



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

**Planning and Zoning Board**

**October 13, 2021**

CASE No.: **ZON21-00132**

PROJECT NAME: **Circle K**

Owner's Name:	Circle K Stores Inc.
Applicant's Name:	Land Development Consultants, LLC
Location of Request:	Within the 800 block of West Broadway Road (north side), and within the 300 block of South Extension Road (west side). Located east of Alma School Road on the north side of Broadway Road.
Parcel No(s):	134-06-015D
Request:	Site Plan Review; and Special Use Permit. This request will allow the development of a convenience market with an associated fuel station.
Existing Zoning District:	Light Industrial (LI)
Council District:	4
Site Size:	1.9± acres
Proposed Use(s):	Service station with associated convenience market
Existing Use(s):	Outdoor storage
P&Z Hearing Date(s):	<b>October 13, 2021 / 4:00 p.m.</b>
Staff Planner:	Charlotte Bridges, Planner II
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **January 5, 1949**, the City Council approved the annexation of approximately 2,419± acres of land, including the subject site, and subsequently zoned the subject site Single Residence (R1-6) (Ordinance No. 228).

On **November 20, 2006**, the City Council approved to rezone 2.7± acres of land, including the subject site, from R1-6 to Light Industrial (M-1) (equivalent to Light Industrial [LI]) and approved a site plan for the development of four industrial shell buildings (Case No. Z06-082, Ordinance No. 4629). The site did not develop under this approval.

On **May 5, 2014**, the City Council approved a Council Use Permit (CUP) for a large collection facility and approved a site plan for a contractor's yard for storage of building and recycling materials (Case No. Z14-019, Ordinance No. 5216). The site was not developed under this approval and per Section 11-67-9(A) of the Mesa Zoning Ordinance (MZO), the CUP expired since it was not exercised or extended within one year of its issuance.

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting approval of an initial site plan and a Special Use Permit (SUP) to allow the development of a convenience market with an associated service station (fuel station) on the property. Per Section 11-7-2 of the Mesa Zoning Ordinance, a Special Use Permit (SUP) is required to allow a service station in the LI zoning district. Currently, the site is being used for outdoor storage, which will be removed to accommodate development of the site. The proposed site plan shows a 5,200 square foot convenience market and 4,939 square foot self-service fuel station canopy with seven fuel pumps.

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

The subject property is located within an Employment character area. Per Chapter 7 of the General Plan, the focus of Employment character area is primarily employment type land uses consisting of at least 20 acres. The Employment character area may include supporting secondary uses such as commercial and retail, provided the minimum percentage of primary uses is established for the character area.

The subject site is also located in the West Main Street Area Industrial Corridor. Within the Industrial Corridor, West Main Street Area Plan recommends maintaining and developing employment areas, discourages the addition of new neighborhood and community-oriented freestanding retail uses, encourages the development business parks and preserving rail freight service in the area.

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 predominant uses along the West Main Street Area Industrial Corridor are employment and commercial uses but within 600± feet to south of Broadway Road, the predominant uses transition to residential. The proposed convenience market and service station will support the employers and workforce in the area by providing fuel for vehicles and goods, such as coffee, fresh foods, and snacks. The redevelopment of the site will also improve the overall appearance of the corridor and site with the construction of a new building and installation of landscape materials.

### **Zoning District Designations:**

The property is currently zoned Light Industrial (LI). A convenience market is a permitted use in the LI district. A service station is permitted in the LI district with the approval of an SUP.

Per Section 11-7-2 of the Mesa Zoning Ordinance (MZO), the main purpose of the LI zoning district is to provide areas for limited manufacturing and processing, wholesaling, research, warehousing, and distribution activities, which take place within enclosed buildings, with

restricted accessory outdoor storage as needed to support the primary uses. However, this district also provides for a full range of commercial activities, generally on a limited scale, including high-impact commercial uses.

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

The proposed site plan shows the development of a 4,939 square foot self-service fuel station and a 5,200 square foot convenience market. The seven pump fuel station would be located adjacent to Broadway Road with the required parking and convenience store located on the north side of the site. Access to the site would be provided by one driveway from Extension Road and one driveway from Broadway Road.

Per Section 11-32-3 of the MZO, 14 parking spaces are required for the proposed use. Per Section 11-32-3(C)(5) of MZO, an Administrative Use Permit is required to exceed 125% of the required number of parking spaces. The applicant submitted a parking study and is requesting approval of an Administrative Use Permit to allow 27 parking spaces, 198% of the required number of parking spaces.

**Special Use Permit – MZO Sections 11-31-25 & 11-70-5:**

Section 11-70-5 of the MZO contains four base approval criteria to be used when considering an SUP. In addition, Section 11-31-25 of the MZO outlines further criteria for evaluating an SUP for a service station.

Per Section 11-70-5 of the MZO, approval of a SUP can only be granted if the approving body determines that the proposed development meets the SUP requirements outlined in the MZO. This request is consistent with the Employment character area designation and the West Main Street Area Industrial Corridor. The location, size, design, and operating characteristics of the service station are consistent with the intent of the LI district and the proposal meets the development standards outlined in Section 11-31-25. The proposed project will not be detrimental or injurious to surrounding properties. The applicant provided a plan of operation and good neighbor policy with the application submittal ensuring the development is constructed and operated in accordance with all City codes and providing contact information should there be a complaint at the site.

In summary, staff reviewed the request and determined that the site plan and proposed use conform to the City's Zoning Ordinance and meet the SUP approval criteria of Sections 11-31-25 and 11-70-5 of the MZO.

**Design Review:**

The Design Review Board is scheduled to review the subject request on October 12, 2021. Staff will be working with the applicant to address any comments and recommendations from the Design Review Board.

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

<b>Northwest</b> GI Industrial with outdoor storage	<b>North</b> GI Commercial	<b>Northeast</b> (Across Extension Road) GI-CUP Industrial with outdoor storage
<b>West</b> LI Industrial with outdoor storage	<b>Subject Property</b> LI-PAD Outdoor storage	<b>East</b> (Across Extension Road) GI-CUP Industrial with outdoor storage
<b>Southwest</b> (Across Broadway Road) LI Industrial with outdoor storage	<b>South</b> (Across Broadway Road) LI-PAD Commercial with outdoor storage	<b>Southeast</b> (Across Broadway and Extension Roads) LI Service Station

**Compatibility with Surrounding Land Uses:**

The surrounding properties are predominately a mixture of industrial and commercial uses with outdoor storage. However, the property to the north is an existing commercial office building and the property to the southeast is a Circle K service station. Overall, the proposed use will support the existing businesses, contribute to redevelopment of the area and is not out of character with the surrounding uses.

**Neighborhood Participation Plan and Public Comments:**

The applicant completed a Citizen Participation Process, which included mailing letters to property owners within 1,000 feet of the site, as well as HOAs within a half mile, and registered neighborhoods within one mile of the site. As of the writing of 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.

**Staff Recommendations:**

Based on the application received and the preceding analysis, staff finds that the subject request is consistent with the General Plan, meets the review criteria for Site Plan Review approval outlined in Section 11-69-5 of the MZO, and conforms with the review criteria for a Special Use Permit for a service station outlined in Section 11-31-25 and 11-70-5 of the MZO; therefore, staff recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan and landscape plan submitted.
2. Prior to application for a building permit, apply for and receive approval for an Administrative Use Permit to allow the number of parking spaces to exceed 125% of the minimum required parking spaces or reduce the parking to comply with the Zoning Ordinance.
3. Compliance with the plan of operation and good neighbor policy submitted.

4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of Design Review.

**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 Elevations

3.5 Floor Plan

3.6 Grading and Drainage Plan

3.7 Parking Study

**Exhibit 4-Citizen Participation Report**