

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date: January 17, 2008 Time: 4:00 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Rich Adams, Chair, excused

OTHERS PRESENT

John Wesley
Dorothy Chimel
Tom Ellsworth
Joe Welliver
Josh Mike
Maria Salaiz
Kelly Arredondo

MaryGrace McNear
Reese Anderson
Ralph Pew
Jeff Conkle
William Jabjiniak
Christine Zielonka
Others

Vice-Chairperson Esparza declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated January 17, 2008. Before adjournment at 8:15 p.m., action was taken on the following items:

It was moved by Boardmember Roberts, seconded by Boardmember Carter that the minutes of the November 29, 2007 special meeting, the December 18, 2007, and December 20, 2007 study sessions and regular hearing be approved as submitted. Vote: 5-0 with Boardmembers Adams and Salas absent.

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

It was moved by Boardmember Langkilde, seconded by Boardmember Roberts that the consent items be approved. Vote: 5-0 with Boardmembers Adams and Salas absent.

Resolution: Consider a recommendation to City Council regarding fees for zoning applications for the Planned Community District and Development Unit Plans.

Zoning Cases: Z07-96, *Z07-119, Z07-122, GPMinor07-11, Z07-74. GPMinor08-01, Z08-03

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Item: **Z07-96 (District 5)** The 5600 block of East Thomas Road (south side). Located west of Recker Road on the south side of Thomas Road (25± acres). Rezone from R1-90 to PEP PAD. This request will allow for the future development of a business park. Van Bethancourt, Red Mountain Commerce Park, LLC, owner; Josh Hannon, EPS Group, Inc., applicant/engineer. Also consider the preliminary plat. **CONTINUED FROM THE SEPTEMBER 20, 2007, OCTOBER 18, 2007, NOVEMBER 15, 2007, AND THE DECEMBER 20, MEETINGS.**

Comments: Michael Lucey, 6009 E. Sanford Circle, Mesa, stated since this case is being continued to February, he would address his concerns with case Z08-03, which is in the same vicinity.

The following individuals submitted, "blue cards" in opposition of this case:

Cynthia Ciacchetti, 6009 E. Sanford Circle

Barbara Watson, 6036 E. Virginia Street

Loren Watson, 6036 E. Virginia Street

Betty Day, 6107 E. Roland Street

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board **continue** zoning case Z07-96 to the February 21, 2008 meeting.

Vote: Passed 5-0 with Boardmembers Adams and Salas absent.

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

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Item: **Z07-119 (District 2)** 1615 East Main Street. Located west of Gilbert Road on the south side of Main Street (.69± acres). Site Plan Review. This request will allow the development of a retail building. Tom Hanna, owner; Grant Blunt, Cawley Architects, applicant; Jay E. Mihalek, JMA Engineering Corporation, engineer. **CONTINUED FROM THE DECEMBER 20, 2007 MEETING.**

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

It was moved by Boardmember Langkilde, seconded by Boardmember Roberts

That: The Board **approve** the applicant's request to withdraw zoning case Z07-119.

Vote: Passed 5-0 with Boardmembers Adams and Salas absent.

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Item: **Z07-122 (District 5)** 7336 East Main Street, Suite 14. Located west of Sossaman Road on the north side of Main Street (23,106 square feet). Council Use Permit to allow for a nightclub in a C-2 zoning district. Michael A. Pollack, Pollack Investments, owner; Reese Anderson, Pew and Lake, PLC, applicant. **CONTINUED FROM THE DECEMBER 20, 2007 MEETING.**

Comments: Boardmember Salas arrived at 4:10 p.m.

Ralph Pew, 1930 E. Brown Road, Suite 101, Mesa, AZ, applicant, stated they are requesting a Council Use Permit (CUP) in an existing C-2 zoning district; adding that CUP's are unique zoning entitlements, which allow certain uses in existing zoning districts. He explained that there are five items that the City's Ordinance instructs this Board and City Council to consider:

- 1) The zoning is in existence. They have identified their plan of operation and a letter from the owner, of the shopping center, committing to the refurbishment of the eastern wall. He showed the floor plan of the proposed nightclub facility and explained the different uses, adding that the hours of operation are Wednesday thru Sunday from 7:00 p.m. to 2:00 a.m.;
- 2) "Good Neighbor Policy", he explained they have provided for on site management, adding that the monitoring and handling of the parking lot is very important and will have off-duty officers patrolling. This is one of the reasons that the school to the east is recommending approval of this case. He commented that since the Phoenix Hurricane Bay began operation in 2005, the number of crimes reported have gone down significantly;
- 3) They have redone the site plan, reworked the landscaping and parking areas that brings this portion of the shopping center into substantial compliance with current City Code, including submitting a noise study;
- 4) They meet the requirements of separation from churches and schools, the distance from the exterior boundary to the high school is 350' and the distance to the church is over 700'; and
- 5) There will be no outdoor activities.

Mr. Pew stated they are not here to ruin anybody's quality of life, they are just requesting support and approval of a nightclub that will bring nightlife in a reasonable, well protected and secured environment. He added that there are only three other CUP's for nightclubs in Mesa, which have no major complaints or operational issues and are immediately adjacent to neighborhoods. He concluded that the beauty of a CUP is that it has several conditions, which they comply with.

Boardmember Roberts asked if Hurricane Bay has agreed to the nightly security patrol and cleaning of the school parking lot. Mr. Pew responded Yes, adding that it would be through a private agreement. Discussion ensued regarding the capacity of the nightclub, how many customers would be expected, when the shopping center was built, the square footage of the building, how often the officers would patrol the area, and how long the property has been vacant.

Michael Pollack, 1136 W. Baseline Road, Mesa, AZ, owner of the shopping center, gave an overview of his company and stated he has owned the property for three years; adding that this is a troubled property in a troubled area and gave a brief history of the shopping center and surrounding areas.

Boardmember Mizner asked Mr. Pollack his intention for the site to the east and if there are any future tenants. Mr. Pollack responded that they are cleaning the site and added that there is no

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need to rebuild because there is no need or interest at this time.

The following individuals spoke in support:

Paul J. O'Neill, 3612 N. Sonoran Heights, Mesa
Frankie Smith, 1725 S. Windsor, Mesa
Rebecca Wahl, 4743 W. Alice Ave, Glendale

Comments and concerns included:

- Mesa needs a local entertainment place
- Security will keep cars from being vandalized
- Since the nightclub opened (in Phoenix) the property has been cleaner, there has been no issues with patrons and crime level is lower
- Don't be afraid of change

The following individuals presented blue cards in support and did not wish to speak:

Rosabel Dunn, 2959 E. Hope Street, Mesa
Raymond H. Dunn, 2959 E. Hope Street, Mesa
Betty L. O'Neill, 3612 N. Sonoran Heights, Mesa
Johnny Wells, 4743 W. Alice, Mesa
Vince Allen, 4620 S. Hassett, Mesa
John W. Locke, 3619 N. Sonoran Heights, Mesa
Margaret Lawrence, 7528 E. Billings St, #1064, Mesa
Mark Vudrag, 6740 E. Northridge, Mesa
Crystal Erbon, 6530 E. Presidio St, Mesa
Joseph Michael Pratio, 6652 E. Virginia St
Paul Hubbard, 4013 N. Olympic Circle, Mesa

Comments on the cards included:

- This business will be a good thing for the area, will bring new business to area.
- Mesa needs some nightlife for the young.
- This should be in operation, thanks.
- Mesa, I hope you give this a chance.

The following individuals spoke in opposition.

Aina Dougherty, 336 S. 74th Place, Mesa
Chuck Erickson, 755 E. Bogart Ave, Mesa
Bill Wall, 145 N. 74th St, #238, Mesa
Joan Anderson, 7556 E. Arbor, Ave, Mesa
Bryan McBean, 145 N. 74th St, #113, Mesa
Philip Platt, 7324 E. Arbor Ave, Mesa
Beverly Weatherbee, 7347 E. Abilene Ave, Mesa
Willard Erickson, 145 N. 74th St, #133, Mesa

Comments and concerns included:

- Increased traffic on 74th Street
- Political strategy to camouflage the real issue
- Article in the East Mesa Independent, pointed out that many of the homeowners are "seasonal" and sends a message that elected officials should not listen to concerns from "seasonal" residents
- Most of the 2,200 registered voters have no objection, since the project is not in their backyard

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- Parking lot will not buffer sound
- The bar/dance hall is incompatible with/and detrimental to the surrounding neighborhood
- Request should be denied
- Existence of a nightclub close to churches and schools dedicated to aide our children and youth, sends the wrong message
- Excessive drinking, loud and disturbing noise from patrons and vehicles
- Excessive traffic problems with the potential for drugs, prostitution and gang infiltration
- Infringement to quality of life
- Property values will decrease
- Not compatible with retirement community
- Police calls are higher with drinking establishments and nightclubs
- Not a good mix to have this establishment located so close to a residential community due to vehicle and people traffic, accidents, DUI, disturbances, fights, noise & drug problems, prostitution and gangs
- Board is set up to protect the citizens
- Lack of lighting in the back area will encourage drugs activities
- No real buffer to neighborhood
- Noise in the smoking area has not been addressed

The following individuals presented blue cards in opposition and did not wish to speak.

Renee Stock, 145 N. 74 th Street, #219, Mesa	Art Miller, 145 N. 74 th St, Mesa
Jerry Lueth, 145 N. 74 th Street, #119, Mesa	Sharon J. Miller, 145 N. 74 th St, #241, Mesa
Dennis A. Stock, 174 N. 74 th Street, Mesa	Jo Newingham, 145 N. 74 th St, #239, Mesa
Bonnie L. Monday, 145 N. 74 th St, #116, Mesa	Leora Erickson, 145 N. 74 th St, #133, Mesa
Don Becker, 145 N. 74 th St, #146, Mesa	Bernie R. Newingham, 145 N. 74 th St, #239
William Anderson, 7222 E. Baywood, Mesa	Ray Mork, 7563 E. Bogart, Mesa
Dorothy Pixler, 145 N. 74 th St, #226, Mesa	Bernadette Mork, 7563 E. Bogart, Mesa
Linda Castillo, 145 N. 74 th St, #125, Mesa	Jim Horne, 309 S. 72 nd Circle, Mesa
Virginia Gansemer, 128 S. 7 th Place, Mesa	Dorothy Horne, 309 S. 72 nd Circle, Mesa
B.A. Rodgers, 145 N. 74 th St, #251, Mesa	Zella Scheidler, 7316 E. Baywood Ave, Mesa
Gordon Benjaminson, 145 N. 74 th St, #227, Mesa	Arline Michael, 7314 E. Arbor Ave, Mesa
Diane Benjaminson, 145 N. 74 th St, #227, Mesa	Lelend Pixler, 145 N. 74 th St, #311, Mesa
Dorothy Marvel, 7309 E. Bramble Ave	Lloyd Thomas, 116 S. 75 th Pl, Mesa
Lee Marvel, 7309 E. Bramble Ave, Mesa	Jack Davis, 158 S. 74 th St, Mesa
Ron Lorenzen, 145 N. 74 th St, #221, Mesa	Charles Lake, 145 S. Amulet Ave, Mesa
Raymond Castillo, 145 N. 74 th St, #128, Mesa	Floyd Bailey, 7321 E. Baywood, Mesa
Marlene Friedlander, 145 N. 74 th St, #256, Mesa	Nancy Bailey, 7321 E. Baywood, Mesa
Donna Mcneilly, 145 N. 74 th St, #108, Mesa	Ben Daugherty, 336 S. 74 th Place, Mesa
David Truax, 160 S. 78 th Pl, Mesa	Patricia A. Lorenzen, 145 N. 74 th St, Mesa
Judith Treax, 160 S. 72 nd Pl, Mesa	Richard Gansener, 128 S. 75 th Pl, Mesa
Carol Lee Thomas, 116 S. 75 th Pl, Mesa	Nicole Gavan, 42328 N. 46 th Ln
Joanne Davis, 158 S. 74 th St, Mesa	Katie Roberts, 4615 W. Misty Willow
Wendell Howarter, 7443 E. Balsam Circle, Mesa	Florence Rasset, 145 S. Amulet, Mesa
Corine Howarter, 7443 E. Balsam Circle, Mesa	

Comments on the cards included:

- Residential property too close, afraid of crime.
- Too close to church, seniors, not good business.
- Bad noise, traffic, crime and probably drugs.
- Am familiar with this type of entertainment and do not want.
- We do not need or want this bar.

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Mr. Pew thanked the residents for their honest approach and comments. He stated that the community to the south is not immediately adjacent to this project but divided by six lanes of traffic with a very wide median; adding that there is a large sign indicating that it's the Mesa East Mobile Home subdivision and people attending the nightclub will generally exit the same way they came. He stated that the rights of all individuals should be considered, whether they vote here or live here permanently or part time. Mr. Pew stated that they are confident that this project does not adversely affect, nor is it inimical to the lifestyle or quality of life of individuals that live near this project. He reiterated his comments about the hours of operation and the "good neighbor" policy, adding that drinks and outside activities will be prohibited and the smoking area is simply to comply with the indoor smoking ban. He urged the Board for approval.

Tom Ellsworth, Senior Planner, stated that this request is for a nightclub in a C-2 district and that a CUP is a discretionary authorization granted by the City Council through a public hearing process. He mentioned that the applicant has met the criteria for the CUP; adding that staff has received comments and petitions both in support and opposition. He stated staff is recommending approval, specifically, conditioning the applicant to the plan of operation and the "Good Neighbor" Policy. Staff has also conditioned the approval upon providing appropriate noise reduction and sound attenuation; adding that the club will orient the speakers inward towards the tenant space, install smoke sealant on all exterior doors and place restrictions of the CUP to Bay Entertainment LLC, an Arizona Limited Liability Company, only.

Boardmember Mizner asked Mr. Ellsworth to discuss the parking requirements and if there would be enough parking for the entire shopping center, should the center become successful. Mr. Ellsworth responded that staff reviewed the entire site and asked the applicant to provide a parking analysis. It was determined that the parking area could accommodate the nightclub and any future businesses for the center.

Boardmember Salas asked if there would be security in the general vicinity and how much access is there from the smoking area to the exterior of the parking lot. Mr. Pew responded that the smoking area is immediately to the east of the main entrance and adjacent to the building.

Boardmember Carter asked Mr. Pew to show where the stages and the speakers were located, how the glass areas of the building were being addressed, what the reason was for having the smoking area in front of the building vs. the side that was demolished; and if there were any plans to make the exterior lighting on the north side any brighter.

Steve Pratico, owner, explained the floor plan and the direction and location of the speakers. He also explained that some of the glass will remain and walls will be added, but that the plans have not been finalized. He mentioned that they also have a sound abatement requirement in the lease. Mr. Pratico stated they would stipulate to having the north side of the building designated as "employee parking only" and will take every step possible to make sure that the noise issue is addressed.

Mr. Pew also addressed Mr. Carter's concerns stating that, as mentioned by Mr. Pratico, plans have not been finalized regarding the glass and if needed they would mitigate it in whatever way is necessary; adding that the assurance the neighbors have is, if the sounds from Hurricane Bay violates the City of Mesa sound requirements or creates a nuisance, the CUP would be subject to review, revocation, suspension, or modification. Mr. Pew commented that they did not put the smoking area on the east side because there is room for growth and hopefully this site will revitalize the center.

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Boardmember Mizner stated he supports the request and commented that this Board volunteers it time because they care about the community and they are not elected. He stated the Board looks at land uses and makes the best decision for the area; adding that the opinion of the people, who come before the Board, carries a lot of weight. He added that Mesa needs a venue like this, which is going to be a success and an asset to this part of Mesa.

Boardmember Roberts stated he appreciates and is sympathetic to the resident's concerns for safety and quality of life, but added that this is a good opportunity for Mesa and supports the request.

It was moved by Boardmember Langkilde, seconded by Boardmember Carter

That: The Board **approve** and recommend to the City Council approval of zoning case Z07-122 conditioned upon:

1. Compliance with the basic development as described in the project narrative, the Plan of Operation and Good Neighbor Policy; including but not limited to:
 - a. Use of on-site security personnel to monitor parking lot activities.
 - b. The Club will not have outdoor drinking or entertainment. Nor will the Club establish outdoor activity areas, excluding the smoking patio, or install outdoor speakers.
 - c. To provide for appropriate noise reduction and sound attenuation, the Club will:
 - i. Orient speakers so that noise is to focus inward to tenant space.
 - ii. Install smoke sealant on all exterior doors.
 - iii. Locate administrative storage/office areas along northernmost exterior walls per floor plan on sheet A1 dated January 8, 2008.
 - d. Restriction of the Council Use Permit to this business, Bay Entertainment L.L.C. an Arizona Limited Liability Company.
2. Compliance with the basic development of the site plan, including:
 - a. Substantial conformance with Zoning Ordinance requiring landscaping within the parking area defined for Hurricane Bay (sheet SP-1) as follows:
 - i. Replace all dead and dying trees in existing landscape islands.
 - ii. Provide 5-foot x 5-foot minimum landscape islands per the enlarged site plan dated January 8, 2008.
 - iii. Provide foundation landscaping per floor plan on sheet A1 dated January 8, 2008.
 - b. Refurbish the existing landscape so that it is in conformance with the conditions of development approved as part of the original building permit for the site.
3. Compliance with City Development Codes and Regulations (Engineering, Building Safety, Fire, and Solid Waste).

Vote: Passed 6-0 with Boardmember Adams absent.

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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. District 5. General Plan Minor Amendment to change the General Plan Land Use Map from Business Park to Medium Density Residential 6-10 du/acre (25± ac.) and Neighborhood Commercial (14± acres). This request will allow the development of a mixture of multi-family, retail, 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. CONTINUED FROM THE JULY 19, 2007, SEPTEMBER 20, 2007, OCTOBER 18, 2007 AND THE NOVEMBER 15, 2007, MEETINGS.**

Comments: Reese Anderson, Pew & Lake, 1930 E. Brown Road, #101, Mesa, applicant, commented that at the November meeting they were charged with redesigning to see a more campus integrated setting in the Business Park area and work with neighbors to resolve issues with the site plan. He stated they met with members of the Homeowners Association Board (HOA) and the AdHoc Las Sendas 51 Committee on November 26th and December 3rd. They produced a hand sketch architectural site plan, which was approved by the group. He explained the changes made and mentioned that it was an improvement to the neighborhood, which was not accepted by all. He noted that the HOA hired an attorney and they are working cooperatively with them.

Mr. Anderson gave a comparison of the previous site plan and the present one. He stated that the square footage of the retail dropped by 1,100, the office dropped by 50,000 and the office & retail parking, which was a big concern to the neighbors, dropped by 213 spaces. He mentioned that the recommendation for denial is based on comments from the Economic Development Department and recognized that there is a lot of potential for employment in the area. He gave a brief history of the project and noted that this case was part of a larger zoning case, at which time a resort was proposed. The case never made it to City Council and was withdrawn. Mr. Anderson added that they have tried hard to bring a well balanced and thought out site plan; adding that they still have about 12 acres of PEP to work on for height and density. He urged the Board for approval.

Boardmember Roberts asked what the owner's intent was when he bought the property and if he was happy with where it stands.

Chris Arnold, 11220 N. Tatum Blvd., Phoenix, AZ, owner, stated they have owned the land since the inception of the Las Sendas community and it was always designated as Business Park. He added that they also own the golf course and felt that a resort or hotel would be good with Falcon Field and all the other corporations so close. He stated that the HOA has tried repeatedly to get him to commit that they would not build a hotel on this site but he has refused; adding that he is trying to maintain the ability to go vertical on the PEP and do a resort/hotel, but now is not the time. Discussion ensued regarding the possibility of a resort/hotel in the future, opposition from the residents and other possible uses.

Boardmember Mizner noted that one of the concerns expressed by neighbors was that there hasn't been a commitment that this project would be part of the Las Sendas HOA and subject to their design guidelines and architectural controls. He asked Mr. Arnold where he stood on this concern.

Mr. Arnold responded that they agreed to put the residential portion into the Las Sendas HOA community but that the HOA did not want them to use their amenities and he is required to put in a clubhouse and pool. He stated that none of the commercial parcels or golf course were

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ever part of the La Sendas HOA community, adding that at the end of December communications started falling apart because of the deed restrictions and because they wanted complete control over the architectural portion of the project.

Kay Bigelow, Gammage & Burnham PLC, 2 N. Central, #1800, Phoenix, representing Las Sendas Community HOA, stated they have been meeting with JCA holdings and are in substantial agreement with the site plan, noting that after hearing Mr. Arnold they object to any plans to put the hotel back.

Boardmember Mizner confirmed with Ms. Bigelow that the HOA's position is that they are in favor of this site plan, which does not show a hotel; adding that it was his understanding that the hotel was a long-term plan.

John Kressaty, 3758 N. Desert Oasis Circle, Mesa, Vice President of Las Sendas HOA and Chairman of the Architectural Review Committee, stated they are in favor of the current site plan; noting that the residential portion of this project will be part of the HOA and that they would only have input to the architectural design for the retail and business section. Discussion ensued regarding the use of the amenities.

The following individuals spoke in opposition.

Brian Packham, 2838 N. Rowe Circle, Mesa
Shirley Duclos, 3347 N. Boulder Canyon, Mesa
John Duclos, 3347 N. Boulder Canyon, Mesa
Grey Marek, 3060 N. Ridgecrest, #182, Mesa
Carol Walters, 2909 N. Avola Circle
Jesse Parker, 3055 N. Red Mountain, Mesa
Bill Hall, 3933 N. Arboles Circle, Mesa
Carol Hall, 3933 N. Arboles Circle, Mesa
Carol Hall, 3933 N. Arboles Circle, Mesa
Margaret McFate, 8134 E. Vista Canyon St, Mesa

Comments and concerns included:

- The lack of clarity of this entire proceeding
- Breakdown of communication between parties
- No traffic study performed
- Improve the site plan, make it unique and give it pizzazz
- Presented an incomplete but semi-workable plan
- Missing quality use of the land within the Desert Uplands area
- Request that the project be denied
- A conceptual site plan presented by the Las Sendas Association demonstrates that a quality vision is possible
- Staff's recommendation for denial was all about economic development
- Do not support the decision by the Las Sendas Board of Directors
- Parcel 51 is not one of the eight employment centers designated by the Economic Development Department
- A mixed-use center concept is more appropriate
- This property should be designed as a Neighborhood Commercial center rather than a basic shopping center consisting primarily of buildings and asphalt
- A village concept is possible and C-1 zoning is more appropriate than C-2 zoning
- It is important to approve a quality site plan and design standards now rather than at the Design Review stage

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- Great care needs to be taken on this parcel, it's a beautiful piece of land
- Plan is different than presented by applicant
- People who attended the December 28, 2007, meeting were not happy with the plan
- Sees no reason to make this parcel commercial/retail
- Keep Business Park. Las Sendas was intended to be a high-end livable community
- The current site plan lacks quality and originality
- Hope is to see a farmers market, art and craft shows, an outdoor living room for the community
- Agrees with staff's recommendation for denial
- Would like the developer to start from scratch and challenged him to come up with an imaginative and innovative vision for Las Sendas
- Development does not fit in the Las Sendas community
- Increase in traffic
- Project will devalue properties and will make neighborhood a less desirable place to live

The following individuals presented blue cards in support and did not wish to speak:

Fawn Finchum, 3430 Mountain Ridge, #30, Mesa

Bob Neely, 3055-84 N. Red Mountain, Mesa

N. Camillone, 7617 E. Sayan St, Mesa

Comments on the cards included:

I agree with the proposed plan. Las Sendas is unique and should incorporate mixed usage including residential

Preserve our communities

The following individuals presented blue cards in opposition and did not wish to speak.

Tom Taylor, 3820 N. Barron, Mesa

Donald Pike, 4354 N. Sagewood Cir, Mesa

Lesty Parker, 3055 N. Red Mountain, Mesa

Ken Wiesner, 7024 E. Russel St, Mesa

Elaine Wiesner, 7024 E. Russel St, Mesa

Shirley Izenberg, 7740 E. Western Hills St, Mesa

Milton Izenberg, 7740 E. Western Hills St, Mesa

Herman Walters, 2909 N. Avoca Cir, Mesa

Carol Emig, 3944 N. Arboles Cir, Mesa

Jeff Emig, 3944 N. Arboles Cir, Mesa

Marilyn Veich, 3055 N. Red Mountain, #215, Mesa

Bertran Roy, 3751 N. Piedra Cir, Mesa.

Comments on the cards included:

I am concerned for the safety of my grandchildren

Safety of children

Almost a workable plan

Mr. Anderson responded to comments stating that the hotel is not part of this site plan, noting that if they were to propose a hotel they would have to come back to the Board. He stated that it is in the best interest of the owner to bring and deliver high quality to this area. He also stated that neighbors would have input when this project goes before the Design Review Board, adding that the neighbors are opposed to this site plan because they do not agree to the proposed deed restrictions. Mr. Anderson stated that they were referred to the "Villages at Las Sendas" as a good example of parking, and when comparing the ratios, theirs was slightly less.

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He mentioned that the changes made were not significant and he explained the changes.

Boardmember Roberts asked Mr. Anderson why they had changed the site plan after meeting with the neighbors. Mr. Anderson responded that the changes were an overall improvement to the site plan, adding that communications fell apart over issues with the deed restrictions. Discussion ensued regarding the changes to the site plan.

Boardmember Carter stated that they've talked about the sensitivities to the contours of the land yet he did not see any on this site plan and asked what the rationale was for keeping it this way. Mr. Anderson responded that although it slopes, it doesn't have the same type of natural area open space that requires those curves as throughout the rest of the community.

Tom Ellsworth, Senior Planner, stated that this is a request for a minor amendment to the General Plan. The applicant is requesting that 27 acres be changed to Medium Density Residential (6-10 du/ac), 11 acres to remain Business Park and 14 acres be changed to Neighborhood Commercial; adding that the vision for the site has always been Business Park. He explained that the 27-acre site is to accommodate 252 condominiums units, which meets the land use designation they are requesting. The office portion is for PEP-PAD and the C-2 zoning is to develop a mixture of office and retail uses. He stated that staff is recommending denial of the zoning request as it relates to the land uses, however, if the Board and City Council were to recommend approval of the land use change, staff would recommend approval of the site plan that has been reviewed.

Mr. Ellsworth mentioned that the neighbors have presented another site plan, which has a lot of interest. He explained that certain Conditions of Approval are subject to the Native Plant Preservation, as set forth in the Desert Uplands area, and as part of the DMP it is subject to the design guidelines of the of Las Sendas DMP. Staff is also requiring that the Design Review Board (DRB) review the entire development for quality and architectural elements, adding that the residential use would normally not go to the DRB.

Boardmember Mizner asked Mr. Ellsworth to review the criteria for amending land use designations in the General Plan. Mr. Ellsworth explained the four criteria set forth in the Mesa 2025 General Plan.

Boardmember Langkilde asked Mr. Jabjiniak to provide input to this proposal.

William Jabjiniak, Economic Development Director stated that one of the guiding principles that they use is the Mesa 2025 General Plan, adding that they are looking to create economic activity and this area needs to be more of an employment focus. He stated that Economic Development has not been able to support this project because they have not been able to quantify the economic benefits to the City; adding that this is an appropriate site for a proper resort hotel, which can be complimented with the appropriate amount of quality office and retail. Discussion ensued regarding what kind of input would be given from an economic development standpoint without destroying the site plan.

Boardmember Mizner commented that 51 acres of Business Park is a big parcel, adding that in the future there could be some compromise for some residential, a hotel and retail. He stated he shared the concerns and desires for the need of employment opportunities in NE Mesa and added that those opportunities needs to be along the freeway. Mr. Mizner also mentioned that it is important to know the history of this property.

Boardmember Langkilde asked Ms. Bigelow if there was a site plan that showed a resort and

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encompassed several of the requests by the neighbors would that be something that the HOA could agree to. He commented that Council District 5 has the greatest potential to alter the ratio between bedrooms and boardrooms; adding that it's time to do something different and that he would be supporting staff's recommendation for denial.

Ms. Bigelow responded that it's important to the HOA Board to keep residential; adding that the HOA Board represents 3,400 homes and is making a decision based on what they have and what they think is best for the entire Las Sendas community. She stated they are substantially "happy" with this site plan and want to continue working with the developer.

Boardmember Roberts stated they are guided by the General Plan, the Zoning Ordinance and staff's recommendation; adding that the preponderance of evidence hasn't been met to change the General Plan. He stated he would be supporting staff's recommendation for denial.

Boardmember Carter stated that this proposal is so close to being in harmony and hopes that this will come together and end up as a premier area. He added that the site plan has not changed much from the one presented in November. He asked Mr. Ellsworth what could be put in a C-2 designation that they can't put in Neighborhood Commercial. He also commented that the citizens have taken the developer in the wrong way, and the developer has taken way to many suggestions from the citizens; adding that in the real world you have developments that far exceeds this very blocky, rectilinear type of development and for that reason he will be supporting the recommendation for denial.

Mr. Ellsworth explained that C-2 zoning allows an increase in square footage and as pointed out in the General Plan, with each land use category there are certain zoning districts that can be considered, C-2 is one of those within the Neighborhood Commercial designation.

Boardmember Salas stated that he is sensitive to the residents wants but added that Mr. Arnold has gone beyond the concessions of what he needs to do. He stated he could not support this project because of the proximity to the freeway and the business opportunity this area has.

Boardmember Mizner stated that amending the General Plan is not to be taken lightly. He added that this proposal does not meet the test for amending the General Plan, adding that it's not an overall improvement and he was not convinced that it has a huge negative impact to the neighbors. He noted that some of the proposed uses that the Board discussed would be advantageous to both the neighbors and the City as a whole, including the possible inclusion of a hotel given the proximity to the freeway, the airport and to future employment uses in this area.

Boardmember Mizner moved to deny and recommend to the City Council **denial** of case GPMinor07-11 because it fails to meet the test for amendment to Mesa's General Plan, seconded by Boardmember Langkilde.

Vote: Passed 6-0 with Boardmember Adams absent.

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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 (50± ac.). District 5. Rezone from R1-90 DMP to R-2, C-2 and PEP, 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, 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. CONTINUED FROM THE JULY 19, 2007, SEPTEMBER 20, 2007, OCTOBER 18, 2007 AND THE NOVEMBER 15, 2007, MEETINGS.**

Comments: Reese Anderson, Pew & Lake, 1930 E. Brown Road, #101, Mesa, applicant, commented that at the November meeting they were charged with redesigning to see a more campus integrated setting in the Business Park area and work with neighbors to resolve issues with the site plan. He stated they met with members of the Homeowners Association Board (HOA) and the AdHoc Las Sendas 51 Committee on November 26th and December 3rd. They produced a hand sketch architectural site plan, which was approved by the group. He explained the changes made and mentioned that it was an improvement to the neighborhood, which was not accepted by all. He noted that the HOA hired an attorney and they are working cooperatively with them.

Mr. Anderson gave a comparison of the previous site plan and the present one. He stated that the square footage of the retail dropped by 1,100, the office dropped by 50,000 and the office & retail parking, which was a big concern to the neighbors, dropped by 213 spaces. He mentioned that the recommendation for denial is based on comments from the Economic Development Department and recognized that there is a lot of potential for employment in the area. He gave a brief history of the project and noted that this case was part of a larger zoning case, at which time a resort was proposed. The case never made it to City Council and was withdrawn. Mr. Anderson added that they have tried hard to bring a well balanced and thought out site plan; adding that they still have about 12 acres of PEP to work on for height and density. He urged the Board for approval.

Boardmember Roberts asked what the owner's intent was when he bought the property and if he was happy with where it stands.

Chris Arnold, 11220 N. Tatum Blvd., Phoenix, AZ, owner, stated they have owned the land since the inception of the Las Sendas community and it was always designated as Business Park. He added that they also own the golf course and felt that a resort or hotel would be good with Falcon Field and all the other corporations so close. He stated that the HOA has tried repeatedly to get him to commit that they would not build a hotel on this site but he has refused; adding that he is trying to maintain the ability to go vertical on the PEP and do a resort/hotel, but now is not the time. Discussion ensued regarding the possibility of a resort/hotel in the future, opposition from the residents and other possible uses.

Boardmember Mizner noted that one of the concerns expressed by neighbors was that there hasn't been a commitment that this project would be part of the Las Sendas HOA and subject to their design guidelines and architectural controls. He asked Mr. Arnold where he stood on this concern.

Mr. Arnold responded that they agreed to put the residential portion into the Las Sendas HOA community but that the HOA did not want them to use their amenities and he is required to put in a clubhouse and pool. He stated that none of the commercial parcels or golf course were

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ever part of the La Sendas HOA community, adding that at the end of December communications started falling apart because of the deed restrictions and because they wanted complete control over the architectural portion of the project.

Kay Bigelow, Gammage & Burnham PLC, 2 N. Central, #1800, Phoenix, representing Las Sendas Community HOA, stated they have been meeting with JCA holdings and are in substantial agreement with the site plan, noting that after hearing Mr. Arnold they object to any plans to put the hotel back.

Boardmember Mizner confirmed with Ms. Bigelow that the HOA's position is that they are in favor of this site plan, which does not show a hotel; adding that it was his understanding that the hotel was a long-term plan.

John Kressaty, 3758 N. Desert Oasis Circle, Mesa, Vice President of Las Sendas HOA and Chairman of the Architectural Review Committee, stated they are in favor of the current site plan; noting that the residential portion of this project will be part of the HOA and that they would only have input to the architectural design for the retail and business section. Discussion ensued regarding the use of the amenities.

The following individuals spoke in opposition.

Brian Packham, 2838 N. Rowe Circle, Mesa
Shirley Duclos, 3347 N. Boulder Canyon, Mesa
John Duclos, 3347 N. Boulder Canyon, Mesa
Grey Marek, 3060 N. Ridgecrest, #182, Mesa
Carol Walters, 2909 N. Avola Circle
Jesse Parker, 3055 N. Red Mountain, Mesa
Bill Hall, 3933 N. Arboles Circle, Mesa
Carol Hall, 3933 N. Arboles Circle, Mesa
Carol Hall, 3933 N. Arboles Circle, Mesa
Margaret McFate, 8134 E. Vista Canyon St, Mesa

Comments and concerns included:

- The lack of clarity of this entire proceeding
- Breakdown of communication between parties
- No traffic study performed
- Improve the site plan, make it unique and give it pizzazz
- Presented an incomplete but semi-workable plan
- Missing quality use of the land within the Desert Uplands area
- Request that the project be denied
- A conceptual site plan presented by the Las Sendas Association demonstrates that a quality vision is possible
- Staff's recommendation for denial was all about economic development
- Do not support the decision by the Las Sendas Board of Directors
- Parcel 51 is not one of the eight employment centers designated by the Economic Development Department
- A mixed-use center concept is more appropriate
- This property should be designed as a Neighborhood Commercial center rather than a basic shopping center consisting primarily of buildings and asphalt
- A village concept is possible and C-1 zoning is more appropriate than C-2 zoning
- It is important to approve a quality site plan and design standards now rather than at the Design Review stage

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- Great care needs to be taken on this parcel, it's a beautiful piece of land
- Plan is different than presented by applicant
- People who attended the December 28, 2007, meeting were not happy with the plan
- Sees no reason to make this parcel commercial/retail
- Keep Business Park. Las Sendas was intended to be a high-end livable community
- The current site plan lacks quality and originality
- Hope is to see a farmers market, art and craft shows, an outdoor living room for the community
- Agrees with staff's recommendation for denial
- Would like the developer to start from scratch and challenged him to come up with an imaginative and innovative vision for Las Sendas
- Development does not fit in the Las Sendas community
- Increase in traffic
- Project will devalue properties and will make neighborhood a less desirable place to live

The following individuals presented blue cards in support and did not wish to speak:

Fawn Finchum, 3430 Mountain Ridge, #30, Mesa

Bob Neely, 3055-84 N. Red Mountain, Mesa

N. Camillone, 7617 E. Sayan St, Mesa

Comments on the cards included:

I agree with the proposed plan. Las Sendas is unique and should incorporate mixed usage including residential

Preserve our communities

The following individuals presented blue cards in opposition and did not wish to speak.

Tom Taylor, 3820 N. Barron, Mesa

Donald Pike, 4354 N. Sagewood Cir, Mesa

Lesty Parker, 3055 N. Red Mountain, Mesa

Ken Wiesner, 7024 E. Russel St, Mesa

Elaine Wiesner, 7024 E. Russel St, Mesa

Shirley Izenberg, 7740 E. Western Hills St, Mesa

Milton Izenberg, 7740 E. Western Hills St, Mesa

Herman Walters, 2909 N. Avoca Cir, Mesa

Carol Emig, 3944 N. Arboles Cir, Mesa

Jeff Emig, 3944 N. Arboles Cir, Mesa

Marilyn Veich, 3055 N. Red Mountain, #215, Mesa

Bertran Roy, 3751 N. Piedra Cir, Mesa.

Comments on the cards included:

I am concerned for the safety of my grandchildren

Safety of children

Almost a workable plan

Mr. Anderson responded to comments stating that the hotel is not part of this site plan, noting that if they were to propose a hotel they would have to come back to the Board. He stated that it is in the best interest of the owner to bring and deliver high quality to this area. He also stated that neighbors would have input when this project goes before the Design Review Board, adding that the neighbors are opposed to this site plan because they do not agree to the proposed deed restrictions. Mr. Anderson stated that they were referred to the "Villages at Las Sendas" as a good example of parking, and when comparing the ratios, theirs was slightly less.

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He mentioned that the changes made were not significant and he explained the changes.

Boardmember Roberts asked Mr. Anderson why they had changed the site plan after meeting with the neighbors. Mr. Anderson responded that the changes were an overall improvement to the site plan, adding that communications fell apart over issues with the deed restrictions. Discussion ensued regarding the changes to the site plan.

Boardmember Carter stated that they've talked about the sensitivities to the contours of the land yet he did not see any on this site plan and asked what the rationale was for keeping it this way. Mr. Anderson responded that although it slopes, it doesn't have the same type of natural area open space that requires those curves as throughout the rest of the community.

Tom Ellsworth, Senior Planner, stated that this is a request for a minor amendment to the General Plan. The applicant is requesting that 27 acres be changed to Medium Density Residential (6-10 du/ac), 11 acres to remain Business Park and 14 acres be changed to Neighborhood Commercial; adding that the vision for the site has always been Business Park. He explained that the 27-acre site is to accommodate 252 condominiums units, which meets the land use designation they are requesting. The office portion is for PEP-PAD and the C-2 zoning is to develop a mixture of office and retail uses. He stated that staff is recommending denial of the zoning request as it relates to the land uses, however, if the Board and City Council were to recommend approval of the land use change, staff would recommend approval of the site plan that has been reviewed.

Mr. Ellsworth mentioned that the neighbors have presented another site plan, which has a lot of interest. He explained that certain Conditions of Approval are subject to the Native Plant Preservation, as set forth in the Desert Uplands area, and as part of the DMP it is subject to the design guidelines of the of Las Sendas DMP. Staff is also requiring that the Design Review Board (DRB) review the entire development for quality and architectural elements, adding that the residential use would normally not go to the DRB.

Boardmember Mizner asked Mr. Ellsworth to review the criteria for amending land use designations in the General Plan. Mr. Ellsworth explained the four criteria set forth in the Mesa 2025 General Plan.

Boardmember Langkilde asked Mr. Jabjiniak to provide input to this proposal.

William Jabjiniak, Economic Development Director stated that one of the guiding principles that they use is the Mesa 2025 General Plan, adding that they are looking to create economic activity and this area needs to be more of an employment focus. He stated that Economic Development has not been able to support this project because they have not been able to quantify the economic benefits to the City; adding that this is an appropriate site for a proper resort hotel, which can be complimented with the appropriate amount of quality office and retail. Discussion ensued regarding what kind of input would be given from an economic development standpoint without destroying the site plan.

Boardmember Mizner commented that 51 acres of Business Park is a big parcel, adding that in the future there could be some compromise for some residential, a hotel and retail. He stated he shared the concerns and desires for the need of employment opportunities in NE Mesa and added that those opportunities needs to be along the freeway. Mr. Mizner also mentioned that it is important to know the history of this property.

Boardmember Langkilde asked Ms. Bigelow if there was a site plan that showed a resort and

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encompassed several of the requests by the neighbors would that be something that the HOA could agree to. He commented that Council District 5 has the greatest potential to alter the ratio between bedrooms and boardrooms; adding that it's time to do something different and that he would be supporting staff's recommendation for denial.

Ms. Bigelow responded that it's important to the HOA Board to keep residential; adding that the HOA Board represents 3,400 homes and is making a decision based on what they have and what they think is best for the entire Las Sendas community. She stated they are substantially "happy" with this site plan and want to continue working with the developer.

Boardmember Roberts stated they are guided by the General Plan, the Zoning Ordinance and staff's recommendation; adding that the preponderance of evidence hasn't been met to change the General Plan. He stated he would be supporting staff's recommendation for denial.

Boardmember Carter stated that this proposal is so close to being in harmony and hopes that this will come together and end up as a premier area. He added that the site plan has not changed much from the one presented in November. He asked Mr. Ellsworth what could be put in a C-2 designation that they can't put in Neighborhood Commercial. He also commented that the citizens have taken the developer in the wrong way, and the developer has taken way to many suggestions from the citizens; adding that in the real world you have developments that far exceeds this very blocky, rectilinear type of development and for that reason he will be supporting the recommendation for denial.

Mr. Ellsworth explained that C-2 zoning allows an increase in square footage and as pointed out in the General Plan, with each land use category there are certain zoning districts that can be considered, C-2 is one of those within the Neighborhood Commercial designation.

Boardmember Salas stated that he is sensitive to the residents wants but added that Mr. Arnold has gone beyond the concessions of what he needs to do. He stated he could not support this project because of the proximity to the freeway and the business opportunity this area has.

Boardmember Mizner stated that amending the General Plan is not to be taken lightly. He added that this proposal does not meet the test for amending the General Plan, adding that it's not an overall improvement and he was not convinced that it has a huge negative impact to the neighbors. He noted that some of the proposed uses that the Board discussed would be advantageous to both the neighbors and the City as a whole, including the possible inclusion of a hotel given the proximity to the freeway, the airport and to future employment uses in this area.

Boardmember Mizner moved to deny and recommend to the City Council **denial** of zoning case Z07-74, seconded by Boardmember Langkilde.

Vote: Passed 6-0 with Boardmember Adams absent.

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MINUTES OF THE JANUARY 17, 2008 PLANNING AND ZONING MEETING

Item: **GPMinor08-01 (District 5)** The 5500 block of East Thomas Road (south side). Located east of Higley Road and South of Thomas Road (4.95± acres). Change the land use map from BP to LI. This request will allow the development of general office buildings. Alex Goldstein, Rosebud Holdings, LLC; owner, Carl Bommarito, Vision 5 Development, LLC, applicant; Phillip C. Williams, R.B. Williams and Associates, Inc., engineer.

Comments: Catherine Sanders, Vision 5 Development, 2855 E. Brown Rd, Mesa, applicant, gave an overview stating they are requesting to have the property rezoned for the development of a wonderful addition to the area known as Falcon Vista Corporate Center. She explained that the General Plan calls for Business Park and this project is along the 202 freeway corridor; adding that this project will have two similar multi-story office buildings with a central plaza area, which will add to the overall area and neighborhood.

Michael Lucey, 6009 E. Sanford Circle, Mesa, spoke in opposition stating that the residents are not against economic development, but opposed to developments that are incompatible with the surrounding community; adding that this project is in conflict with the Mesa General Plan and the Falcon Field Sub Area Plan. He stated that rezoning the area north of the Loop 202 would destroy a unique area of Mesa and the residents' quality of life; adding that he would like a development plan with community input to be created for the area north of the Loop 202 that takes into consideration the current plans for the Longbow Business Park and eliminates duplication of developments in this area. He asked the Board to deny this request.

Maryellen Glennon, 3562 N. Tirol Circle, Mesa, stated she understands that the Falcon Field Sub Area Plan (Plan) recommends that the land use be changed from Business Park to Light Industrial but requested that the land use remain Business Park. She mentioned that they have found many inconsistencies with the Plan; noting that there was limited community involvement, their concerns were never addressed and no attempts made to amend the Zoning Ordinance regarding building height envelopes, as suggested in the Plan. She asked that before any further site plans are approved that guidelines be established.

The following individuals presented blue cards in opposition and did not wish to speak.

Cathy Ryan-Cook, 6145 Rochelle St, Mesa
David Cook, 6145 Rochelle St, Mesa
Cynthia Gracchetti, 6009 E. Sanford Circle, Mesa
James Cronin, 3826 N. Lomond Circle, Mesa
MaryAnn Bodine, 3458 N. Olympic, Mesa
Todd Bodine, 3458 N. Olympic, Mesa
Barbara Watson, 6036 E. Virginia St, Mesa
Loren Watson, 6036 E. Virginia St, Mesa
Betty Day, 6107 E. Roland St, Mesa

Comments on the cards included:

- Leave General Plan intact

Tom Ellsworth, Senior Planner, stated that this request is for a minor amendment to the General Plan from Business Park to Light Industrial and the reason for modifying the land use is to bring the site into conformance with the Falcon Field Sub Area Plan; adding that the project could exist under both land use designations, so the change is not vital to the companion zoning case. He stated that the zoning request is to change the zoning from R1-90 to PEP-BIZ to allow for two 3-story office buildings with the overall height being 55' or/and three stories; he added that the site itself has some unique characteristic and the Conditions of Approval address the landscaping. Staff is recommending approval.

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Boardmember Langkilde asked if the zoning case could be approved and constructed without changing the land use designation. Mr. Ellsworth responded that it could.

Boardmember Mizner commented that changing the land use plan doesn't negatively impact the area it just brings the project into conformance with the Falcon Field Sub Area Plan. He asked Mr. Wesley to comment on creating guidelines for height, which is recommended in the Plan.

John Wesley, Planning Director stated that there were a lot of discussions about the different land uses in the area and with the flight patterns from Falcon Field, it appeared that industrial type uses would be better on the western portion of this property. He stated that staff suggested, and the applicant agreed, to bring forth the General Plan amendment, adding that staff would like to see that happen, but if the Board has concerns the change would not significantly alter the Plan. Mr. Wesley also stated that the Plan does make comments about height and potentially amending the ordinance to establish guidelines, but City Council had concerns with the impact to the area and did not encourage staff to move forward.

Boardmember Carter stated that for the same reasons the last zoning case was denied, why would we want to turn this designation to Light Industrial, adding that Light Industrial doesn't belong on this side of the freeway. Mr. Wesley stated that the land use patterns in the area are industrial and explained the reasons for the change.

Boardmember Carter also commented that this property is at least 12-14' below the freeway and seems constraining to limit the height to 55'. He stated that it should be higher than the 55' simply because of future mechanical equipment; adding that if this case is approved that it be changed to allow up to 60'. Mr. Ellsworth commented that the original request was for 75' and 5 stories and staff does not have an issue with going higher.

Boardmember Langkilde moved to deny zoning case GPMinor08-01, seconded by Boardmember Roberts.

Boardmember Langkilde moved to approve zoning case Z08-03 with a modification to the Conditions of Approval to be changed to 75' in height and as stipulated by staff.

Discussion ensued regarding the case not being advertised for the height modification. Boardmember Langkilde moved to modify the motion for a 30-day continuance; the motion failed for a lack of a second.

Boardmember Carter moved to approve zoning case Z08-03 with a maximum height of 60' from the top of the parapet or roofline instead of the centerline of the roof. He added that he would like the Design Review Board to pay particular attention to the design of the exterior of the buildings. Boardmember Salas seconded the motion.

Carl Bommarito, Vision 5 Development, stated that if the Board is going to allow 60' that it doesn't do any good if you limit it to 3-stories; adding that 60' needs to match 4-stories, which would be wonderful.

Boardmember Carter stated that his intention was to limit it to the 3-story, but give the applicant flexibility, if needed, to raise the parapet level. Discussion ensued.

Boardmember Roberts asked Mr. Bommarito if the Board were to deny this request because it was not advertised at 4-stories or 75' would it be detrimental at this time. Mr. Bommarito responded that it is better to approve now and come back later if they need to go higher.

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Boardmember Langkile asked Mr. Jabjiniak to explain his position on this case. Mr. Jabjiniak stated he is in support of this class "A" office project, which is what they are looking for but noted he would encourage density. He added that this project would generate between 300-400 new high paying jobs and going higher would generate even more jobs. Discussion ensued regarding re-advertising, higher density, and the effect of changing the site plan.

It was moved by Boardmember Langkilde, seconded by Boardmember Roberts

That: The Board deny and recommend to the City Council **denial** of case GPMinor08-01.

Vote: Passed 6-0 with Boardmember Adams absent.

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MINUTES OF THE JANUARY 17, 2008 PLANNING AND ZONING MEETING

Item: **Z08-03 (District 5)** The 5500 block of East Thomas Road (south side). Located east of Higley Road and South of Thomas Road (4.95± acres). District 5. Rezone from R1-90 to PEP-BIZ, and Site Plan Review. This request will allow the development of general office buildings. Alex Goldstein, Rosebud Holdings, LLC; owner, Carl Bommarito, Vision 5 Development, LLC, applicant; Phillip C. Williams, R.B. Williams and Associates, Inc., engineer. Also consider the preliminary plat for "Falcon Vista".

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MINUTES OF THE JANUARY 17, 2008 PLANNING AND ZONING MEETING

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responded that it is better to approve now and come back later if they need to go higher.

Boardmember Langkile asked Mr. Jabjiniak to explain his position on this case. Mr. Jabjiniak stated he is in support of this class "A" office project, which is what they are looking for but noted he would encourage density. He added that this project would generate between 300-400 new high paying jobs and going higher would generate even more jobs. Discussion ensued regarding re-advertising, higher density, and the effect of changing the site plan.

It was moved by Boardmember Carter, seconded by Boardmember Salas

That: The Board approve the preliminary plat of "Falcon Vista" and recommend to the City Council **approval** of zoning case Z08-03 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and preliminary elevations (3 stories, 60 feet) to be approved by the Design Review Board (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) 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. Owner shall construct all perimeter street improvements and street frontage landscaping in the first phase of construction. The landscaping area shall include the area between the subject site and Thomas Road as depicted on the preliminary landscape plan prepared by Site Design and dated 12/12/07.
6. 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.
7. 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.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Recordation of cross-access and reciprocal parking easements between the two proposed lots.
10. 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).
11. Written notice be provided to future residents, and acknowledgment received that the project is within 2 miles of Falcon Field Airport.
12. Owner will construct, an 8'x15' landscape island at the west end of the row of 8 spaces facing north, north of the northwest corner of Building 1. The design for this landscaping will be approved by the City before the issuance of a building permit.
13. The Owner will construct a minimum 3' tall screen wall or retaining wall, designed to match the architectural theme of the development, along the entire perimeter of the site except where the screen wall is intersected by drive aisles or sidewalks and except where adjacent to ADOT Right of Way. The design for this wall will be approved by the City before the issuance of a building permit.

Vote: Passed 6-0 with Boardmember Adams absent.

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Note: Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of

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Mesa's website at www.cityofmesa.org

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Item: Consider a recommendation to City Council regarding fees for zoning applications for the Planned Community District and Development Unit Plans.

Comments: John Wesley, Planning Director, gave the Board an update on the proposed fees for the new Planned Community District (PCD) that was created a few months ago as well as the associated Development Unit Plans (DUP) fee. He stated staff is proposing a base fee of \$25,000.00, a \$25.00 per acre additional fee for any PCD application and a fee of \$2,000.00 for review of any DUPs.

Boardmember Roberts asked if the proposal captures a 100% cost recovery and if charging by the hour would it be a better way. Mr. Wesley responded that the City has never processed a PCD application before so staff has only been able to estimate what the impact would be, but believes it comes very close. Mr. Wesley also stated that staff went to the Council Audit and Finance Committee and presented two options, 1) a per hour charge, where staff would track their time and bill the applicant and 2) the proposal before the Board. He commented that the Audit and Finance Committee had concerns with a per hour approach; adding that we do not get full cost recovery with any other type of planning application, and that it would be difficult to track the amount of time spent on a project and how to bill.

Boardmember Langkilde asked if it would be possible to adopt this plan with a \$25.00 per acre fee or by the hour fee, whichever is greater, to ensure that we capture 100% cost recovery, which is what the Board is looking for. Mr. Wesley responded that is an option to consider but if we went with that option and it turned out that it didn't cost that much, would we then have to provide a refund.

Discussion ensued regarding considering the different possibility of tracking staff involvement, billing and sufficient cost recovery.

Boardmember Mizner stated that there might be some confusion about the intent of the fee, adding that the \$25,000.00 base fee, plus the \$25.00 per acre is for the initial review of the zoning submittal and is not intended to cover staff review time over the lifespan of the project.

Mr. Wesley explained that there would be a \$2,000.00 fee when a DUP application is received, and there will also be fees for individual site plans along with other fees for platting, etc. He stated fees are looked at every year and are adjusted accordingly; adding that staff is looking at the model being used by the Building Safety Department, which has a automatic multiplier to keep up with the cost of living. Discussion ensued.

Boardmember Roberts stated he liked the per hour fee structure and stated he is not opposed to this fee structure, but didn't have a great deal of certainty that the numbers created are a good estimate of a 100% cost recovery and had concerns with setting a precedence and not being able to go back easily.

Boardmember Langkilde asked if Planning would be opposed to a 30-day continuance to look at this other option and make a more informed decision. Mr. Wesley responded Yes, adding that staff is anticipating the first application at the end of March and Council would need to get this approved by the first part of March, so they can have the opportunity to establish fees. He added they have been to a Council sub-committee and because this Board has been interested in looking at full cost recovery they have looked at several options. Based on these discussions and the continued emphasis on getting full cost recovery, the Board can act on this particular proposal and take it to Council, if they see it differently than the Audit and Finance Committee regarding per hour fees, it can be revisited.

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It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board approve and recommend to City Council **approval** of the fees for zoning applications for the Planned Community District and Development Unit Plans with a \$25,000.00 base fee, plus \$25.00 per acre for the PCD and \$2,000.00 for each DUP review and as recommended by staff.

Vote: Passed 6-0 with Boardmember Adams absent.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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