust proof covering materials in all other parking and circulation areas. This request is consistent with the dust proofing requirements outlined in Section 11-4-5 of the MZO for Agriculture-Based Entertainment uses in the Agriculture (AG) zoning district. The requirement allows one dust proof covered space for every 1,000 square feet of entertainment.
- Section 11-32-4(G)2 requires that no more than 200 parking spaces shall be allowed together in one group or cluster. Parking lot clusters shall be separated by landscaping, pedestrian connections, cross aisles, retention basins or similar features. The proposed site plan shows grouping of parking spaces that exceeds the requirement for event parking areas. According to the applicant the event parking areas will be primarily used only for special seasonal events and the proposed modification to the MZO is to preserve the agricultural theme and use of the property.

#### Drive thru:

Section 11-31-18 of the MZO outline standards for all drive-thru facilities including foundation base landscaping, physical separation between the drive thru and the main drive aisle, architectural integration of awnings at the drive thru window and requirement for a 40-inch-high screen walls. The site plan shows an existing coffee shop with a drive thru that does not meet these outlined standards. According to the applicant, the intended deviation from the requirement is to minimize the use of concrete on the property and maintain the agricultural feel and theme for customers of the existing coffee shop. Any additional drive-thru facility, beside the existing coffee shop, on the site must comply with Section 11-31-18 of the MZO.

The proposed large-scale commercial recreation use with an agriculture theme and character is unique in the City. In addition, the development is well designed with integrated open space and recreational facilities, as well as incorporating innovative design and features that conform to the goals and intent of the General Plan character designation on the property of attracting people to unique shopping and entertainment experiences. The subject request with the associated innovative design is also consistent the requirement for providing superior and innovative design for PAD and specifically outlined in Section 11-22-1 of the MZO.

#### Design Review

Per section 11-71-2 of the MZO, the site is subject to the Design Review process. The applicant is in the process of completing the final submittal documents to be reviewed by the City's Design Review Board (See Condition #3). The initial application documents reviewed by staff

shows the creation and focus of establishing an agricultural theme and character for the development.

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

The submitted site plan shows development of a 25-acre property primarily to be used as large scale open outdoor recreation. There are several access points to the site, including three driveways that are located off Power Road and two driveways located on Rembrandt Avenue. Currently, there is an existing farm stand on the property. The proposed site plan shows the main access onto the farm stand is from Power Road with paved parking and circulation surrounding the building. The site plan also shows location of large dust-controlled event parking area on the property. This area is specifically shown to be located at the south side of the site, adjacent to Rembrandt Avenue. There are other areas on the site to be used for various activities such as entertainment areas, as well as concession stands, pottery sales, wagon rides, and barrel train rides. From the site plan, the pottery sale building is currently located on the norther section of the property and includes significant outdoor storage. According to the applicant, the associate outdoor storage area will be removed within 6 months of the approval of this request (see condition #6). Overall, the large scale commercial outdoor recreation with an agricultural theme and character is unique to the City and serves as a regional draw and attraction patronized by residents both in Mesa and beyond.

Section 11-69-5 of the MZO requires review of site plans for properties located in Employment districts to conform to adequate design features that is distinctive and create an appealing community with well-designed buildings resulting in a safe, attractive and inviting environment. For LI zoning districts, the design should include architectural interest and building articulations, as well as proper massing of buildings and scale. The proposed design of the site and buildings conform to its intended uses and overall architecture theme and character. In sum, the subject request conforms to the review criteria for site plan review outlined in Section 11-69-5 of the City of Mesa Zoning Ordinance. The request also conforms to all applicable development standards, including the review criteria set forth in MZO section 11-69-5 for sites located in Employment Districts.

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

<b>Northwest</b> (Across Power Road) Town of Gilbert Agriculture	<b>North</b> LI-PAD & GI-PAD Vacant	<b>Northeast</b> (Across RWCD Canal and East Maricopa Floodway) Agriculture
<b>West</b> (Across Power Road) Town of Gilbert Agriculture	<b>Subject Property</b> LC & LI Existing Commercial and Commercial Recreation	<b>East</b> (Across RWCD Canal and East Maricopa Floodway) Maricopa County Agriculture
<b>Southwest</b> (Across Power Road) Town of Gilbert Agriculture	<b>South</b> (Across Rembrandt Avenue) LI & LI-CUP Employment	<b>Southeast</b> (Across RWCD Canal and East Maricopa Floodway) Maricopa County Agriculture



**Compatibility with Surrounding Land Uses:**

The subject site is adjacent to an existing employment business park located to the south and across Rembrandt Avenue, agriculture uses to the east and west, and a vacant property currently zoned LI-PAD and GI-PAD to the north. The proposed use of the property and associated zoning to continue to allow the existing agriculturally themed land uses for outdoor commercial recreation is compatible with the surrounding development and land uses.

**Neighborhood Participation Plan and Public Comments**

According to the Citizen Participation Report provided with the application, the applicant mailed letters to property owners within 1000 feet of the site and registered neighborhoods within one mile and Homeowners Associations within a half mile to inform them of the neighborhood meeting scheduled on November 6, 2019. Per the Citizen Participation report submitted by the applicant, no one attended the neighborhood meeting. As of writing this report, neither the applicant nor staff have received any comments or concerns from surrounding property owners regarding this request.

**Staff Recommendation:**

The subject request for rezoning from LC and LI to LI-PAD is consistent with the Mesa 2040 General Plan, the Gateway Strategic Plan, and is consistent with the purpose for a Planned Area Development Overlay outlined in Section 11-22-2 of the MZO; Therefore, staff recommends approval of the request with the following conditions of approval:

**Conditions of Approval:**

1. Compliance with the site plan and landscape plan submitted dated 2-10-2020.
2. Compliance with the City of Mesa Zoning Ordinance, except the development standards modified in Table 1 of the staff report with staff's recommendations.
3. No later than 60 days of the date the zoning ordinance is adopted, the applicant must submit a Design Review application (i.e. final architecture designs and themes) showing compliance with the City's Design Standards for the site.
4. Compliance with all requirements of Design Review.
5. All off-site improvements and street frontage landscaping must be installed within 6 months from the date the zoning ordinance is adopted.
6. Remove the outdoor storage associated with the pottery sale building within 6 months from the date the zoning ordinance is adopted.
7. Prior to the issuance of a building permit non-conforming signs must be brought into conformance and prohibited signs must be removed.
8. Compliance with all City development codes and regulations.
9. 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 a subdivision plat, or at the time of the City's request for dedication, whichever comes first.
10. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner shall execute and record the City's standard Avigation Easement and Release for Phoenix Mesa Gateway Airport prior to the issuance of a building permit.

- b. Any proposed permanent or temporary structure 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. An FAA determination notice of no hazard to air navigation shall accompany any building permit application for the property.
- c. Prior to the issuance of a building permit, provide documentation that a registered professional engineer or registered professional architect has certified that noise attenuation measures have been incorporated into the design and construction of the buildings to achieve a noise level reduction to 45 decibels as specified 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-Staff Report**

**Exhibit 2-Vicinity Map**

**Exhibit 3- Application Information**

3.1 Project Narrative

3.2 Site Plan

3.3 Landscape Plan

3.4 Design Guidelines

**Exhibit 4- Citizen Participation Report**