

COUNCIL MINUTES

November 16, 1998

The City Council of the City of Mesa met in a Regular Council Meeting in the upper level meeting room of the Council Chambers, 57 East 1st Street, on November 16, 1998 at 5:45 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
John Giles
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

None

POLICE OFFICER
PRESENT

David Klein

OFFICERS PRESENT

C.K. Luster
Neal Beets
Barbara Jones

Invocation by Pastor Nathan Miller, Desert Heritage Church.

The Pledge of Allegiance was led by Girl Scouts Christina and Jennifer Sanchez.

Introduction of dignitaries from Mesa's Sister City, Guaymas, Sonora, Mexico.

Don Strauch, former Mayor of Mesa and President of the Mesa Sister Cities Association, introduced visiting dignitaries from Mesa's Sister City, Guaymas, Sonora, Mexico to the members of the Council. Mayor Brown welcomed the entourage to the City of Mesa. Mayor Lic. Sara Valle Dessens addressed remarks to the Council and thanked the City of Mesa for their continued support and contributions to the citizens of Guaymas. Mayor Lic. Sara Valle Dessens also invited the members of the Council to visit Guaymas during the coming year and participate in planned festivities.

1. Approval of minutes of previous meetings as written.

It was moved by Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the minutes of October 29 and November 2, 1998 be approved.

Carried unanimously.

2. 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 Vice Mayor Giles, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Carried unanimously.

3. Consider the following liquor license applications:

*a. KARAN DEV, AGENT

New Beer and Wine Store License for Park N Shop Food Marts, 1224 N. Gilbert Road. The Beer and Wine Store License previously held at this location by Hikmat A. Shamam, Agent, Park-N-Shop, Inc., will revert back to the State.

*b. RUSSELL G. SCARAMELLA, AGENT

New Restaurant License for Famous Sam's, 2860 E. Main Street. The Restaurant License previously held at this location by Nelson B. Roush, Agent, NN Roush Co., Inc., was cancelled on 7/2/98.

*c. NICHOLAS J. SOLDO, AGENT

New Restaurant License for Holiday Inn, 1640 S. Country Club Drive. The Restaurant License previously held at this location by Gary L. Ward, Agent, R Ring Enterprises, Inc., will revert back to the State.

4. Consider the following contracts.

*a. Two-year supply contract for steel refuse containers as requested by the Solid Waste & Facilities Division. These containers are used for multi-family residential, commercial and industrial accounts.

The Purchasing Division recommends accepting the low bid by Auerbach Products for first year purchases of \$131,162.00 plus 8.50% sales tax of \$11,148.77 for a total of \$142,310.77, based on estimated requirements.

*b. Annual supply contract for helicopter airframe (rotor) parts and repairs as requested by the Police Department.

The Purchasing Division recommends accepting the low bid by Seaside Helicopters, Inc. for annual purchases estimated at \$250,000.00.

*c. 11GHz microwave equipment as requested by the Communications Division.

The Purchasing Division recommends authorizing an additional purchase option from previous RFB #95060 with the original low bidder, Northern Telecom Inc., at \$95,394.00 plus 5.0% use tax of \$4,769.70 for a total of \$100,163.70.

*d. Eighteen replacement electronic gas chart recorders as requested by Utility Operations.

The Purchasing Division recommends accepting the bid by Mercury Instruments, Inc. at \$39,906.00 plus 5% use tax of \$1,995.30 for a total of \$41,901.30.

- *e. Two-year contract for sweeping of arterial streets as requested by the Transportation Division.

The Purchasing Division recommends accepting the lowest priced proposal by Interstate Sweeping Ltd. for a two-year contract with annual expenditures estimated at \$591,790.00.

- *f. One replacement copier for the Police Department to be used by the Dobson Substation.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Danka Business Systems at \$15,079.00 plus 6.8% sales tax of \$1,025.37 for a total of \$16,104.37.

- *g. Approval for Replacement Mainframe Data Storage Subsystem (DASD) as requested by the Information Services Division (ISD). The current storage subsystem was acquired February 1, 1996; the three year lease expires on January 31, 1999.

The Purchasing Division recommends accepting the proposal from EMC Corporation for an EMC Symmetrix 5700 Series Subsystem (hardware and software), and two upgrades for \$669,080.00, plus 6.8% sales tax of \$45,497.44, for a total of \$714,577.44. The Purchasing Division further recommends authorizing purchase of enhanced data management software from Innovative Data Processing, as proposed by EMC, for \$17,257.00 plus 5% use tax of \$862.85, for a total of \$18,119.85. The combined award is then \$732,697.29.

- *h. Upgrade to Oracle Software License Agreement as requested by the Information Services Division (ISD). Oracle is installed on City file servers to provide the database function for client-server applications.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Oracle Corporation for Oracle 8 Server and Tools Programs in the amount of \$101,990.00, plus 6.8% sales tax of \$6,935.32, for a total of \$108,925.32.

- *i. Two Year Supply Contract for Barricade Rental Services used by the Traffic, Electric, and the Utility Construction Divisions.

The Purchasing Division recommends accepting the lowest priced proposal by Barricade and Light Rental, Inc. for annual expenditures estimated at \$300,000.

- *j. City Entry Signs, City of Mesa Project No. 98-43.

This project involves the installation of entry signs on major roadways at the Mesa city limits.

Recommend award to low bidder, SmithCraft, in the amount of \$49,016.83.

5. Introduction of the following ordinances and setting December 7, 1998 as City Council approval of these ordinances.

(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. Relating to outdoor light controls, amending Section 4-6-5 of the Mesa City Code.
- *b. Amending Title 5, Chapter 1 of the Mesa City Code and providing penalties for the violation thereof; pertaining to a Special Event License.

6. Consider the following resolutions.

- *a. Extinguishing a Public Utility Easement at 4051 North Higley Road – Resolution No. 7285.

The construction of a new building is in conflict with this portion of the easement.
- *b. Declaring as a public record a Traffic Barricade Manual and Addendum – Resolution No. 7286.
- *c. Amending the General Plan Land Use Map from High Density Residential to Community Commercial for Site 17 – generally bounded by University, Mesa Drive East Second Street and Pasadena – Resolution No. 7287.
- *d. Authorizing the City Manager to execute an Intergovernmental Agreement with the Rio Salado Crossing Multipurpose Facilities District concerning insurance, indemnification, and payment of district costs – Resolution No. 7288.

7. Consider the following ordinances.

- a. Adopting the 1998 City of Phoenix Traffic Barricade Manual; reducing the speed limit from 35 mph to 30 mph on Mesa Drive from Lehi Road to the north City limits; establishing a 30 mph speed limit, a through street designation, and a parking prohibition on Springwood Boulevard from Baseline Road to the south City limits; prohibiting parking between 7:00 a.m. and 4:00 p.m. on school days on Robin Lane from Southern Avenue to Lindsay Road; and changing the full time parking prohibitions on Jerome Avenue from Extension Road to Revere and Revere from Jerome Avenue to Juanita Avenue to 10:00 p.m. to 4:00 a.m. parking prohibitions, as recommended by the Traffic Safety Committee – Ordinance No. 3562.

In response to a request from Councilmember Hawker, Transportation Director Ron Krosting provided a brief explanation of the intent of this agenda item.

Barry Thomas, 1052 South Robin Lane, spoke in support of this agenda item and commented on current traffic safety hazards that exist in the immediate area.

It was moved by Councilmember Hawker, seconded by Councilmember Kavanaugh, that Ordinance No. 3562 be adopted.

Carried unanimously.

- *b. Relating to transportation; changing the designation of Chapter 8, Title 2, Mesa City Code to "Transportation Advisory Board"; amending Section 2-8-1, Mesa City Code; and adding Sections 2-8-2 through 2-8-4 – Ordinance No. 3548.
- c. Relating to public health; amending Title 6, Chapter 11, Mesa City Code, by adding Article 2; providing penalties for the violation thereof; and establishing a delayed effective date – Ordinance No. 3563.

Mike Evans, a Councilmember from the Town of Gilbert, addressed the Council regarding this agenda item and advised that in February of this year, the Town of Gilbert adopted an ordinance similar to the one that is currently before the Council. Mr. Evans commented on the positive impacts of the proposed ordinance and urged the Council to support the proposal.

Mr. Evans introduced Ashley Countryman and Roxanne Brown, members of the Mesa Partnership for Tobacco Free Youths, to the members of the Council. Ms. Countryman and Ms. Brown briefly discussed their participation in a survey they conducted which determined that tobacco products were easily accessed by youths in various stores and markets selling these products. Ms. Countryman and Ms. Brown spoke in support of the proposed ordinance and stated the opinion that this regulation will enhance public health and protect the youths of the City of Mesa.

Mayor Brown thanked Mr. Evans for his remarks and Ms. Countryman and Ms. Brown for their involvement and input.

Dr. Cliff Harris, 512 East Mesa Vista, discussed smoking related public health ramifications and reported that smoking among youths has increased in recent years. Dr. Harris discussed difficulties associated with enforcing laws which prohibit the sale of tobacco products to youths and stated the opinion that the proposed ordinance will help prevent the theft of tobacco products by children. Dr. Harris requested that the Council approve this agenda item.

Dr. Lee Fairbanks, 1111 South Stapley Drive, concurred with the previous speaker's remarks and noted that chew tobacco, which is popular among youths, contains two and a half times more nicotine than cigarettes. Dr. Fairbanks urged the Council to adopt the proposed ordinance.

Dwayne Richard, 120 East Pierce, Phoenix, President of the Arizona Food Marketing Alliance, expressed appreciation to the City of Mesa for working with the food marketing industry and said that his organization strongly supports the adoption of the proposed ordinance.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that Ordinance No. 3563 be adopted.

It was moved by Councilmember Hawker, seconded by Councilmember Jaffa, that the motion be amended to allow 'tobacco-only' stores to be exempted from the ordinance.

Vice Mayor Giles stated that the purpose of the ordinance is to keep the City's youths away from tobacco products and indicated that he would not support the amendment to the motion.

Upon tabulation of votes, it showed:

AYES - Hawker-Jaffa-Kavanaugh
NAYS - Brown-Davidson-Giles-Pomeroy

Mayor Brown declared the amended motion failed by majority vote and requested that the Council vote on the original motion.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Jaffa-Kavanaugh-Pomeroy
NAYS - Hawker

Mayor Brown declared the motion carried by majority vote and Ordinance No. 3563 adopted.

- *d. **CZ98-001TC** Site 17 – generally bounded by University Drive, Mesa Drive, East Second Street and Pasadena. Rezone from TCR-2, TCR-3, and TCB-1 to TCC-PAD – Ordinance No. 3549.
- *e. **CUP98-001TC** Site 17 – generally bounded by University Drive, Mesa Drive, East Second Street and Pasadena. Council Use Permit to allow a free-standing development with individual parking – Ordinance No. 3550.
- f. **HL98-002TC** 307 East First Street – establish a Local Historic Landmark Overlay District for the James A. Macdonald House (also known as the Antique Wedding House) – Ordinance No. 3564.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Ordinance No. 3564 be adopted.

Victor Linoff, Chairman of the Historic Preservation Committee, addressed the Council relative to this agenda item and presented a brief overview of the definition of a Local Historic Landmark Overlay District. Mr. Linoff stated the opinion that the James A. Macdonald House (also known as the Antique Wedding House) qualifies for the requested designation and urged the Council to approve this agenda item.

Councilmember Hawker expressed concerns relative to the fact that the property, if designated as requested, will be surrounded by commercial properties and added that the area will likely be the focus of redevelopment efforts in the future. Councilmember Hawker expressed the opinion that the property's location is inappropriate for the requested designation and indicated that he would not support the motion for approval.

In response to questions from Mayor Brown relative to this agenda item, Redevelopment Director Greg Marek stated the opinion that approval of the requested Historic Landmark Overlay District designation would not adversely affect plans to widen Mesa Drive in the future. Mr. Marek added that the possibility exists that the house may remain where it is currently situated depending upon the actual road alignments. Mr. Marek stated that the only protection the ordinance provides is a

six-month demolition delay and said that this hiatus period would provide an opportunity to relocate the house, should the City indicate an interest in proceeding in this manner.

Councilmember Jaffa also expressed concerns regarding the impacts of the proposed designation on future road widening plans and stated that he would not support the project. Councilmember Jaffa recommended that this item be continued to allow further study relative to future road widenings to occur.

Mayor Brown commented that the home currently under discussion could be preserved in the future, although not necessarily at the home's current location.

Diane Hughes, the owner of the property, addressed the Council regarding this agenda item and informed the Council that she has spent the last five years restoring the home, which is currently known as the Antique Wedding House. Ms. Hughes commented on the historical value of the home and urged the Council to approve the ordinance and protect a portion of Mesa's history.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Kavanaugh-Pomeroy
NAYS - Hawker-Jaffa

Mayor Brown declared the motion approved by majority vote and Ordinance No. 3564 adopted.

8. Consider the following recommendation from the Police Committee.

- a. Recommend that the City's current method of disposing of weapons seized by the Police Department through a closed bid system be continued and that the Police Department prepare a recommendation for consideration relative to utilizing the monies that are generated as a result of the bids to fund educational, victim assistance related, and/or other appropriate programs within the City of Mesa.

Bob Wheat, 2262 West Del Oro, recommended that a thorough study of this issue be performed prior to allowing the destruction of any weapons to occur.

Carol Owens, P.O. Box 1017, Apache Junction, stated that she is opposed to selling rather than destroying the weapons and added that a sufficient number of firearms at reasonable prices are available to meet the demand for those items.

John Martin, 1451 East Jensen, spoke in support of the approval of this agenda item and urged the Council to continue the current practice of disposing of weapons seized by the Police Department through a closed bid system.

Jans Tingen, 959 East 10th Avenue, expressed the opinion that the City of Mesa is in violation of State law based on the fact that weapon serial numbers are not published and urged the Council to rectify this situation.

In response to a question from Councilmember Pomeroy, Assistant City Attorney Gina Huerta advised that the City Charter allows the City to dispose of property in any method deemed appropriate.

Councilmember Kavanaugh stated the opinion that the matter represents a moral rather than second amendment issue and added that the City of Mesa should be not involved in the business of increasing the flow of confiscated weapons back into the general commerce market. Councilmember Kavanaugh commented that the City of Mesa should follow the lead demonstrated by surrounding cities and destroy confiscated weapons that come into the possession of the Police Department.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that the Council approve Option Number 2 and destroy all weapons coming into the possession of the Police Department that cannot be converted to departmental use and/or donated to appropriate museums.

Councilmember Jaffa expressed the opinion that the proposed weapons policy is limited and does not regulate the disposal of other life-threatening weapons such as knives, tire irons and baseball bats. Councilmember Jaffa stated that the ownership of weapons is not immoral and added that the City of Mesa does not sell large quantities of confiscated weapons. Councilmember Jaffa expressed the opinion that the real issue surrounding confiscated guns is not disposal but rather education, personal responsibility and self control.

It was moved by Councilmember Jaffa that the motion be amended to reflect that the City of Mesa continue the current method of disposing of surplus firearms through a closed bid system to licensed Federal firearms dealers and that the revenues generated from such sales be allocated solely for the purpose of gun education/awareness programs.

Mayor Brown declared the motion dies for lack of a second.

Councilmember Hawker explained that he did not second the motion because he preferred to vote on the original motion first and then offer this motion as an alternative.

Councilmember Hawker noted that the State of Arizona has recently approved a concealed weapons permit process and stated that citizens have the right to bear arms and to own weapons for their own personal defense. Councilmember Hawker referenced an article he recently read and agreed with the contents of same which stated that every American has the responsibility of protecting his or her own safety. Councilmember Hawker expressed the opinion that destruction of weapons would represent a token gesture and would not have any impact on the number of available firearms. Councilmember Hawker stated the opinion that the City's current method of selling surplus firearms through a closed bid system to licensed Federal firearms dealers should be continued and that the proceeds from such sales should be used for gun education/awareness programs.

Councilmember Pomeroy stated that he supports the motion as presented by Councilmember Kavanaugh and added that he does not believe that the City of Mesa should be involved in the sale of guns.

Councilmember Davidson expressed the opinion that the City of Mesa should not be involved in the distribution and/or sale of weapons and stated that this City-wide policy stance in no way hinders or diminishes the right of all citizens to bear arms.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Kavanaugh-Pomeroy
NAYS - Giles-Hawker-Jaffa

Mayor Brown declared the motion carried by majority vote.

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

- a. **Z98-44** East of the northeast corner of Country Club Drive and Baseline Road. Requesting approval of a Council Use Permit and rezone from C-3 to M-1 (33± acres). This case involves the development of a group retail center on property zoned M-1 (C-3). Wells Fargo Bank and Beulah Mae & Mary Alice Morton, owner; Vanderbilt Farms, L.L.C., applicant – Ordinance No. 3565.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
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, 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. Compliance with all requirements of the Design Review Board;
7. All pad buildings to be architecturally compatible with the center;
8. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit;
9. Review and approval of a Special Use Permit by the Board of Adjustment for (gas pumps, plant nursery, comprehensive sign plan);
10. Enhanced landscaping to be provided in the parking area per the Design Review Board; and
11. Delete one of pads 3, 4 or 5.

Ralph Pew, an attorney representing the applicant, provided the Council with a brief synopsis of this zoning case and requested Council approval. Mr. Pew noted that this case has received the unanimous support of staff and represents a quality project for the City of Mesa.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Pomeroy, that Ordinance No. 3565 be adopted.

Carried unanimously.

- b. **Z98-52** The southeast corner of Signal Butte and Adobe. Rezoned from R1-43 to R1-9 PAD (53.8 acres). This case involves development of a single residence subdivision with approximately 153 lots. Roger Nelson, owner; Ralph Pew, applicant. **CONTINUED**

FROM THE OCTOBER 19, 1998 COUNCIL MEETING. A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST. NEW ORDINANCE PREPARED – Ordinance No. 3566

P&Z Recommendations: Approval with Conditions. (Vote: 4-1-2, Parker nay, Brock and Kathe absent.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with the Residential Development Guidelines;
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 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. Lots in the southern third of the subdivision to be no less than 70' wide, 117' deep;
7. All lots north and west of the wash shall be not less than 10,000 sq. ft.; and
8. Compliance with letter from Sean Lake dated October 19, 1998.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter currently under discussion which he wanted reflected in the minutes of the meeting and because of such conflict he would refrain from discussing and/or participating in any manner in connection with same.

Community Development Manager Wayne Balmer advised that no additional information has been received regarding this case. Mr. Balmer added that it is his understanding that the applicant has met with the neighbors and resolved all remaining issues.

It was moved by Vice Mayor Giles, seconded by Councilmember Davidson, that Ordinance No. 3566 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown, Davidson, Giles, Hawker, Kavanaugh, Pomeroy
NAYS - None
ABSTAIN- Jaffa

Mayor Brown declared the motion carried unanimously by those voting and Ordinance No. 3566 adopted.

- c. **Z98-79** The northwest corner of Baseline and Val Vista Drive. Rezone from R1-7-DMP to C-2-BIZ-DMP (Conceptual R-4) (66± ac.). This case involves the development of a retail center with residences and a hotel. Triple Five Development, owner; Beus, Gilbert & Devitt, applicant. **CONTINUED FROM THE OCTOBER 19, 1998 COUNCIL MEETING. A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST. NEW ORDINANCE PREPARED – Ordinance No. 3567.**

P&Z Recommendations: Approval with Conditions. (Vote: 6-0-1, Boardmember Udall abstained.)

1. Compliance with the basic development as described in the project narrative and design guidelines and as shown on the site plan, commercial preliminary plat and elevations submitted, except as noted below;
2. Review and approval by the Design Review Board of all buildings;
3. Compliance with all requirements of the Public Works Department (Solid Waste and Facilities, 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, 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 arterial street improvements, arterial street landscaping, and open space/retention area (except for the central core area) to be installed in the first phase of construction;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. Record a one foot non-vehicular access easement along Baseline Road and Val Vista Drive;
8. Compliance with all requirements of the Design Review Board;
9. All exterior (pad) buildings to be architecturally compatible in compliance with the character described in the project narrative;
10. Provide a consistent landscape theme (vegetation, plant palette, street furniture and pavement pattern) throughout;
11. Provide pedestrian connections (pavement patterns, landscaping, sidewalks, etc.) between all pad buildings;
12. Review and approval of a Special Use Permit by the Board of Adjustment for a Comprehensive Sign Plan;
13. No auto related uses (lube shops, auto repair, body shops, auto parts stores, or related facilities) permitted on the entire site; and
14. Construction of the interior core, as described in the Village Square at Dana Ranch Project Narrative dated August 24, 1998, must begin, and be pursued diligently, prior to completion of, and receipt of a certificate of occupancy for, 75% of the exterior buildings immediately adjacent to Val Vista Drive and Baseline Road.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that Ordinance No. 3567 be adopted.

Carried unanimously.

- d. **Z98-80** The northwest corner of Val Vista and Hermosa Vista Drives. Rezone from R1-35 to R1-35-PAD (60± ac.). This case involves the development of a gated single residence subdivision. Val Vista Ranches, owner; Monterey Homes, applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST. CONTINUED FROM THE OCTOBER 19, 1998 COUNCIL MEETING. NEW ORDINANCE PREPARED –** Ordinance No. 3568.

P&Z Recommendations: Approval with Conditions. (Vote: 4-3, Parker, Kathe, Brock nay.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan presented to City Council on October 19, 1998, and the elevations submitted, except as noted below;
2. Compliance with the Residential Development Guidelines including a continuation of architectural detailing around the building;
3. Compliance with all requirements of the Public Works Department (Solid Waste and Facilities, Engineering and Traffic Engineering, etc.);
4. 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;
5. Compliance with all requirements of the Subdivision Technical Review Committee;
6. 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);
7. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport;
8. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
9. Subdivision approved at no more than 63 lots;
10. Compliance with the letters from Ross Hermann of Monterey Homes dated September 14, and September 15, 1998;
11. All homes adjacent to the northern perimeter shall be limited to one-story. Existing lots 59, 60, and 61 located along the southern perimeter shall also be limited to one-story. No more than five (5) two-story home shall be permitted along Val Vista Drive;
12. At least three (3) citrus trees (24" box) shall be provided for each home along the northern perimeter. Said trees shall be located outside the perimeter wall at the direction of the neighbors immediately north of the subject property. The applicant shall also provide a five (5) foot easement north of the perimeter wall to accommodate the location of landscaping. Applicant shall be responsible for installation of citrus trees outside the northern perimeter wall, but all future maintenance shall be the responsibility of the individual property owners immediately north of the subject site;
13. Applicant shall provide at least one (1) row of citrus trees along all street frontages (Val Vista and Hermosa Vista Drive) to be maintained by Homeowner's Association. Applicant shall also be responsible for installation of an irrigation system for the northern forty (40) acres and shall adopt a citrus preservation program including building envelopes on the northern forty (40) acres. Homes located on the southern twenty (20) acres of the property shall receive at least three (3) new citrus trees each;
14. Applicant shall provide models as presented in the submittal to the City of Mesa including at least one (1) fully improved basement home from the highest price model;
15. All perimeter and entry landscaping shall be in excess of the City of Mesa standards and shall incorporate lush foliage;
16. All interior street lighting shall be the least intensive permitted by the City of Mesa, and shall mirror the Desert Uplands typical lighting plans (shoebox variety);
17. All lots adjacent to Val Vista Drive to be 35,000 sq. ft. minimum;

18. Notification to future resident that livestock exists on adjacent property to the north;
19. Front yard setback to vary from 25 feet up to 30 feet; and
20. Compliance with the letter dated October 30, 1998 from Jason Morris.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Ordinance No. 3568 be adopted.

Carried unanimously.

- e. **Z98-82(A)** The 7800 – 8100 blocks of East McKellips Road (north side). Rezone from R1-15 to R1-15-PAD (80 ac.) This case involves the development of a gated single residence subdivision with private streets (128 lots). Pastelle G. Vaughan, owner; Maracay Homes, applicant – Ordinance No. 3569.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with the Residential Development Guidelines;
3. Compliance with all requirements of the Public Works Department (Solid Waste and Facilities, Engineering and Traffic Engineering, etc.);
4. 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;
5. Compliance with all requirements of the Subdivision Technical Review Committee;
6. Lot sizes to be at least 18,000 sq. ft.;
7. Compliance with the Desert Uplands Guidelines;
8. Provide an additional elevation for each floor plan that is unique to the Desert Uplands area, subject to staff review; and
9. Compliance with the letter from Todd Weber dated October 12, 1998.

Councilmember Jaffa indicated that he had a potential conflict of interest in connection with the matter currently under discussion which he wanted reflected in the minutes of the meeting and because of such conflict he would refrain from discussing and/or participating in any manner in connection with same.

Jason Morris, 3200 North Central, an attorney representing the applicant, indicated his willingness to respond to comments from the Council and/or the members of the audience. Mr. Morris noted that the case has been unanimously recommended for approval by the Planning and Zoning Board.

In response to a question from Mayor Brown, Assistant City Attorney Gina Huerta stated the opinion that a request to speak regarding this agenda item submitted by Jeanne Kennedy of Jaffa & Associates, should be denied based on the fact that Ms. Kennedy's association with Jaffa & Associates constitutes a conflict of interest.

Dina Higgins, 2341 North Lemon Circle, spoke in opposition to this case and stated the opinion that the massive land grading will destroy the integrity of the desert. Ms. Higgins added that this case requires additional study prior to consideration.

Carol Owens, P. O. Box 1017, Apache Junction, urged the Council to require the applicant to transplant a substantial number of the large chain fruit cholla. Ms. Owens stated the opinion that this vegetation represents a crucial desert planting and must be preserved. Ms. Owens also requested that the Council initiate immediate steps to preserve the remaining desert uplands areas of the City.

Chris Anderson, 3327 North Hawes, addressed the Council relative to this agenda item.

In response to a comment from Councilmember Jaffa relative to the fact that Mr. Anderson may have a conflict of interest in connection with this agenda item, Mayor Brown requested that Mr. Anderson discuss this matter with Assistant City Attorney Gina Huerta.

Ms. Huerta expressed the opinion that Mr. Anderson does in fact have a conflict of interest and should refrain from participating in any discussion relative to this agenda item.

In response to a question from Mayor Brown, Ms. Huerta also advised that she has met with Councilmember Jaffa regarding a request from Ms. Kennedy of Jaffa & Associates to address the Council and said that Councilmember Jaffa agrees that a potential conflict of interest may exist regarding this matter.

Lou Kish, 3407 East McDowell Road, expressed the opinion that the proposed density levels will not preserve the pristine desert in this area. Mr. Kish commented that the proposal is not compatible with the surrounding area and requested that the Council deny the applicant's request.

Mr. Morris noted that the applicant is not requesting additional units or expanded density levels and emphasized that everything the applicant is proposing is allowed under the current zoning for the property. Mr. Morris stated that the applicant has been working with the surrounding neighbors over the last 18 months in an effort to reach a mutually agreeable solution to concerns and added that the Spook Hill Homeowners' Association has also provided significant input relative to the proposal.

In response to a question from Councilmember Davidson, Mr. Morris advised that a proposal was previously submitted to the neighbors that contained additional open space but said that the plan was rejected in favor of larger lot sizes.

It was moved by Vice Mayor Giles, seconded by Councilmember Pomeroy, that Ordinance No. 3569 be adopted.

Upon tabulation of votes, it showed:

AYES -	Brown-Davidson-Giles-Hawker-Pomeroy
NAYS -	Kavanaugh
ABSTAIN-	Jaffa

Mayor Brown declared the motion carried by a majority of those voting and Ordinance No. 3569 adopted.

f. **Z98-82(B)** The 7800 block of East Hermosa Vista Drive (south side). Rezone from R1-35 to R1-35-PAD (40± acres). This case involves the second phase of development of a

gated single residence subdivision with private streets (49 lots). Pastelle G. Vaughan, owner; Maracay Homes, applicant – Ordinance No. 3570.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with the Residential Development Guidelines;
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, 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. Compliance with the Desert Uplands Guidelines;
7. Provide an additional elevation for each floor plan that is unique to the Desert Upland's area, subject to staff review; and
8. Compliance with the letter from Todd Weber dated October 12, 1998.

Jason Morris, 3200 North Central, Phoenix, an attorney representing the applicant, informed the Council that although an opportunity existed to incorporate the 40 acres into the original plan, staff, the Planning and Zoning Board and the neighbors believe that it would be more appropriate to provide access for this parcel from McKellips Road rather than incorporate it into the existing plan. Mr. Morris stated that the project contains a 'building envelope' concept that will preserve the area.

Councilmember Kavanaugh indicated that he will support the project based on the fact that the proposal incorporates a 'building envelope' concept that will serve to enhance the area.

Roy Bliss, 8043 East Hermosa Vista, addressed the Council regarding this agenda item and stated that he and his wife purchased a 40-acre parcel in this area over 20 years ago. Mr. Bliss stated the opinion that the proposed zoning will negatively impact his property values. Mr. Bliss recommended that the Council require the applicant to amend the proposed lots sizes to a minimum of 30,000 square feet each and protect the value of his property and the integrity of the desert area.

Carol Owens, P.O. Box 1017, Apache Junction, stressed the importance of preserving the area and requested that the Council ensure that the applicant's proposal represents minimum disruption to the desert habitat areas.

Dina Higgins, 2341 North Lemon Circle, informed the Council that her home is located five miles away from the proposed project and said that destruction of the desert areas is occurring on a daily basis. Ms. Higgins expressed the opinion that the proposed lot sizes are half what they should actually be and requested that the Council initiate measures to protect the limited remaining desert areas before they are all destroyed.

Councilmember Kavanaugh reiterated that he supports this case because of the use of the building envelopes and commended the applicant on his efforts to preserve the washes.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Ordinance No. 3570 be adopted.

Upon tabulation of votes, it showed:

AYES - Brown-Davidson-Giles-Hawker-Kavanaugh-Pomeroy
NAYS - None
ABSTAIN- Jaffa

Mayor Brown declared the motion carried unanimously by those voting and Ordinance No. 3570 adopted.

- g. **Z98-84** South and east of the southeast corner of Lindsay and McKellips Roads. Rezone from C-1 and R1-43 to R1-9-PAD (12± ac.). This case involves the development of a 40 lot single residence subdivision. Edward Probyn James & Associates, Inc., owner/applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

P&Z Recommendations: Approval with Conditions. (Vote: 6-1-1; Parker nay, Zaharis abstained.)

1. Compliance with the basic development as shown on the revised 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
5. Compliance with all requirements of the Subdivision Technical Review Committee, including submission of subdivision CC & R's and the formation of a Homeowners Association for maintenance of common areas and amenities;
6. Compliance with the letter from Edward Probyn James dated October 12, 1998, except for portion of letter referencing two story homes in the adjacent subdivision;
7. 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);
8. Notice be provided to future residents that the project is within two miles of Falcon Field Airport and including a statement that additional information pertaining to aircraft operations and airport development may be obtained by contacting the Falcon Field Airport administration office;
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 decibels;
10. Compliance with the Residential Development Guidelines including staff review of elevations;
11. Lots 25 through 30 shall be a minimum of 20,000 sq. ft. and limited to one story in height; and
12. The fence on the south perimeter to remain at approximately current grade level.

Edward Probyn James, the applicant in this case, addressed the Council and advised that the property has been vacant since the early 1980's and has become a dumpsite and eyesore to the community. Mr. James commented that his original proposal did not receive support from the neighbors or Planning staff and he has since revised the plan to address the concerns listed on the neighbors' petition of opposition. Mr. James advised that his request conforms to the Mesa General Plan and constitutes an appropriate use for the site. Mr. James said that an additional petition in objection to the plan has been submitted and expressed the opinion that the neighbors who are opposed to plan want the property to remain vacant.

Wayne Baker, 2855 East Jasmine, spoke in opposition to the approval of this zoning case and stated the opinion that the density levels as proposed are too high for the area and will negatively impact property values. Mr. Baker expressed the opinion that the applicant has not demonstrated an effort to communicate with the neighbors and stated concerns relative to fact that the project will not be completed as represented. Mr. Baker requested that the Council require the applicant to decrease density levels.

John Livingston, 2942 East Jasmine, expressed concerns relative to declining property values and negative impacts on the surrounding area as a result of the proposed density levels of the project. Mr. Livingston stated the opinion that the proposed lot sizes are inconsistent with the surrounding areas and urged the Council to protect the neighbors' investments and ensure that the project will enhance rather than detract from the neighborhood.

Sam Martinez, 2908 East Jasmine, informed the Council that his property backs up to the parcel currently under discussion. Mr. Martinez concurred with the previous speakers' remarks relative to density levels and urged the Council to protect his investment and require the applicant to increase the size of the lots throughout the project.

Mayor Brown thanked the speakers for their input.

Councilmember Pomeroy stated that he is familiar with the site and although he would like the parcel to be improved, he agrees with staff that there is a need for a better transition. Councilmember Pomeroy added that he will not vote in support of the project as presented.

Councilmember Davidson concurred with Councilmember Pomeroy's remarks and said that retail may constitute a more appropriate use for this site.

Mr. James requested that the case be continued to provide additional time to meet with the neighbors and attempt to address matters of concern.

It was moved by Councilmember Kavanaugh, seconded by Councilmember Davidson, that Zoning Case Z98-84 be continued for a period of 30 days.

Carried unanimously.

*h. **Z98-88** The southwest corner of Brown and Power Roads. Rezone from R1-7 (conceptual C-2) to C-2 (4± ac.). This case involves the development of a retail center. Cavalier Development and Construction, Inc., owner; Peter Lendrum Architecture, applicant – Ordinance No. 3551.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat 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;
5. All buildings to be architecturally compatible; and
6. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.

- *i. **Z98-89** South and west of the southwest corner of Brown and Power Roads. Rezone from R1-7 (conceptual C-2) to R-2-PAD (13.7± ac.). This case involves the development of a single level townhome project. Cavalier Development and Construction, Inc., owner; Peter Lendrum Architecture, applicant – Ordinance No. 3552.

P&Z Recommendations: Approval with Conditions. (Vote: 6-1; Whalen nay.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat 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. All street improvements and perimeter landscaping to be installed in the first phase of construction;
5. Compliance with all requirements of the Subdivision Technical Review Committee;
6. Compliance with the Residential Development Guidelines;
7. Deletion of the two lots adjacent to revised service station; and
8. Enlarge park/open space area and enhance with trees and amenities.

- *j. **Z98-91** The southeast corner of Crismon Road and the Superstition Freeway. Rezone from R1-43 to R1-7-PAD and R-3 (152± ac.). This case involves the development of a single residence subdivision (108± ac.) and apartments (44± ac.). JMJ Land Company, owner; W. Ralph Pew, applicant – Ordinance No. 3553.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with the Residential Development Guidelines;
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, 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. Compliance with all requirements of the Design Review Board for the R-3 portion; and
7. Establishment of R1-7-PAD zoning for the single residential area.

- *k. **Z98-93** The Southeast corner of Higley and Broadway Roads. Site Plan Modification (4.4± acres). This case involves a phased development with an Osco retail building. Osco Drug Store, owner; Lew Bonitz, applicant – Ordinance No. 3554.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, except as noted below;
2. Compliance with all City development codes and regulations;
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, 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 to the east and south of the Osco pad site;
6. Compliance with all requirements of the Design Review Board; and
7. Provide a defined edge for the first phase of development (i.e. extruded curbing and landscaping).

- *l. **Z98-94** 637 West University Drive. Rezone from R-4 to O-S (1± acre). This case involves an existing structure with a non-conforming status. E. DeWayne Cooley, DDS, owner/applicant – Ordinance No. 3555.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as shown on the site plan 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; and
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

- *m. **Z98-95** 1040 East University Drive. Rezone from R-4 and R1-6 to O-S (1± acre). This case involves the development of an office with residential quarters. Mahin Sabbagh, owner/applicant – Ordinance No. 3556.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as shown on the site plan 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; and
6. Review and approval of a Special Use Permit by the Board of Adjustment for a dwelling unit accessory to a primary use.

- *n. **Z98-96** 3800 East Huber Street (North Side). Rezone from AG to R1-35 (2± acres). This case involves a conventional subdivision. Phil Stapley, owner/applicant – Ordinance No. 3557.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as shown on the preliminary plat submitted, except as noted below;
2. Compliance with all City development codes and regulations;
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, 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. 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);
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db; and
8. Citrus to be retained along the perimeter of the lots and in portions of the non-buildable area of the lots.

- o. **Z98-97** The Southeast corner of Brown Road and Val Vista Drive. Rezone from AG to R1-15 (60± acres). This case involves a conventional subdivision. Robert King, owner/applicant. **A ¾ VOTE IS REQUIRED TO APPROVE THIS REQUEST.**

P&Z Recommendations: Approval with Conditions. (Vote: 6-1; Parker nay.)

1. Compliance with the basic development with 74 lots as described in the project narrative and as shown on the site plan and preliminary plat submitted, except as noted below;
2. Compliance with the Residential Development Guidelines;
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 application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first;
6. Compliance with all requirements of the Subdivision Technical Review Committee;
7. 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);
8. Written notice be provided to future residents, and acknowledgement received that the project is within two miles of Falcon Field Airport;
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db;
10. Retain at least one row of citrus along the back yard of lots, as described in the project narrative and retain at least 5 citrus on each lot as noted on the preliminary plat;
11. Provide at least two rows of citrus outside the subdivision perimeter wall;
12. Provide deceleration lanes at both entrances;
13. Applicant to submit subdivision CC & R's including formation of Homeowner's Association for maintenance of retention area and citrus tracts; and
14. Redesign retention area to be more useable open space for the community including amenities subject to staff review.

Community Development Manager Wayne Balmer advised that the legal protest has been withdrawn and a $\frac{3}{4}$ vote is no longer required.

Mr. Bob King, the applicant in this case, explained his request and efforts that have been expended to redesign the project to meet staff and neighbors' expectations. Mr. King assured the Council that the project will be a quality development and will enhance the neighborhood as well as the City of Mesa.

Dina Higgins, 2341 North Lemon Circle, informed the Council that this project is located in close vicinity to her residence and is currently an active citrus grove. Ms. Higgins emphasized the importance of ensuring that no mass grading will occur and said that the North East Mesa Homeowners' Association has expended extensive effort to preserve the area. Ms. Higgins urged the Council to also protect the homeowners in this vicinity.

Scott Smith, representing Great Western Homes, stressed the importance of the building envelope and preserving the quality of the subdivision and the surrounding area.

Lou Kish, 3407 East McDowell Road, advised that the area contains custom homes on large lots and said that the current proposal is incompatible with and inappropriate for this location.

Mayor Brown thanked the speakers for their comments.

Vice Mayor Giles stated that he will remain consistent in his voting record regarding density levels and said that he will not support the project as it is currently proposed.

Councilmember Kavanaugh concurred with Vice Mayor Giles' remarks and noted that a majority of the proposed lot sizes are less than 20,000 square feet and incompatible with the surrounding area.

Councilmembers Jaffa and Davidson agreed with the comments presented by Vice Mayor Giles and Councilmember Kavanaugh and indicated that they would not support the applicant's request.

Mayor Brown pointed out that staff has recommended approval of this case and has compiled a list of 14 stipulations to ensure that the neighborhood is protected.

Following additional discussion, Mr. King requested that the case be continued to allow additional time to prepare a proposal that addresses the concerns of the neighbors and the Council.

It was moved by Councilmember Jaffa, seconded by Councilmember Kavanaugh, that Zoning Case Z98-97 be continued for a 30-day period of time.

Carried unanimously.

*p. **Z98-98** The Southeast corner of Southern Avenue and Higley Road. Rezone from AG to C-2 (11± acres). This case involves the development of a shopping center. Great Western Homes owner; W. Ralph Pew, applicant – Ordinance No. 3558.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

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, Design Review 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. Compliance with letter dated September 29, 1998 from Sean Lake which is included in the zoning case file.

*q. **Z98-99** South and East of the Southeast corner of Southern Avenue and Higley Road. Rezone from AG to R-3 (23± acres). This case involves the development of an apartment complex. Great Western Homes owner; W. Ralph Pew, applicant – Ordinance No. 3559.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

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 requirement of the Design Review Board;
5. Compliance with letter dated September 29, 1998 from Sean Lake which is included in the zoning case file; and
6. Unit sizes be increased to 800± sq. ft. minimum.

*r. **Z98-100** The Southeast corner of Higley Road and Hampton Avenue. Rezone from M-1 to O-S-PAD (5± acres). This case involves the development of an office complex.

Chesapeake Bay Investments, L.C., owner; Robert Kubicek Architects, applicant – Ordinance No. 3560.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat 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 Subdivision Technical Review Committee;
5. Compliance with all requirements of the Design Review Board; and
6. Compliance with letter dated September 29, 1998 from Sean Lake which is included in the zoning case file.

- *s. **Z98-102** The Southwest corner of Superstition Springs Boulevard and the Superstition Freeway. Rezone from AG (conceptual C-1 and C-2) to C-2 (32± acres). This case involves the development of a hardware and garden facility. DMB, owner; Butler Design Group, applicant – Ordinance No. 3561.

P&Z Recommendations: Approval with Conditions. (Vote: 7-0.)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary pat and elevations submitted, except as noted below;
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future 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 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 landscaping to be installed in the first phase of construction except adjacent to the large, undefined retail building;
7. Compliance with all requirements of the Subdivision Technical Review Committee;
8. Recordation of cross-access and reciprocal parking easements;
9. Record a one foot non-vehicular access easement along Superstition Springs Boulevard;
10. Compliance with all requirements of the Design Review Board;
11. All pad buildings to be architecturally compatible with the center;
12. Review and approval of a Special Use Permit if necessary by the Board of Adjustment (for garden center, comprehensive sign plan); and
13. Compliance with all requirements of the Transportation Department regarding the entrance/emergency access design.

10. Consider the following subdivision plats.

- *a. "SAGUARO SHADOWS TWO" -- The 9500 block of E. McLellan Road (south side) 17 *Maricopa County* R1-18 single residence lots (17.52 acres). Brown Road Group Partnership, developer; Clouse Engineering, Inc., engineer.
- *b. "PARKWOOD RANCH PARCEL 10" -- The 700 block of S. Cheshire (west side). 89 R1-9-PAD-DMP single residence lots (22.95 acres). Parkwood Ranch, L.L.C., developer; DEI Professional Services, engineer. **STAFF HAS REQUESTED THAT THIS ITEM BE CONTINUED.**
- *c. "PARKWOOD RANCH PARCEL 11" -- The 10300 block of E. Coralbell Avenue (south side). 62 R1-6-DMP single residence lots (19.92 acres). Parkwood Ranch, L.L.C., developer; DEI Professional Services, engineer. **STAFF HAS REQUESTED THAT THIS ITEM BE CONTINUED.**
- *d. "RED MOUNTAIN RANCH PARCEL 3" -- The 6100 block of E. Viewmont Drive (north side). 13 R1-9-PAD-DMP single residence lots (12.55 acres). ABFA at Red Mountain, L.L.C., developer; Allen Consulting Engineers, Inc., engineer.
- *e. "VERDE GROVES UNIT I" -- The 4200 block of E. Broadway Road (north side). 118 R1-6-PAD townhome lots (18.72 acres). Hughes Development, developer; AGRA Infrastructure, Inc., engineer.
- *f. "MAP OF DEDICATION FOR SAN VAL MAR APARTMENTS" -- The 3600 block of E. Inverness Avenue (north side). MT Vista L.L.C., developer; JMA Engineering Corporation, engineer.

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

Bill Brando, 61 South Macdonald, expressed appreciation to the Council for reversing a previous decision to turn off the television cameras during the agenda item 'Items from citizens present.' Mr. Brando emphasized the importance of free speech and allowing citizens an opportunity to present their views on public television.

Mr. Schlichting, 3719 East Inverness, posed the following questions to the Council:

- 1) How long does it take to get a zoning change?
- 2) Why are some items summarily done in groups and others singularly?
- 3) How long does a sign have to be posted to alert citizens of zoning changes?

Mr. Schlichting advised that he will soon be moving into a Great Western Development on East Holmes in Mesa and expressed concerns relative to the fact that proposed zoning on the corner of Higley and Southern Avenue has been changed to allow the construction of 370 apartment units. Mr. Schlichting expressed concerns relative to decreasing property values and the effect of the increasing activity on a school that is located in the area.

Community Development Manager Wayne Balmer responded to the series of questions posed by Mr. Schlichting and invited him to meet with staff to further address his concerns and questions.

12. Adjournment.

The meeting adjourned without objection at 8:55 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 16th day of November 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK