

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date: February 19, 2009 Time: 4:00 p.m.

MEMBERS PRESENT

Frank Mizner, Vice Chair
Randy Carter
Beth Coons
Scott Perkinson
Chell Roberts

MEMBERS ABSENT

Pat Esparza, Chair (excused)
Ken Salas (excused)

OTHERS PRESENT

John Wesley
Tom Ellsworth
Lesley Davis
Angelica Guevara
Debbie Archuleta

Manelle Williamson
Jeff Welker
Others

Vice Chairperson Mizner declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated February 19, 2009. Before adjournment at 5:10 p.m., action was taken on the following:

It was moved by Boardmember Roberts seconded by Boardmember Coons that the minutes of the January 13, 2009, and January 15, 2009 study sessions and regular meeting be approved as submitted. Vote: 5 – 0

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

It was moved by Boardmember Coons, seconded by Boardmember Perkinson that the consent items be approved. Vote: 4 – 0 – 1 Boardmember Carter abstained

Zoning Cases:

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Item: **Z08-47 (District 6)** The 8200 to 8500 blocks of East Baseline Road (north side). Located west of the Loop 202 on the north side of Baseline Road (53± acres). Rezone from AG (conceptual M-1, C-2, O-S, R-3, and R-2) to C-2, PEP, and R-4 and the establishment of the “Baseline Center” Development Master Plan (DMP). This request will establish a Development Master Plan to allow the creation of a mixed-use residential development. David Glimcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant. **CONTINUED FROM THE OCTOBER 16, 2008 AND DECEMBER 18, 2008 HEARINGS.**

Comments: The case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Coons, seconded by Boardmember Perkinson

That: The Board continue case Z08-47 to the April 15, 2009 hearing:

Vote: Passed 4 – 0 – 1 Boardmember Carter abstained Boardmembers Esparza and Salas absent

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Note: *Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at www.cityofmesa.org*

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Item: **GPMinor08-11 (District 6)** 8260 East Baseline Road. Located west of the Loop 202 and north of Baseline Road (14.5± acres). Minor General Plan Amendment. This request will amend the Mesa 2025 General Plan land use designation for the site from Mixed Use Residential (MUR) to High Density Residential 15+ du/acre (HDR 15+). Loren & Colette Jessen; Jessco Dev. LLC, owner; Sean Lake; Pew and Lake, PLC, applicant. **COMPANION CASE Z08-62. CONTINUED FROM THE SEPTEMBER 18, 2008, THE OCTOBER 16, 2008 AND DECEMBER 18, 2008 HEARINGS.**

Comments: The case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Coons, seconded by Boardmember Perkinson

That: The Board continue case GPMinor08-11 to the April 15, 2009 hearing.

Vote: Passed 4 – 0 – 1 Boardmember Carter abstained Boardmembers Esparza and Salas absent

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MINUTES OF THE FEBRUARY 19, 2009 PLANNING AND ZONING MEETING

Item: **Z08-62 (District 6)** 8260 East Baseline Road. Located west of the Loop 202 and north of Baseline Road (14.5± acres). District 6. Rezone from AG (conceptual M-1, C-2, R-2, and R-3) to R-4. This request will allow the zoning for high-density residential development. Loren & Colette Jessen; Jessco Dev. LLC, owner; Sean Lake; Pew and Lake, PLC, applicant. **COMPANION CASE GPMINOR08-11. CONTINUED FROM THE SEPTEMBER 18, 2008, THE OCTOBER 16, 2008 AND DECEMBER 18, 2008 HEARINGS.**

Comments: The case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Coons, seconded by Boardmember Perkinson

That: The Board continue case Z08-62 to the April 15, 2009 hearing:

Vote: Passed 4 – 0 – 1 Boardmember Carter abstained Boardmembers Esparza and Salas absent

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Item: **Z09-02 (District 3)** 2051 South Dobson Road, Suite 7. Located south of Baseline Road on the east side of Dobson Road (1,000sf). Council Use Permit. This request will allow a tattoo parlor to operate at this location. Ryan Coleman, owner; Jeff Welker, applicant.

Comments: Jeff Welker of 1755 S Val Vista represented the case. Mr. Welker stated the owner was in agreement with the conditions of approval.

Manelle Williamson of 2519 W Madero, spoke in opposition to the case. Ms. Williamson presented the Board a map with colored dots showing who signed in favor of the project in blue and those who were opposed in pink. She stated that of the 54 signatures in favor of the case 16 were listed as renters, 12 as homeowners, and 18 as business owners. There were 55 signatures in opposition. She stated that after the neighborhood meeting she went door to door and got 160 people to sign in opposition. Ms. Williamson's main objections to tattoo parlors in the neighborhood were the number of children who live in Dobson Ranch and the proximity of this facility to nearby schools. She stated it was her opinion that payday loan facilities, massage parlors, body piercing facilities, and tattoo parlors should be stuck somewhere else. She was upset that her neighborhood was considered a declining neighborhood. She challenged the Board to be accountable to this neighborhood. She stated tattoos were not an impulse purchase.

Staffmember Tom Ellsworth then explained the requirements for a Council Use Permit for a tattoo parlor. He stated this application met the requirements for Fire Code, licenses, distance separation, and conformance with Code. He stated there were no policies of the general plan opposing tattoo parlors. Mr. Ellsworth stated the Police Department does not have studies regarding effects of tattoo parlors on surrounding neighborhoods. Mr. Ellsworth had spoken to businesses in a shopping center where there had been a tattoo parlor, and found mixed reactions from the surrounding businesses. One business owner stated that when the tattoo parlor was there people tended to congregate and smoke out in front of the business; however, other tenants stated they had no problem with the tattoo parlor. One business thought they brought increased customers to the center. There are no studies showing evidence that uses that require Council Use Permits cause an increase in crime or a decrease in property values. Mr. Ellsworth then explained the recommended conditions of approval, and stated that Council Use Permits can be revoked if they become a problem for the neighborhood. Mr. Ellsworth explained that within 1200' of this site there were 3 massage parlors, 4 payday loan facilities, and one bar. Within 1 mile there were 14 massage parlors, 7 payday loan facilities, 2 pawn shops, 3 bars and 1 Council Use Permit which was for a charter school. Within 2 miles there were 29 massage parlors, 15 payday loan facilities, 2 tattoo-body piercing shops, 4 pawn shops, 8 bars, and 9 Council Use Permits.

Mr. Welker then spoke again and stated the Owner was not present because he lives in Nice France where he operates another tattoo parlor. He stated the owner had lived in Dobson Ranch in the past and chose that area because he thought it was an upscale neighbor not the opposite. Mr. Welker stated the shopping center owner had been opposed to a tattoo parlor originally, but after meeting with the owner, he saw the use as an asset to the center.

Boardmember Roberts stated he thought a lot about this case. He researched tattoo parlors and then drove around the surrounding area. He stated the criteria was inconclusive. He found that tattoo parlors were one of the fastest growing businesses in the country. He quoted some of the research he had found pertaining to tattoos including one study that stated that in 2003 15% of the population had tattoos; however, of the population between 18 to 25 36% had tattoos. He thought the median age of the surrounding neighborhood should be taken into account. He thought

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that if the vast majority of a neighborhood were opposed to a Council Use Permit that should be considered strongly.

Boardmember Coons stated she wouldn't want a tattoo parlor in her neighborhood; however, she thought it was her job on the Board to determine if a use was allowed by the Code.

Boardmember Perkinson stated he believed the Board's job was to look at whether the use meets the Zoning Code. The Council can base their decision on other reasons. He thought the Zoning Code should be reviewed.

John Wesley, Planning Director stated the Board is allowed to consider citizen perspective, and they were charged with giving the City Council direction.

Boardmember Coons confirmed the Zoning Code requires comparing uses to the same use, such as tattoo parlors, not anything within the Council Use Permit categories. She felt they should be looking at distance separations to any use that required a Council Use Permit.

Boardmember Carter believed the Board needed to look at what was best for the neighborhood. He stated the Board can make judgement calls, and they need to be sensitive to neighborhoods. He thought the use would be more appropriate in an entertainment area like Riverview or Stapley and US 60. He thought the Board needed to consider whether the use was right for the neighborhood, and whether it would rejuvenate the area.

Vice Chair Mizner stated he was Mesa's Planning Director for 15 years, and the Director of the Dobson Ranch Homeowners Association for 3 years, before being on the Planning and Zoning Board for 4 years. He stated he cares about Mesa and Dobson Ranch. He did not believe the Board was there to rubber stamp applications. He thought the Board's role went beyond that. He thought the Board should consider whether this was the right place. He agreed there were arguments for and against the use. He did not believe this was the appropriate location.

It was moved by Boardmember Roberts, seconded by Boardmember Carter

That: The Board recommend to the City Council Denial of Zoning case DR09-02.

Reasons for Recommendation: The concentration of Council Use Permit uses was inappropriate for the sub-neighborhood. The neighbors should be able to determine what is in their neighborhood.

Boardmember Perkinson stated the Board needs to enforce the Zoning Code. Businesses need to be able to know what the Code states and not have the decision based on a Board and neighbors.

Vote: Passed 3 – 2 Boardmembers Coons and Perkinson nay and Esparza and Salas absent

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Mesa's website at www.cityofmesa.org

Respectfully submitted,

John Wesley, Secretary
Planning Director

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