



PLANNING DIVISION
STAFF REPORT

City Council Hearing

August 23, 2021

CASE No.: **ZON21-00293**

PROJECT NAME: **Orange Tree Marketplace**

Owner's Name:	Orange Tree Marketplace II
Applicant's Name:	Sean Lake, Pew & Lake, PLC
Location of Request:	Within the 1900 block of East McKellips Road (north side). Located west of Gilbert Road on the north side of McKellips Road.
Parcel No(s):	136-06-012C
Request:	Rezone from Agricultural (AG) to Limited Commercial (LC). This request will allow commercial uses on the property.
Existing Zoning District:	Agricultural (AG)
Council District:	1
Site Size:	0.2 ± acres
Proposed Use(s):	Commercial
Existing Use(s):	Vacant
P&Z Hearing Date(s):	June 23, 2021 / 4:00 p.m.
Staff Planner:	Cassidy Welch, Planner II
Staff Recommendation:	APPROVAL with Conditions
Planning and Zoning Board Recommendation:	Approval with conditions
Proposition 207 Waiver Signed:	Yes

HISTORY

On **June 24, 1978**, the subject property was annexed as part of a 551± acre property into the City of Mesa (Ordinance No. 1161) and subsequently zoned to Agricultural (AG) (Case Z78-102; Ordinance No. 1189).

PROJECT DESCRIPTION

Background:

The request is to rezone the subject property from Agricultural (AG) to Limited Commercial (LC) to allow commercial uses on the property. The property is currently vacant and adjacent to an existing shopping center to the east of the site. According to the applicant, the request to rezone the property is to accommodate potential expansion of the commercial center to the east of the site.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character area designation on the property is Mixed Use Activity District. Per Chapter 7 of the General Plan, Mixed Use Activity Districts are large-scale community and regional activity areas that usually have a significant retail commercial component. The focus of the Mixed Use Activity District character area is to create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. The subject request is consistent with the Mixed Use Activity District character area by providing additional commercial land area to facilitate potential expansion of the existing commercial center and provide the needed services to support the surrounding community.

Staff has reviewed the request and determined it is consistent with the criteria for review of development outlined in Chapter 15 (pg. 15-1) of the 2040 Mesa General Plan.

Zoning District Designations:

The request is to rezone the site from AG to LC to allow commercial uses on the property. Per Section 11-6-1 of the Mesa Zoning Ordinance (MZO), the purpose of the LC district is for indoor retail, entertainment and service oriented business that serve the surrounding residential trade area within a one to ten mile radius. Per Section 11-6-3 of the MZO, commercial land uses, including retail and associated parking, are permitted in the LC zoning district.

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

Per Section 11-19 of the MZO, a portion of the property is located within Airport Overflight Area Three (AOA 3) of the Airfield (AF) Overlay District. This is due to proximity of the property to the Falcon Field Airport. Per Section 11-19 of the MZO, there are no commercial use restrictions within the AOA 3. Falcon Field Airport staff reviewed the subject request and had no comments on the proposed rezoning to allow commercial uses on the property.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-9 Single Residence	North RS-15 Single Residence	Northeast RS-43 Single Residence
West AG Vacant	Subject Property AG Vacant	East LC Commercial
Southwest	South	Southeast

LC Commercial	LC Commercial	LC Commercial
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Compatibility with Surrounding Land Uses:

The subject site is bordered by existing single residence to the north and an existing commercial center to the east and south. The property to the west of the site is currently vacant and zoned as Agriculture. The proposed rezoning will not be out of with the surrounding developments.

Neighborhood Participation Plan and Public Comments:

The applicant has completed a Citizen Participation Process, which included mailed letters to property owners within 500 feet of the site, as well as HOAs within ½ mile and registered neighborhoods within 1 mile of the site.

As of writing this report, staff has not received any comments from surrounding property owners. The applicant will be providing an updated Citizen Participation Report to staff prior to the June 23, 2021 Study Session. Staff will provide the Board with any new information during the scheduled Study Session.

Staff Recommendation:

The subject request is consistent with the Mesa 2040 General Plan, and meets the purpose of the LC zoning district outlined in Section 11-6-1 of the MZO; therefore, staff recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with all City development codes and regulations.
2. In accordance with Section 11-69-4 of the Mesa Zoning Ordinance, a Site Plan Review is required for future development of the site.
3. 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 (concurrent with the recordation of the final subdivision map or prior to the issuance of a building permit).
4. 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. If required, an FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance.
5. 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 db as specified in Section 11-19-5 of the Zoning Ordinance.

Exhibits:

Exhibit 1-Staff Report

Exhibit 2-Vicinity Map

Exhibit 3-Application Information

3.1 Project Narrative

3.2 Citizen Participation Plan

Exhibit 4-Citizen Participation Report