

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date May 17, 2007 Time 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair
Alex Finter, Vice-Chair
Frank Mizner
Jared Langkilde
Ken Salas
Pat Esparza
Randy Carter

MEMBERS ABSENT

OTHERS PRESENT

John Wesley
Dorothy Chimel
Tom Ellsworth
Jennifer Gniffke
Joe Welliver
Maria Salaiz
Kelly Arredondo

Donna Bronski
Ralph Pew
Sean Lake
Reese Anderson
Tyler Wright
Dave Udall
Dorothy Shupe

Robert Burgheimer
Dave Richens
Tom Bottomley
Richard Gurtler
Doug Chapman
Ladell Call
Others

Chairperson Adams declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated May 17, 2007. Before adjournment at 8:30 p.m., action was taken on the following items:

It was moved by Boardmember Esparza, seconded by Boardmember Langkilde that the minutes of the April 19, 2007 regular meeting, and the study session minutes of April 17, 2007 and April 19, 2007 meetings be approved as submitted meeting be approved as submitted. The vote was 7-0.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza zoning cases Z07-41, Z07-42, Z07-45, Z07-47, Z07-49, and the preliminary plat of "The Enclave" be approved on the first consent agenda. Vote 7-0.

A second consent agenda was held for zoning case Z06-97 due to a conflict of interest by Boardmember Carter. It was moved by Boardmember Salas, seconded by Boardmember Langkilde that the second consent items be approved. Vote 6-0-1 with Boardmember Carter abstaining.

Code Amendment: Amending Sections 11-18-2, 11-18-6, 11-18-8, 11-18-9, and 11-18-10 of the Zoning Ordinance pertaining to Fees for planning services.

Zoning Cases: GPMinor07-06, Z07-35, GPMinor07-07, Z07-39, Z07-40,*Z07-41, Z07-48, **Z06-97, *Z07-42, Z07-43, Z07-44, *Z07-45, Z07-46, *Z07-47, *Z07-49, *PrePlat-The Enclave

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Item: Amending Sections 11-18-2, 11-18-6, 11-18-8, 11-18-9, and 11-18-10 of the Zoning Ordinance pertaining to Fees for planning services.

Comments: John Wesley, Planning Director, gave a brief overview of the Code Amendment highlighting that this proposal would take the fees that are applicable to various zoning applications out of the Zoning Ordinance and change the Code to allow those fees to be adopted by resolution at City Council. He added that most of the Cities fees, including subdivision fees, are currently adopted by resolution. He continued that by making this change this portion of the process will become consistent with other segments of the City Code and easier to process through City Council. Mr. Wesley then stated that the fees would still go through the Developers Advisory Forum and that they could be presented to this Board at a Study Session.

Boardmember Carter stated that he feels the development community is having difficulties with the increasing fees and having the service increase along with the fees. He added that the Planning and Design Review staff is good but the services seem to slow down dramatically with preliminary plats and if other processes. He continued that City Council increased fees, he hoped that staff would step up services to the development community.

Boardmember Langkilde stated that his concern with this code amendment is that it takes one more set of eyes off the fees. He added that by adoption of this amendment, this Board would be bypassed and the fees proposed would be adopted solely by Council.

Boardmember Mizner commented that it would be an excellent idea to have a public hearing to give people a chance to comment on fees considering that they are a sensitive issue. He then asked Mr. Wesley if this was simply a more flexible way to amend fees in the future. Mr. Wesley responded that it was.

Discussion ensued concerning additional review of fees, staff being accountable as fees continue to rise and look at things more carefully to cut down the times required for review of projects.

Chairman Adams asked Mr. Wesley if this could be sent on with a recommendation for some additional language to bring these request through this Board prior to Council. Mr. Wesley stated that modifications could be made to the Ordinance; however, it would be easier to add the additional language now before it is introduced to Council. Discussion ensued concerning additional wording for the Ordinance, bringing fee increases back through this Board.

Dorothy Chimel, Principal Planner, commented to the Board that an ordinance needs to be introduced and takes a little more time, as with a resolution, there is the opportunity to get to Council quicker.

Boardmember Langkilde moved to Deny this Code Amendment, seconded by Boardmember Carter.

The motion failed with a vote of 2-5 with Boardmembers Adams, Finter, Mizner, Salas and Esparza nay.

Boardmember Esparza moved for Approval of this Code Amendment with the additional language following resolution to add "following recommendation by the Planning & Zoning Board". Seconded by Boardmember Salas.

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That: The Board recommend to the City Council approval of Amending Sections 11-18-2, 11-18-6, 11-18-8, 11-18-9, and 11-18-10 of the Zoning Ordinance pertaining to Fees for planning services outlined by Staff.

Vote: Passed 5-2 Boardmembers Langkilde and Carter nay.

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Item: **GPMInor07-06 (District 1)** The 2000 through 2600 blocks of West 8th Street -north side, north to 202 Freeway and City of Mesa Reclamation Plant (125 +/- acres). Minor General Plan Amendment of the Mesa 2025 General Plan Land Use Map from Parks and Public/Semi Public to Mixed Use / Residential. This request will allow a future mixed-use development. Owners: City of Mesa, Christopher J Brady, City Manager; Maricopa County, Fulton Brock, Chairman Maricopa County Board of Supervisors; Ralph Pew, applicant.

Comments: The request for the land use plan amendment and the zoning case as companion cases were discussed together.

Ralph Pew, 1930 E. Brown Road, applicant, stated that he would address a few questions that were raised at the previous Board meeting. He then asked to allow those present to comment on the case and he would then respond to those comments.

Mr. Pew addressed the issues of traffic and commented that the issue of on site parking is a zoning function that would go through the Zoning Administrator and other procedures. He stated that the estimated combined traffic generated on a daily basis from this project is 17,091 vehicles a day. He compared this number to the Riverview project to the east that includes a wide variety of retail, entertainment and restaurant uses at roughly 69,000 per day. Mr. Pew stated that they have worked with the Traffic Engineering Department and have concluded that additional lanes will be needed on Dobson Road and a new left turn lane from 8th Street to North Dobson Road will be needed. Mr. Pew also stated that there would need to be a new traffic signal with protective left arrows at the intersection of Evergreen and 8th Street where there is also an entrance into the project.

Mr. Pew addressed the concern of potential odor from the sewage treatment plant and the Riverview Park. He stated that he has been working with City Staff on a Development Agreement and that the sewage treatment plant is an important part of the document as well as the reconfiguration of the park. Adding that the park will remain the exact same acreage, just reconfigured, and designing the park in such a way as to maintain the programming that is there today.

Mr. Pew addressed the question raised about buffering the sewage treatment plant and providing access to it. He stated that the discussion has evolved into more than just buffering and access but also to security and these issues are also being addressed, in detail, in the Development Agreement.

Mr. Pew further explained that attached to the Development Agreement is a purchase contract for the purchase of the land and there is a clear definition when escrow closes. And that closing will occur only at such time as the approvals are finished, financial commitments are in place and there will be no demolition of the park facilities until the firm commitment is available to build this project. Adding that none of the park amenities will be destroyed without knowing that this project is going forward and City Staff is spending many hours each day on these topics and making sure that nothing happens until these items are in place.

The following individuals spoke in opposition to the project:

Nate Caine	1325 W. Keats
Marilynn Wennerstrom	1112 N. Center Street
Stacey Rouse	2067 W. Dartmouth
Chris Rouse	2067 W. Dartmouth

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Their concerns included:

- Traffic in the area
- Underground parking concerns with the underground infrastructure to the sewage treatment plant
- Placement of the ball fields
- Poor notification of this case to the park and golf course users
- The sewage treatment plant odors and expansion
- Parking issues—paying for parking, underground parking, special event parking
- The excavation and underground infrastructure going to the sewage treatment plant
- What is going to happen to the animal shelter and county facility
- Access to the park with increased traffic
- Parking of additional cars in the neighborhood
- Concerns of the children in the neighborhood with additional traffic

The following individuals spoke in favor of the project:

James McGuire 903 N. Nina Drive
Dave Richins 567 W. 10th Street

Their comments included:

- This is the type of project that should be approved
- The City should do the best to attract this type of project
- Will bring quality lodging and restaurants to the area
- This project will help in turning around the West Mesa area
- This project will show what a great community Mesa is
- There have been more concerns over the sewage treatment plan and compared to the neighborhood to the south
- This project will enhance property values and the quality of the neighborhood
- Confidence in the City staff that the parking issues will be resolved and the underground infrastructure will not be in jeopardy
- This project will be great for the community and has the support of the Mesa Grande Community Alliance

The following individuals presented blue cards in favor of the project but did not wish to speak:

Steve Ikeda 620 N. Roanoke Circle
Linda Lloyd 1137 N. Cherry St
Dennis Lloyd 1137 N. Cherry St

Mr. Pew responded to the concerns of the residents adding that the park will stay. The acreage will be the same, however the configuration will be different. They will be enhancing the park and making it safer to access the park with a signalized intersection at Evergreen so there will be two signals to get across 8th Street. As for the expansion of the sewage treatment plant, in the future it will need to expand and the acreage has been set-aside for this.

Mr. Pew addressed the parking issues and stated that there will be underground parking for the hotel and residential components of the project. As for the underground infrastructure, he stated that they have maps of the area and know where every delivery and leaving line is to the sewage treatment plant and they do not want to mess with these lines. He further addressed the County Animal Shelter concerns and the buffering concerns to the neighborhood to the south.

Dorothy Chimel, Principal Planner, gave a brief overview of the project addressing the two cases that will be considered. She identified the General Plan Amendment as changing the General Plan from Park and Public/Semi Public areas to Mixed Use/Residential. She added that the second case was the zoning case that involves changing the existing zoning designations to C-3 to accommodate the mixture of uses to a Development Master Plan and identifying the parcels that would have either a Bonus Intensity Zone or a Council Use Permit.

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Ms. Chimel identified the parcels that would have the overlay district and identified the reconfigured park, which is not a part of this zoning case. She further identified the surface parking areas and explained that the Council Use Permits would be required for the combination of residential uses in the C-3 district and that the Bonus Intensity Zone is shown for the variety of heights in order to accommodate the number of facilities that may be needed in the water section.

Ms. Chimel added that staff is recommending approval with conditions and there is a stipulation for future site plan review prior to submittal of construction documents and after approval of the Design Guidelines by the Design Review Board. She further explained that future cases would come before this Board as well as the Design Review Board and City Council and at that time there would be a requirement of a parking study, a parking model and dialog to clearly identify what the needs are so there is no spill over traffic and parking elsewhere.

Boardmember Mizner asked Ms. Chimel to explain what would happen if the zoning case were approved and Maricopa County decided to not sell their property to this developer. Ms. Chimel responded that the entitlement would still be present on the land, but the nonconforming status of the land and land uses would continue so that the facility could continue operations. She further explained with the scenario that Mr. Mizner posed, the future site plan reviews through the public hearing process would not include that parcel, however, there likely would not be any negative consequences given that the conceptual DMP plans demonstrated that the Waveyard could operate without that land, which is at the extreme western edge of the property.

Discussion ensued concerning the County Facility, the City Sewage Treatment Plant, the park and the various City departments involved to ensure access to and protection of these places as well as the traffic concerns.

Boardmember Salas asked Mr. Pew if citizens using the park would be required to pay for parking. Mr. Pew responded that they have been asked by staff to pay particular attention to allow citizens to park their vehicles on the public park without cost or expense and to avoid integration of people going to the project and parking at the City Park.

Boardmember Carter asked if there would be some kind of barrier between the park and the project. Mr. Pew responded that they are considering a number of design and metering techniques and other things so there is not an intermingling of the parking relationships.

Discussion ensued concerning the quality of the project, the architecture, and that the project brings to Mesa some amenities that have been lacking in a city the size of Mesa for many years.

Boardmember Esparza moved to approve GPMinor07-06, seconded by Boardmember Langkilde.

Chairman Adams stated that this is a truly unique project, that Mesa is fortunate to have the opportunity to attract such a destination resort and that it will be good for Mesa.

That: The Board approves and recommends to the City Council approval of GPMinor07-06.

Vote: Passed 7-0

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Item: **Z07-35 (District 1)** The 2000 through 2600 blocks of West 8th Street -north side, north to 202 Freeway and City of Mesa Reclamation Plant (125 +/- acres). Establish a Development Master Plan with portions of the site requested to be: Rezoned from PF to C-3; Rezoned from C-3 PAD to C-3; Rezoned with a Bonus Intensity Zone overlay; and a Council Use Permit for residential uses within the C-3 zoning district. This request is to establish the base zoning districts and land uses for the Waveyard Development Master Plan, a future mixed use development with entertainment, retail, offices and residential land uses. Owners: City of Mesa, Christopher J Brady, City Manager; Maricopa County, Fulton Brock, Chairman Maricopa County Board of Supervisors, and; Larry Miller Automotive Group, Ken Ellergard; Ralph Pew, applicant.

Comments: The request for the land use plan amendment and the zoning case as companion cases were discussed together.

Ralph Pew, 1930 E. Brown Road, applicant, stated that he would address a few questions that were raised at the previous Board meeting. He then asked to allow those present to comment on the case and he would then respond to those comments.

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Ms. Chimel identified the parcels that would have the overlay district and identified the reconfigured park, which is not a part of this zoning case. She further identified the surface parking areas and explained that the Council Use Permits would be required for the combination of residential uses in the C-3 district and that the Bonus Intensity Zone is shown for the variety of heights in order to accommodate the number of facilities that may be needed in the water section.

Ms. Chimel added that staff is recommending approval with conditions and there is a stipulation for future site plan review prior to submittal of construction documents and after approval of the Design Guidelines by the Design Review Board. She further explained that future cases would come before this Board as well as the Design Review Board and City Council and at that time there would be a requirement of a parking study, a parking model and dialog to clearly identify what the needs are so there is no spill over traffic and parking elsewhere.

Boardmember Mizner asked Ms. Chimel to explain what would happen if the zoning case were approved and Maricopa County decided to not sell their property to this developer. Ms. Chimel responded that the entitlement would still be present on the land, but the nonconforming status of the land and land uses would continue so that the facility could continue operations. She further explained with the scenario that Mr. Mizner posed, the future site plan reviews through the public hearing process would not include that parcel, however, there likely would not be any negative consequences given that the conceptual DMP plans demonstrated that the Waveyard could operate without that land, which is at the extreme western edge of the property.

Discussion ensued concerning the County Facility, the City Sewage Treatment Plant, the park and the various City departments involved to ensure access to and protection of these places as well as the traffic concerns.

Boardmember Salas asked Mr. Pew if citizens using the park would be required to pay for parking. Mr. Pew responded that they have been asked by staff to pay particular attention to allow citizens to park their vehicles on the public park without cost or expense and to avoid integration of people going to the project and parking at the City Park.

Boardmember Carter asked if there would be some kind of barrier between the park and the project. Mr. Pew responded that they are considering a number of design and metering techniques and other things so there is not an intermingling of the parking relationships.

Discussion ensued concerning the quality of the project, the architecture, and that the project brings to Mesa some amenities that have been lacking in a city the size of Mesa for many years.

It was moved by Boardmember Esparza to approve case Z07-35 with Condition number 2a to reflect "not to exceed 65 feet", seconded by Boardmember Carter.

Boardmember Esparza commented that she would like to see signals or extra long lights for the neighbors and children that do cross the street to get to the park. Boardmember Langkilde

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suggested that the City use some of the newer crosswalk signals that count down, are ADA accessible and conform for the hearing and visually impaired so that everyone has access to and from the park.

That: The Board recommend to the City Council approval of zoning case Z07-35 conditioned upon:

1. The basic development as described in the project narrative and as shown on the DMP exhibits submitted (without guarantee of lot yield, building count, or lot coverage).
2. A Bonus Intensity Overlay District for maximum building stories and maximum structure heights in the following areas as identified in the Waveyard Development Master Plan exhibit:
 - a. Parcel 1 – 5 story maximum building height – not to exceed 65 feet
 - b. Parcel 2 – 70 foot maximum structure height
 - c. Parcel 3 – 10 story maximum building height – not to exceed 150 feet
 - d. Parcel 4 - 10 story maximum building height – not to exceed 150 feet
 - e. Parcel 6 - 10 story maximum building height – not to exceed 150 feet
 - f. Parcel 7 - 10 story maximum building height – not to exceed 150 feet
3. A Council Use Permit for residential land uses and target densities in a commercial district in the following areas as identified in the Waveyard Development Master Plan exhibit:
 - a. Parcel 4 – 20 du/ac
 - b. Parcel 6 – 50 du/ac
 - c. Parcel 7 – 35 du/ac
4. Review and approval through the Planning and Zoning Board, Design Review Board, and City Council of future building and development plans and Site Plan Review, prior to submittal of construction documents for any buildings.
5. Design Review Board approval of the Design Guidelines prior to submittal of any future development plans and/or Site Plan Review and prior to submittal of construction documents for any buildings.
6. Compliance with all City development codes and regulations.

Vote: Passed 7-0

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Item: **GPMInor07-07 (District 6)** The 9000 to 9100 block of East Southern Avenue (north side). Located east of Ellsworth Road and north of Southern Avenue (3.2± ac). Minor General Plan Amendment to change the General Plan Land Use Map from Low Density Residential (LDR 0-1 du/ac) to Neighborhood Commercial (NC). Mark Kohner, owner; Lisa Luther, Arcadis-US, Inc., applicant. **COMPANION CASE Z07-39.**

Comments: The request for the land use plan amendment and the zoning case as companion cases were discussed together.

Lisa Luther, applicant, stated that they are requesting the Boards recommendation for the General Plan amendment as well as the rezoning case.

Joe Welliver, Planner I, stated that this case involves a 3.8 gross acre site and the request is to change the General Plan designation from Low Density Residential to Neighborhood Commercial as well as a rezone from R1-7 and R1-43 to C-2. He continued that staff is recommending approval with conditions.

Boardmember Mizner asked Mr. Welliver to explain the revised Condition #6, concerning the redesign of a drainage channel. Mr. Welliver responded that there is an eight-foot wide concrete lined drainage channel on the plan and this condition would ensure conformance with Section 11-15-3b of the Zoning Ordinance.

Boardmember Mizner then asked if there were any written or verbal concerns from the adjacent property owners on this case. Mr. Welliver responded that he received one phone call from the neighbor to the east, who had concerns with increased taxes and traffic. Mr. Welliver stated that he explained to the neighbor that her taxes would not be impacted because she remained in the County and that with the orientation and location of the development, traffic impacts would be minimal.

Boardmember Carter asked Mr. Welliver why there were no elevations in the submittal packet. Ms. Luther responded that she did not have elevations but did provide photographs of product that would be very similar to what would be proposed in the future.

Boardmember Carter asked Mr. Welliver if the concrete lined ditch was for irrigation or retention. Mr. Welliver commented that he believed it was for retention. He continued that he did speak with Development Engineering staff about the ditch and they were okay with the design in terms of moving water but did not like the esthetics so Condition #6 was added.

Discussion ensued concerning the lack of elevations, the requirement for elevations at time of submittal, the requirements of the Design Review Board and the number of citizens who attend their hearings.

Boardmember Finter moved for approval of case GPMInor07-07, seconded by Boardmember Salas.

That: The Board recommend to the City Council approval of GPMInor07-07.

Vote: Passed 7-0

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Item: **Z07-39 (District)** The 9000 to 9100 block of East Southern Avenue (north Side). Located east of Ellsworth Road and north of Southern Avenue (3.2± ac). District 6. Rezone from R1-43 and R1-7 to C-2 and Site Plan Review. This request will allow the development of an office structure and two restaurant facilities. Mark Kohner, owner; Lisa Luther, Arcadis-US, Inc., applicant. **COMPANION CASE GPMInor07-07.**

Comments: The request for the land use plan amendment and the zoning case as companion cases were discussed together.

Lisa Luther, applicant, stated that they are requesting the Boards recommendation for the General Plan amendment as well as the rezoning case.

Joe Welliver, Planner I, stated that this case involves a 3.8 gross acre site and the request is to change the General Plan designation from Low Density Residential to Neighborhood Commercial as well as a rezone from R1-7 and R1-43 to C-2. He continued that staff is recommending approval with conditions.

Boardmember Mizner asked Mr. Welliver to explain the revised Condition #6, concerning the redesign of a drainage channel. Mr. Welliver responded that there is an eight-foot wide concrete lined drainage channel on the plan and this condition would ensure conformance with Section 11-15-3b of the Zoning Ordinance.

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Boardmember Carter asked Mr. Welliver why there were no elevations in the submittal packet. Ms. Luther responded that she did not have elevations but did provide photographs of product that would be very similar to what would be proposed in the future.

Boardmember Carter asked Mr. Welliver if the concrete lined ditch was for irrigation or retention. Mr. Welliver commented that he believed it was for retention. He continued that he did speak with Development Engineering staff about the ditch and they were okay with the design in terms of moving water but did not like the esthetics so Condition #6 was added.

Discussion ensued concerning the lack of elevations, the requirement for elevations at time of submittal, the requirements of the Design Review Board and the number of citizens who attend their hearings.

Boardmember Mizner moved to approve case Z07-39 with the new Condition #6, seconded by Boardmember Finter.

That: The Board recommend to the City Council approval of zoning case Z07-39 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.

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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 granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
6. Removal of concrete lined channel shown at the north and west property line on the Grading and Drainage Plan dated 4/10/2007, with design of the retention to meet §11-15-3-(B) of the Zoning Ordinance.

Vote: Passed 7-0

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MINUTES OF THE MAY 17, 2007 PLANNING AND ZONING MEETING

Item: **Z07-40 (District 5)** 6712 East Rafriver Street. Located west of Power Road on the north side of Thomas Road (1.02± ac). Site Plan Modification. This request will allow the development of an office building. Martin Maslonka, owner; Michelle Watanabe, Form 5 Architecture, applicant.

Comments: Rob Burgheimer, 6062 E. Riverdale, applicant, stated that is project is a small neighborhood office building and did a PowerPoint presentation showing the surrounding neighborhood and developments, the proposed building and highlighting the five main concerns of the neighbors. Their concerns included safety, view preservation, the process, the design and the use.

In addressing safety, Mr. Burgheimer stated that there is a lot of traffic in the area due to Red Mountain Elementary School mainly from 8:00 to 8:30 am and 3:00 to 3:30 pm. He continued that they have proposed a gate along Rafriver to close off the site during these times and prevent traffic from cutting through the site. He added that they have moved the building back and east to allow for better site visibility along Rafriver.

In addressing views, Mr. Burgheimer stated that the maximum height allowed in this zoning district is 30 feet and the project is within that range and gave a description of the building. He continued that the majority of the homes in the neighborhood do not face the site and it does not block direct view of Red Mountain.

In addressing the process, Mr. Burgheimer stated that they had a very volatile group of people to work with. The meetings were not civil or professional and they struggled with how to work with the neighbors. In response to the meeting, a project website was created so each person could comment on the project. He continued that there were over 1,800 hits to the site and all comments posted were included in the Boardmembers packets.

In addressing the design and uses, Mr. Burgheimer stated that this project was passed unanimously by the Design Review Board. He added that the property is zoned C-2 and has been for a number of years and that the office use would be less intense than a restaurant or bakery.

Rick Michalek, 555 S. Lewis St., representing Mesa Public Schools commented that they had concerns with the existing fencing and the ingress and egress point on Rafriver. He continued that he would like to see the fencing fixed and at a minimum of six feet high and that if there had to be an access point on Rafriver, that an electronic gate be installed

Eric Tiffany, 3626 N. Katmai, stated that he was opposed to the project and had concerns with the two-story building blocking the mountain views. He stated that the school traffic was a nightmare and this would just add to that. He urged the Boardmembers to oppose this consideration.

Garry Opdahl, 6705 E. Saddleback Circle, stated that he was impartial to the project and would like to see it properly done. He presented a petition with over 150 signatures asking the Board to:

- Deny access onto Rafriver
- Increase traffic lane widths on Rafriver between Thomas & Sierra Morena
- Deny the two story building
- Require a more compatible design
- The design and layout should require the approval of City Council

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John Vitale, 3832 N. St. Elias Circle, stated that he would like to see the applicant place the driveway on Rafriver directly opposite Sierra Morena for safety aspects. He further commented that the applicant held his neighborhood meeting between Christmas and New Years and asked the City to consider revising when a meeting can be held.

Mr. Burgheimer responded to the neighbor's comments:

- The fencing in question is not part of their project and located on the adjacent property.
- The issue is not about views but about any project on the site; adding that the neighbors would like to see the property left as raw desert.
- The neighborhood meeting was held on a business day between Christmas and New Years.

Michelle Wantanabe, applicant, added that the tenant of the building will bring a lot of business to the City. She added that the website was a direct response to the December 28th meeting, that was volatile, so the neighbors were given the opportunity to give their input.

Tom Ellsworth, Senior Planner, stated that this is a site plan modification and pointed out to the Board that they are able to look at each site plan as proposed for this site and each needs to stand on its own merits. He continued that the Board could limit the height of the building and the site access if they chose to do so. He highlighted the citizen participation process and further explained that traffic engineering had been contacted and did not have a concern with the ingress and egress of the site or the width of Rafriver. Mr. Ellsworth continued that a public utility and facility easement had been placed on the site plan to facilitate future widening if needed. He concluded that the two-story height is allowed in the C-2 zoning district and meets all design standards. He stated that the Design Review Board approved this project and staff is recommending approval with conditions. He further commented that a letter of appeal had been received from the neighbors, which would require City Council final approval.

Discussion ensued concerning who would pay for the widening of Rafriver, the controversy of past cases on this site, uses allowed in the C-2 zoning district and what would be acceptable to on this site.

Boardmember Mizner asked Mr. Burgheimer if it was possible to align the driveway with the street to west, cross access to the property to the east and if there was a traffic comparison conducted for a restaurant/bakery versus an office building. Mr. Burgehimer responded that they did look to align the driveway, however; this is a small site and did not work. He continued that it is located as it was on the previously approved site plans. He further commented that they did have cross access, but at only one point and a traffic comparison was not one conducted.

Discussion ensued concerning the color compatibility of the building and the surrounding area, the slope of site and the heights of the project to the east, this project and the homes to the west.

Chariman Adams asked Mr. Ellsworth what was the Design Review Board recommendation and what types of projects could be built on the site. Mr. Ellsworth responded that the Design Review Board approved this case with the elevations presented today; adding that many other uses could go here, which would require them to come back to this Board for site plan modification.

Boardmember Langkilde moved to approve zoning case Z07-40 as stipulated by staff, seconded by Boardmember Esparza.

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Boardmember Mizner commented that this site has a long history and a lot of controversy. He noted that it is the job of the Board to review each project to ensure they are compatible to the neighborhood, it meets the Code requirements and does not lessen public safety or property values. He continued that in his opinion this project would not do any of these things and would be supporting the motion for approval.

Boardmember Esparza agreed with Boardmember Mizner's comments; adding that she liked the project and is exactly what Mesa needs to promote. She stated she would be supporting the motion.

Boardmember Carter commented that this would be an enhancement to the corner and an asset to the community. He continued that this meets all the requirements of the City and it's a wonderful project. He stated that he too would support this motion.

Chairman Adams commented that he too would support the motion adding that it's an attractive building. He added that this is private property and the owner has the right to build on it as he see fit as long as it is within the guidelines established by the City.

That: The Board approve zoning case Z07-40 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Recordation of cross-access and reciprocal parking easements along the eastern property line shared with the adjacent office project.
6. Parking spaces shown in the landscape setback shall be removed.

Vote: Passed 6-0 with Boardmember Salas abstaining due to a potential conflict of interest.

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MINUTES OF THE MAY 17, 2007 PLANNING AND ZONING MEETING

Item: **Z07-41 (District 4)** The 1000 to 1200 blocks of East Southern Avenue (north side) and the 1100 to 1200 block of South Stapley Drive (west side). Located at the northwest corner of Stapley Drive and Southern Avenue (20± acres). Site Plan Modification. This request will allow for the development of a retail shopping center. Tim Dollander, CTW Retail Partners, LLC, owner; Kellie Hill, Diversified Partners Development, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board approve zoning case Z07-41 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.

Vote: Passed 7-0

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MINUTES OF THE MAY 17, 2007 PLANNING AND ZONING MEETING

Item: **Z07-48 (District 1)** 1154 North Alma School Road. Located west and south of Alma School Road and the Loop 202 Freeway (34.54± ac.). Site Plan Review. This request will allow for the development of an office park. Tom Martin, Riverview Park Partners, owner/applicant.

Comments: David Udall, 30 W. First St., applicant, stated that this is not a rezoning, the property was hard zoned some time ago, and that they were seeking an approval of the site plan. He added that staff is recommending approval with conditions and they are agreeable to all of the conditions.

Richard Gurtler, 1304 W. Mountain View Dr., resident, spoke in opposition stating that the 40 foot tall buildings were too close to the property line and there would be some invasion of privacy; adding that the views would be blocked and this project is too close to residential.

Tom Martin, 7206 E. Fremont Place, Centennial, CO, representing Riverview Park Partners, stated that this project is in conformance with the zoning district and the area of encroachment that is not in conformance will be corrected. He then clarified that the building heights were 38 feet tall. He then explained that the first phase of this project is about 600 feet from the Casa Grand Subdivision and that the vertical differentiation, between the project and the subdivision, varies from 0 to over 20 feet from the west end of the property to the east.

Dorothy Chimel, Principal Planner, stated this case would end with the Board's approval and not go forward to City Council unless it was appealed. She continued that staff is recommending approval and that the first phase of the project went to the Design Review Board on May 2nd and approved. She pointed out that the area of encroachment that would need to be revised, adding that the applicant has been made aware of this and has stated that they would revise the plan. She stated that the conditions of approval include a Special Use Permit by the Board of Adjustment for a comprehensive sign plan and review by the Design Review Board for subsequent phases.

Boardmember Langkilde moved to approve case Z07-48 seconded by Boardmember Carter.

Discussion ensued regarding solid waste concerns, the heights of the parapet, views, setbacks and distance be the neighborhood and the facade of the buildings.

That: The Board approve zoning case Z07-48 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Site Plan Review through the public hearing process of future development plans.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All perimeter street improvements and street frontage landscaping to be installed in the first phase of construction.
7. All buildings to be architecturally compatible to the two buildings proposed for the first phase.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

Vote: Passed 5-0 with Boardmembers Finter and Esparza absent.

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Item: **Z06-97 (District 6)** The 11000 to 11300 block of East Pecos Road (north side) and the 6700 to 6800 block of South Mountain Road (east side). Located at the northeast corner of Pecos and Mountain Roads (12.70± ac.). Rezone from AG to M-1-PAD and Site Plan Review. This request will allow for the development of industrial offices/warehouses. Justin Dupuy, Braided Cord Enterprises, Michael Hickey, Ocotillo Gilbert Road LP, owners; Randolph Carter, Dream Catchers Planning and Design, LLC, applicant. Also consider the preliminary plat of "Pecos Business Park".
CONTINUED FROM THE DECEMBER 21, 2006, JANUARY 18, 2007, FEBRUARY 15, 2007, MARCH 22, 2007 AND APRIL 19, 2007 MEETINGS.

Comments: This case was on the second consent agenda due to a conflict of interest by Boardmember Carter, therefore, it was not discussed individually.

It was moved by Boardmember Salas, seconded by Boardmember Langkilde

That: The Board approve the preliminary plat of "Pecos Business Park" and recommend to the City Council approval of zoning case Z06-97 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Each building shall have at least one landscape island with a drop-off sidewalk and at least one tree.
3. Crosswalks shall be differentiated from driving surfaces through the use of a different surface treatment.
4. Site Plan Review through the public hearing process of future development plans on the western portion of the site labeled "future – not a part of this project".
5. Compliance with all requirements of the Design Review Board including 10% landscaping at rear of buildings.
6. Full compliance with all current Code requirements, unless modified through approval of the PAD overlay, as outlined in the staff report.
7. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
8. 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.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Recordation of cross-access and reciprocal parking easements across the entire site.
11. Owner shall grant an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
12. Written notice be provided to future owners, and acknowledgment received, that the project is within Williams Gateway Airport Noise Overflight Area.

Vote: Passed 6-0-1 with Boardmember Carter abstaining.

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Item: **Z07-42 (District 6)** 9641 East Hampton Avenue (south side). Located south of Southern Avenue and west of Sossaman Road (7.41± ac). Rezone from R1-43 and AG to C-1 BIZ and Site Plan Review. This request will allow the development of two medical office buildings. Also consider the preliminary plat of "Aquila Superstition Medical Park". George F. Tibsherany, owner; Martin M. Hazine, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board approve the preliminary plat of "Aquila Superstition Medical Park" and recommend to the City Council approval of zoning case Z07-42 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations, except as amended through the BIZ Overlay.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Recordation of cross-access and reciprocal parking easements located on each eastern property line.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

Vote: Passed 7-0

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Item: **Z07-43 (District 6)** 8659 East Pecos Road. Located south and east of Hawes Road and Pecos Road (10.59± ac). Rezone from AG to O-S-PAD for the southern 130' of the site, PEP-PAD for the portion beginning at the north edge of the O-S-PAD portion and extending north 110', and M-1-PAD beginning at the north edge of the PEP-PAD portion and extending to the north property edge of the site, and Site Plan Review. This request will allow for the development of an office/warehouse development. Also consider the preliminary plat of "Pecos 77 Business Park". Jeff Phillippe, Pecos 77, LLC, owner; Reese Anderson, Pew & Lake, PLC, applicant.

Comments: Reese Anderson, 1930 E. Brown Road, applicant, gave a brief overview of the project stating that they are proposing office condos with some office warehouses. He continued that the site is designated in the General Plan as Light Industrial. With the Queens Park neighborhood to the south they have designed a project that is sensitive to the neighborhood with transitional zoning and no vehicular or pedestrian access to the neighborhood.

Mr. Anderson noted that there had been a legal protest filed against this project and stated that the neighbors objected to anything other than AG, R1-43 or O-S zoning. He continued with an explanation of the project highlighting the areas of O-S, PEP and M-1 zoning along with the building heights, the screen wall and landscape areas. Mr. Anderson explained the need for the PAD overlay and gave a history of the zoning and the zoning cases in the area.

The following individuals submitted "blue slips" in opposition and did not wish to speak:

Mark Underwood	8625 E. Woodland Ave.
Sue Buscaglio	8610 E. Waterford Circle
Terry Rope	8611 E. Waterford Circle
Colene White	8561 E. Waterford Circle
Dan Sundstrom	8627 E. Waterford Circle
Betty Merkley	8559 E. Woodland Ave.
Todd Luyman	8662 E. Winnston Circle
Lori Dobrowski	8644 E. Winnston Circle

Ann Call, 8660 E. Waterford, resident, stated that the residents are just trying to protect where they live. She added that they have lived out there for a long time, that they moved out there for the rural environment, they knew things would move out their way and that the applicant says they want to work with the neighbors and ask what they want to see, but do not listen.

Rosanne Casterton, 8745 E Waterford Circle, resident, stated that their residential subdivision was never allowed to be closed off. She continued that the O-S buffer proposed is not a real buffer; it is an O-S parking lot that accommodates a PEP building and is 40 feet from their front yards.

John Buscaglio, 8610 E. Waterford Circle, resident, stated that when he bought his property he presumed that the area would be residential. He continued that Mr. Call built his project to appeal to the neighborhood. Adding that they are being infringed on, will be looking at an eight foot wall and then 32 or 33 foot buildings and the applicant has not meet the needs of the neighborhood.

Roger Trinko, 8626 E. Waterford Circle, resident, stated that the neighborhoods objectives are to provide a separation between the residences and the industrial development that does three things, gives a buffer, gives a strip of land that is zoned in a fashion that will make it permanently unprofitable to develop and provides a zone adjacent to the neighborhood that will not discourage mortgage companies from entering into mortgage agreements on the parcels of

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land in the neighborhood. He continued that the Marsh and Brown project to the east provides a strip of land that will be landscaped and not developed, therefore; a nice buffer, adding this project provides a parking lot zoned O-S as a buffer, which is not a buffer.

Ladell Call, 8660 E. Waterford Circle, resident, stated that he is not opposed to development but is apposed to developing things that infringe on other people's property rights and he believes that this is happening here. He stated that they have been told they could not have residential next to their neighborhood so the zoning they felt would work would be O-S. He continued that they want a true O-S zoning, of residential offices, not a parking lot and fencing for PEP and M-1 buildings, which is not a buffer. Mr. Call gave an overview of his project to the east adding that it was designed to not hurt the neighborhood. He then commented on the Marsh project to the east of this project adding that they removed a building, put in a screen wall and a buffer.

Boardmember Mizner asked Mr. Call about a letter from an attorney, Mr. Foote, representing some of the families in the neighborhood. Mr. Call responded that it is telling the Board what the neighbors have been trying to tell them for three years, if this is allowed, it will affect the values of their homes and quoted the State Statute that the Board is liable.

Craig Merkley, 8559 E. Woodland Avenue, resident stated that if this project were turned around it would be acceptable. He continued that with the parking lots they would have tractor trailer trucks running all night and this is against everything residential if for. He added that is the parking lot and building were not there, just landscaping it would be fine, but with the warehouse buildings there would be a lot of noise and keep people awake all night.

Kent McClure, 8609 E. Woodland Ave, resident sated that he is for development, but what is being proposed is a direct conflict with the zoning that exists. He added they are actively pursuing other property north of Pecos Road to see if a land swap can be arranged.

LeAnn Merkley, 8559 E. Woodland Ave, resident, stated that they knew one day they would lose their nice views but did not realize that they would have huge buildings at their front doors. She continued they just want to see that they get a decent looking building and that they are not going to see the trucks when they walk out their front doors.

Doug Chapman, 8715 E. Woodland Ave, resident, stated that this is the fifth project in the area and the third protested. He continued that he is named in the JacksonWhite letter and they will pursue litigation to protect their property rights if this project is approved. He stated that the R1-43 designation is to be protected against encroachment of commercial, industrial and high density housing. Continuing that they have the commercial and industrial and worse than high density housing, they have warehouse condos.

Mr. Anderson gave a few examples of the types of businesses that they anticipate will locate at this project and then responded to the resident's comments.

- Want it to remain rural; it is in the General Plan as light industrial and something will go here
- Wants the entire project O-S; O-S zoning would allow a building at 20 feet from the property line, currently there is a screen wall, a berm and landscaping at 40 feet and the first building is 130 feet from the property line, more than a 600% in the building setback.
- Buildings 40 feet from their front yards; with a 60 feet right of way, the buildings are about 100 feet from the front yards.
- Presumption of all residential in the area; over 8 years ago the area around the neighborhood was established as something other than residential.
- Stated that the buildings are 32 feet in height; the buildings are actually 27 feet 6 inches and setback 130 feet.

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- Comparisons of building heights, setback and M-1 lines were made between this project and the Call project.
- Turning the project around to put the offices along Woodland Avenue; this would be great if the neighbors were willing to give access onto Woodland Avenue.
- Preservation of views and seeing huge buildings; these buildings are only 27 feet tall, the same height as some of the homes along Woodland Avenue.
- Concerns with facing a disaster; the project has been sensitively designed with the appropriate protections to transition from M-1 to PEP and then to O-S.

Jennifer Gniffke, Planner II, stated that this request is to rezone approximately 10.5 acres to allow for an office warehouse development. She added that there is a gradation in the zoning request to allow for a form of buffer between the M-1 and the residential homes. She continued that the proposal is in conformance with the General Plan and staff is recommending approval with conditions.

Chairman Adams asked for an explanation of how the Ordinance addresses encroachment to the R1-43 zoning district.

John Wesley, Planning Director, stated that there is an intent statement in the Zoning Ordinance that does state that this district is intended to be done in a way to minimize conflicts with commercial, industrial and high density development. He continued that staff looks at and tries to follow this as they look at zoning patterns around the community, however; this area has been designated as Light Industrial in the General Plan and PEP and M-1 are consistent uses for Light Industrial. He added that it comes down to the site plan and ways to provide an appropriate transition between the uses and the question before the Board is would the transition being provided be an appropriate transition between the uses.

Chairman Adams then asked Mr. Wesley if what is being proposed is consistent with other difficult transitions. Mr. Wesley responded that each proposal needs to be looked at individually to see what works appropriately in that location.

Discussion ensued concerning the compromise reached with the neighbors for the project to the east; the removal of buildings, orientation of buildings, screening and buffers concerning this project and the one to the east.

Boardmember Mizner asked Mr. Anderson if there was a possibility for a continuance to meet with the neighbors and reach a compromise. Mr. Anderson responded that since the beginning of May they have tried to reach out to the neighbors with no response and now there is a letter from their attorney. He continued that they are interested in talking and reaching some possible resolutions, however; at this point they are not interested in a continuance.

Boardmember Mizner then asked Mr. Call if there was any merit in a continuance or if the only compromise would be a project exactly like the one to the east. Mr. Call responded that they would be happy to talk to the applicant, but they would just like to have a real buffer and they don't feel like they currently have one.

Boardmember Langkilde commented that the Board would like to see the applicant sit down with the neighbors to see if they could come to some agreement and asked Mr. Anderson if he would be amenable to a continuance for 30 days. Mr. Anderson responded that as a sign of their good faith, they would be happy to take a continuance for no longer than one month. He then stated to Mr. Call, Mr. Chapman and their attorney to please call him.

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Boardmember Salas commented that he would support a continuance to try to work out a good compromise. Discussion ensued concerning the continuance.

Boardmember Mizner moved to continue case Z07-43 to the June 21, 2007 regular Planning and Zoning Meeting with a strong admonishment to both parties that they negotiate in good faith and try to reach a compromise that is acceptable to both parties, seconded by Boardmember Langkilde.

That: The Board continue case Z07-43 to the June 21, 2007 meeting.

Vote: Passed 4-0-1 with Boardmember Carter abstaining due to a potential conflict of interest and Boardmember Finter and Esparza absent.

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Item: **Z07-44 (District 6)** 11537 East Warner Road. Located south and west of Meridian Road and Warner Road (8± ac). Rezone from R1-43 to C-2 and Site Plan Review. This request will allow for the development of a two-story indoor self-storage facility and a neighborhood retail center. Also consider the preliminary plat of "Superstition Vistas Square". Tom Billings, Billings Family, LLC, owner; Reese L. Anderson, Pew & Lake, PLC, applicant.

Comments: Reese Anderson, 1930 E. Brown Rd., applicant, stated that they had two neighborhood meetings and the site plan was revised in answer to those questions. He stated they are in full agreement with the conditions of approval.

Thomas Clyde, 11541 E. Rutledge Ave., resident, spoke in opposition to this project. His concerns included that the General Plan designates the property as Medium Density Residential not Commercial. He continued that there is no commercial in the area and the neighbors like it that way. An additional concern Mr. Clyde had was the incomplete information received from the City when researching the area prior to the purchase of his home.

Discussion ensued concerning the future of Warner Road, the State trust land to the east of this project and efforts to become informed of future plans in the area prior to purchasing land.

Jennifer Gniffke, Planner II, stated that this request is for a phased retail development including a self storage facility with attached retail suites in the first phase and additional retail buildings in future phases. She added that there are pedestrian pathways throughout the site, the proposal is in conformance with the general plan and staff is recommending approval with conditions.

Boardmember Mizner asked Ms. Gniffke if this project would go through the Design Review Board to ensure architectural compatibility and quality building materials. Ms. Gniffke responded that it would go through the Design Review Process.

Boardmember Carter commented that the developer went above what needed to be done to create a positive retail center with all the parking within the site and the buildings and without and a nice landscape plan.

It was moved by Boardmember Langkilde to approve case Z07-44 with conditions as stipulated by staff, seconded by Boardmember Salas.

That: The Board approve the preliminary plat of "Superstition Vistas Square" and recommend to the City Council approval of zoning case Z07-44 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. All perimeter street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

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8. Written notice be provided to future tenants/owners, and acknowledgment received that the project is within four miles of Williams Gateway Airport.

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

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Item: **Z07-45 (District 6)** 10630 East Pecos Road. Located north and west of Pecos Road and Signal Butte Road (5.53± ac). Site Plan Review. This request will allow for the development of two buildings to be used for the wholesale distribution of building materials. Tom Leahy, Van Co. Properties LLC, owner; J. Joseph Diemer, Diemer Associates, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z07-45 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Shift the east-facing row of employee parking spaces at least 9' to the north and provide 5' (minimum) of landscaping between the south end of the drive aisle and the wall, and adequate space for exiting the southern-most parking space.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. 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).
7. Written notice be provided to future owners/tenants, and acknowledgment received that the project is within two miles of Williams Gateway Airport.

Vote: Passed 7-0

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MINUTES OF THE MAY 17, 2007 PLANNING AND ZONING MEETING

Item: **Z07-46 (District 5)** 6759 East Albany Street, 6756 East Akron Street, and 160 North Power Road. Located north and west of Power Road and Main Street (1.22± ac). Site Plan Review. This request will allow for the development of an office building. Also consider the preliminary plat of "Dana Professional Plaza". Cameron Dana, owner; Randolph L. Carter, Dream Catchers Planning and Design, LLC, applicant.

Comments: Tom Bottomley, applicant, stated that this project consists of a 15,000 square foot, two-story office building with the center portion of the building devoted to a atrium type of lobby on two levels. He continued that one of the intents of the project is to provide a very high end product and attract both office and medical users.

Thom Vehon, 6747 E. Albany St., resident, stated that this is a great project for this corner; the building has a great design but has concerns about privacy of the windows from the second story. He added that he met with the owner and the owner stated that he understood the concerns and the need for privacy and would address the exterior windows on the second story with some form of window treatment. Mr. Vehon continued that he would like to have some form of window treatment on the second story windows.

Mr. Bottomley responded that the building is placed in the best possible location on the site not only to give a presence along Power Road, but to also be sensitive to the neighbors to the west. He added that the drive aisles have been offset to provide a buffer along with the eight-foot wall and the rows of landscaping should be a good buffer for the neighbors. He continued that with the probable medical tenants there would be an amount of controlled openness and privacy and would provide some form of window treatments inside that would maintain that level of privacy to address Mr. Vehon's concern of privacy to his back yard.

Jennifer Gniffke, Planner II, stated that this request is for a site plan review and preliminary plat for a two-story office building on approximately 1.25 acres. She added that the applicant did complete a neighborhood participation effort and that the neighbors did contact staff to express concerns with the privacy of their backyards. Ms. Gniffke continued that the applicant does intend to increase the height of the new wall along the west property line from 6 feet to 8 feet to address this concern. She concluded that the project is in conformance with the General Plan and staff is recommending approval with conditions.

Discussion ensued concerning the placement of the solid waste bins and the use of roll out barrels rather than bins, the window treatments for privacy issues and the parking lot, drive aisles and landscaping buffer between the neighbors to the west and the two-story building.

It was moved by Boardmember Mizner to approve case Z07-46 with the conditions outlined in the staff report, seconded by Boardmember Salas.

That: The Board approve the preliminary plat of "Dana Professional Plaza" and recommend to the City Council approval of zoning case Z07-46 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. The new CMU wall along the west property line shall be 8' in height, and designed to be architecturally compatible with the building.
3. Add six landscape 'triangles', each to contain one 24"-box tree, between parking spaces along the central landscape median in the parking lot.

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4. In order to comply with parking requirements, medical use shall not exceed 10,000 square feet of the total gross floor area for the project. All requests for occupancy and/or tenant improvement permits for medical uses shall be accompanied by updated parking calculations to document that medical uses do not exceed 10,000 square feet gross floor area for the entire project, and that enough parking spaces are provided within the project to accommodate the use(s) per code requirements.
5. Compliance with all requirements of the Design Review Board.
6. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Approval of a Development Incentive Permit by the Board of Adjustment or Zoning Administrator for all requested code modifications and compliance with all Board of Adjustment or Zoning Administrator requirements associated with that approval.

Vote: Passed 4-0-1 with Boardmember Carter abstaining and Boardmembers Finter and Esparza absent.

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MINUTES OF THE MAY 17, 2007 PLANNING AND ZONING MEETING

Item: **Z07-47 (District 6)** The 10600 to 10800 blocks of East Southern Avenue (north side) and the 1100 to 1200 block of South Signal Butte Road (west side). Located at the northwest corner of Signal Butte Road and Southern Avenue (15.76± ac). Site Plan Review. This request will allow for the development of a retail shopping center. Also consider the preliminary plat. Jeffrey Tucker, Weingarten/Investments, Inc., owner; W. Ralph Pew, Pew and Lake, PLC, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z07-47 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Recordation of cross-access easements between all lots proposed in the subdivision plat.
7. Compliance with all requirements of the Subdivision Regulations.

Vote: Passed 7-0

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MINUTES OF THE MAY 17, 2007 PLANNING AND ZONING MEETING

Item: **Z07-49 (District 1)** 1166 North Alma School Road. Located west and south of Alma School Road and the Loop 202 Freeway (6.6± ac.). District 1. Rezone from PEP to PEP-BIZ for the northern portion of the site (5.68± ac.) and Site Plan Review. This request will allow for the development of a four-story hotel and a restaurant pad. David Strong, Wolf Urban Development, owner; Jim Larson, Gensler, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z07-49 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Site Plan Review through the public hearing process of future development plans, including the Restaurant Pad.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Parking for the hotel restaurant to be provided at one space per seventy-five square feet of restaurant.
6. Provide code-required landscape and property line wall along the north property line.
7. All perimeter and private-drive frontage landscaping to be installed in the first phase of construction.
8. Compliance with all requirements of the Subdivision Regulations.
9. Pad building to be architecturally compatible with the hotel.

Vote: Passed 7-0

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Item: **“The Enclave” (District 5)** 2451 N. Val Vista Drive. Located south and east of Val Vista Drive and McDowell Road. (4.51 ac.) This request will allow for the development of a residential subdivision. Scott Simas, owner; Reese Anderson and Sean Lake, Pew and Lake, PLC, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board approve the preliminary plat of “The Enclave” conditioned upon:

1. Compliance with the preliminary plat.
2. Dedication of 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 Subdivision Technical Review Regulations.

Vote: Passed 7-0

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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