

**CITY OF MESA**

**MINUTES OF THE PLANNING AND ZONING BOARD MEETING**

Held in the City of Mesa Council Chambers  
Date November 17, 2005 Time 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair  
Barbara Carpenter, Vice-Chair  
Alex Finter  
Bob Saemisch  
Frank Mizner  
Jared Langkilde

MEMBERS ABSENT

Ken Salas, excused

OTHERS PRESENT

|                  |               |                   |        |
|------------------|---------------|-------------------|--------|
| John Wesley      | Jeff McVay    | Charmaine McCleve | Others |
| Dorothy Chimel   | Krissa Hargis | LaRue Gates       |        |
| Tom Ellsworth    | Dave Udall    | Janice Jaicks     |        |
| Michael Bell     | Vince DeBella | Marion Whipple    |        |
| Jennifer Gniffke | Jim Smith     | Richard Gurtler   |        |
| Ryan Matthews    | Sean Lake     | Kelly Black       |        |
| Maria Salaiz     | JR Wright     | Joe Dotty         |        |
| Jo Donovan       | Sheila Mitton | Don Evans         |        |

Chairperson Adams declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated November 17, 2005. Before adjournment at 6:15 p.m., action was taken on the following items:

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde that the minutes of the October 20, 2005 meeting be approved as submitted. The vote was 5-1 with Boardmember Carpenter abstaining and Boardmember Salas absent.

Consent Agenda Items: All items identified with an asterisk (\*) were approved with one Board motion.

It was moved by Boardmember Carpenter, seconded by Boardmember Langkilde that the consent items be approved. Vote: 6-0 with Boardmember Salas absent.

Code Amendment: Amending Sections 11-18-7 "The Planning and Zoning and City Council: Amendments, Council Use Permits, Site Plan Review, and Site Plan Modification" and Section 11-18-8 "General Provisions: Applications, Procedures, Fees" of the Zoning Ordinance pertaining to processing and approval of site plans and site plan amendments. **CONTINUED FROM THE OCTOBER 20, 2005 MEETING.**

Zoning Cases: \*Z05-94, \*Z05-97, Z05-98, Z05-99, \*Z05-100, Z05-101, \*Z05-102, Z05-103, \*Z05-104

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Item: Amending Sections 11-18-7 “The Planning and Zoning and City Council: Amendments, Council Use Permits, Site Plan Review, and Site Plan Modification” and Section 11-18-8 “General Provisions: Applications, Procedures, Fees” of the Zoning Ordinance pertaining to processing and approval of site plans and site plan amendments. **CONTINUED FROM THE OCTOBER 20, 2005 MEETING.**

Comments: This item was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Carpenter, seconded by Boardmember Langkilde

That: The Board continue this Code amendment to the December 15, 2005 meeting.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z05-94 (District 6)** The 6500 block of East Superstition Springs Boulevard (north side). Located west of Power Road and south of the Superstition Freeway (3± acres). Site Plan Modification. This request is to allow for the development of restaurant uses in a group commercial center. Perry Mann, owner; Mark A. Bowker, applicant. **CONTINUED FROM THE OCTOBER 20, 2005 MEETING.**

Comments: This item was on the consent agenda, therefore, it was not discussed individually.

Before the vote, Boardmember Carpenter pointed out that this case was continued from the October 20, 2005 meeting because there were changes made to the site plan, which were now satisfactory to the Board.

It was moved by Boardmember Carpenter, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z05-94 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z05-97 (District 6)** The 4100 block of East Valley Auto Drive (north side). Located at the southwest corner of US60 and South Greenfield Road (5.85± ac). Rezone from M-1 to M-1-PAD and Site Plan Review. This request will allow for the development of office and warehouse condominiums. Jon Huston, owner, Boyd H. Thacker, applicant. Also consider the preliminary plat.

Comments: This item was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Carpenter, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z05-97 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z05-98 (District 5)** 4460 East Main Street. Located east of the northeast corner of North Greenfield Road and East Main Street (2.5± ac). Rezone from C-2 to C-3. This request is to bring the current tenant uses into compliance with the zoning ordinance. Joe Dotty, Power of Attorney for owner, Jerry Torr, applicant.

Comments: Joe Dotty, 5757 E. Jensen, applicant, stated he had been working on getting this site ready for use for about three years and in the process learned that he was not eligible as a general contractor to be an occupant in his own building. He stated he had received a letter from Mr. John Gendron stating he would have to apply for a rezoning from C-2 to C-3, in order to occupy this site. He noted that he had spent a lot of time, money and effort to improving the neighborhood and was here to fulfill his commitment to Mr. Gendron and ask for the rezoning.

Jennifer Gniffke, Planner I, stated that this is a request to rezone from C-2 to C-3 to allow for existing and future uses, which exceed the limitations of the C-2 zoning district. She mentioned that the current uses have been operating on site for several months. When City staff reviewed a request for an interior remodeling business in December 2004, the use was noted and the applicant was required to pursue a rezoning request. She stated that staff is in support of the rezoning request with conditions.

Boardmember Mizner stated he was concerned when he reviewed the staff report because it appeared that the Board was being asked to rezone the property to legitimize illegal uses, which Mr. Dotty had confirmed. He asked Mr. Dotty if he was aware that the property was zoned C-2 when he purchased and planned the project.

Mr. Dotty responded that he was aware of the uses allowed but he was not aware that a general contractor's office was not permitted. He stated this was an unusual lot to work with and it was tough to come up with a plan that was workable. He stated he had no idea that as a general contractor he would not be allowed to be in his own building.

Boardmember Mizner pointed out that it was not the general contractor's office that was not permitted but the outdoor storage that was a problem. Mr. Dotty responded that the objection was to the material stored, which was part of his office. He stated that the C-2 zoning is antiquated and does not allow for the storage of his expensive materials.

Boardmember Mizner mentioned other uses that were a problem in the C-2 zoning such as the U-haul and the cabinet manufacturing businesses. Mr. Dotty stated he had agreed to apply for the rezoning in order to be able to work in the building, which he built as an office as well as a retirement investment.

Mr. Mizner noted that this was an attractive building with nice landscaping and added that when he visited the site he saw several uses that were illegal. He stated he saw a used car and motor home for sale, U-haul trucks and contractor's trucks that are not allowed in the C-2 zoning. He stated that the Board was being asked to legitimize uses that Mr. Dotty was already doing on the property and that made him uncomfortable. He added that it did not inspire a lot of confidence that this project was going to be maintained and still be an asset to Mesa.

Discussion ensued regarding the illegal uses currently on the property, which the applicant stated he would take care.

Boardmember Finter stated he appreciated the hard work Mr. Dotty had put into the site and asked if the cabinet shop had a centralized dust collection system, the loudness of the

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machines, or if the paint booth has had an adverse affect on the residential property.

Mr. Dotty responded that the shop does not have a centralized dust collection system. They have a very modern shop that is computerized, which has individual dust collection for each tool and that the machines were not loud. He stated that the paint booth is closed because it was an agreement made with the City until after they finish this process. Then they would work with the City to get the necessary permits to make the paint booth operable. He stated that the people in the trailer park are happy to have them at this site rather than cars and loud parties.

Boardmember Finter also asked staff if there was a process that might help in the future if there were complaints about this site.

Mr. John Wesley, Planning Director, stated that the Code Compliance Office could be contacted to see if they are violating any City codes.

Boardmember Saemisch asked Mr. Dotty for an outlined of his citizen participation activity. Mr. Dotty responded that they sent letters to the neighbors, held two neighborhood meetings and talked to the other stores in the area. Mr. Saemisch commented that the design of the building was designed for contractor type use and not really set up for retail uses.

Chairperson Adam commented that the reason this case was pulled from the consent agenda was because it appeared to the Board that there were some willful violations of the C-2 zoning. Mr. Dotty has indicated to the Board that they were honest mistakes and oversights on his part. He asked Mr. Dotty to familiarize himself with permitted and non-permitted uses under this zoning and to take care of the violations currently on the property.

It was moved by Boardmember Saemisch, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z05-98 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board.
5. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z05-99 (District 6)** The 2400 block of South Wattlewood extending east and south to the approximate alignment of East Nell Avenue, then east to South Copperwood. Located north of Guadalupe Road and west of Meridian Drive (23.2± ac). Rezone from R1-6 DMP to R-2 PAD DMP and Site Plan Review. This request will allow the development of golf condominiums within the Sunland Springs Village Development Master Plan. Craig Alstrom, Farnsworth Development, owner/applicant. Also consider the preliminary plat for "Sunland Springs Village Golf Condominiums Unit Three".

Comments: This item was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Carpenter, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z05-99 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat as submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z05-100 (District 6)** 5905 East Still Circle. Located west of Recker Road and north of Baseline Road (5± ac). Site Plan Review. This request is to allow for the development of a long-term acute care facility. Gary Cloud, owner, Timothy C. Becker, applicant. Also consider the preliminary plat for Arizona Health and Technology Park Building "F".

Comments: This item was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Carpenter, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z05-100 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with the approved project design guidelines for the Arizona Health and Technology Park, including all buildings, landscaping, signage, lighting, pedestrian facilities and site improvements.
4. Compliance with all City development codes and regulations.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
8. All street improvements and perimeter landscaping to be installed with the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z05-102 (District 6)**The 8500-8600 block of East Guadalupe Road (south side). Located east of the southeast corner of South Hawes Road and East Guadalupe Road (9± ac). Rezone from R1-43 to R1-6-PAD and Site Plan Review. This request will allow for the development of a single-family residential subdivision. Yoram Hachamon, Miramesa Properties, LLC, owner, Thomas D. Bohlen, Oracle Architecture & Planning, applicant. Also consider the preliminary plat of "Rincon del Sol".

Comments: This item was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Carpenter, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z05-102 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Full compliance with all current Code requirements and regulations, unless modified through appropriate review and approval of the modifications outlined in the staff report.
9. Owner granting an Avigation Easement and Release to the City pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
10. Written notice must be provided to future residents, and acknowledgment received that the project is within three miles of Williams Gateway Airport.
11. Noise attenuation measures must be incorporated into the design and construction of the homes to achieve a noise level reduction of 20 db from outdoor noise levels.
12. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
13. All lots backing on Guadalupe Road shall be limited to one-story structures.
14. All two-story homes on the south and east edges of the project shall be limited to the parapet-roof product.
15. Product approval is granted for lots 1, 2, 4-8, 11-17, 20-24 & 26-45.

Vote: Passed 6-0 with Boardmember Salas absent.

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## MINUTES OF THE NOVEMBER 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-103 (District 5)** The 6300-6800 blocks of East Baywood Avenue (north side). Located west of Power Road and north of Broadway Road (38.5± ac). Rezone from R-4 BIZ, C-2, and O-S to C-1 BIZ and Site Plan Review. This request will facilitate the further development of the hospital campus. Don A. Evans, owner, John Berry, Esq., applicant.

Comments: John Rooney, 6750 E. Camelback Road, Scottsdale, attorney, stated they are requesting to change the zoning to a more consistent zoning of C-1, with a BIZ overlay. In doing the BIZ, they are reducing the transaction cost to Banner so they are not doing things on a piecemeal basis. It reduces the transaction cost to the City because they know what is planned in the future and most importantly it reduces any friction between Banner and the neighborhood with respect to what would be built in the future. He stated that Banner Baywood employs 600 people in the community and is one of the largest private employers in Mesa. Banner Baywood Medical Center is a facility that in conjunction with the larger Banner Health System dedicates itself to provide leadership on issues effecting the delivery, quality, accessibility and cost effectiveness of health care in Mesa.

Don Evans, applicant stated that Banner Baywood Hospital was established in January 1984 and known as Valley Luthern Hospital. It opened with 120 beds and in response to the surrounding citizen to have a hospital adjacent to them. He added that the hospital today has 242 beds and has specialties in a number of areas and is the 2<sup>nd</sup> largest heart hospital in the Country. He stated that the new tower would net another 123 beds and with the 111 beds at the heart hospital would have 500+ beds. Mr. Evan commented they are hoping to build an ambulatory surgical center as well as a cancer center in the future. He stated they have worked closely with the neighbors, have held three meetings and presented this plan and received feedback, adding that they have modified the construction of their parking structure and buildings. He noted that the hospital is providing and would continue to provide a great service to the citizens of Mesa.

Jeff McVay, Planner I, stated that staff concurs with the applicant's presentation, adding that staff concerns included design standards for the multi-story buildings as they affect the neighborhood to the north, the corridor along Baywood Avenue, the pedestrian circulation through the campus, and off-site improvements. He stated staff has drafted Conditions of Approval, which would address those concerns and that parking would be at Code requirements.

Boardmember Mizner commented that the hospital is important to the entire state and as Mr. Evans had pointed out the hospital has grown over the last 20 years. He stated that the Board was pleased with the public participation efforts. He asked the applicants if they were aware of the suggested Conditions of Approval and if they were in agreement.

Mr. Rooney stated that he understood staff concerns and they would be would be complying with the parking requirements. He stated they were also aware of the design standards and would design the building as required by the Development Standards. He added they have made arrangements to alleviate any impact on privacy to the neighborhood. Mr. Rooney stated that with respect to the corridor issue along Baywood, the site plans shows two buildings but one building would not be built and used as a retention basin, which would alleviate the tunnel effect. He added that it would be dealt with when they come through for design. He stated they are in concurrence with the stipulations.

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Mr. Mizner stated that at the study session there were some concerns with the parking issue and that meeting the Code requirements would address those concerns. He added that there are other conditions that would address the landscaping, signage, and other kinds of buffering concerns. He appreciated the spirit of cooperation by the applicants.

Boardmember Finter stated he appreciated that all were in agreement regarding the Conditions of Approval and asked if the new emergency room and the helicopter pad would be moved towards Power Road. He also asked if the central plant would be moved.

Mr. Evans responded that in the Master Site Plan the new emergency room would be brought out towards Baywood Avenue and that the helicopter pad would be adjacent to it. He added that there was no timeline on when that would happen. He stated they had spoken to the neighbors and did not anticipate any problems. He stated that there was never talk about the central plant being moved just about making it quieter.

Boardmember Carpenter asked where the emergency room would be in the future and if the parking when completed would it easier to navigate. Mr. Evan responded that it would be located further away from the neighbors and easier.

Boardmember Finter stated that there was a requirement for the window blinds to be fixed to limit view of the neighborhood. Mr. Evan responded that they are carrying on that requirement.

Boardmember Mizner motioned to approve this case with the revised Conditions of Approval, which the applicant was aware of and had agreed to. He noted that the Board and the entire City appreciated the hospital's role in the community and looked forward to the expansion and provisions of medical service.

Boardmember Carpenter mentioned they were pleased to have them in the community and thanked them for making it accessible and beautiful.

It was moved by Boardmember Mizner, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z05-103 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, except as modified by the conditions below.
2. Modifications to the site plan shall require review and approval by the Planning and Zoning Board and City Council.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Regarding landscaping and foundation base:
  - a. All perimeter landscaping shall be installed in the first phase of construction.
  - b. Provision of one additional twenty-four inch (24") box tree per twenty linear feet (20') along the north property line adjacent to the existing single-family neighborhood.
  - c. Provision of an additional twenty percent (20%) groundcover landscaping within the foundation base for proposed Buildings 3, 9, 13, 14a, 14b, 15, and 16.
  - d. Provision of a minimum ten-foot (10') foundation base adjacent to parking and drive aisles and provision of a fifteen foot by fifteen foot (15' x 15') public entrance foundation base for proposed Building 5.

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- e. Dead or dying landscaping shall be replaced within 30 days of notice by appropriate City of Mesa staff.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modification(s) outlined in the staff report.
6. Review and approval of the Design Review Board of all buildings and entire site plan, including:
  - a. Provision of screening in the design of the north elevations of the multiple-level parking structures to block views into the adjacent neighborhood.
  - b. Development and installation of pedestrian access ways and sidewalks, as reviewed and approved by the Design Review Board, with principal attention paid to access between Baywood Avenue and both hospital buildings, and access between the parking lots/garages and the building entries.
  - c. Pedestrian routes to be concrete, brick pavers, or acceptable alternative where routes cross streets or drive aisles.
7. All proposed multiple story buildings, which have windows facing towards the adjacent single-family neighborhood, shall install blinds that are pre-set to a specific angle to protect the privacy of the adjacent neighborhood.
8. Provision of twenty-foot (20') building and landscape/parking setbacks from the right-of-way for Baywood Avenue as it existed in August 2005.
9. Compliance with all parking requirements set forth in Chapter 16 of the Zoning Ordinance.
10. The parking lot located on the northwest side of proposed Building 16 shall be redesigned to provide two access points.
11. Parcels 141-57-135, 141-57-047, and 141-57-046 shall be combined into one parcel prior to future development or cross-access and reciprocal parking easements shall be recorded on each parcel.
12. Additional and/or revised signage shall require modification of the approved comprehensive sign plan prior to the issuance of a sign permit.
13. Compliance with the following:
  - a. Re-stripe northbound to westbound Power Road at Baywood Avenue to dual left-turn lanes. This will require traffic signal modifications to convert the north/south left turns to fully protected phasing.
  - b. Add a westbound traffic lane on the north side of Baywood Avenue from Power Road to hospital Access 2, and re-stripe Baywood. This will provide two westbound lanes to receive the northbound to westbound dual left turns, one eastbound left-turn lane, one eastbound right-turn lane, and a middle eastbound lane that could be used for through turns to either the left or right. End the added westbound curb lane as a trap right turn lane into Access 2. This will require relocation of traffic signal equipment on the northwest corner of Power and Baywood and the dedication of additional right-of-way for the north side of Baywood Avenue.
  - c. Re-stripe Baywood Avenue along the hospital site to provide a middle two-way left-turn lane. This middle left-turn lane will extend to a point west of the current location of Diego Circle where it can be transitioned back to a yellow centerline. The parking prohibition along the north side of Baywood shall be extended west to accommodate the striping.
  - d. Stipulations a, b, and c above will be implemented with the issuance of a permit to finish the 3<sup>rd</sup>, 6<sup>th</sup>, or 7<sup>th</sup> floor (or any portion of these floors) of the patient tower, the commencement of construction of the future expansion of the Banner Baywood Medical Center Emergency Department, or the expiration of a two year time limit from the date of the issuance of the final Certificate of Occupancy for the first phase of construction for the Banner Baywood Center Tower Expansion Project (COM BLD 2005-00857) – whichever comes first.
  - e. The circulation path for delivery and service vehicles shall require entry to and exit from

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the site in a forward motion, and shall provide space on-site for vehicular back-up at the minimum distance necessary to accommodate such vehicles.

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- f. Installation of a bus pull-out lane on Baywood Avenue, adjacent to the present bus stop. Such an installation may require the dedication of a Public Utility and Facility Easement (PUFE) of sufficient size to encompass the shelter and bus lane, if needed.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z05-104 (District 4)** 1050 South Stapley Drive. Located north of Southern Avenue and west of Stapley Drive (6.5± ac). Rezone from R-2 to R-2 PAD. This request is to allow the conversion of existing apartments to condominiums. Sunland Manor Limited Liability Company, owner, Sean Lake, Pew & Lake, P.L.C., applicant. Also consider the preliminary plat.

Comments: This item was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Carpenter, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z05-104 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z05-101 (District 1)** East side of Dobson Road from 8<sup>th</sup> Street north to the Loop 202, and North side of 8<sup>th</sup> Street from Dobson Road to the Tempe Canal, and Northwest side of the Tempe Canal from 8<sup>th</sup> Street northeast 1,562 ft (127.02 acres). Site Plan Review. This case involves the development of a regional commercial center known as Mesa Riverview. Hurley Properties, owner; KRS Acquisitions Corp c/o Mike Withey, applicant. Also consider the preliminary plat.

Comments: Boardmember Saemisch recused himself from this case due to a conflict of interest.

Dave Udall, 30 West First Street, applicant stated that this project had been in the process for approximately three years. It originally came with the "power center" and was not kindly met by staff, City Council or the neighborhood and added that there had been extensive citizen involvement. Mr. Udall stated that Phase I, the theater district, was currently under construction and that it went to a vote on a referendum and approved in March 2005. This is Phase II, which includes the Bass Pro Shop, Wal-Mart, Home Depot and other general type stores seen in a "power center". He noted that it did not include the automobile development or the 34-35 acres of office buildings.

Vince DeBella, applicant, showed a slide presentation of the existing development of the "theater district" and stated they are moving at a fast pace. He also showed a video presentation of the Bass Pro Shop.

Mr. Udall stated that they are excited about this project and staff is recommending approval of this case. He pointed out that there are two conditions that they disagreed with, Condition #4 and #5. He stated that with Condition #5, staff did not support "Tract C" as outlined so they went back and removed one of the pads, which now gave them 451 spaces. He noted that Ms. Chimel raised the issue of a "tee" intersection and pursuant to their discussion they agreed to enter into a revised stipulation that Ms. Chimel has written to correct the problem.

Ms. Chimel read revised Condition #5: Regarding SP-7 dated 11/16/05, redesign the main north/south circulation drive to terminate in a "tee" intersection with that main circulation drive immediately adjacent the northern boundary of Tract C.

Mr. Udall stated that Condition #4 involved the seven fast food outlets along Dobson Road. He mentioned that they had met with City Council over the last 6-8 weeks to get their direction. There were a lot of suggestions and they ended up with six fast foods and a bank. Staff objected to that and wanted them to come back with a separate site plan review for that area. He explained that they removed two fast foods from the conceptual plans and added a sit down restaurant, a bank and stores. They now have a reduction from six fast foods to four. He urged the Board to recommend it or deny it and move it forward to the City Council, who would make the final decision. He stated they are anxious for a decision on the entire project on December 19, 2005. Mr. Udall noted that staff had pointed out some traffic issues at Pads 7 and 22. He asked Mr. DeBella to address those issues.

Mr. DeBella stated that they shared the same concern that staff had with the stacking space. He noted that the site plan shows stacking space to the facilities. The other concern was the curb entrances along Dobson Road. He pointed out that they are "right in" and "right out" only entrances. He added that staff was also concerned with traffic congestion at that location. He stated they are seeking approval on these locations and are hoping to get approval with the possibility of manipulating something at the entrances to make it work.

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JR Wright, 826 West 10<sup>th</sup> Place, neighbor, spoke in support of the project.

Sheila Mitton, 1615 West Pueblo Avenue, spoke in support of the project. She urged the Board to approve this project.

Charmaine McCleve, 445 N. Ash, resident, spoke in support of the project and stated that this is what the area needs. She also urged the Board to approve this project.

LaRue Gates, 10457 East Adobe Road, resident, spoke in support of the project and stated that she was opposed to the stadium and worked hard to get it defeated. She also urged the Board to approve this project.

Richard Gurtler, 1304 West Mountain View Drive, resident, spoke in opposition stating that he was representing seven homes that are affected by the landscaping. He stated they have lived in the area for many years and brought their home primarily for the view of the mountains. He stated they had expected to retain some mountain vistas even after development. Mr. Gurtler stated they had attended a number of meetings and repeatedly voiced their concerns. He stated they did not want to look at a lot of buildings, parking, streetlights, etc. He also mentioned that a lot of palm trees were installed along Bass Pro Drive and are in the center of their view corridor. He mentioned that they would like to be active when the office park comes through. He stated that there has to be some way that the City and the developer could meet their desire for landscaping adding that he would like consideration of minimizing the landscape wall effect.

Janice Jaicks, 1318 West Mountain View Drive, resident, agreed with Mr. Gurtler's comments and added that she liked the palm trees but was opposed to the height and the amount of palm trees. She stated she would like to see them spread out.

Marion Whipple, 1637 W. Alcott, spoke in support of the project and stated that the project should not be held up.

Kelly Black, 1444 West Escarpa Street, resident, stated she was not opposed to the palm trees.

Mr. Udall stated that the trees were approved as part of the package that was voted on a year ago and approved by the voters. He stated they learned of Mr. Gurtler's concerns on November 3<sup>rd</sup>, and had held many conversations with him. They indicated to him that City Council wanted those trees and they would be happy to take some out if City Council agreed.

Dorothy Chimel, Principal Planner, stated there are relatively few concerns expressed in the staff report as well as by the residents presented this evening for a project this large. She apologized to the Board for distributing the staff report and materials so late. She mentioned that the third condition speaks to the Bass Pro development and that there were some concerns about the circulation around the building, that would be addressed by the Design Review Board scheduled for December 12, 2005. Ms. Chimel mentioned that at the intersection of Dobson Road and 8<sup>th</sup> Avenue there are some concerns about the parking lot design and some of the building landscape setbacks, which have been addressed with a site plan that was dated November 17, 2005. She mentioned that with "Tract C" there were some concerns with under parking of retail buildings, the design of the parking lot and the circulation drive and added that the stipulation read earlier replaces Condition #5.

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Ms. Chimel stated that another outstanding issue would be the number and type of Pad buildings and the configuration of the site and location of drive thru lanes along Dobson Road. There are some traffic conflicts that staff feels are dangerous and those most notable are located with Pad 7 and Pad 22. She agreed with Mr. DeBella that some of the concerns staff had with drive thru also involved the stacking lane. The greatest concern was regarding safety where drive thru lanes exit at that point where vehicles enter from Dobson Road, at Pads 7 and 22. She stated that staff is recommending that the number of Pad buildings and the design of buildings #3-8 including the shop buildings come back for future site plan review. She stated there was always an opportunity to ask for an administrative approval to relocate the palm trees and agreed that the design came through some time ago and accepted when it was voted on.

Boardmember Finter noted the excellent citizen outreach but asked for more information regarding the efforts made to assure the citizens nearest the complex of any noise, lights, etc. Mr. Udall responded that the closest home was 470 feet away and they were satisfied based on their representation. Mr. Finter mentioned that he had concerns with the backing of some of the big trucks into Wal-Mart and also had concerns with regards to the traffic pattern. He asked Mr. Lake to address that issue.

Sean Lake, 1930 E. Brown Road, representing Wal-Mart stores, stated that they had evaluated the turning distances for the trucks backing up and have tried to minimize those safety concerns. He stated that the backing movement was the best under the circumstances to address neighborhood concerns. As far as screening, they will work with the developer on the perimeter fencing to help address some of the other concerns that were brought up previously. He also stated they would continue to work with the neighbors throughout the whole development process.

Boardmember Mizner thanked Mr. Finter for bringing up the issue of public participation and noted the large number of neighborhood, household, and public meetings that the development team had done. He also noted the other retail stores including the Super Wal-mart, Home Deport and restaurants in this project, adding that in the future they would see car dealerships, office, and other employment generators as called for in the Mesa's General Plan. Mr. Mizner mentioned that the applicant had agreed to nearly all of the conditions except for two conditions that are somewhat contentious. He stated that they had reached an agreement on Condition #5 but were left with the issue of future site plan review for the Pad buildings along Dobson Road.

Boardmember Carpenter also thanked the citizens who spoke on the tree issue. She stated she was looking in the citizen participation report trying to find when this concern first aired but could not find it. The information the Board had was that it was part of the original proposal and should have been expected; she added that if citizens continue to have concerns to ask staff to follow up with their concerns. Ms. Carpenter stated with regards to Condition #4, she suggested that the Board entertain a special meeting to facilitate the review so it wouldn't hold up the project.

Boardmember Mizner motioned for approval of zoning case Z05-101 with conditions as outlined in the staff report dated November 17, 2005 with a few changes. Conditions #1, submit the word revised to go along with site plans submitted today. Condition #5, substitute the language suggested by Ms. Chimel. He stated that Condition #4 be retained as suggested by staff and added that the applicant had the option of appealing their decision to City Council. He recognized the tremendous amount of work done by everyone involved and mentioned that this project was going to be a true asset to Mesa.

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Boardmember Finter agreed with Mr. Mizner's motion minus Condition #4 adding that the applicant had presented a reasonable argument that there was still some work to be done. He stated he would not be supporting the current motion because he agreed with the reasonable argument. He recognized Ms. Chimel's concerns that there need to be some work done but did not want to see the Board slow down the system by bringing it back for their review.

Boardmember Langkilde stated he would like to follow up with Ms. Carpenter's comment regarding the possibility of a special meeting to take on Condition #4 and asked Mr. Udall for his comments. Mr. Udall responded that he appreciated all that has been said but would rather go straight to Council. He thanked Mr. Finter's for his position.

Boardmember Carpenter asked Ms. Chimel to restate the motion. Ms. Chimel read the motion as followed below.

Discussion ensued regarding Condition #4.

Chairperson Adams stated he did not see the same problems that staff did with Condition #4, but in the interest of expedience and moving the matter on to Council he would support the motion.

It was moved by Boardmember Mizner, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-101 conditioned upon:

1. Compliance with the basic development as described in and/or as shown on: the Riverview at Dobson project narrative and design guidelines; revised and submitted site plans SP-1 dated 11/04/05, SP-2 dated 11/04/05, SP-3 dated 11/04/05, SP-4 dated 11/04/05, SP-5 dated 11/16/05, SP-6 dated 11/04/05, SP-7 dated 11/16/05, LP 1.0 dated 11/7/05, landscape plans (except for that portion of LA.3 at the pad buildings along Dobson Road between Bass Pro Drive and Mesa Riverview Drive), preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage).
2. All buildings and development sites to adhere to Mesa City Code and regulations, Zoning Ordinance, Riverview at Dobson Design Guidelines (including installation of colored concrete at crosswalks), and to be designed in accordance with the quality expressed in the Development Agreement, with review by and in compliance with the Design Review Board.
  - a. Provide required foundation base.
  - b. Provide required landscape area, vegetative materials, and landscaped islands / medians within parking fields.
  - c. Provide required number of parking spaces, and required parking design.
  - d. Provide required screening of loading / service areas from public rights of way and public parking.
  - e. Provide required landscape setbacks as required to be measured from future right of way width line.
  - f. Where buildings back to public rights of way, and where service / loading areas are visible from public parking areas, design the development to fully screen loading and service areas from adjacent public right of way and public parking areas. Future review by the Design Review Board.
  - g. Review and approval of a Council Use Permit for a farmer's market and for any modification to the Freeway Landmark Monument.
  - h. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps, car wash, garden center, and comprehensive sign plan.

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- i. Compliance with all requirements of the Development Services Department (Engineering, Transportation Division, Solid Waste and Facilities, etc.).
- j. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.

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3. Regarding the Bass Pro Shop development and future development:
  - a. At land north of "Tempe wasteway" as identified on City of Mesa land base maps, also identified as "future development" sheet LP1.0, provide required perimeter landscaping along Loop 202 and east property line, and cover the site with decomposed granite or alternative as approved by the Design Review Board.
  - b. Future Site Plan Review, prior to submittal for building permits for all "future development" areas identified on sheet LP1.0. Submittal package of future Site Plan Review of permanent boat storage to be submitted for public hearing process no later than January 2009.
  - c. Provide a circulation drive along the "Tempe wasteway", connecting the Bass Pro parking field to the adjoining commercial development parking field / circulation drive.
  - d. Review and approval of a Council Use Permit for modification to the Freeway Landmark Monument and farmer's market.
  - e. No storage of materials or boats to be above the height of the temporary boat storage screen wall.
4. Future Site Plan Review, prior to submittal for building permits for all pad buildings fronting onto Dobson Road that are north of pad building 9, and south of Bass Pro Drive.
5. Regarding SP-7 dated 11/16/05, redesign the main north/south circulation drive to terminate in a "tee" intersection with that main circulation drive immediately adjacent the northern boundary of Tract C.

Vote: Passed 4-1 with Finter opposed, Saemisch abstaining and Salas absent.

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director

MS:JD  
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