

**CITY OF MESA**

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

Held in the City of Mesa Council Chambers

Date: March 27, 2008 Time: 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair  
Pat Esparza, Vice Chair  
Frank Mizner  
Jared Langkilde  
Ken Salas  
Randy Carter  
Chell Roberts

MEMBERS ABSENT

None

OTHERS PRESENT

John Wesley	MaryGrace McNear	Mike Withey	Dave Udall
Tom Ellsworth	Donna Bronski	Greg Marek	Stephen Loper
Jennifer Gniffke	Reese Anderson	Bill Hall	Joy Griffis
Joe Welliver	Ralph Pew	Scot Rigby	John Duclos
Josh Mike	Krissa Lucas	William Jabjiniak	Shirley Duclos
Maria Salaiz	Christine Zielonka	Ruth Mangino	Benjamin Bitter
Kelly Arredondo	Joy Spezeski	Paul Dugas	Others

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 March 27, 2008. Before adjournment at 7:33 p.m., action was taken on the following items:

It was moved by Boardmember Esparza, seconded by Boardmember Langkilde that the minutes of the February 19, 2008, and February 21, 2008 study sessions and regular meeting be approved as revised. Vote: 7-0.

Code Amendment: Amending Sections 11-1-6, 11-5-3, 11-6-3 and 11-13-2. The amendment revises, modifies and deletes existing definitions, including definitions related to "Supervised Living Facilities (SLFs)" and "Group Homes for the Handicapped (GHHs)."

Zoning Cases: Z08-10, Z08-13, Z08-14, Z08-15, GPMinor07-11, Z07-74

Presentation on the Mesa Economic Development Action Team (MEDAT) and ED's Goals regarding streamlined development and expedited processes. – William Jabjiniak, Economic Development Director.

Mr. Jabjiniak, explained that this Team is fairly new and it's about bringing a pro-business attitude to boost economic development efforts in the City of Mesa; adding that it takes a lot of collaboration from different departments. He briefly explained the MEDAT process and added that "expediting" is a major piece of this development process and provides streamlined services to "key" development projects and that several projects will be coming forward. Discussion ensued.

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Item: **Z08-10 (District 6)** 307 South Hawes Road. Located north of East Broadway Road and east of South Hawes Road (10.2± acres). Site Plan Review. This request will allow the development of an apartment complex. Chris Anderson, Riesgo Mesa 8, LLC, owner; Ralph Pew, Pew & Lake PLC, applicant; Ogbonna I. Abarikwu, The CK Group Inc., engineer. **CONTINUED FROM THE FEBRUARY 21, 2008 HEARING.**

Comments: Ralph Pew, 1930 E. Brown Rd, Mesa, applicant, explained that this is a request for a Site Plan Review to allow a 210 unit, multi-family apartment project with a net density of 25 du/ac on R-4 zoning, which occurred through the annexation process. He briefly explained the project stating that the site meets all R-4 development standards and is surrounded by Maricopa County, which has a land use designation of high density residential. He stated there was an issue with the drainage easement and could not find anyone to sign off on whether they could encroach into that easement, so it was easier to reduce units and eliminate parking in that area. He stated that the setback on the east side of the property is doubled and believe they have designed a project that merits approval.

Mr. Pew presented the elevations and briefly explained the "line of sight" drawings; adding that the reason they produced the drawings was to demonstrate, to the neighbors to the east, that there will be minimal if any intrusion into their backyards. He stated that they agree to the Conditions of Approval; adding that they have met the criteria and noted that there were some questions raised by the Crime Prevention Through Environment Design (CPTED) Officer and the Police Department.

Joy Griffis, 325 S. 84<sup>th</sup> Way, resident, spoke in opposition stating that they did not receive a site plan and they object to the number of units they are proposing, which will create a hazard. She added that she submitted a petition with over 100 signatures in opposition and noted that they were never asked to be annexed into the City.

Benjamin Bitter, 451 S. Hawes Road, Lot 40, resident, spoke in opposition stating that this project does not conform with the General Plan or the Zoning Ordinance and the City is not obligated to allow the maximum density allowed under the R-4 zoning; adding that this is an incompatible land use and not the right place for a high density project.

The following individuals submitted a "blue card" in opposition and did not wish to speak:  
Viki Baysse, P.O. Box 7712, resident,  
Brittany Bitter, 451 S. Hawes Road, #40, resident

Comments Included: Would add to much crime and pollution.

Mr. Pew addressed concerns raised stating they did not have any knowledge of how or when the property was annexed or why other properties weren't included, nor is it relevant to the acquisition and development of this site. He stated they had two neighborhood meetings, and produced the new site plan and "line of sight" drawings at they second meeting. He reiterated that the property is zoned R-4, adding that is inconsistent with the General Plan, which has been seen before.

Joe Welliver, Planner I, gave an overview and noted concerns with the density stating it is a fairly dense proposal but below the 25 du/ac typically allowed in the R-4 zoning. He stated that there is an inconsistency with the General Plan but the land is entitled for R-4 development. He added that staff made sure the applicant met all Code requirements and the applicant has

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worked on the areas cited by CPTED. He added staff is recommending approval with conditions.

Boardmember Roberts asked what the General Plan designation was for the area. Mr. Welliver responded that the General Plan calls for Medium Density Residential (6-10 du/ac).

Boardmember Langkilde asked Mr. Welliver to elaborate on the screen wall. Mr. Welliver responded that there is an easement located at the southwest corner of the site and in order to have any type of surface parking or structure on that easement the applicant would have to obtain an encroachment permit. As pointed out by Mr. Pew, it is uncertain who can sign off on that permit, so staff suggested that the applicant remove the three parking spaces to create a landscape area so the screen wall can be pulled back in case they can not get anyone to sign off on that encroachment. Discussion ensued regarding what County R-5 zoning allowed and the block wall.

Boardmember Carter stated that he had concern with the glass panes in the center area and asked if there was a way to mitigate it for privacy. He also noted his concern with the parking and asked if the dumpsters adhere to the Solid Waste requirements. Mr. Pew responded that the areas with glass panes are predominately dining room areas and explained that the "line of sight" drawings illustrate a slight view and not a clear view into the adjacent backyards. He also stated that the reconfiguration of the dumpsters does meet the Solid Waste criteria.

Chairperson Adams asked if there was still some concern by the Crime Prevention Officers (CPO) with the breezeways and visibility. Mr. Welliver responded to Mr. Carter's question regarding the trash enclosures stating that the revised plans were routed to Building Safety and they approved the locations of the trash enclosures. He continued that there is an email from Terri Teten, Crime Prevention Officer, who reviewed the 2<sup>nd</sup> submittal stating that the applicant satisfied some of the requirements however, there are still some issues, but are comfortable with this design.

Boardmember Esparza moved to approve zoning case Z08-10 with the added Condition #7. Boardmember Mizner seconded the motion and commented that this is not a perfect project; he added that the Board is constrained by the zoning and its' inconsistency with the Mesa General Plan and not much can be done about the density on this project.

Chairperson Adams agreed with Mr. Mizner's comments, adding that while there is a concern about crime, it is a difficult parcel and will reluctantly support the motion.

Boardmember Roberts stated that even though this meets the zoning requirements, it is inconsistent with the General Plan; adding that it sticks out like a sore thumb and would not be supporting the motion.

Boardmember Langkilde stated that he also had concerns with the inconsistency of the General Plan and noted that if the General Plan has no meaning or significance then what's the point of the General Plan if they are not moving in that direction; adding that he too was torn with the case.

Boardmember Carter concurred with Mr. Roberts' and Mr. Langkilde's comments; adding that he had concerns with the viability and sustainability of this project. He also noted his concerns with the long-term viability of the glass, with the west and east exposures and Arizona's natural resources. He continued that the applicant could have done a better job; adding that this should not set a precedent for other R-4 or R-3 zoning areas. He mentioned that this project does not

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fit the fabric of the community, but will support the site plan as presented.

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Discussion ensued regarding the project, densities and the responsibilities of this Board with regards to the General Plan.

It was moved by Boardmember Esparza, seconded by Boardmember Mizner

That: The Board **approve** zoning case Z08-10 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
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. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
6. All limits of constructions shall have temporary landscaping, extruded curbs, and screen wall where parking and loading /service areas are visible from Rights of Way and public areas.
7. Remove parallel parking stalls located at the southwest corner of the site and extend the landscaping to the drive aisle.

Vote: Passed 4-3 with Boardmembers Carter, Roberts and Langkilde, nay.

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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](http://www.cityofmesa.org)*

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Item: **Z08-13 (District 5)** Parcel 8 at Stone Bridge Mountain, the 2000 to 2200 blocks of North Hawes Road (east side); Parcels 12-13 at Stone Bridge Mountain, the 8900 to 9000 blocks of East McKellips Road (south side). Located west of Ellsworth Road and north and south of McKellips Road (70.9± ac). District 5. Rezone from R1-35 (conceptual R1-15 and R1-9) to R1-15 PAD DMP (29.6± ac) and R1-15 PAD DMP (41.3± ac) and Site Plan Review. This will allow for the development of residential subdivisions. Jeff Blandford, Manager, Pinnacle Ridge Holdings, LLC, owner; Paul Dugas, Pinnacle Ridge Holdings, LLC, applicant; Darrell Smith, Wood Patel and Associates, Inc., engineer. Also consider the preliminary plats for Parcels 8, 12 & 13.

Comments: Paul Dugas, Pinnacle Ridge Holdings, applicant, gave a brief overview of the approved 2006 Development Master Plan (DMP), which allows a total of 1,210 units and the owner agreed to leave more open space. He briefly described the project stating that this Master Plan is truly a high quality plan and all the products are executive housing. He mentioned that Parcel 8 has the master series of homes that range from 3,650-5,628 sq. ft. Parcels 12-13, is the Vintage product with the smallest ranging from 1,483-2,836 sq.ft., adding that they have four different products in Mountain Bridge to satisfy all the different needs of the buyers. He clarified that Parcels 12-13 will be at R1-15 du/ac, but because there is so much common open space, the lots are smaller and a little more clustered.

Ruth Mangino, 2515 N Hawes Road, resident, spoke in opposition stating her concerns with smaller lots, increase traffic and no new schools planned for the area; adding that Zaharis Elementary is currently overcrowded.

Boardmember Mizner mentioned that the Board received documentation from the Mesa Public School District stating that there was not a need for an elementary school because there is plenty of capacity at Zaharis Elementary.

Stephen Loper, 2415 N. Hawes Road, resident, also spoke in opposition stating he would like to see the lots stay one acre parcels, the schools are overcrowded and the area is not family oriented. He stated that the Master Plan was a good idea but now they are being nickel and dimed with more PADs and more restrictions.

The following individual submitted a "blue card" in opposition and did not wish to speak:  
Andrea Petty, 9416 E.Hildren Ave

Mr. Dugas commented that they do have documentation from the school district stating they do not want to build an elementary school due to a decline in enrollment. He added that the overall density is 1.502 and they cannot have anymore dwelling units per acre.

Boardmember Salas, (Mesa Public Schools), commented that the school district is no longer interested in building in that area because they have experienced declining enrollment and predicted to loose 3% more next year. He explained the ratio for class sizes.

Josh Mike, Planner I, commented that as stated by Mr. Dugas, this is a request to rezone two parcels within the Stone Bridge Master Planned Community. He explained the goals and densities of the DMP and stated that staff is recommending approval with conditions.

Boardmember Mizner asked Mr. Dugas to elaborate on the concern raised as to why these are not one-acre lots. He continued that in 2001-2002 there was a lot of involvement with organized neighborhood groups and an extensive public process in planning this property; the results were a revised zoning ordinance with a number of conditions and a plan that would result in more

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usable open space.

Mr. Dugas stated that they are trying to have more contiguous open space and the only way to do this is to cluster the homes; adding that there are 404 washes, which are very narrow in that area and they are trying to keep the natural desert look and open space. He also mentioned that they did have a number of public meetings in 2006, with the DMP application.

Chairperson Adams and Boardmember Esparza both asked how many students would be generated with these new subdivisions. Mr. Mike responded that due to the letter received by the Mesa Public School District, it was not included in the staff report.

Boardmember Carter stated he had problems with the small lots on Parcels 12-13 and highlighted areas of the Residential Guidelines and Chapter 10 of the Zoning Ordinance concerning the PAD Overlay adding that what he sees is conventional development. He stated he dislikes seeing the Desert Uplands area with small, very compact, highly dense residential units in areas that call for larger lot sizes and added that the intent of the PAD Overlay District is not incorporated. He noted that Parcel 8 is very well designed.

Discussion ensued regarding what can be done on lots this size to make them unique, meeting the Residential Guidelines, the architectural and the elevations/renderings provided and setbacks.

Chairperson Adams asked Mr. Dugas to respond to Boardmembers' concerns regarding too many homes in an area that doesn't need that many. Mr. Dugas responded that they are restricted to 1.502 du/ac., which was agreed upon per the ordinance for the DMP and to be able to get 1,210 units, with the restrictions for open space, they have to cluster the homes, adding that there is a need for this type of housing in a Master Planned community to make it successful. He noted that every lot would backup to open space and that the elevations/renderings provided are their market renderings, adding that they build a quality product and stick by the elevations submitted and everything seen on the elevations will be built. He invited the Board to come and see the models. Discussion ensued regarding the renderings provided and the price range of the homes.

Boardmember Salas asked if there are similar lots sizes and houses in the Las Sendas community. Mr. Dugas responded that there are similar sized lots in Las Sendas, which work well in the community, adding that they will have 42% open space and this will be a spectacular place to live.

It was moved by Boardmember Langkilde, seconded by Boardmember Salas

That: The Board **approve** the preliminary plat of "Parcels 8, 12 & 13" and recommend to the City Council **approval** of zoning case Z08-13 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Development in accordance with the Stone Bridge Development Master Plan Ordinance 4656.
3. Compliance with the Residential Development Guidelines:
  - a) Staggering the home front yard setback at least 2' behind the required front yard setback

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- b) No two identical elevations are permitted on adjacent lots, or on lots across the street from each other, and no more than two identical elevations with different exterior colors are permitted within five consecutive lots on the same side of the street.
  - c) Garage door types and colors shall be varied (e.g. varied window shapes and styles, varied door trim detail, two single doors in lieu of one double door, etc.).
  - d) Unless specifically part of a coordinated design theme, a variety of roof configurations should be offered along with the various elevations (see above), to include gable, hip, hipped gable, or some combination of styles.
4. Compliance with all City development codes and regulations.
  5. 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.
  6. Compliance with all requirements of the Subdivision Technical Review Committee.
  7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.

Vote: Passed 6-1 with Boardmember Carter nay.

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Item: **Z08-14 (District 6)** The 8800 to 9200 blocks of East Elliot Road (north side) and 3200 to 3600 blocks of South Ellsworth Road (west side). Located west of South Ellsworth Road and north of East Elliot Road (127± ac). Rezone the northern portion (67± ac) from R1-43 to C-2 DMP (28± ac) and PEP DMP (39± ac); and a rezone and Site Plan Review for the southern portion (60± ac) from R1-43 to C-2 DMP. All part of a Development Master Plan. This request allow for the development of a retail power center. Douglas Himmelberger, DeRito Partners Development, Inc., owner; Michelle Santoro, Withey Morris, PLC, applicant; Jeffery S. Erickson, Erickson & Meeks, Engineering, LLC, and Tove Christina White, Kimberly-Horn and Associates, Inc., engineers. Also consider the preliminary plat of "Elliot Fiesta."

Comments: Dave Udall, 30 W. First Street, applicant, introduced the team involved with this project and urged the Board to approve this case, adding that they have been working for months with staff. He noted that in February they had a small issue with traffic signals and it was also when they received a letter from the Economic Development Dept. requesting a continuance. He stated that they oppose the continuance, noting that time is money in the development business. He mentioned that the Economic Development Dept. urged them to work with DMB, which they have done and that DMB is in support of their proposal.

Mike Withey, Withey Morris PLC, applicant, stated that they have done everything requested by staff and have letters of support from neighboring owners, including DMB. He gave a brief history of the their process and mentioned that they recently received a letter from the Economic Development Dept. requesting a continuance and stated they are strongly opposed to a continuance for a number of reasons: 1) they have been working with staff for months and feel they have the right to proceed under the current rules and guidelines in effect for the City of Mesa, 2) they are in full conformance with the General Plan, and 3) the stated reason for the delay is the upcoming review and possible adoption of the Southeast Mesa Strategic Development Plan (Plan), adding that it is not yet adopted and if adopted, the General Plan would have to be modified. He stated that they are in conformance with that Plan as well, which calls for Regional Commercial.

Mr. Withey stated they agree to all the Conditions of Approval with the exception of Condition #7 regarding landscaping; which is a huge capital investment on the developer with this size of project. He stated they are happy to do all the improvements as each phase develops rather than having to do it all at once. He urged the Board for approval.

A letter from Jill Kusy, representing DMB, 7600 E. Doubletree Ranch Road, #300, was read into the record, which states that they are in support of this request and believes a continuance is not necessary.

Joe Welliver, Planner I, gave an overview stating this is a request to rezone 127 acres and approve the preliminary plat. He stated that the site is within the Williams Gateway sub area and influenced by the activities of the Phoenix Mesa Gateway Airport. He mentioned that the City hired HDR, a consultant firm, to work on the Plan, which should be finalized in May 2008; adding that as the Plan has progressed there has been intense discussions to maximize economic benefits to the area and based on the intent of the Plan, staff is recommending a continuance to allow the completion of the Plan and to ensure compatibility. He stated that staff worked with the applicant to create a ratio of 75-25% employment to retail in the mixed-use employment area.

William Jabjiniak, Economic Development Director, commented that he spoke earlier about quality jobs and quality development and noted that they are not against "big box" retail but that

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the integration internally and externally is extremely important, adding that the site plan does not promote integration of mixed-use development. He also commented that the Urban Land Institute (ULI) has identified this intersection (Elliot and Ellsworth Roads) as one of the ten "hottest" intersections for development in the valley so it is important to do it right. Mr. Jabjiniak also stated they met with the applicant to voice concerns but feel those concerns have not been addressed; adding that the Plan has been a major component and expected to be something that would be heavily relied on by this Board, as well as Council.

Scot Rigby, Economic Development Office, reiterated comments made by Mr. Jabjiniak and showed exhibits of the Plan and briefly explained how it would interact with the current General Plan, adding that the goal is to move people back and forth through the properties and not isolate the developments. He stated they are in support of staff's recommendation for a continuance.

Mr. Withey responded that they were surprised with the opposition from the Economic Development Department; adding that they have had extensive discussions with them and understand what they are looking for, but there is only so much demand for a project like that. He stated that they have spent extensive time working with DMB and would not have their support if they thought this was not a quality project or would negatively impact their vision. There is a place for this type of use, which is complimentary to the type of user that DMB will attract and this project will be very successful. He compared this project to a proposed project in Scottsdale and noted that there is a place for both uses. He reiterated that they are in conformance with the General Plan and in conformance with the current "draft" of the Plan and urged the Board for approval with the revision to Condition #7.

Boardmember Langkilde asked what the timeframe was for breaking ground and why the rush. Mr. Withey responded that they are focusing on getting their land use entitlements approved, finish their marketing efforts and then set forth a specific construction schedule. He stated that they have been working on this project for many months and it has not been a rush; adding that they deserve to have their case heard on its merits. He mentioned that the International Convention of Shopping Centers (ICSC) Convention is scheduled in May, which is when most of the deals get done and they want to have their entitlements by that time. Mr. Withey also clarified that they agreed to change the northeast section of their parcel from C-2 to PEP to get the balance of employment to retail uses. Discussion ensued regarding the convention.

Mr. Udall added that they will be marketing this site with DMB at the convention and feel they compliment each other and a continuance will be very detrimental.

Boardmember Mizner asked staff to respond to the applicant's request to modify Condition #7. Mr. Welliver responded that he has drafted a revised Condition, which was read into the record.

Boardmember Carter asked staff why the driveway off Elliot Road was changed and noted his concern with accessibility to the back of the development and hoped that they can integrate it better; adding that there will be traffic issues and that area needs to be better resolved. Mr. Wesley explained that it did not meet the City requirements so they could not have a signal at that location; adding that the applicant chose to split the drive and use both locations.

Mr. Withey also responded stating that the drive aisle was changed due to issues with stacking and pedestrian connections and believes that the connection to the north is very important, adding that they probably will accentuate the two entrances off Elliot Road.

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Boardmember Esparza stated that this is a great transition, there are two developers working together to ensure compatibility and a continuance would be unfair to this developer.

Boardmember Roberts asked if this request could be approved without approving the site plan. Mr. Wesley responded that it could be done, but by doing that they lose some flexibility and ability to impact the overall design and nature of the development. Mr. Withey also responded that it's important to have the site plan approved and agreed to add a stipulation concerning continued work with the Traffic Department to resolve the traffic flow issue.

Boardmember Carter stated he would like to add a stipulation regarding the flow of traffic from Elliot Road to the main circulation drive. Discussion ensued and it was determined that staff would work with the applicant regarding the language for a stipulation.

Boardmember Roberts stated he supports the motion with the modifications adding that he hasn't seen anything to support Economic Development's position for a continuance.

Chairperson Adams stated he would like to continue seeing participation from Economic Development and their argument would have carried more weight had there been alternatives presented; adding that he would like to see their input earlier in the process.

Boardmember Langkilde commented that this is an important project and that the position of the Economic Development Director had been slightly overlooked; noting that this is the kind of development that currently exists in Mesa and if DMB is comfortable with this project then he will support the motion.

It was moved by Boardmember Esparza, seconded by Boardmember Salas

That: The Board **approve** the preliminary plat of "Elliot Fiesta" and recommend to the City Council **approval** of zoning case Z08-14 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Site Plan Review through the public hearing process of future development plans.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations, which includes the requirement that each lot shall have frontage on a dedicated public street, unless otherwise approved.
5. Compliance with all requirements of the City Engineer.
6. 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.
7. All street improvements and street frontage landscaping to be installed at the time of each phase of construction as shown on the phasing plan dated 3/17/08.
8. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
9. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
10. Compliance with all requirements of the Subdivision Technical Review Committee.
11. Recordation of cross-access at all locations where drive aisles cross property lines.
12. All pad buildings to be architecturally compatible with the center.
13. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps and a

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garden center.

14. 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 (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
15. Written notice be provided to future residents/tenants, and acknowledgment received that the project is within 3 mile(s) of Phoenix-Mesa Gateway Airport.
16. Establish a more fluid transportation circulation pattern on the major throughway within the development linking the central drive aisle to the two entrances off Elliot Road.

Vote: Passed 7-0

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Item: **Z08-15 (District 5)** 4608 East Virginia Street. Located east of Greenfield Road and south of Loop 202 Freeway (19.4± ac). Rezone from M-2 to M-2 PAD and Site Plan Review. This request will allow the development of an industrial subdivision. Dorsey Abshier, Mesa Virginia Street LLC, owner; Henry Chan, Ware Malcomb, applicant; Brian Smith, Hunter Engineering, Inc., Engineer. Also consider the preliminary plat of "Red Mountain Business Park."

Comments: Tim Williams, 975 Baylor Drive, San Marcos, CA, owner, introduced Henry Chan, architect.

Henry Chan, architect, gave a brief overview of the project stating that the request is for a rezone to M-2 with a Planned Area Development (PAD) Overlay and Site Plan Review. Mr. Chan explained the modifications to the Code that are being requested and stated that they have worked with staff and implemented recommendations.

Mark Pierce, 3544 E Kachina Drive, Phoenix, explained that this project will attract high quality jobs and that the tenant space will be Class "A" Industrial which is designed for sale or lease. He continued that this project represents the highest and best use of the land.

Joy Spezeski, Planner I, gave a brief overview of the request stating that the requested modifications include building and landscape setbacks, building separation for buildings "D" and "E", parking islands and the required parking. She continued that staff has a few concerns with the project; however, staff feels that these concerns can be addressed through the Design Review process and staff recommends approval with conditions.

Boardmember Carter highlighted areas of Chapter 10 of the Zoning Ordinance concerning the PAD Overlay and stated that he felt the project missed the entire intent of the PAD Overlay District. He further addressed the beauty of the area and questioned why the City is putting manufacturing and warehousing facilities on some of the most pristine land within the City of Mesa.

Discussion ensued concerning the types of development in the area, the reasoning behind the industrial designations of the land, the over flights from Boeing helicopters and the views.

Boardmember Langkilde commented that the Board had seen a presentation concerning the height of buildings immediately adjacent to the Phoenix Mesa Gateway Airport and that perhaps there is too much industrial space currently in this area. He continued that it might be advantageous to look at some other types of development for the area that could take advantage of the natural area.

John Wesley, Planning Director, responded to Boardmember Langkilde's comments stating that there was a similar presentation with regard to helicopters and their flight patterns when this Board saw a presentation on the Falcon Field Sub Area Plan. He continued that the helicopters are only about 100 feet off the ground until they reach the Loop 202 so there is a significant difference in elevations between the two areas and that aircraft fly very low in this area.

Boardmember Esparza commented that her only issue was the architecture of the buildings, not the office space, and that there is no creativity to the buildings.

Boardmember Carter commented that he would not be supporting this particular project; that the Board needs to look to the future more and hoped that the Economic Development Director would look at this area and bring a report to this Board concerning future developments.

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Further discussion ensued concerning the land use designations, the vistas and beauty of the area, the authority of this Board with properly zoned land and the need for the Design Review Board to ensure that projects meet more of the intent of the PAD Overlay.

It was moved by Boardmember Esparza, seconded by Boardmember Salas

That: The Board **approve** the preliminary plat of "Red Mountain Business Park" and recommend to the City Council **approval** of zoning case Z08-15 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board, including screening of parking from public rights of way.
3. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
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. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Recordation of cross-access and reciprocal parking easements throughout the entire site.
8. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field 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).
9. Written notice be provided to future tenants, and acknowledgment received that the project is within 1 mile of Falcon Field Airport.

Vote: Passed 6-1 with Boardmember Carter nay.

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## MINUTES OF THE MARCH 27, 2008 PLANNING AND ZONING MEETING

Item: **GPMinor07-11 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road. General Plan Minor Amendment to change the General Plan Land Use Map from Business Park to Medium Density Residential 6-10 du/acre (20± ac) and Neighborhood Commercial (11± ac). This request will allow the development of a mixture of multi-family, retail, resort, and office uses within the Las Sendas Development Master Plan. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant; Julie S. Rayburn, RCC Design Group, LLC; engineer. **COMPANION CASE Z07-74.**

Comments: Chairman Adams commented that these cases are on the agenda for a continuance to the April 17, 2008 meeting; adding that the Board does not have any materials for the cases but will take public comment.

Reese Anderson, 1930 E. Brown Road, Mesa, applicant, asked that comments be kept to the continuance.

The following individuals spoke in opposition.

Bill Hall, 3933 N Arboles Circle, resident

John Duclos, 3347 N. Boulder Canyon, resident and Chairman of the LS51 Committee

Shirley Duclos, 3347 N. Boulder Canyon, resident

Greg Marek, 3060 N Ridgecrest #182, resident

### Comments and concerns included:

- Mayor directed Mr. Arnold to meet with the residents, address their concerns and incorporate a new site plan that would represent a level of quality
- The project narrative does not jive with the site plan
- An open house was held outside of the Las Sendas area
- No efforts made to notify all of the residents, those invited were only given a week's notice
- Dana Park is an excellent model of a C-2 commercial retail project and so can Parcel 51, with careful planning and coordination
- Excited about the new architect, Burkus Design Studios of Scottsdale
- Lack of communication
- Concern with the 4-6 story office buildings and/or parking garages almost 100' high
- Sketches from Burkus Design Studios were well received but anticipated seeing higher quality
- The six-story buildings are of urban standard, not viable in the Desert Uplands Area
- The possibility of a red flashing light on the top of the six-story buildings, for aviation purposes, would be seen in their area
- Incorporated most of the design that residents have been asking for since October
- The building height is totally out of character for the area
- There seems to be a big rush to get this done by the May Council meeting, let's take the time and do it right
- This has been an incomplete submittal from the beginning and the traffic impact study has not been completed
- The site plan is missing many required details and the alternative plan has not been finished
- Being designed as a pedestrian oriented village concept and there shouldn't be drive thrus
- Need another neighborhood meeting because of all the new information
- There is not an opportunity to analyze the new plans and are being told to make decisions

## MINUTES OF THE MARCH 27, 2008 PLANNING AND ZONING MEETING

Reese Anderson, 1930 E Brown Rd #101, applicant, stated that they are requesting a continuance.

Boardmember Mizner asked what the status was of any scheduled neighborhood meetings. Mr. Anderson responded that there was a meeting on March 19, 2008 and they were asked to schedule another meeting, which hasn't been done. He mentioned that they have sent letters to some neighbors requesting a meeting and added that continued discussions with the HOA Board, their leaders and attorneys happen almost daily and no request for information has ever been turned down.

Tom Ellsworth, Senior Planner, stated that a lot of the issues that were heard today, are the reasons that staff is requesting a continuance. He stated that this case was referred back to the Board for review by the City Council; adding that negotiations and details are continuing on the Development Agreement that will dictate some of the land uses and phasing of the project. He stated that this case is anticipated to come before the Board on April 17<sup>th</sup> and will coincide with the direction that was received from the City Council to try to meet a May Council date.

Boardmember Esparza thanked the neighbors for their participation and feedback and added that the process sounds positive.

Boardmember Langkilde stated there were comments about having a backup plan for the resort/hotel and asked if that would be part of the submittal. Mr. Ellsworth responded that at this time staff does not have an alternate site plan. Discussion ensued regarding an alternate site plan.

Boardmember Mizner stated he is going to support the motion and commented that sometimes having tight deadlines is a good thing, which forces both sides to perform in a timely manner and looks forward to hearing this case in April.

It was moved by Boardmember Esparza, seconded by Boardmember Carter

That: The Board **continue** zoning case GPMinor07-11 to the April 17, 2008 hearing.

Vote: Passed 7-0.

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## MINUTES OF THE MARCH 27, 2008 PLANNING AND ZONING MEETING

Item: **Z07-74 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road (51± ac). Rezone from R1-90 DMP to R-2 (20± ac), C-2 (11± ac) and PEP (21± ac), all part of a P.A.D. overlay and a modification to the Las Sendas Development Master Plan. This request will allow the development of a mixture of multi-family, retail, resort, and office uses. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant; Julie S. Rayburn, RCC Design Group, LLC; engineer. Also consider the preliminary plat. **COMPANION CASE GPMInor07-11.**

Comments: Chairman Adams commented that these cases are on the agenda for a continuance to the April 17, 2008 meeting; adding that the Board does not have any materials for the cases but will take public comment.

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It was moved by Boardmember Esparza, seconded by Boardmember Carter

That: The Board **continue** zoning case Z07-74 to the April 17, 2008 hearing.

Vote: Passed 7-0.

\* \* \* \* \*

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MINUTES OF THE MARCH 27, 2008 PLANNING AND ZONING MEETING

Item: Consider an amendment to the City of Mesa Zoning Ordinance, amending Sections 11-1-6, 11-5-3, 11-6-3 and 11-13-2. The amendment revises, modifies and deletes existing definitions, including definitions related to "Supervised Living Facilities (SLFs)" and "Group Homes for the Handicapped (GHHs)." It adds a definition for "Correctional Transitional Housing Housing Facilities (CTHFs)." The amendment revises Sections 11-5-3 and 11-6-3 regarding permitted uses in the R-4 and all Commercial Zoning Districts, permitted locations of SLF/CTHFs and required spacing between similar SLF/CTHF land uses. It would amend Section 11-13-2 with regard to minimum requirements for Group Homes for the Handicapped. **CONTINUED FROM THE FEBRUARY 21, 2008 HEARING.**

It was moved by Boardmember Mizner, seconded by Boardmember Salas to **Table** this item as recommended by staff.

Vote: Passed 7-0

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MINUTES OF THE MARCH 27, 2008 PLANNING AND ZONING MEETING

Respectfully submitted,

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John Wesley, Secretary  
Planning Director

MS:  
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