

## CITY OF MESA

### MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date: September 16, 2004 Time: 4:00 p.m.

#### MEMBERS PRESENT

Mike Cowan, Chair  
Barbara Carpenter, Vice-Chair  
Rich Adams  
Pat Esparza  
Alex Finter  
Frank Mizner  
Bob Saemisch

#### MEMBERS ABSENT

#### OTHERS PRESENT

John Wesley	Sean Lake	Paul Gilbert	John Bear
Dorothy Chimel	Harold Decker	Stephen Earl	Troy Cordova
Tom Ellsworth	Jim Smith	Dave Udall	Clay Layton
Ryan Heiland	Michelle Dahlke	Mary Baldwin	Shelly McTee
Scott Langford	Ralph Pew	Jere Planck	Others
Liz Zeller	Dina Higgins	Robert Brinton	
Lois Underdah	Reese Anderson	Vince DeBella	
Maria Salaiz	Nick Woods	Mark Metzger	

Chairperson Cowan declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated September 16, 2004. Before adjournment at 9:05

p.m., action was taken on the following items:

It was moved by Boardmember Mizner, seconded by Boardmember Esparza that the minutes of the August 19, 2004 meeting be approved as submitted. The vote was 6-0-1 (Adams abstaining).

It was moved by Boardmember Esparza, seconded by Boardmember Finter that the minutes of the of the First Public Hearing for General Plan Amendments GPMajor04-01, GPMajor04-02, and GPMajor04-03 held on August 26, 2004 meeting be approved as submitted. The vote was 6-0-1 (Saemisch abstaining).

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter that the following items: Z04-54, Z04-71, Z04-73, Z04-74, Z04-78, Z04-80, Z04-81 and the Preliminary Plat of "Fairway Manor Unit 2", be approved on consent. Vote 7-0.

It was moved by Boardmember Adams, seconded by Boardmember Finter that the following items: Z04-72, Z04-82, and Z04-83 be approved on consent. Vote 6-0-1 (Saemisch abstaining due to conflict of interest).

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Zoning Cases: \*Z04-54, Z04-70, \*Z04-71, \*Z04-72, \*Z04-73, \*Z04-74, Z04-75, Z04-76, Z04-77, \*Z04-78, Z04-79, \*Z04-80, \*Z04-81, \*Z04-82, \*Z04-83, the Preliminary Plat of "Fairway Manor Unit 2", GPMajor04-01, GPMajor04-02, and GPMajor04-03.

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Item: **Z04-54 (District 6)** 10550 East Baseline Road. Located north of Baseline Road and west of Signal Butte Road (56± ac.). Site Plan Modification. This request is to allow for the realignment of an existing driveway at Mesa Market Place. Frank Buonauro, owner; W. Ralph Pew, applicant. **CONTINUED FROM THE JULY 15, 2004 AND AUGUST 19, 2004 MEETINGS.**

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board continue zoning case Z04-54 to the October 21, 2004 meeting.

Vote: Passed 7-0.

Reason for Recommendation: The Board felt a continuance was warranted.

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Item: **Z04-70 (District 4)** 1860 S. Stapley. Located north and west of Stapley Drive and Baseline Road (3.35ac.). Rezone from M-1 to C-2 and Site Plan Review. This request is to allow for two retail pads. Desco Southwest, Bruce Gillespie, owner; Archicon, Jere Planck, applicant.

Comments: Jere Planck, 4041 North Central Avenue, applicant, stated that this is part of a greater project that includes two office buildings, noting that it has already been through Design Review and has been approved. He stated they had received a letter from the Full Circle Carwash noting their concerns about the amount of traffic coming from their property and a cross-access agreement behind Retail 1. They also wanted them to rearrange and move Retail 1 forward. Mr. Planck added that there is no easement recorded between the properties. He stated they were getting calls regarding a referendum to stop this project so they redesigned the project and were now getting complaints that they were causing trouble by removing it. Mr. Planck commented that there is an agreement to make an agreement, and no actual cross-access agreement exist. Our owner's position is they don't want to hold up their project. He stated they had worked very diligently to get to this point and that the cross-access agreement doesn't include their property, it only includes the two properties on the corner. The Special Use Permit was for the gas station, which no longer exists. Mr. Planck stated they would like to have it removed and have it approved with the revised site plan.

Ralph Pew, 10 West Main Street, on behalf of Full Circle Autowash, stated their request is to deal with the access point and are in support of the land use. He added that in 1998 there was a Special Use Permit that was approved for the gas station and the carwash. A condition was imposed upon the applicant for the carwash that an access easement be granted between the carwash and the service station going north. Mr. Pew stated that the site plan that was presented on Tuesday showed that connection and they are fine with that plan. We don't want them to move their building, we don't expect them to do anything different other than to leave that access point where it was when the use permit was approved in 1998. We designed and built our site based upon the 35-foot wide easement going from Baseline, north through our property and into the subject property. He noted that the easement is on the carwash property but it would benefit the land to the north. Mr. Pew apologized for the confusion that had occurred, but added that they never really objected to the access point. It allows better access to the site and there is a recorded document granting the access. He asked the Board to recommend approval of Z04-70 with the site plan showing the connection.

Chairperson Cowan asked Mr. Pew why no comments were stated at the Study Session when it was presented as a situational challenge. Mr. Pew responded that he had not been contacted by the owner until after the Study Session.

Boardmember Adams asked Mr. Pew if there is an existing dispute over monetary consideration between the two parties. Mr. Pew responded that he is unaware of any dispute and the recorded easement has a paragraph that states that either party may, but is not obligated, to contribute to the maintenance of that roadway.

Liz Zeller, Planner, stated she was involved in the telephone conversations and had immediately called the representative from Archicon expressing the concerns from the carwash representative. That is when the applicant decided to make the change to eliminate the driveway. She stated the applicant would prefer to go with the redesign of the site plan and staff is supportive adding that there is sufficient access into this site and closing off the access to the north would not create any adverse situations. Staff recommends approval of the redesign of the site plan.

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Gordon Sheffield, Senior Planner, provided background information on the Special Use Permit that went through in 1998 and stated that the parcels for the gas station and the carwash were split off from a larger parcel so the cross-access made sense. He added that when the property was designed the Code allowed for diminution of the landscape setback along the north side and when cross-access was provided between two properties the City did not require the full width of the landscaping. He stated that by providing a cross-access there was no need for a variance, that is why the cross-access was stipulated in 1998.

Boardmember Saemisch mentioned that every property is required to put in cross-access because of fire and emergency vehicles. He asked Mr. Sheffield if he saw a negative side to having this access and also asked if the bank had taken part in these discussions. Mr. Sheffield responded that as a general planning concept they try to encourage cross-access as much as possible. Mr. Pew responded that Mr. Hintz has had three or four conversations with the bank and they are in support of the access.

Boardmember Mizner stated that Mr. Sheffield's comments were very relevant because the owner received a break in the landscaping because they committed to the cross-access, which makes it function more as one shopping center. Mr. Mizner added that with Mr. Pew's assurance that his client will cooperate with the developer he would be in favor of the original site plan, which shows the cross-access and noted that this would also be a good asset for the community.

Boardmember Carpenter asked Mr. Pew if his client still wanted the building moved or was he satisfied with the original plan. Mr. Pew responded that they were not insisting that the building be moved they were asking that the access remain.

Chairperson Cowan asked Mr. Planck if he was agreeable in going with the original plan that was submitted. Mr. Planck stated that the reason they choose to change the site plan was because that was not Full Circle Autowash's original position on this matter. There is no agreement between them and us, the agreement is between the two parcels. He stated that when Mr. Hintz found out that they were closing off the access he changed his position. Mr. Planck added that it would be easier to close off the access then to deal with them. This has been a very unpleasant two weeks of us trying to get this solved and our owner's position is that they just don't want to fight with it.

Boardmember Mizner stated that he appreciates Mr. Planck's concern but the Board's role is to look at the overall welfare of the City. He added that they have Mr. Pew's commitment that his client will cooperate and if the applicant finds that the condition is impossible to comply with there are other avenues to try to address that situation but from a land use and urban design point of view cross-access is desirable.

Boardmember Adams agreed with Mr. Mizner's comments regarding the many attributes of cross-access and asked Mr. Pew if his client was satisfied with this outcome and there are no hidden messages. Mr. Pew responded that they are not asking for any money, nor for any compensation, just design the access point to match where we are.

Liz Zeller stated that if the Board decided to accept the original site plan, staff recommends that the landscape setback be changed from 14'6" to 15'.

It was moved by Boardmember Mizner, seconded by Boardmember Saemisch

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That: The Board approve and recommend to the City Council approval of zoning case Z04-70 as originally presented at the Study Session with the amended 15' landscape setback and conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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. All existing Billboards on site shall be removed when construction begins (ARS 9-462.02c)

Vote: Passed 7-0.

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Item: **Z04-71 (District 6)** The 10100 to 10200 block of East Southern Avenue (north side) and the 1100 block of South Crismon Road (east side). Located north and east of Southern Avenue and Crismon (19.33ac). Rezone from R-3 to R-3 PAD and Site Plan Modification. This request is for an apartment complex. Glen Walling, Coyote Landing Apartments, LLP, owner; Denise Burton, Broadbent and Associates, Inc., applicant. Also consider the preliminary plat of "Coyote Landing"

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board approve the preliminary plat of "Coyote Landing" and recommend to the City Council approval of zoning case Z04-71 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) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
7. Administrative review and approval of garage elevations through City of Mesa Design Review staff.

Vote: Passed 7-0.

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Item: **Z04-72 (District 6)** 6060 E. Baseline Road. Located north and east of Baseline Road and Recker Road (6.5 ac). Rezone from AG and M-1 to M-1 PAD. This request is to allow for an owner occupied industrial park. Malcom & Loretta Pace, owner; David Udall, applicant. Also consider the preliminary plat of "Delta Commerce Phase II."

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

It was moved by Boardmember Adams, seconded by Boardmember Finter

That: The Board approve the preliminary plat of "Delta Commerce Phase II" and recommend to the City Council approval of zoning case Z04-72 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) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0-1 (Saemisch abstaining due to conflict of interest).

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Item: **Z04-73 (District 3)** The 200 block of West Broadway Road (north side) and the 400 block of South Dobson Road (west side). Located at the northwest corner of Broadway Road and Dobson Road (78.25 ac). Rezone from M-1 to M-1 PAD and Site Plan Review. This request is to allow an owner occupied industrial/office park. David Krumwiede, Scott Hesse, Broadway 101 Venture, LLC, owner; Korey Wilkes, Butler Design Group, applicant. Also consider the preliminary plat of "Broadway 101 Commerce Park."

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board approve the preliminary plat of "Broadway 101 Commerce Park" and recommend to the City Council approval of zoning case Z04-73 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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. Future site plan review through the Planning and Zoning Board and City Council and Design Review Board is required for the area shown as Future Development.
5. Compliance with all requirements of the Design Review Board.
6. Compliance with all requirement of the Subdivision Technical Review Committee.
7. If any Archeological resources are discovered within this site, they must be identified, with findings reported to the State Historic Preservation Office and the City of Mesa's Historic Preservation Office.
8. Recordation of cross-access easement to allow through access to and from Dobson Road across "Future Development Area."

Vote: Passed 7-0.

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Item: **Z04-74 (District 5)** 5750 E. Main Street. Located on Main Street (north side) and east of Higley Road (13.6 ac). Rezone from C-2 to C-2 BIZ and Site Plan Review. This request is to allow for a 5-story Holiday Inn Hotel and ancillary uses. Shane Kuber, owner; Gerald Kesler (Gerald Kesler, Inc Architects), applicant.

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z04-74 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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.

Vote: Passed 7-0.

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Item: **Z04-75 (District 1)** 605 E. McKellips Road. Located south and east of McKellips Road and Mesa Drive (1.32 ac). Rezone from R1-43 to C-2 PAD and Site Plan Review. This request is to allow for the development of three office buildings. David E. Young, owner; Jonathon Johns, High Desert Engineering, Inc., applicant.

Comments: Jonathon Johns, 1356 East McKellips Road, applicant, gave an overview stating that his firm and client have worked extensively with staff to find a good use for this property. He added that they have notified all property owners in writing and that the owner of the trailer park had concerns with the extension of Hobson Street into the cul-de-sac.

John H. Bear, 549 East McKellips Road, stated he had met with David Young, who had proposed an RV storage on this property and Mr. Young stated he would petition the City to deed back the 30-foot easement that he had given to the City in 1971. He mentioned that in 1983 he was returned 30 feet from the property to the east but not from the front portion because the City still didn't know if they were going to put in a residential street. He noted that this plan is going to use his 30 feet as their roadway and felt easement should be returned to him if the City was not going to use it.

Mr. Johns stated that he did call Mr. Bear regarding this issue and suggested that if Mr. Bear would like they could put an entrance off of the cul-de-sac but that that would be between the City and Mr. Bear. Mr. Johns stated they had no problem with an entrance off the cul-de-sac. He also discussed the 30-foot easement at the south end of the property and that it could be abandoned back to the trailer park.

Boardmember Adams asked Mr. Bear if he had any letters or other writings with details about returning the easement to him. Mr. Bear responded he only had the documents the City had given to him when they returned the bottom half of the 30 feet.

David Young stated that their initial proposal to the City was to put a RV storage lot but the City for various reasons declined it. He stated he discussed with Mr. Bear that he would not have a problem with returning the street. It is a dedicated street and there is no problem with him having that back but the City wants that to be a public street and that one of the conditions is to develop the street with curb, gutter and lighting.

Ryan Heiland, Planner stated this case has been in the process for a while and has been very difficult to develop and added that staff is in support of this development. He stated that the concerns addressed today weren't related to the land use. The street improvements address Hobson Street as a public street, which means that the right-of-way has been dedicated and is being used for public access. He stated that the applicant would be required to dedicate more for the right-of-way and improve that area as well. He stated he did not know the history of Mr. Bear's dedications.

Chairperson Cowan asked Mr. Heiland whom Mr. Bear could speak with to address his concerns. Mr. Heiland stated he would talk to him after the hearing and direct him to the right department.

Boardmember Adams mentioned that the Development Impact Summary indicates verbiage about verifying the right-of-way easement on Hobson Street and asked if it had been verified. Mr. Heiland responded that these comments are typically addressed to the applicant.

It was moved by Boardmember Finter, seconded by Boardmember Esparza

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That: The Board approve and recommend to the City Council approval of zoning case Z04-75 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, except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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.
4. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
5. Provide covered parking at one space for each office or suite for buildings designated for office use.
6. Review and approval of a Development Incentive Permit by the Board of Adjustment for setback modifications.

Vote: Passed 7-0.

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Item: **Z04-76 (District 4)** The 200 to 250 block of West Southern Avenue and the 1400 to 1450 block of South Country Club Drive. Located south and east of Southern Avenue and Country Club Drive (37.55 ac). Rezone from R-2 PAD, R-4 and M-1 to R-3 PAD and Site Plan Review. This request is to allow a condominium development. American Land Lease (Rod Morris), owner; Ralph Pew, applicant. Also consider the preliminary plat of "Villages at Country Club"

Comments: Ralph Pew, 10 West Main Street, applicant gave some history stating that this property was known as Casa Encanta Mobile Home Park and over the years it grew to be a very difficult and deteriorated location. In 1999, American Land Lease acquired the property and began redeveloping it, which included the displacement and relocation of all the tenants. The mobile home park had very dilapidated mobile homes and over time the park was cleaned up and is now vacant. He stated that from 1999 until today, the owners of the property have tried many different projects, most of which have run into difficulty because of the density requirement under the General Plan. He added that American Land Lease is presenting a very nice 385 unit condominium project that will set the tone for the area and meets the City's General Plan requirements.

Mr. Pew stated he would urge the Board's support of the case for several reasons: 1) staff recommends approval of this case and we agree with all the conditions in the staff report; and 2) it complies with the General Plan and the proposal itself is a very nice looking project. He mentioned that there has been some discussion that this project will contribute to the slum and blight that may exist in the vicinity and promote crime. We do not believe that to be true and the best evidence of that is found in the elevations and design of the project. It's a well-planned community with a professionally managed homeowner's association. Mr. Pew addressed the concern about the garages being too close stating that they are 24-feet apart and the only place where the 24-feet exists between two garages occurs on private access ways. Again he urged the Board to recommend approval of this case.

Boardmember Saemisch asked Mr. Pew what would happen if they try to put less units on this site. Mr. Pew stated that if they attempted to develop at a lower density than is required by the General Plan they were always asked to do a General Plan Amendment adding that Mesa has been pretty firm on their General Plan. Mr. Pew also addressed Boardmember Carpenter's concerns stating that they had designed this site with an indoor facility for the washer and dryers and that the trashcans fit within the garages with specific locations for them to be taken to the street frontage. He also added that they have 415 more parking spaces than is required on this site.

Boardmember Adams asked Mr. Pew how the homeowners association would be structured and if there would be a person be on site 24/7 or during business hours. Mr. Pew responded that there would be a management company on-site and meeting rooms available for those purposes.

Chairperson Cowan read Sandra Cordova's opposition to this item.

Troy Cordova, 61 West Southern Avenue, representing Country Cousins, stated he was afraid that history would repeat itself with these condominiums and showed photos of Fiesta Village adding that the homes and the property were not being kept up. He stated that the quality of lifestyle at Country Cousins would diminish as well as the property values. He stated that the owners of this condominium project were the same owners of Fiesta Village and their major concerns were for their tenants and the people living in the neighborhood adding that there is

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high police presence at Fiesta Village. He asked the Board not to approve this case and pointed out that the photos showed a pile of dirt which he believes are open sewer lines that constitutes a health issue for the children.

Mr. Pew responded to Mr. Cordova's concerns stating that the mobile home park known as Fiesta Village is owned by American Land Lease and is similar in nature to the circumstances that Casa Encanta had. Currently there are sewer renovations and improvements being made. He added they had discussions with the owner on the long range plans for redevelopment of Fiesta Village but it takes time and the condominium project that is being presented would enhance the value of the community.

Ryan Heiland, Planner, reiterated points made by Mr. Pew and added that the applicant is requesting a rezone to R-3-PAD to allow for the development of 375 condominium units, which would be done in two phases. He stated an on-site manager from the association would manage the site. Mr. Heiland addressed Boardmember Saemisch's comment regarding the General Plan designation stating that staff encourages development to meet the current General Plan designation as opposed to requesting that they go through a Minor or Major General Plan Amendment. He mentioned staff is in support of the development.

Boardmember Saemisch stated he liked the development but that there was one flaw that could jeopardize the future of the development and that was the 24-foot dimension of the drive, which the City had no standards for and he wanted to bring focus to that issue. He also mentioned when there is an extremely quality product would the City bend the rules in accepting a product that is going to benefit the City even if it is of a lesser density. He stated he is going to support this project and is going to watch it very carefully; adding that the Board should be showing them as examples and applying those examples to future development and in five years see what the problems are. Mr. Saemisch stated this is a fantastic investment in a tough part of town and applauded the developer for taking such a risk.

Boardmember Esparza stated that she is ecstatic with this project especially in this area and didn't think that less density would fit well in this area. She stated she supports this project.

Boardmember Mizner gave some background to this project stating it was approved by the Board in 2001 and was a difficult case. The Board recommended approval of the case on a 5-1 vote with some reservation about the ownership concept adding that Mr. Whalen wrote a letter to the City Council about the amount of money that someone would end up paying in rent over the life time of their mortgages but that City Council approved that project. Mr. Mizner stated that the Board has an opportunity to recommend approval of a far superior project in terms of design layout, ownership concept, and just an overall much better project for this neighborhood.

Boardmember Adams stated he is in support of the project and that it brings a new value to the area and the applicant had done an outstanding job. He mentioned that he had a concern over the land lease aspect but that it would need to be left up to the individual buyer to evaluate.

Boardmember Carpenter agreed with Mr. Mizner's comments and asked Mr. Pew if there would be additional membership fees charged to residents. Mr. Pew responded there would not be additional fees and that it would be part of the benefit of being a member of the homeowner's association.

Chairperson Cowan also agreed with the other members of the Board stating that this will be a quality development for this part of the community. He encouraged staff to seriously consider

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Mr. Saemisch's request and provide the Board with guidelines and information that would be helpful as additional cases start showing up. He asked Mr. Wesley to follow up with that request.

John Wesley, Planning Director, commented that staff has already been working on some Design Guidelines for multi-family and this gives staff additional guidance.

It was moved by Boardmember Esparza, seconded by Boardmember Adams

That: The Board approve the preliminary plat of "Villages at Country Club" and recommend to the City Council approval of zoning case Z04-76 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, elevations, and preliminary plat submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all the elevations and materials presented for the housing units (Buildings 1A & B, 2A & B, 3A & B), entry monument gates, entry monument sign, and community clubhouse.
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 street frontage landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Full compliance with all current Code requirements, except those modified through the Planned Area Development (P.A.D.) overlay, which are shown on the site plans.
8. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db and construction of a noise attenuated wall along the east property line.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
11. Compliance with the Residential Development Guidelines.

Vote: Passed 7-0.

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Item: **Z04-77 (District 6)** The 4300 block of East Southern Avenue (south side) and the 1300 block of South Greenfield Road (west side). Located south of Southern Avenue and west of Greenfield Road (24.1 ac±). Rezone from AG to R-3 PAD and Site Plan Review. This request is to allow for a multi-residential development. DR Horton, owner; Sean Lake, Pew & Lake P.L.C., applicant. Also consider the preliminary plat.

Comments: Sean Lake, 10 West Main Street focused on the issues that were raised at the study session which were the drive width and the face-to-face garages. He stated that the streets are 29-feet wide, which is 4-feet wider than the previous case, plus there is a 4-foot sidewalk and the units have a significantly greater distance between units. He stated they have an outstanding project that would merit the Board's support.

Scott Langford, Planner, gave an overview stating that the applicant has done a good job at providing good pedestrian access and incorporating a mixture of housing types. He stated that the citizens to the west were concerned with two-story units overpowering their subdivision and in response the applicant has provided one-story duplexes along the western side of the property. Mr. Langford added that this project is in compliance with the General Plan and staff is in support.

Boardmember Saemisch stated he had a chance, at Mr. Lake's suggestion, to look at the Del Pueblo project at Val Vista and Southern and recommended that the Board should take a look at that project stating it would be beneficial. He commented that the 29-foot width does help along with the additional setbacks and sidewalks and the other thing to notice is the distance between buildings, adding that there are some nice qualities about this project that the Board should be looking at. Mr. Saemisch pointed out that the garbage bins are not the standard containers and asked if there was an area where the bins would be placed. Mr. Langford responded that the elevations and floor plans provided show where the bins would be stored within the garage. Boardmember Saemisch stated he wanted to raise attention to these issues and mentioned that the Board would be looking at these standards.

Boardmember Carpenter asked Mr. Lake if the condominium would be owned or lease and if there would be a homeowners association. Mr. Lake responded they would be owned and that there would be a homeowners association. She asked if there is any limit to the number of rentals and if there is a limitation in the CC&R's. Mr. Lake responded that there have been some issues with people buying and then renting, but DR Horton's goal is to sell these to end users and discourage renting, noting that there is nothing in the City Code or State Law that prohibits renting property.

Boardmember Adams stated he appreciated the perspective that Mr. Saemisch has brought to this case, as well as to the Village's at County Club, and encourage staff to take note of these types of issues and monitor them so that the Board could have some standards.

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve the preliminary plat and recommend to the City Council approval of zoning case Z04-77 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 except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering,

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Traffic Engineering, Solid Waste and Facilities, etc.).

4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with the Residential Development Guidelines.
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 landscaping to be installed in the first phase of construction.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 7-0.

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MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **Z04-78 (District 5)** 4503 East Ivy Street. Located south of East McKellips Road and east of North Greenfield Road (1 acre). Council Use Permit. This case is to allow for the expansion of a charter school.

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board approve the withdrawal of zoning case Z04-78.

Vote: Passed 7-0.

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## MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **Z04-79 (District 6)** The 1500 block of South Sossaman Road (west side). Located north of US Highway 60 and west of South Sossaman Road (36± acres). Requesting a Council Use Permit to allow the development of a Freeway Landmark Monument sign in conjunction with the construction of group automobile sales center. Superstition Springs Investors, LP, owner; Biskind, Hunt and Taylor, PLC – Karrin Kunasek Taylor, applicant.

Comments: Shelly McTee, 11201 N Tatum, applicant stated that this request is for a freeway landmark monument sign, which they understood is a new issue for the City. She mentioned that they have been working with the City for over a year and a half on the signage adding that in the development agreement approved by Council in May, there was a provision, which states that they anticipated an electronic message center for the sign. She stated that Economic Development approached DMB on marketing this site for vehicle dealerships noting that it is a difficult site to develop. It's located 250 feet from the actual right-of-way, with an Arizona Department of Transportation (ADOT) retention basin and the vertical distance is almost 30 feet above the freeway. In addition, last December ADOT closed the east of this intersection. She pointed out that this site has many challenges but they rezoned this site to M-1-PAD with a provision for freeway signage. She mentioned that the freeway sign would be a maximum height of 90 feet with a 750 sq.ft. area.

Ms. McTee stated the purpose of the freeway signage is a marketing tool for the dealerships and they believe that they have to have visible freeway signage in order to market their site and vehicles. She pointed out that as an association they can restrict what is on that sign and that the sign would advertise and market Superstition Springs Auto Loop and the dealerships, it would not be used for any other type of advertising. She stated these signs are not cheap and can run from \$750,000.00 to \$1,000,000.00 depending on the design. She stated there are four parts in the guidelines that need to be addressed: 1) the location and sighting; 2) design; 3) exterior illumination, and 4) the electronic message, and briefly described each one. She also touched on the height of the sign stating that they conducted a balloon test on this site and it was determined that a sign of 90 feet was required in order to have the viewing capability from both directions of the freeway. Additionally, the sign area they committed to for a maximum of 750 sq. ft. had increased because of the design. Ms. McTee stated that DMB has gone above and beyond the notification required in the citizen participation and the majority of the people were in support of this development.

Paul Bleier – 2030 W. Desert Cove stated that at the time they conducted their field survey there was no ordinance to approve this type of sign. He reiterated Ms. McTee's comments that the property sets back from the right-of-way and is 30 feet above grade. He stated that auto dealerships today are almost demanding electronic messages as type of signage and they are becoming acceptable along the freeway and a value to the entire complex. He mentioned that one of the provisions in the stipulations is that the frequency of text messages should be limited to one per hour, noting that this is not functional for the intended purposes of the display. He stated they are going to request that the Board consider it be changed every 4-6 seconds adding that ADOT does not regulate the number of changes per second. He added that they are currently working with staff and the Design Review Board. He showed a DVD of the Tempe AutoPlex Sign and explained how the electronic sign functioned and this is what they are proposing for this property. Mr. Bleier read from a report by the Federal Highway Safety Administration dated 1980 which states that several states had conducted studies on the safety of roadside signs including electronic message centers and none have found an increase in traffic accidents.

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Gordon Sheffield, Senior Planner, stated that the whole process had not been easy and noted that City Council also struggled with it. They finally decided on an ordinance and a set of guidelines to evaluate these cases. He stated that City Council was very clear when they passed the ordinance that they wanted some method of evaluating these signs. They wanted to provide guidance to the applicant, the advisory boards and to future Councils. He stated that the initial case came through with a design that didn't meet the guidelines and that the Board was seeing the revised design. Mr. Sheffield gave a brief overview of the Freeway Landmark Guideline Check Sheet and briefly went over each point, adding that on some points staff had nothing to compare them to. He stated that the applicant would like the text on the electronic message panel changed to every 4-6 seconds and that the guidelines calls for one hour. The idea was to get their message up and not have the appearance of a sign that changed frequently, which is what City Council was concerned about.

Mr. Sheffield stated he had the opportunity to review the report Mr. Bleier referred to and the concern raised was that if you change those messages every 4-6 seconds the driver's eye would become distracted. He stated that the Board of Adjustment approved a sign for The Organ Stop Pizza at Stapley and Southern at 15 seconds intervals noting that the sign was close to an arterial street with slower traffic and a stoplight, so traffic conditions were different than on the freeway. He stated that if the Board decides to deviate from the one hour standard he believed that a 15 second interval would be appropriate. He also pointed out that Stipulations 5, 6, 7, have to do with assuring that when the sign is constructed it is associated with the sales of automobiles on the property and requested the Board approve the conditions as written.

Boardmember Esparza asked Mr. Sheffield if staff was recommending 15 seconds as opposed to 4-6 seconds. Mr. Sheffield responded that if the Board deviated from one hour it should not be less than 15 seconds. Ms. Esparza stated that 15 seconds was not enough time to read the message and liked more information so that she didn't have to deviate while driving.

Boardmember Finter asked how many signs, throughout the valley, are at 4-6 second intervals and if there was any information about accidents occurring while looking at these signs. Mr. Sheffield responded that two signs had been approved for the Auto Loops in Chandler and Gilbert and that he didn't know what the frequencies were on those signs; he added that he was unaware of any studies done on accidents.

Boardmember Mizner stated that Conditions #5 and 7 should stay as written and that Condition #4 be revised to read at 15 second intervals instead of an hour, noting that this is a good compromise. He added that the car dealers would get more information out, attract more customers and satisfy their tenants. He stated he finds the Tempe Auto Mall sign to be distracting.

Boardmember Finter stated he views this from an economic standpoint and that the Board should take the opportunity to keep up with other cities at the 4-6 second intervals and added that he liked the sign and agreed with Mr. Mizner comments to keep Conditions #5 and 7 as written.

Boardmember Adams stated he would support the motion because the revenues are important to Mesa and he understood the dealerships desire to have signage along the freeways.

Boardmember Saemisch stated that if this case gets approved he hoped the applicant would build it quickly so that the Board could have a sign to use as an example. We have to take a

## MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

strong look at it because it's not just the freeways it's affecting it's also the neighborhoods.

Mr. Bleier stood up and added that the Tempe Auto Plex sign does operate at times at 2-second intervals and reiterated his comments about ADOT. He also responded to Ms. Esparza's comments that other jurisdictions have also commented that drivers miss some of the message because there is not applicable time for changes. He also reiterated Mr. Sheffield's comments that no studies had been done on accidents.

Chairperson Cowan stated he was not pleased with the comprehensive signs but does support the economic development of the area. He also noted his concern about not having a freeway access and stated that if this case moves forward to Council they need to reconsider the consistency of an hour message.

Boardmember Esparza reiterated that she agrees with Mr. Finter on the 4-6 second interval but that starting out at 15 seconds and reviewing it is also something to consider.

Boardmember Finter stated he is going to support the motion just to get it through.

It was moved by Boardmember Mizner, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of zoning case Z04-79 with the conditions outlined in the memo from staff dated September 13, 2004 and conditioned upon:

1. Compliance with the basic location, orientation, materials, colors and design of Option 2, except as modified by the conditions as noted below; and
2. The overall sign area shall be no more than 930 sqft, based on the definition of "sign area" found in the Mesa City Code; and
3. Compliance with all requirements of the Federal Aviation Administration regarding the use of visibility warning lights, if applicable; and
4. The frequency of text message changes for the electronic message panel shall be limited to one every 15 seconds; and
5. No permit for the construction of a freeway landmark monument shall be issued prior to the issuance of a building permit for an automotive dealership whose sales include new cars; and
6. The Council Use Permit authorizing the Freeway Landmark Monument shall expire if, following installation of the Monument, no parcels within the Property are utilized for vehicle sales for a continuous period of twenty-four (24) months. Upon such expiration, all rights to use such Freeway Landmark Monument shall automatically terminate and the Monument shall be removed by the owner of the Property within six (6) months; and
7. The right to use the Freeway Landmark Monument shall be limited to parcels within the Property that have vehicle sales as their primary use. This right may not be assigned or otherwise transferred; and
8. The Freeway Landmark Monument shall be located a minimum distance of no less than four hundred feet (400') from the eastern Property boundary; and
9. The Freeway Landmark Monument shall not be used as an off-site sign or billboard as defined by the Mesa City Code

Vote: Passed 6-0 (Boardmember Carpenter excused)

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MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **Z04- 80 (District 6)** Southwest corner of Southern Road and Crismon Road (1.15 ac). Site Plan Review. This request is to allow for the development of a bank. Southern & Crismon Road Property II, owner (J. White); Paul Gilbert, Applicant.

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board continue zoning case Z04-80 to the October 21, 2004 meeting.

Vote: Passed 7-0.

Reason for Recommendation: The Board felt a continuance was warranted.

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MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **Z04-81 (District 6)** The 1300 Block of South Ellsworth Road (west side). Located south of Southern Avenue and west of Ellsworth Road (9.58ac). Rezone from AG to R-3 PAD and Site Plan Review. This request is to allow for a multi-residential development. James Barrons, owner; Sean Lake, Pew & Lake P.L.C., applicant.

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z04-81 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 except as noted below.
2. Compliance with all requirements of the Design Review Board.
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 Subdivision Technical Review Committee.
5. Compliance with the Residential Development Guidelines.
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. 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).
8. All street improvements and landscaping to be installed in the first phase of construction.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
10. All buildings shall have a minimum four-foot (4') wide apron measured from the face of the garage door to the edge of the drive aisle.

Vote: Passed 7-0.

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MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **Z04-82 (District 1)** The 1200 block of North Dobson Road (east side). Located at the northwest corner of North Dobson Road and West Brown Road (17.66± ac). Rezone from Maricopa County Rural 43 to R1-43. This request is to establish City zoning on recently annexed property. Robert Hurley, owner; City of Mesa, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Finter

That: The Board approve and recommend to the City Council approval of zoning case Z04-82 conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

Vote: Passed 6-0-1 (Saemisch abstaining due to conflict of interest).

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MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **Z04-83 (District 6)** The 1600 to 1900 Block of South Signal Butte Road (west side). Located south of Superstition Freeway and west of Signal Butte Road (66.7 ac). Site Plan Modification. This request is to allow for a regional commercial development. Bojer Land/Signal Butte Limited Partnership, owner; Elizabeth Gaston, Diversified Partners, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Finter

That: The Board approve and recommend to the City Council approval of zoning case Z04-83 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. All pad buildings to be architecturally compatible with the center.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and street frontage landscaping to be installed in the first phase of construction.
7. Recordation of cross-access easements between all lots proposed in the subdivision plat.
8. 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).
9. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
10. Compliance with all requirements of the Subdivision Technical Review Committee.
11. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0-1 (Saemisch abstaining due to conflict of interest).

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MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: 1800 block of North Barkley (west side) **(District 1)**. South and East of McKellips Road and Stapley Drive. This request is to allow for the development of additional residential parcels. Neuman Petty, Nupetco Associates, owner; Shane M. Kobialka (Landev Engineers, LLC), applicant. Consider the preliminary plat of "Fairway Manor Unit 2" (0.291± ac.).

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board approve the preliminary plat of "Fairway Manor Unit 2" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat (without guarantee of lot coverage, site design, driveway cuts).
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 Subdivision Technical Review Committee.
5. Compliance with the Residential Development Guidelines.
6. Record a one-foot non-vehicular access easement along Jensen Street.

Vote: Passed 7-0.

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## MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **GPMajor 04-01** Proposed General Plan Land Use Amendment: From Mixed Use/ Residential (30 % at 15+ du/ac) to Medium Density Residential 2-4 (2-4 du/ac), Medium Density Residential 6-10 (6-10 du/ac), High Density Residential 10-15 (10-15 du/ac), Office and Community Commercial for approximately 314.5 ± acres generally located south of Thomas Road between Val Vista Drive and Lehi Road. Various owners; Paul Gilbert; Beus Gilbert PLLC, applicant.

Comments: Chairperson Cowan stated the applicant has requested a continuance to the October 21, 2004 meeting and that the Board would consider that request.

Paul Gilbert – 4800 North Scottsdale Road, stated they are requesting a continuance and gave a brief presentation as requested by the Board. He stated that the property is located in Maricopa County and that the current General Plan designation is mixed-use residential, which does not support the development of single-family homes. He pointed out the property owners are long time residents of Mesa and the Lehi area and that the property is currently being used for citrus farming, which is no longer viable or profitable. He also pointed out that the designation of Commerce Park had been in place from 1988 to 1996. He stated that Dr. Angle had WestCor do an analysis of the property and WestCor's advice was that there was a market, at most, for 10 acres of Commercial under the existing General Plan and were not interested in developing the property. He reiterated that the current designation of the property under the General Plan was not a viable one.

Mr. Gilbert stated there are seven major industrial parks in the area and less than 1,000 acres had been developed. He pointed out that Falcon Field had teamed up with the City of Mesa to market and develop that property and added they had no chance in competing with that kind of partnership. He stated they have been working on the density issue and have made some progress and also had a traffic study done that indicated they would produce 40 percent less traffic than the approved land use. He stated they need to look at the best viable option for the area and that is why they were going through the General Plan Amendment. He mentioned another viable option is to develop the property industrial under a sand and gravel operation but that the owners did not desire to do that. He stated they have asked for a continuance to allow more time to work with the neighborhood and on a viable option for the area.

Clay Layton, 2305 East Inglewood, stated that this is a difficult property to develop because it is in the County and because of the elevations and other geographical problems. He stated that if the property is to be developed it needs a master plan and the applicant has a product that is compatible with the neighborhood. He stated he is excited about the project and in support.

Rodney Engle, 3001 E. Lehi Road, stated he has lived in that location since 1957 and confirmed that he is in support of what Mr. Gilbert presented. He added that because of the changes in the citrus business that option was no longer viable and added that the sand and gravel companies have impacted this area. He stated they have had opportunities to sell out to the sand and gravel companies but that his families wanted to stay in Mesa. He stated that the amendment should change and go with what the applicant is proposing. He also confirmed that they had never received offers for any commercial operations.

Chairperson Cowan mentioned that Beverly Self and Leslie Hansen are in favor of the project but did not wish to speak.

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Stephen Glass, 2813 E. Camelback Rd., stated that his firm does environmental compliance and regulatory work for extractive industries and even when a plant is operating in compliance with all the regulations it is still an incompatible land use with high-density housing.

Geoffrey Semro, 2901 N. Central Ave., representing Cemex, which operates an aggregate facility east of the site. He stated they are opposed to the proposed Amendment and clarified that the plant is active and will commence working within the next three weeks.

Dina Higgins, 2341 N. Lemon Circle, stated she disagreed with the General Plan Amendment as presented. She stated that the Citrus Sub Area and the Lehi Sub Area have met and believe that the Amendment is not following the guidelines presented by City Council and that high density residential is not compatible with the surrounding areas. She stated they were promised to preserve the area.

Bill Burke, 3450 E. Menlo, stated he recognizes the need for commercial development and is not against residential but not at the density that is being proposed. He also stated they do not need any more mines and stated that there would be a loss of 3,000 jobs if they change the General Plan.

Mark Freeman, 1118 E. Lockwood, Lehi Committee Association, stated they would like the property annexed but mentioned his concerns for the historic preservation of the area and the impact it would have on the Sun Circle Trail and the orchards. He stated they would like to see a decrease in the density, the historical preservation maintained and to leave the current County zoning of R1-43 adding that there are other options besides mining. He submitted a letter from ADOT regarding the realignment of the freeway.

Nick Wood, One Arizona Center, representing Vulcan Materials, stated the issue they have is compatibility and that the proposed development is not a compatible use with the surrounding area. He mentioned that the mining company creates lots of dust, noise, and operates around 3:00 a.m. He stated they do not want to see single-family homes because it will create problems for the mining company. It was intended for multi-family not single-family homes, which is not a compatible use.

Boardmember Finter asked staff to get information about the historic preservation of the area.

It was moved by Boardmember Finter, seconded by Boardmember Esparza

That: The Board continue zoning case GPMajor04-01 to the October 21, 2004 meeting.

Vote: Passed 5-0 (Boardmembers Carpenter and Mizner excused)

Reason for Recommendation: The Board felt a continuance was warranted.

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## MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **GPMajor 04-02** Proposed General Plan Land Use Amendment: From Business Park to Mixed Use/Residential (30% at 15+ du/ac), Medium Density Residential 4-6 (4-6 du/ac), Community Commercial and Public/Semi-Public for approximately 293 ± acres bounded by Ellsworth Road to the west, Crismon Road alignment to the east, Elliot Road to the south, and transmission line corridor to the north. Various owners; Clare Abel and Ed Bull, Burch and Cracchiolo, applicant.

Comments: Paul Gilbert, 4800 N. Scottsdale Road, applicant, stated he would like the record to show that he rigorously advocated their position and adopted everything said by Mr. Earl (GPMajor04-03). He also stated they are proposing executive houses in this area and as a part of this General Plan application they were also asking for community commercial and mixed-use residential, which he felt was ignored in the staff report. It is consistent with the General Plan and he didn't understand why that portion could not be adopted. He hoped that the Board might give that some favorable consideration.

Reese Anderson, 400 E. Van Buren, reiterated his comments from the previous case (GPMajor04-03) and didn't think that the application could be split. He pointed out that the Airport is not opposed to any non-residential uses.

Mark Metzger, the Boeing Company, (addressed his comments to GPMajor04-02 and GPMajor04-03) showed a presentation regarding the over flights of Williams and the impacts they would have to the property. He added that the area has grown with lots of industrial businesses since the last time they were asked to give their input. He pointed out that Sky Harbor is the 5<sup>th</sup> busiest airport and like other big airports they have a reliever airport that handles big traffic, which is Williams. He also stated that the noise level is incompatible for normal usages.

Nick Wood, One Arizona Center, representing Williams Gateway Airport, (addressed his comments to GPMajor04-02 and GPMajor04-03) stated they are trying to create the second largest economic engine in the valley. He also stated that this is the only departure alley that Mesa has that doesn't contain residences along this area, adding that this also has the highest concentration of over flight. He stated that if the Board allows a change in the General Plan to build homes more would follow. He mentioned that this request was looked at very closely in 2002 and that nothing has changed, except that the applicant has split it in two and has increased the density. He stated that any request to change the General Plan is premature and the Board should be looking at compatibility.

Wahid Alam, Senior Planner, gave a brief overview stating that the staff report covers the reasons why staff is not supporting this General Plan Amendment. He stated that in 2003 Maricopa Associations of Government (MAG) conducted a study that indicated that by 2035 there would be about 100,000 jobs in the area and by allowing this proposal to change from Business Park to residential could lose about 2,200 jobs, adding that the other reasons were mentioned by those who spoke regarding GPMajor04-03. He added that the project proposed 271 acres of residential and only 12 acres of community commercial at the street corners.

Chairperson Cowan confirmed with Jim Smith (Assistant City Attorney) that the Board is to act on what had been presented and any division of the proposal would have to be between the applicant and staff. Mr. Smith advised that the Board had to decide on this case as a whole.

Boardmember Adams addressed Mr. Gilbert's question stating he sees no reason to object to any commercial development as long as it didn't involved residential housing.

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Boardmember Saemisch also addressed Mr. Gilbert's question stating that is also includes multi-family, adding that the Board had not approved residential in the past and didn't see it changing in the future.

It was moved by Boardmember Finter, seconded by Boardmember Adams

That: The Board deny zoning case GPMajor04-02.

Vote: Passed 5-0 (Boardmembers Carpenter and Mizner excused)

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## MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **GPMajor 04-03** Proposed General Plan Land Use Amendment: From Business Park to Medium Density Residential 4-6 (4-6 du/ac) and Community Commercial for approximately 283 ± acres bounded by Signal Butte Road to the east, Elliot Road to the south, Crismon Road alignment to the west and transmission line corridor to the north. Various owners; Stephen C. Earl, Earl, Curley and Lagarde, applicant.

Comments: Stephen Earl, applicant, stated they are requesting to change the General Plan designation on this property from industrial to residential. He pointed out that over the last 10 years every request presented had not been favored by the Board, City Council, staff, and the airport for two reasons: 1) perceived negative impact on the future of the Gateway Airport; and 2) a desire for a significant job core in Mesa. He briefly went over both issues and showed some maps indicating flight zones and an analysis done in the area stating that their properties would only have 2-3 flights per day. He added that there would be some peak times and that most of the noise was not significant and could be addressed in noise attenuation features and with proper notification. He added that they had hoped that there would be a decision regarding the RNAV procedure before this meeting. He stated that the City has made it clear that this airport is not going to be restricted to its current operation and in the future they wanted this airport to be a major regional hub. He stated they are looking at all the requirements that the Federal Aviation Administration (FAA) has for a repeatable, safe departure corridor and the number of plane flights would not go up because the planes could not physically make the turn.

Mr. Earl stated they hired an expert to look into the employment area and showed some exhibits regarding designation for employment areas around airports throughout the valley, he added that if they wanted this job core to work there needs to be housing at this location and that it would not hurt the airport. He also stated that they had hired two aviation experts and their reports states that, over time, the impact of the airport would go down, there would be fewer flights associated with this property, and that the current flights were not significant in terms of noise. They agreed that the job core is important and the City should capitalize on the upcoming freeway and airport adding that this would be a great location for residential.

Matthew Smith, 9233 E. Neville Avenue, spoke in opposition of the proposed project and stated that the current zoning should stay in place and added that his concern was for the quality of life. He disagreed that the proposed project would not be impacted by the airport and asked the applicant to give them an opportunity to have a community where they can work and live, not just live.

Reese Anderson, 400 E. Van Buren, on behalf of Williams Gateway Airport, addressed his comments to GPMajor04-02 and GPMajor04-03 and stated their reasons for recommending denial of these cases. He stated that the applicant hasn't demonstrated that their request constitutes any improvement to the City or the General Plan and only two things have changed from last year – the increase in density and more flights over the property. He stated that statements made by the applicant regarding that operations over this property would diminish, is untrue.

Mr. Anderson mentioned that the direction they got from Councilmembers was to get information from FAA on a decision regarding RNAV. He went over letters they had received from Warren Meehan, Air Traffic Manager for Phoenix TraCon, which stated they had no plans to modify the departure procedures. He added that that RNAV is a minor part of the departure procedure, which is not in place and that the FAA did not want to get involved with land use issues. He added that this site is subject to significant impact by noise and over flights and that

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the airport received many complaints and putting more people in this area would only increase the number of complaints. Mr. Anderson stated that the applicant has asked the Board to improve the marketability of their site, adding that this is about zoning compatibility not about zoning marketability. He requested that the Board deny GPMajor04-02 and GPMajor04-03.

Mark Metzger, the Boeing Company, (addressed his comments to GPMajor04-02 and GPMajor04-03) showed a presentation regarding the over flights of Williams and the impacts they would have to the property. He added that the area has grown with lots of industrial businesses since the last time they were asked to give their input. He pointed out that Sky Harbor is the 5<sup>th</sup> busiest airport and like other big airports they have a reliever airport that handles big traffic, which is Williams. He also stated that the noise level is incompatible for normal usages.

Nick Wood, One Arizona Center, representing Williams Gateway Airport, (addressed his comments to GPMajor04-02 and GPMajor04-03) stated they are trying to create the second largest economic engine in the valley. He also stated that this is the only departure alley that Mesa has that doesn't contain residences along this area, adding that this also has the highest concentration of over flight. He stated that if the Board allows a change in the General Plan to build homes more would follow. He mentioned that this request was looked at very closely in 2002 and that nothing has changed, except that the applicant has split it in two and has increased the density. He stated that any request to change the General Plan is premature and the Board should be looking at compatibility.

Wahid Alam, Senior Planner, gave a brief overview stating that the staff report covers the reasons why staff is not supporting this General Plan Amendment. He stated that in 2003 Maricopa Association of Governments (MAG) conducted a study that indicated that by 2035 there would be about 100,000 jobs in the area and by allowing this proposal to change from Business Park to residential could lose about 2,200 jobs, adding that the other reasons were mentioned by speakers.

Boardmember Adams stated he appreciated all the comments and materials presented; however, it had not changed his position from when the Board last saw this case, adding that all the evidence shown was not going to change the airplane's flights. He stated that it would be a dangerous precedent to allow residential development in the middle of this property and supports staff's recommendation for denial.

Boardmember Finter stated he has heard lots of good things about Engle Homes but believes that putting homes in the designated departure route would jeopardize Williams Gateway future; he stated he would not be supporting the applicant's request.

Chairperson Cowan echoed the comments of the Boardmembers and stated that the applicant had presented a compelling case. He also stated he was compelled to sustain and uphold the General Plan and the Williams Gateway area and would also be supporting staff's recommendation for denial.

It was moved by Boardmember Adams, seconded by Boardmember Finter

That: The Board deny zoning case GPMajor04-03.

Vote: Passed 5-0 (Boardmembers Carpenter and Mizner excused)

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director

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