

Board of Adjustment



Staff Report

CASE NUMBER: BA14-063 (PLN2014-00577)
STAFF PLANNER: Klm Steadman – Planner II
LOCATION/ADDRESS: 415 N. Stapley Dr.
COUNCIL DISTRICT: 4
OWNER: Circle K Stores, Inc.
APPLICANT: Land Development Consultants / Michael E. Scarbrough

REQUEST: *Requesting a Special Use Permit (SUP) for a convenience store to allow accessory fuel sales in the LC zoning district*

SUMMARY OF APPLICANT'S REQUEST

This request involves the redevelopment of an existing service station site at the northeast corner of Stapley Dr. and University Dr. This involves replacing the existing convenience store, refurbishing the existing gas-pump canopy, along with revisions to the site that will bring the site into compliance with current code.

STAFF RECOMMENDATION

Staff recommends approval of case BA14-063, *conditioned upon compliance with the site plan as submitted, and the following:*

1. **Compliance with Design Review conditions of approval for this project, to include the gas canopy.**
2. **Compliance with the requirement of 11-31-25 D of the Zoning Ordinance to provide landscape on 10% of the site, in addition to otherwise required planting areas.**
3. **All site lighting to comply with 11-31-25 F of the Zoning Ordinance.**
4. **Provide one non-combustible trash receptacle, per 11-31-25 G of the Zoning Ordinance.**
5. **Compliance with all City development codes and regulations.**
6. **The service station shall maintain a "Good Neighbor Policy" per Ch. 11-31-25-(I) 1 of the Zoning Ordinance.**
7. **Compliance with Ch. 32 of the Zoning Ordinance in providing the required percentage of foundation base planting, in providing one landscape island per 8 parking spaces, and in providing all the required planting counts. All landscape islands shall have a minimum planting width of 8'.**
8. **The crosswalk indicated by hatching on the site plan shall be constructed with alternate paving to be approved by staff.**
9. **Replace missing plants and trees in the perimeter landscaping yards along Stapley Dr. and University Dr. based on the landscape plan approved for the center through DR98-121. See Exhibit "A".**

SITE CONTEXT

CASE SITE:	Existing Circle K service station within a commercial center	- Zoned LC
NORTH:	Existing parking lot for commercial center	- Zoned LC
EAST:	Existing parking lot for commercial center	- Zoned LC
SOUTH:	(Across University Dr.) Existing:	
	• Chevron service station	-Zoned LC
	• Carwash	- Zoned LC
	• Multi-residential	-Zoned RM-4
WEST:	(Across Stapley Dr.) Existing:	
	• Circle K Service station	-Zoned LC
	• Medical office building	-Zoned LC

STAFF SUMMARY AND ANALYSIS:

The Zoning Ordinance requires a Special Use Permit for a service station in the LC zoning district. In addition to the general SUP standards (Ch. 70), service stations must comply with the following standards (Ch. 31), as presented in the table below:

Ord.	Requirement	Meets?	Action:
11-31-25 A	Maximum number of service stations on a corner is total of 2.	No	Existing condition
11-31-25 B	Minimum Frontage: 100 feet on each street <ul style="list-style-type: none"> • 262' Stapley • 330' University 	Yes	
11-31-25 C	Pump Islands to be covered with a canopy that complements the design of the main structure	?	Condition #1
11-31-25 D	Landscaping: min. 10% of site (In addition to required planting.)	?	Condition #2
11-31-25 E	Fencing: masonry only.	Yes	
11-31-25 F	Lighting: <ul style="list-style-type: none"> • Lighting to be stationary, shielded, recessed • Not to be high-intensity 	?	Condition #3
11-31-25 G	Litter: One permanent, non-combustible trash can	?	Condition #4

11-31-25 I	Additional SUP Requirements: <ul style="list-style-type: none"> • Comply w/ General Plan • Comply with zoning, building, and fire safety regulations • "Good Neighbor Policy" • Substantial conformance • Adequate parking & circulation. • Minimize effects on adjacent properties 	Yes ? No Yes Yes Yes Yes	Condition #5 Condition #6
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The Code allows only two auto-oriented uses within 600 feet of any given intersection. This includes service stations and carwashes. Currently there are 3 service stations and 1 carwash within 300 feet of this intersection. On a new-build site staff would not be in support of this concentration of auto-oriented uses. The uses at this intersection, however, already exist.

The building and canopy will be seen by the Design Review Board at their December 9th work session before receiving approval. In addition to meeting the SUP standards listed above, there are elements of the proposed site that should be revised in order to comply with current code. These have been addressed in the Conditions of Approval: **Condition #7** – Code requires specific percentages of "Foundation Base" landscaping in the area immediately surrounding the building. The plan should be revised to provide this. Also, the parking area should comply with the requirements for number of landscape islands, their minimum required dimensions and plant counts. **Condition #8** – Pedestrian paths that cross drive areas should be indicated by alternate paving per Ch. 11-32-4 (G)3c. **Condition #9** – The plans do not indicate the treatment of the surrounding landscape yards that were approved for the commercial center through DR98-121. Any missing or non-thriving plant material should be replanted and irrigation systems should be repaired.

FINDINGS:

1. A Special Use Permit (SUP) is required for the operation of all fueling stations manned or unmanned within the City of Mesa. This SUP would allow the operation of 4 fuel dispensers (8 pumps). The proposed fueling station is compatible with the surrounding area, which is comprised of primarily commercial uses and will provide a service to those individuals working in the area.
2. Approval of this project will advance the goals and objectives of and is consistent with the policies of the General Plan.
3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec. 11-31-25 – Service Stations:

11-31-25: Service Stations

Service Stations, as described in **Section 11-86-4**, shall be located, developed, and operated in compliance with the land use regulations in **Article 2** and the following standards:

- A. **Location.** Maximum number of service stations permitted at an arterial intersection is total of 2.
- B. **Minimum Frontage.** 100 feet on each street.
- C. **Pump Canopy.** Pump islands shall be covered by a canopy that matches or complements the design of the main structure.
- D. **Landscaping.** Landscaping shall comprise a minimum 10 percent of the site area, exclusive of required setbacks, and include an irrigation system that is permanent, below-grade, and activated by automatic timing controls.
- E. **Fencing.** Masonry only.
- F. **Lighting.** All exterior light sources, including canopy, perimeter, and flood, shall be stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. No lens of any lighting fixture may extend below the shielding device. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties.
- G. **Litter.** A minimum of 1 permanent, non-flammable trash receptacle shall be installed at each pump island.

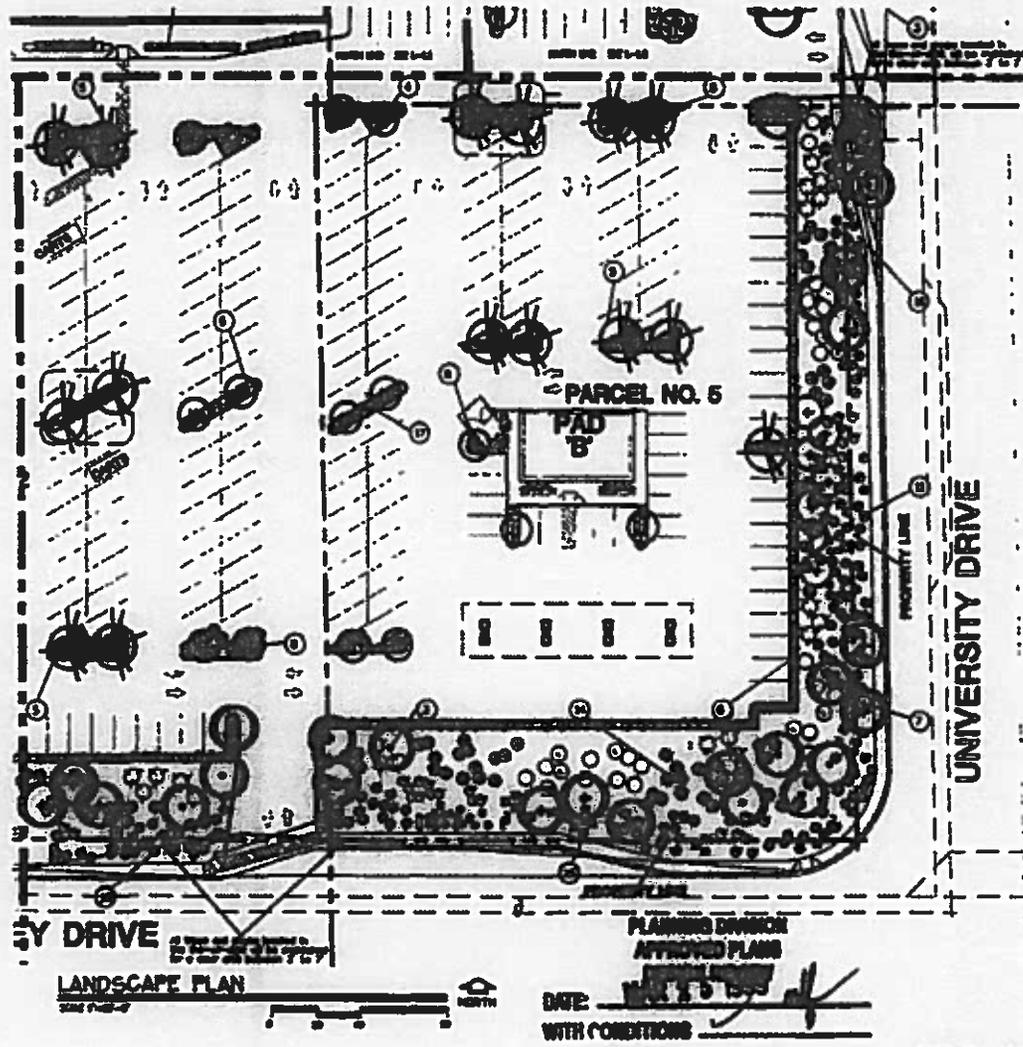
I. **Criteria for Review of Special Use Permit:** When required, the review of the **Special Use Permit** for a **Service Station** shall include a review and determination regarding the following items:

1. The use is found to be in compliance with the **General Plan**, applicable **Sub Area Plans**, and other recognized development plans or policies, and will be compatible with surrounding uses; and
2. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations; and **Return to Page 1**
3. A finding that a "**good neighbor policy**" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses, including sound attenuation, lighting control measures, and vehicular access and traffic control. Such policies shall include, but are not limited to, the name and telephone number of the position, manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures; and
4. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current City **Development Standards**, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines.
5. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use shall adequately provide paved parking and on-site circulation in a manner that minimizes impacts on adjacent sites; and existing or proposed improvements to the site shall minimize dust, fugitive light, glare, noise, offensive smells and traffic impacts on neighboring residential sites.

Zoning Ordinance, Section 11-70-5 – Special Use Permit:

- A. ***Special Use Permit (SUP)***. A SUP is a discretionary permit issued by the Zoning Administrator or Board of Adjustment.
- B. ***Uses Subject to Special Use Permits***. Uses requiring a SUP are established in the use tables in Chapters 4 through 11.

- C. **Permit Requirements.** Permit requirements for some uses requiring a SUP are provided in Chapter 31, Standards for Specific Uses and Activities.
- D. **Permit Application and Procedures.** The procedures for review and consideration of a SUP are as provided in the Chapter 67, Common Procedures, except a citizen participation plan and report is not required.
- E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
 - 1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
 - 2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
 - 3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
 - 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.
- F. **Revocation of Special Use Permits.** A Special Use Permit granted pursuant to this Chapter may be suspended, revoked, or modified by the Zoning Administrator, after holding a public hearing to determine whether any condition, stipulation, or term of the approval of the Use Permit has been violated. At least 30-days' notice shall be provided prior to the public hearing, and all of the noticing and hearing requirements of Chapter 67 shall apply.



PLANT MATERIAL LEGEND

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DR98-121

ALL INFORMATION IS TO REMAIN CONFIDENTIAL

Exhibit "A"

THE UNIVERSITY OF ALABAMA SYSTEMS
SCHOOL OF ARCHITECTURE
LANDSCAPE ARCHITECTURE
100 UNIVERSITY BLVD., SUITE 100
TUSCALOOSA, AL 35487-0001
TEL: 205/975-2100
FAX: 205/975-2101
WWW: www.ua.edu

421, 431, 435, 441 N. STAPLEY DR.

USE AND COMPATIBILITY STATEMENT

October 27th, 2014

Proposed Circle K Store

NEC Stapley & University

Mesa, Arizona

1. Project Description

Circle K Stores Inc. is proposing to demo their existing facility (store only – the fuel canopy will remain and be refaced) and construct a retail convenience grocery store on a parcel of land at the NEC of Stapley Drive & University Drive in Mesa, Arizona. This property consists of one (1) individually platted lot. Circle K has embarked upon a very ambitious effort to redeveloped and re-position their retail convenience grocery stores in the metropolitan area. The new building and site design being proposed by Circle K provides a fresh new look to their former building concept and includes a much larger structure, significant design and architectural enhancements, as well as a much larger site area to facilitate easy ingress, egress, and circulation by both pedestrians and vehicles.

2. Location

The property is located at the immediate northeast corner of the intersection of Stapley Drive and University Drive in Mesa, Arizona. The platted lot is assigned parcel # 137-04-012 in the official records of Maricopa County, Arizona and contains approximately 2.26 acres.

3. Existing Conditions

The property is currently developed as a Circle K Store. The road infrastructure surrounding the property is well developed with traffic signals, curb, gutter, sidewalks, and landscaping, as shown below.



4. Proposed Site Use

The proposed Circle K development will include the construction of a new 4,722 +/- square foot retail convenience grocery store oriented toward Stapley Drive. As discussed above, the existing fuel canopy will remain and be re-faced to match the new building. The development includes a large parking area to facilitate pedestrian and vehicular traffic in and out of the property and the entire development will be extensively landscaped. The proposed Circle K facility will be operated 24 hours a day, 7 days a week.

5. Uses Upon the Site and Adjacent to the Site

The property and the adjoining land to the north and east are currently zoned LC and occupied by retail uses. The properties to the south, across University Drive are also currently used for commercial purposes and are zoned LC as well. The land to the west, across Stapley Drive is presently zoned LC and used for commercial purposes. Per section 11-31-25 of the City of Mesa Zoning Ordinance, the maximum number of service stations permitted at an arterial intersection is 2. Based on discussions with Circle K, their store that is located at the northwest corner will be closed once this store is opened.

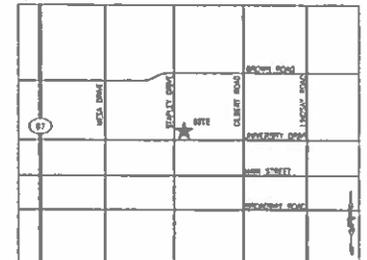
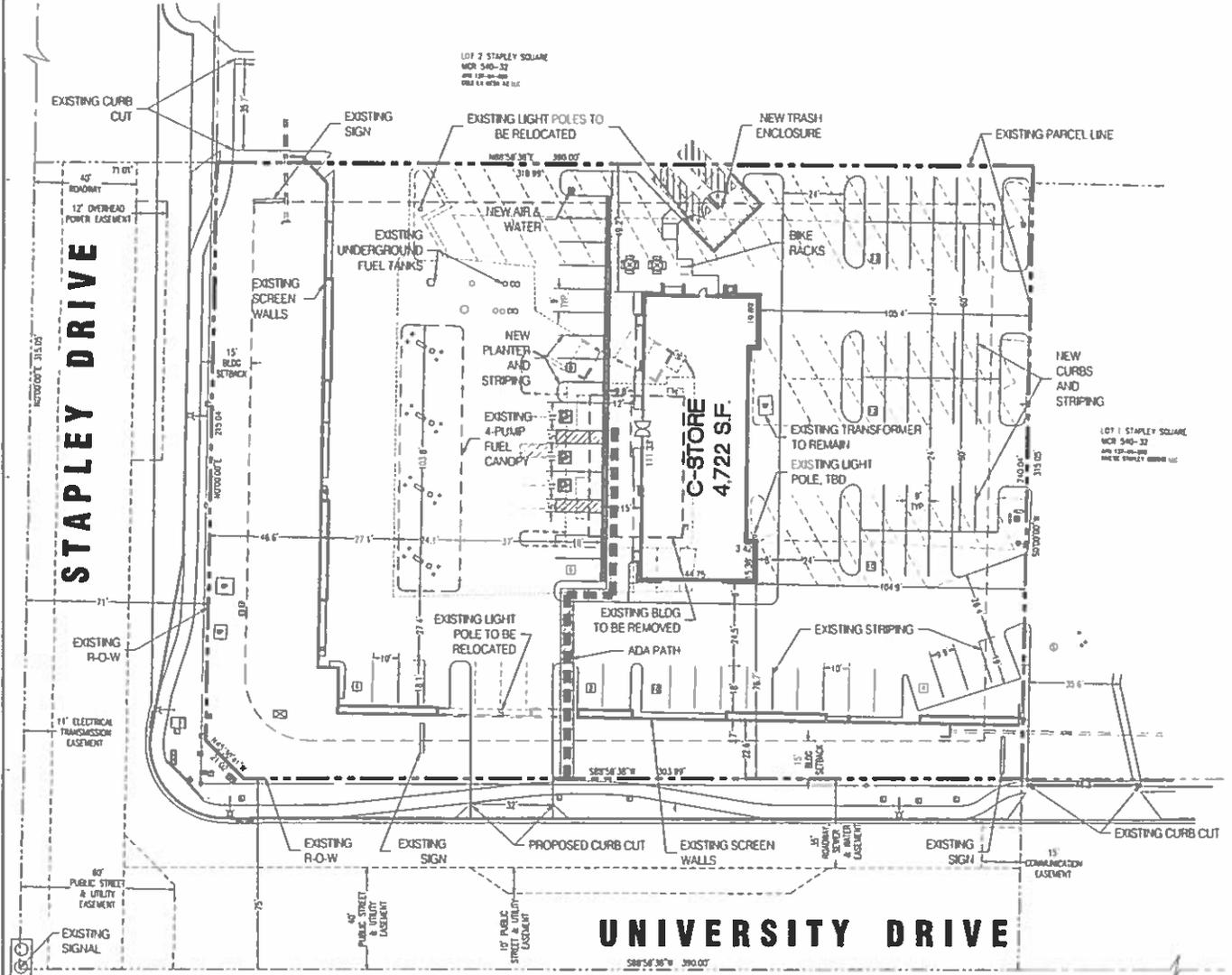
6. Project Team

The project team will consist of the following:

Developer: Circle K Stores, Inc. 1130 West Warner Road Tempe, Arizona 85284 Attn: Dennis Archuleta, Real Estate Manager Phone: 602- 728-6007 Fax: 602-307-6401 DArchuleta@CircleK.com	Architect/Engineer: GreenbergFarrow 19000 MacArthur Blvd Suite 250 Attn: Caroline Shaw Phone: 949-296-0436 cshaw@greenbergfarrow.com
Project Management/Entitlements: Land Development Consultants, LLC Attn: Michael Scarbrough 11811 North Tatum Blvd. Suite 1051 Phoenix, Arizona 85028 Phone: (602) 850-8101 Fax: (602) 997-9807 mike@ldcaz.com	

CIRCLE K STORE SITE PLAN

NEC STAPLEY DRIVE & UNIVERSITY DRIVE, MESA, AZ



VICINITY MAP
N.T.S.

OWNER:
LOT 7 STAPLEY SQUARE
MOR 540-32
AR 121-00-000
MESA CITY WATER DEPT.

OWNER REPRESENTATIVE:
MORNINGSTAR
1001 N. STAPLEY DR. # 100
MESA, AZ 85203
TEL: 480-944-1000
FAX: 480-944-1001

ARCHITECT:
THE ARCHITECTURE FIRM OF
MESA, AZ
1001 N. STAPLEY DR. # 100
MESA, AZ 85203
TEL: 480-944-1000
FAX: 480-944-1001

PROJECT INFORMATION

PROJECT NAME: CIRCLE K CONVENIENCE STORE
PROJECT ADDRESS: NEC STAPLEY DRIVE & UNIVERSITY DRIVE, MESA, AZ
PROJECT DESCRIPTION: PROPOSAL FOR A NEW CONVENIENCE STORE CONSISTING OF 4,722 SF WITH AN EXISTING FUEL CANOPY WITH 4 PUMP PUMPS.

ZONING INFORMATION

ZONING DISTRICT: CITY OF MESA AZ
ZONING DISTRICT: U.C. - LIMITED COMMERCIAL
PROPOSED ZONING: U.C. - LIMITED COMMERCIAL
MAX. BLDG HEIGHT ALLOWED: 10' BLDG HEIGHT PROPOSED: 22' 6"

SITE DATA

PARCELS: 1001-00-000
NET ACRES: 0.1488 (97)

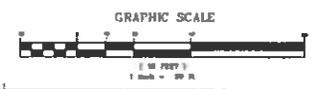
BUILDING AREA

NEW CONVENIENCE STORE BLDG AREA: 4,722 SF
EXISTING FUEL CANOPY AREA: 42,892 SF
CIRCLE K SITE COVERAGE: 41.7% (4,722 SF OF 113,000 SF)

PARKING REQUIREMENTS

PARKING REQUIRED: 11 SPACES
STANDARD PARKING SPACES: 10 SF
ACCESSIBLE PARKING SPACES: 2 SF
TOTAL PARKING PROPOSED: 12 SF
VEHICLE PARKING PROPOSED: 12 SF
PARKING IS PROPOSED FOR SHOPPING CENTER

PROJECT NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



GreenbergFarrow
11000 MacArthur Blvd., Suite 200
Irvine, CA 92618
Tel: 949-259-0490

PROJECT TEAM

ARCHITECT: GREENBERGFARROW
OWNER: MESA CITY WATER DEPT.
OWNER REPRESENTATIVE: MORNINGSTAR

PROFESSIONAL IN CHARGE
NAME: [Redacted]
LICENSE NO.: [Redacted]
STATE: AZ

PROJECT MANAGER
NAME: [Redacted]
QUALITY CONTROL: [Redacted]

DRAWN BY
NAME: [Redacted]

PROJECT NAME
CIRCLE K STORE #

MESA ARIZONA
NEC STAPLEY DRIVE & UNIVERSITY DRIVE



CIRCLE K STORES INC.
1130 WEST WARTHEN ROAD
BULDING B
TEMPE, AZ 85284

PROJECT NUMBER
20140607-01

DRAWN TITLE
SITE PLAN

SHEET NUMBER
SP3