

# COUNCIL MINUTES

August 26, 1996

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on August 26, 1996 at 5:35 P.M.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
T. Farrell Jensen  
Dennis Kavanaugh  
Joan Payne  
Jim Stapley

## COUNCIL ABSENT

None

## POLICE OFFICERS PRESENT

Cory Calkins  
Scott Martin

## OFFICERS PRESENT

C.K. Luster  
Neal Beets  
Barbara Jones

The Invocation was given by Rabbi Bonnie Koppell, Temple Beth Shalom.

The Pledge of Allegiance was led by Nathaniel Darien.

### 1. Approval of minutes of previous meetings as written.

It was moved by Councilmember Jensen, seconded by Councilmember Stapley, that the minutes of August 2, and 5, 1996, be approved.

Carried unanimously.

### 2. Prescheduled public opinion appearances. (Max of three speakers for five minutes per speaker).

- a. Hear from Kirby Allan regarding "Mis-administration."

Mr. Allan stated the opinion that speakers' time allocations are inconsistent and spoke in opposition to the management of the City of Mesa.

- b. Hear from Bill Brando regarding "A Temporary Resolution To The Hardships Imposed By Proposition 200."

Mr. Brando expressed the opinion that Proposition 200 is negatively impacting local businesses and requested that the Council vote to declare a moratorium on the implementation of Proposition 200 pending final Court decisions relative to this matter.

Mayor Brown noted that the Council may not address issues that are not on the agenda and thanked Mr. Brando for his input.

3. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified in these minutes with an asterisk (\*) were approved with one Council action.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that the consent agenda items be approved.

Carried unanimously.

4. Consider the following liquor license applications:

\*a. MARK BRIAN URBAN, AGENT

New Restaurant Liquor License for Mountain Mike's Pizza, 2740 S. Alma School Road, #13. The Beer and Wine Bar license previously held by Kenneth James Barro, Agent, Barro's Pizza at 2740 S. Alma School Road, #13 will remain with the applicant.

5. Consider the following contracts:

- \*a. One-year renewal of the annual supply contract for Class 200 gas meters for warehouse inventory as requested by the Utility Services Division. These gas meters are used for residential accounts.

The Purchasing Division recommends exercising the second and final one-year renewal option with the original low bidder, Schlumberger Industries Inc. at \$175,000.00 plus 5% use tax of \$8,750.00 for a total award of \$183,750.00 based on estimated requirements.

- \*b. One-year renewal of the annual supply contract for fasteners and related automotive hardware as requested by Fleet Support Services.

The Purchasing Division recommends exercising the first of two one-year renewal options with the original lowest overall bid by Southwestern Supply Company, Inc. for annual purchases estimated at \$35,000.00.

- \*c. 90,000 lbs. of powdered activated carbon as requested by the CAP Water Treatment Plant.

The Purchasing Division recommends accepting the only bid by Norit Americas Inc. for a total of \$42,300.00 based on estimated requirements.

- \*d. 60 VHF portable radios for the Police Department as requested by the Communications Division.

These radios will be assigned to new officers and detectives, including those assigned to the new Superstition District.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Motorola Communications & Electronics for \$50,538.00 plus 7.05% sales tax of \$3,562.92 for a total of \$54,100.92.

- \*e. Ten Traffic signal control cabinets and test equipment as requested by the Transportation Division.

The Purchasing Division recommends exercising an additional purchase option from RFB #95111 with Econolite Control Products, Inc. at \$112,500.00 plus 5% use tax of \$5,625.00 for a total of \$118,125.00.

- \*f. Purchase of 101 AT&T Spirit telephone systems as requested by the Management Services Administration. This purchase will enable the City to own rather than continue to lease the Spirit telephone systems currently used in various City departments.

The Purchasing Division recommends accepting the only proposal by AT&T/Lucent Technologies for \$470,127.57 plus 7.05% sales tax of \$33,143.99 for a total award of \$503,271.56.

- \*g. 75 new stacking chairs and 20 new conference tables for the first floor training room in the Mesa City Plaza building, plus 75 replacement stacking chairs for the Lower Level Council Chambers as requested by the Public Works Department.

The Purchasing Division recommends accepting the lowest overall bid meeting specification by Office Depot at \$34,034.21 plus 7.05% sales tax of \$2,399.41 for a total of \$36,433.62.

- h. Desert Sands Golf and Country Club, Units 6 and 7, Water System Replacement and Overlay.

This project consists of replacing water lines and overlaying the existing streets in the area bounded by 78th and 80th Street on the west and east side and the freeway and Baseline Road on the north and south sides. The existing water system is being replaced because the existing main lines are entwined with electrical and other utility lines and are in locations that are not readily accessible. The existing pavement is being overlaid to perform needed maintenance to help protect and prolong the life of the existing pavement.

Recommend award to low bidder, Kleven Construction, Inc., in the amount of \$890,959.15.

Bill Brando, 61 South Macdonald, stated the opinion that this agenda item involves the intrusion of government into private business and spoke in strong opposition to approval of this proposal.

Mayor Brown noted that the proposal will allow the separation of water and electric lines and indicated that it is the responsibility of the City to perform this work.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the recommendation of staff be approved.

Carried unanimously.

- \*i. Upgrade of Desert Wells and Desert Sage Pump Station at the C.A.P. Water Treatment Plant.

This project consists of replacing three (3) existing pumps in an existing pump station at the Central Arizona Project (C.A.P.) Water Treatment Plant, located just north of Brown Road and just east of the Sossaman Road alignment. The purpose of the project is to replace pumps which have reached the end of their useful life and to install larger pumps to meet increased water demands due to continued development in these areas.

Recommend award to low bidder, Piping Solutions, Inc., in the amount of \$262,219.00.

- \*j. 110 Personal Computers (PCS) and Associated Software for City Departments as requested by the Information Services Division.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Infinsys as primary supplier at \$356,290.00 plus 7.05% sales tax of \$25,118.45 for a total award of \$381,408.45. A secondary contract is also recommended for Bottomline Enterprises, also on State Contract. This contract will be utilized in the event that the primary supplier cannot meet the City's requirement for a particular unit(s).

5.1. Introduction of the following ordinance and setting September 9, 1996 as the date for the public hearing on this ordinance.

(Note: City Council introduction of ordinances does not necessarily reflect City Council approval of these ordinances. Introduction of ordinances sets in motion the public posting and advertising process for ordinances so that the City Council can hear from concerned citizens at the public hearing.)

- \*a. Prohibiting parking on Horne from Kael Street to a point 220 feet south of McKellips Road, from a point 540 feet north of Brown Road to Fountain Street, from Fourth Place to a point 295 feet south of University Drive, from a point 335 feet north of

Main Street to Mahoney Avenue, from a point 290 feet north of Broadway Road to a point 310 feet south of Broadway Road, and from a point 300 feet north of Southern Avenue to Southern Avenue, all as recommended by the Traffic Safety Committee.

6. Consider the following resolutions:

\*a. Authorizing the City Manager to execute an Intergovernmental Agreement with the Central Arizona Water Conservation District providing for the delivery of Central Arizona Project Incentive Recharge Water - Resolution No. 6942.

\*b. Extinguishing a utilities easement at 2700 East Brown Road - Resolution No. 6943.

The waterline is a private system for fire protection at Mountain View High School and an easement is not necessary.

\*c. Authorizing the sale of excess City property at 7748 East Minton - Resolution No. 6944.

The water storage tank on the lot has been removed and the property is no longer needed for City use.

\*d. Approving the use of the Scalloped Street Assessment Program to assess the property located on the northwest corner of Sossaman and Guadalupe Road - Resolution No. 6945.

The City will be installing street improvements adjacent to this vacant parcel in the Guadalupe Road Improvement Project #95-92. The assessment will be paid to the City at the time of the vacant parcel is developed.

\*e. Authorizing and directing the City Attorney to acquire title and easements under the power of eminent domain to property along Guadalupe Road from Power Road to Hawes Road - Resolution No. 6946.

7. Consider the following ordinances:

\*a. Combining the Housing and Human Services Advisory Boards - Ordinance No. 3220.

\*b. Prohibiting parking from 10:00 p.m. to 4:00 a.m. on Vineyard from Juanita Avenue to Iron Avenue, and on the south side of Iron Avenue from Vineyard to a point 520 feet west of Vineyard, prohibiting parking on Inverness Avenue from Gilbert Road to a point 275 feet east of Gilbert Road, on Macdonald from Baseline Road to a point 280 feet north of Baseline Road, on the north side of Emelita Avenue from Sycamore to a point 190 feet east of Sycamore, and on the south side of Mahoney Avenue from Forest to the east side of Shouse; reducing the speed limit from 50 mph to 45 mph on Main Street from a point 1,620 feet west of Greenfield Road to the east City limits, and on Sossaman Road from Baseline Road to Guadalupe Road; and reducing the speed limit from 45 mph to 40 mph on Alma School Road from U.S. 60 (Superstition Freeway) to Baseline Road, on Country Club Drive from U.S. 60

(Superstition Freeway) to Baseline Road, and on Dobson Road from U.S. 60 (Superstition Freeway) to Baseline Road; all as recommended by the Traffic Safety Committee - Ordinance No. 3221.

- \*c. Re-establishing the 35 mph speed limit on Home from McKellips Road to Lehi Road; and reducing the speed limit from 30 mph to 25 mph on McLellan Road from Val Vista Drive to Greenfield Road, and on 40th Street from Brown Road to McLellan Road - Ordinance No. 3222.
- \*d. A961-1 Annexing the northeast corner of Crismon and Adobe Roads. (40+/- acres). Initiated by Mesa School District - Ordinance No. 3223.
- \*e. Relating to the Mesa Personnel Rules; Amending Section 360 pertaining to stand-by or call-out pay and repealing conflicting ordinances - Ordinance No. 3224.

\*8. Consider approving an agreement between the City of Mesa and Housing for Mesa to acquire housing using the Federal HOPE 3 program.

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

- \*a. Z96-27 The northwest corner of Hermosa Vista Drive and 40th Street. Rezone from R1-35 to R1-35-PAD (20+/- acres). This case involves a 20 lot single residence subdivision. E.W. Gardner, owner/applicant. CONTINUED FROM THE MAY 20, 1996 CITY COUNCIL MEETING. A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST - Ordinance No. 3225.

P& Z Recommendation: Approval with conditions. (Vote 5-2)

1. Compliance with the basic development as shown on the preliminary plat submitted;
  2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
  3. Dedicate the right-of-way required under the Mesa City Code 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. 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);
  6. Notice be provided to future residents that the project is within one mile of Falcon Field Airport; and
  7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction to 40 Ldn.
- b. Z96-52 The northeast corner of University Drive and Signal Butte Road. Rezone from R-2 and C-2 to R1-6 (35.03 acres). This case involves the development of a 126

lot conventional subdivision. Carl C. Jacobson, Sr. trust, owner; Providence Development, applicant. A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST - Ordinance No. 3234.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future commercial development plans;
3. Compliance with all City development codes and regulations;
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
5. Dedicate the right-of-way required under the Mesa City Code at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. Subject to staff approval, provide a project narrative detailing elements to create residential diversity such as: no two identical elevations adjacent to each other; a range of roof types and colors; a variety of elevations for each model type; staggered front yard setbacks; and a varied color palette;
8. Lots to be addressed within the City of Mesa; and
9. Subject to Architectural Diversity narrative submitted by applicant.

John Poulson, 1350 East McKellips Road, President of Providence Homes, addressed the Council relative to this issue. Mr. Poulson provided the Council with brief background information regarding this case and noted that the proposal is in conformance with the Mesa General Plan and current zoning requirements. Mr. Poulson stated that neighborhood opposition exists regarding the project and discussed efforts initiated by Providence Homes to meet with the neighbors in an effort to arrive at a mutually acceptable proposal.

Discussion ensued relative to the fact that Providence Homes has developed 15 different floor plans on 2 different sized lots for home buyer selection, quality construction plans, proposed project amenities, price ranges, square footage, and the total number of units planned for the project.

In response to a question from Vice Mayor Gilbert, Mr. Poulson stated the opinion that Providence Homes has expended every effort to arrive at a mutually acceptable compromise between his company and the opposing neighbors. Mr. Poulson expressed the opinion that the project is appropriate for the neighborhood and added that the neighbors' requests for extended buffer zones, larger homes and increased lot sizes would not be economically feasible or appropriate for the location.

Frank Bennett, 101 East 1st Avenue, spoke in favor of the project and stated the opinion that the proposal represents a quality project which will surpass existing subdivisions in the area.

Dawn Nehls, 612 North Signal Butte, advised that she represents a group of approximately 300 neighbors opposed to the project and expressed concern relative to the high density of the proposal. Ms. Nehls added the opinion that the subdivision would be incompatible with surrounding lots. Ms. Nehls informed the Council that neighbors in the affected area were informed by Providence Homes that failure to approve the proposed project would result in the development of apartments.

B.R. Chambers, 437 North 110th Street, Apache Junction, expressed the opinion that the development would hinder the occurrence of illegal activities such as trespassing and the dumping of trash in the area. Mr. Chambers recommended lower density levels as a solution to the neighbors' opposition.

Cecil Hicks, 452 North Signal Butte, Apache Junction, informed the Council that he has resided in the area under discussion for approximately 32 years and spoke in strong opposition to the project's proposed density levels.

Mayor Brown thanked the speakers for their input.

In response to a question from Vice Mayor Gilbert, Community Development Manager Wayne Balmer discussed surrounding development and density levels.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Jensen that Zoning Case Z96-52 be approved and that Ordinance No. 3234 be adopted.

Councilmember Kavanaugh noted that the case has been difficult and commended the neighbors for the manner in which they presented their points of view. Councilmember Kavanaugh added that the developer, Providence Homes, is a quality builder with a good reputation within the community. Councilmember Kavanaugh advised that he would not support the motion and stated that he would prefer the development of larger-sized lots on the north and west sides of the property.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Jensen-Payne-Stapley  
NAYS - Kavanaugh  
ABSENT - None

Mayor Brown declared the motion carried by majority vote and Zoning Case Z96-52 approved and Ordinance No. 3234 adopted.

\*c. Z96-53 The southwest corner of Broadway Road and Sossaman Road. Rezone from R1-6 to C-1 and Site Plan Modification (1+/- acre). This case involves the expansion of an existing convenience store to add gas pumps. Circle K Corporation, owner; Frederick Hovespian, applicant - Ordinance No. 3226.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;

## Regular Council Meeting

August 26, 1996 Page 9

2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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;
4. Compliance with all requirements of the Design Review Board.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
6. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps and car wash; and
7. Provide Code required landscape area and plant materials along Broadway street frontage.

- \*d. Z96-54 The 800 block of South Greenfield Road (west side). Site Plan Modification (2+/- acres). This case involves the development of an adult care home. Greenfield Asset Group, owner; Michael Jones, applicant - Ordinance No. 3227.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.); and
4. 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.

- \*e. Z96-55 The northeast corner of Power Road and Madero Avenue. Site Plan Modification (4+/- acres). This case involves the development of a mini-storage facility. Horizon Real Estate, owner; Westar Architectural Group, applicant - Ordinance No. 3228.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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;
4. Compliance with all requirements of the Design Review Board;
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report;
6. Review and approval of a Special Use Permit by the Board of Adjustment for a mini-storage and manager's quarters;

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 (prior to the issuance of a building permit);
  8. Noise attenuation measures be incorporated into the design and construction of the manager's residence to achieve a noise level reduction of 25 decibels;
  9. Hours of operation be limited to the hours between 6:00 a.m. and 10:00 p.m.;
  10. Incorporate security aspects into the project to include an automated gate system; and
  11. Subject to Design Review Board approval, provide enhanced landscaping along street frontages in lieu of required landscaping along interior property lines.
- f. Z96-56 The 1300 and 1400 blocks of South Greenfield Road (east side) and the 4400 and 4500 blocks of East Southern Avenue (south side). Rezone from C-2 to R-3 (15+/- acres). This case involves the development of a 248 unit apartment complex. Max Killian, owner, AG Spanos, Co., applicant. A 3/4 IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST - Ordinance No. 3235.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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; and
4. Compliance with all requirements of the Design Review Board.

Ralph Pew, 40 North Center Street, an attorney representing applicants, provided the Council with a brief synopsis of the proposal to develop a 248-unit apartment complex.

Discussion ensued relative to apartment sizes, estimated rents, amenities, and the fact that the project conforms with the Mesa General Plan and has received the support of both the Planning and Zoning Board and staff.

Mr. Pew addressed traffic and privacy concerns raised by adjacent homeowners and discussed efforts expended by the developer to alleviate these problems. Mr. Pew commented that the developer will not construct balconies and/or windows on units facing properties to the east and agreed to install a 20-foot landscape buffer rather than the previously agreed upon 10-foot buffer.

Additional discussion ensued relative to the removal of certain trash dumpsters, increasing the height of existing walls, and utilizing 36-foot box trees instead of 24-foot box trees.

Mr. Pew urged the Council to support the project.

Geoff Cummings, 1354 South Parkcrest, informed the Council that he purchased a home in the area because of the lack of apartment complexes in the neighborhood. Mr. Cummings

expressed concern relative to a resulting lack of privacy, apartment leasing signage, and increased traffic. Mr. Cummings urged the Council to deny the applicant's request.

Harold Allen, 1021 South Greenfield, #1110, advised that he is the President of the Greenfield Glen Homeowners' Association and spoke in support of the project.

Brent Stapley, 4611 East Garnet Circle, a neighbor in the area under discussion, advised that he supports the applicant's proposal and stated the opinion that the complex will enhance the character of the neighborhood.

Mike Gilchrist, 4501 East Hope, stated that he lives within 150 feet of the proposed project and indicated his support of the development of the apartment complex.

Sheila Allen, 1021 South Greenfield Road, #1110, informed the Council that she is a real estate broker with significant experience in the investigation of appropriate land usage. Ms. Allen stated the opinion that commercial development would be inappropriate for the area and would decrease property values. Ms. Allen urged the Council to support the applicant's proposal.

Ned Ellsworth, 4716 East Hopi Circle, noted that the applicant is a quality builder and expressed support for the project.

Ken Snyder, 4714 East Escondido, stated the opinion that the proposal constitutes an incompatible use for the neighborhood. Mr. Snyder advised that he is a resident of Sunland Village and added that he has submitted petitions signed by approximately 400 residents opposed to the development. Mr. Snyder requested that the Council deny the applicant's request and allow the zoning to remain commercial use.

Richard Schlimmer, 4511 East Glade Circle, expressed strong opposition to the project and stated that the privacy of residents in the Hunter's Glen subdivision will be negatively impacted. Mr. Schlimmer informed the Council that 94% of the residents of Hunter's Glen do not support the proposed project.

Kathy O'Hearn, 4519 East Grove, a resident of Hunter's Glen subdivision, stated the opinion that commercial zoning would be more advantageous to the area than the development of an apartment project. Ms. O'Hearn urged the Council to deny the applicant's request.

Pat Edman, 4519 East Grove, President of the Hunter's Glen Homeowners' Association, concurred with the remarks of the previous speakers and requested denial of this case.

Mayor Brown thanked the speakers for their comments.

Discussion ensued relative to the fact that the project will contain garages with stucco exteriors and tile roofs, setbacks, covered parking, the applicant's willingness to participate in the Crime-Free Multi-Housing program, and a breakdown of the one, two and three-bedroom units.

Councilmember Kavanaugh commented that the project represents a quality development but added the opinion that the concerns of the citizens, including the residents of Hunter's Glen, should be paramount in addressing this issue. Councilmember Kavanaugh added that the residents of the area have expressed the opinion that the zoning should remain commercial. Councilmember Kavanaugh stated that he will not cast a vote to approve the applicant's request.

It was moved by Councilmember Stapley, seconded by Councilmember Jensen, that Zoning Case Z96-56 be approved and Ordinance No. 3235, be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Giles-Jensen-Payne-Stapley  
NAYS - Kavanaugh  
ABSENT - None

Mayor Brown declared the motion carried by majority vote and Zoning Case Z96-52 approved and Ordinance No. 3235 adopted.

(Mayor Brown declared a recess at 7:30 p.m. and the meeting resumed at 7:43 p.m.)

- g. Z96-57 The southeast corner of Southern Avenue and Hawes Road. Rezone from AG to R-4 (35 +/- acres). This case involves the development of a travel trailer park. Catholic Diocese of Phoenix, owner; Beus Gilbert & Morrill, applicant - Ordinance No. 3236.

P&Z Recommendation: Approval with conditions. (Vote 4-1)

1. Compliance with the basic development as shown on the site plan and elevations submitted except as noted below;
2. 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;
3. Compliance with all City development codes and regulations;
4. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
5. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Future condemnation or purchase of property for freeway construction to be limited to appraised fair market value of land only, excluding value of improvements and/or removal of improvements;
7. Written notification to be provided to all residents regarding freeway location and potential for relocation; and
8. All permanent structures to be located outside future freeway right-of-way location.

Paul Gilbert, 3200 North Central, an attorney representing the applicant, informed the Council that the Planning and Zoning Board voted 4 to 1 to support the project. Mr. Gilbert noted that a portion of the project is located in the future freeway corridor and that the

property has been owned for twenty-five years by the Catholic Church. Mr. Gilbert stated the opinion that the proposed travel trailer park is an appropriate use for the property. Mr. Gilbert added that the site plan has been designed to minimize the impact of the future freeway, which is not funded, and whose path is not finalized. Mr. Gilbert advised that the proposed park would constitute an appropriate interim use and stressed that residents will be informed of the park's interim use requirements.

Discussion ensued relative to the fact that the freeway construction may not occur until 2015, the Church's intention to sell the property to the owner of the travel trailer park, the trailer park's intention to lease ground for a specific period of time, and the applicant/future owner's willingness to comply with all stipulations.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Gilbert, that Zoning Case Z96-57 be approved and Ordinance No. 3236, be adopted.

Carried unanimously.

- \*h. Z96-59 23 South Temple. Rezone from C-2 to R1-6(0.5 +/- acre). This case involves rezoning a single residence to a conforming R1-6 district. Tom Hughes, owner/applicant - Ordinance No. 3229.

P&Z Recommendation: Approval with condition. (Vote 5-0)

1. Compliance with the requirements of the R1-6 district.

- \*i. Z96-60 South and west of the southwest corner of Main Street and 70th Street. Rezone from C-2 and R-4-PAD to R-4-BIZ and R-4-PAD-BIZ (7.6 +/- acres). This case involves a retirement project containing 42 assisted living units and 192 apartment units. John Norris, owner; Craig Angell, applicant - Ordinance No. 3230.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, 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 Design Review Board; and
5. Provide written notice to future residents and purchasers of proximity and activities of adjacent elementary school and municipal park.

- \*j. Z96-61 South and west of the southwest corner of Guadalupe Road and Country Club Drive. Site Plan Modification (10 +/- acres). This case involves a proposed mini-storage/RV storage facility. Walker Construction Co., owner; Carter – Schubert Architects, applicant - Ordinance No. 3231.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
  2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
  3. 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;
  4. Compliance with all requirements of the Design Review Board; and
  5. Review and approval of a Special Use Permit by the Board of Adjustment (mini-storage).
- k. Z96-62 The 2600 block of North 24th Street (east side). Rezone from R1-35 to R1-15-PAD (17.6± acres). This case involves a proposed 38 lot single residence subdivision. Marshal & Ilsley Trust Co. and William Crisp, owners; UTAZ Investment L.C., applicant - Ordinance No. 3237.

P&Z Recommendation: Approval with conditions. (Vote 4-1)

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code 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. Citrus to be retained per applicant proposal, to be included in subdivision CC & R's; and
6. Relocation of main entrance slightly southward on 24th Street subject to review by Transportation Department.

Councilmember Giles indicated that he had a potential conflict of interest in connection with the matter now under discussion which he wanted recorded in the minutes of the meeting, and because of such conflict of interest, he would refrain from voting upon or otherwise participating in any manner in connection with same.

Bob Proehl, representing the applicant, informed the Council of the applicant's intent to retain all citrus on the perimeter of the property, along the side yards of each lot, and within the retention area. Mr. Proehl discussed project amenities and noted that the gated community would include a tennis court, tot lot and sport court. Mr. Proehl. added that meetings have occurred to further define the entrance to the project and advised that the Hermosa Vista Elementary School, located on 24th Street, supports their efforts and recommendations relative to traffic concerns.

It was moved by Vice Mayor Gilbert, seconded by Councilmember Stapley, that Zoning Case Z96-62 be approved and Ordinance No. 3237, be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Gilbert-Jensen-Kavanaugh-Payne-Stapley  
NAYS - None  
ABSTAIN - Giles

Mayor Brown declared the motion carried unanimously by those voting and Zoning Case Z96-62 approved and Ordinance No. 3237 adopted.

- \*1. Z96-63 The southwest corner of Power Road and Broadway. Rezone from C-2 to AG (19+/- acres). This case involves a proposed cemetery. SCI Arizona Funeral Services, Inc., owner; Lazarus & Associates, applicant - Ordinance No. 3232.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board and City Council of future development plans;
3. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
4. 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;
5. All street improvements and perimeter landscaping to be installed in the first phase of construction;
6. Compliance with the landscape proposal as submitted by the applicant; and
7. Compliance with the applicant's letter dated July 12, 1996 and with stipulations in project narrative dated July 18, 1996.

- m. Z96-65 The 2100 and 2200 blocks of East McKellips Road (north side). Rezone from AG to R1-9 (25+/- acres). This case involves a proposed 62 lot single residence subdivision. Leland and Louise Coleman, owners; Beazer Homes Holdings, Corp. (Hancock). A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.

P&Z Recommendation: Approval with conditions. (Vote 3-2)

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. Dedicate the right-of-way required under the Mesa City Code 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;

**Regular Council Meeting**

August 26, 1996

Page 16

5. Compliance with the Project Narrative submitted which is included in the zoning case file;
6. The applicant shall preserve a minimum of two (2) citrus trees on each lot with an average of three (3) citrus trees per lot preserved over the entire subdivision;
7. Garden Grove shall provide single story homes on Lots 29, 31, 43, and 60. In the event that the Kale Street connection is eliminated and a redesign of the subdivision is necessary, those lots within Garden Grove that are adjacent or substantially adjacent, to single story homes existing within Orange Blossom Estates shall be limited to one story development only;
8. The McKellips Road landscape and buffer include existing, mature citrus trees; and
9. The housing design be consistent with the package submitted to the City of Mesa by Hancock Homes including three (3) separate elevation options for each model, two (2) tile roof options, and six (6) color options. No two (2) home designs or colors shall be allowed on adjacent lots.

Paul Gilbert, 3200 North Central, an attorney representing Hancock Homes, stated that the applicant's request involves the development of a 62-lot single residence subdivision. Mr. Gilbert noted that the proposed subdivision complies with the Mesa General Plan and that the requested R1-9 zoning is consistent with the area. Mr. Gilbert reported that the proposed density is approximately 2.5% below the density requirements outlined in the Mesa General Plan.

Discussion ensued relative to the fact that all lots will exceed 9,000 square feet in size, access, the applicant's willingness to stipulate that Kael Street not be extended, a list of stipulations agreed to by the neighbors, the possibility of transplanting trees, and the applicant's willingness to save additional citrus.

Neal Haney, 2061 East Lockwood Street, a resident of Orange Blossom Estates, spoke in opposition to the case. Mr. Haney indicated that his major concern is that Kael Street will be closed and that the children in the area will be subject to traffic hazards. Mr. Haney stressed that he does not support the exiting of another subdivision onto his street.

Christopher Ferrante, 2219 East June Street, also a resident of Orange Blossom Estates, informed the Council that he provided the Planning and Zoning Board with copies of petitions signed by 38 families opposed to the project. Mr. Ferrante stated that he has not received a copy of the revised plan for review and expressed the opinion that the project's density is inappropriate for the neighborhood.

Carla Dent, 2253 East Kenwood, expressed concerns relative to the project's density and recommended that single family homes, similar to the Montecito subdivision, be built instead of the proposal. Ms. Dent added that larger lots, single level homes on the canal, CC&R's to protect the existing citrus, irrigation and lighting controls should be conditions for approval.

Jay Hansen, 2052 East Kael Circle, commented that he represented the residents of Orange Blossom Estates at the Planning and Zoning Board meeting. Mr. Hanson stated that

Hancock Homes has addressed the residents' concerns with the added stipulations and said that a majority of Orange Blossom Estate's residents support the project with strict adherence to the revised stipulations.

Paul Chakonas, 2240 North Ashbrook Circle, discussed traffic concerns that may result if Kael Street is opened up and the stipulations are not followed.

Jim Klein, 2038 East Kael Circle, a resident of Orange Blossom Estates, stressed the importance of not allowing Kael street to be extended.

Linda Abbott, 2123 North Gentry, also a resident of Orange Blossom Estates, concurred with the remarks and concerns of the previous speakers from her subdivision.

Discussion ensued relative to a list of 10 stipulations, rather than the original 9, which was submitted by the applicant, and the fact that should the Council vote to approve the case, staff would be required to introduce a new ordinance containing the revised stipulations at the September 9, 1996 Regular Council Meeting for consideration by the Council at the September 24, 1996 Regular Council Meeting.

It was moved by Councilmember Jensen, seconded by Councilmember Stapley, that Zoning Case Z96-65 be approved based on the revised stipulations and that staff be directed to prepare a revised ordinance for introduction at the September 9, 1996 Regular Council Meeting for consideration by the Council at the September 24, 1996 Regular Council Meeting.

Carried unanimously.

\*n. Z96-66 The northeast corner of Power Road and Elliott Road. Rezone from R1-43 to C-2 (21 +/- acres). This case involves a proposed medical complex and retail development. The Langley Group, owner/applicant - Ordinance No. 3233.

P&Z Recommendation: Approval with conditions. (Vote 5-0)

1. Compliance with the basic development as shown on the site plan and elevations submitted, except as noted below;
2. Compliance with all requirements of the Public Works Department (Engineering and Traffic Engineering, etc.);
3. 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;
4. Compliance with all requirements of the Design Review Board;
5. Review and approval of a Special Use Permit by the Board of Adjustment (gas pumps); and
6. Provide cross-access and easement between Circle K and the retail complex.

10. Consider the following subdivision plats:

\*a. "ARIZONA VALENCIA" - The 5600 & 5700 blocks of East Southern Avenue (north side) 164 R1-7 PAD single residence lots (35.89 acres). Kaufman & Broad of Arizona, Inc., developer; PBS & J, Inc., engineer.

- \*b. "MERIDIAN HILLS UNIT III" - The 11200 through 11500 blocks of East Adobe Road (south side) 135 R1-6 DMP & R1-7 DMP single residence lots (38.36 acres). U.M. Limited Partnership, developer; Standage & Truitt Engineering, Ltd., engineer.
- \*c. "IRONWOOD PASS UNIT 3 AT LAS SENDAS" - The 7500 block of East Saddleback Street (south side) 67 R1-7 PAD DMP single residence lots (16.79 acres). Sonoran Desert Holdings, L.L.C., developer; Infinity Engineering Services, Ltd., engineer.
- \*d. "ROSELEA COURT" - The 100 block of North Robson (east side) 6 TCR-2HP-PAD townhome lots (0.77 acres). Jarek Opechowski & Lori Osiecki, developers; ACE Engineering, Inc., engineer.

11. Items from citizens present. (Maximum of three speakers for five minutes per speaker).

Mayor Brown advised that there were no items from citizens present.

12. Adjournment.

It was moved by Councilmember Stapley, seconded by Vice Mayor Gilbert, that the Regular Council Meeting adjourn at 8:26 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 26th day of August, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of September, 1996.

BARBARA JONES, CITY CLERK