

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date December 15, 2005 Time 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair
Barbara Carpenter, Vice-Chair
Alex Finter
Bob Saemisch
Frank Mizner
Ken Salas

MEMBERS ABSENT

Jared Langkilde, excused

OTHERS PRESENT

John Wesley
Dorothy Chimel
Tom Ellsworth
Ryan Heiland
Jennifer Gniffke
Ryan Matthews
Maria Salaiz

Krissa Hargis
Hector Tapia
Walter Cheeseman
Debbie Driscoll
Jill Moughler
Dan Brock
Bob Miklas

Allen Marsh
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 December 15, 2005. Before adjournment at 4:50 p.m., action was taken on the following items:

It was moved by Boardmember Mizner, seconded by Boardmember Carpenter that the minutes of the November 17, 2005 meeting be approved as submitted.

Before the vote Boardmember Mizner stated that he did not have a problem with the minutes but wanted to comment on zoning case Z05-101 (the Riverview project). He stated that in November this case was discussed at great length and the Board ended up recommending approval of this case with a vote to leave in Condition #4 which would require a site plan review for a portion of the property. The applicant was not happy with that condition and indicated that he would be going to Council and seeking an alternative to their recommendation. Mr. Mizner stated that the case was left that staff would prepare two ordinances that would be introduced, however, in reviewing the Council agenda, he noticed that only one item was to be introduced and the alternative to be considered by City Council was not the item that was recommended by the Planning & Zoning Board and noted his concern about the procedural aspect of this case. Mr. Mizner added that in the past, Council had considered two alternatives on a few cases and he understood that was how this case would proceed. He also noted that Mr. Wesley had given a brief explanation about this case, but he was still concerned. Mr. Mizner stated he would be attending the Council meeting on December 19, 2005 and expressing his concerns.

Boardmember Carpenter concurred with Mr. Mizner's comments.

Chairperson Adams also concurred and endorsed Mr. Mizner's comments.

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The vote was 4-0 with Boardmembers Saemisch and Salas abstaining and Boardmember Langkilde absent.

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

It was moved by Boardmember Salas, seconded by Boardmember Saemisch that the consent items be approved. Before the vote Boardmember Carpenter acknowledged the excellent citizen participation reports prepared by the applicants with the help of staff and noted that the ordinance is working and improving. Vote 6-0 with Boardmember Langkilde absent.

A second consent agenda was held for the Preliminary Plat due to a potential conflict of interest by Boardmember Salas. It was moved by Boardmember Mizner, seconded by Boardmember Saemisch that the second consent item be approved. Vote 5-0-1 with Boardmember Salas abstaining and Boardmember Langkilde absent.

Code Amendment: Amending Sections 11-18-7 "The Planning and Zoning and City Council: Amendments, Council Use Permits, Site Plan Review, and Site Plan Modification" and Section 11-18-8 "General Provisions: Applications, Procedures, Fees" of the Zoning Ordinance pertaining to processing and approval of site plans and site plan amendments.

Lehi Sub Area Plan

Zoning Cases: *Z05-105, Z05-106, *Z05-107, *Z05-108, *Z05-109, *Z05-110

Preliminary Plat of "Higley Road and Ingram"

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Item: Amending Sections 11-18-7 "The Planning and Zoning and City Council: Amendments, Council Use Permits, Site Plan Review, and Site Plan Modification" and Section 11-18-8 "General Provisions: Applications, Procedures, Fees" of the Zoning Ordinance pertaining to processing and approval of site plans and site plan amendments. **CONTINUED FROM THE OCTOBER 20th AND THE NOVEMBER 17, 2005 MEETINGS.**

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

It was moved by Boardmember Salas, seconded by Boardmember Saemisch

That: The Board continue this item to the February 16, 2006 meeting.

Vote: Passed 6-0 with Boardmember Langkilde absent.

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Item: Consideration of the Lehi Sub-Area Plan, generally located in the north central portion of the City of Mesa as shown in the Mesa 2025 General Plan, Figure 2-5 titled Community Sub-Areas.

Comments: Wahid Alam, Senior Planner, gave an overview stating that the Mesa General Plan was adopted by the residents of Mesa in 2002 and the General Plan identified seven sub areas which are identified for their history and unique characteristics. He added that Lehi is one of those areas and is identified by its rural character, historic significance and close proximity to the Salt River. He stated that Lehi has an influence area outside this boundary, which is everything north of McKellips and everything west of Gilbert Road. He mentioned that this area has a lot of historic significance and was annexed into the City in 1970. The residents approached the City and asked them to start the process for the sub area plan, which was done by the Planning Division and the Neighborhood Outreach Office. Mr. Alam stated they started meeting in 2004 and held almost 20 meetings with the citizens and that the process included a survey. They sent out 515 mailings and 212 citizens responded. He gave an overview of the survey and added that the information was also located on the City's website. He added that they divided the sub area into six smaller sub areas that consisted of area captains and block leaders, who helped with the survey. He stated that this is a policy document, a comprehensive plan for the area and urged the Board for approval. He also noted that City Council would act on this Plan on January 23, 2006.

Boardmember Mizner stated that a lot of people participated in this process and recognized the work by all involved. There are a lot of interesting aspects and the history of Lehi is fascinating and the report documents how this was one of the founding points of Mesa going back to the latter part of the 19th century. The other major aspect of this plan had to do with the high degree of citizen participation. The survey of residents is unique and dividing Lehi into blocks, with block captains and walking the neighborhood has resulted in a document that is a tribute to the citizen's participation. He stated he was real pleased with the document and Mr. Alam deserves a lot of credit for his effort. It was moved by Boardmember Mizner to recommend approval of the Lehi Sub-Area plan and urged approval by the City Council.

Boardmember Carpenter seconded the motion and stated that she is supportive of this plan, which had been done very well. She also urged the City Council's approval. This is a document which does not restrict anyone's property rights and is flexible. She added that this plan would leave no doubt as to what the City is looking for to inform any developer who would wish to build in this area. She thanked Mr. Alam for his work.

Boardmember Saemisch thanked Mr. Alam for his work and pointed out that this document was done by staff and not by any outside paid consultants. This was great use of valuable staff and the City should be doing more of this because this is proactive planning. He stated that the mining issue needs special attention and although they are in conflict with the ideas of the residents, the City, County and other cities in the League of Arizona Cities and Towns need to address this issue with the Legislature because the mines have so many rights over properties. He stated that there are lots of issues that need to be addressed and if the City Council can address those issues when they adopt the Plan it would make it a stronger document.

Boardmember Adams endorsed Mr. Saemisch's comments regarding the mining issues and added that this plan was very well done. He stated that the history of this area helps people understand the uniqueness of the area. He also thanked Mr. Alam adding that he is a great asset to the City.

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It was moved by Boardmember Mizner, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of the Lehi Sub-Area Plan.

Vote: Passed 6-0 with Boardmember Langkilde absent.

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Item: **Z05-105 (District 1)** 550 East University Drive (north side). Located at the northwest corner of East University Drive and North Hobson Road (0.2± ac). Rezone from R-4 to O-S and Site Plan Review. This request will allow for the development of an office. Steve Bleck, applicant; Boyd H. Thacker, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z05-105 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.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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 Design Review Board.
6. Review and approval of a Development Incentive Permit (DIP) through the Board of Adjustment.

Vote: Passed 6-0 with Boardmember Langkilde absent.

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Item: **Z05-106 (District 5)** The 9050-9200 block of East Brown Road (south side). Located west of the southwest corner of Brown Road and Ellsworth Road (1.5± ac). Rezone from R1-43 to O-S PAD and Site Plan Review, to allow for the development of office condominiums. Allen Marsh, Brown Falcon, LLC, owner; Dan Brock, Brock, Craig & Thacker, applicant. Also consider the preliminary plat.

Comments: Dan Brock, 145 E. University Drive, applicant, stated that this was a straightforward case and that the residents to the south had some concerns. He stated they have no problems with the staff report. He added that his client, Mr. Marsh, has made every effort to work with the neighbors to the west and south.

Bob Miklas, 1054 N. 91st Place, representing the Sonoran Village Homeowners Association, stated that their main concern was the height of the buildings and noted that the neighborhood was all single level family homes. He added that there was a beautiful mountain view they would like to preserve. He complimented Mr. Marsh on his style of architecture, which was very pleasing and right in line with the neighborhood. He also stated they had issues with noise disturbance, ie: parking lot sweeping and wanted to make sure that they kept reasonable hours. Mr. Miklas mentioned that he had talked to Mr. Marsh and he was willing to work with them. He thanked Ms. Gniffke for her help. He asked that if the Board chose to grant Mr. Marsh a zoning change they would like the height of the buildings to be reduced.

Mr. Brock stated that the buildings are all single level and that the site has to be built up from Brown Road to the south end of the site. He stated there are two reasons why they had to raise the site. The first reason was that there is a sewer line west of the site and in order to get the sewer line to flow, they have to raise the building pad up. The second reason was that their Civil Engineer wanted to be above the rim elevation of the flood canal, so they have to raise the site up about four feet on the south side and at Brown Road to be level with the street. Mr. Brock reiterated that the building heights are single story and they don't feel the buildings are excessive in height.

Jennifer Gniffke, Planner I, stated that this case is a request for a rezone, site plan review, and preliminary plat for the development of medical/office buildings. She noted that the applicant has worked substantially with the neighboring property owners and has made several modifications to the site throughout the development process. She also noted that staff has worked with the applicant to address the neighbor's concerns and staff was recommending approval with conditions.

Discussion ensued regarding the vacant property between the existing homes and the proposed site and what the General Plan designation was for the property.

Boardmember Mizner stated that views are always tough and somewhat subjective. He mentioned that the Board heard comments last month about views in the Riverview case and added that views are hard to project and to protect in a developing environment. He noted that the applicant has made a good-faith effort to address the neighbors concerns and lowering the building height any further would be difficult from an engineering standpoint. Mr. Mizner stated he was sympathetic to the neighbor's concern and their immediate priority would be to keep an eye on the vacant property adjacent to them to see how that would develop. He mentioned that the applicant has done a good job with this project.

Boardmember Saemisch agreed with Mr. Mizner comments and added that the zoning allows for the height to go to 30 feet, so the applicant was in their right to go taller. He stated that this

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is a superior project and fits with the upper scale neighborhood.

Boardmember Adams asked staff if the vacant piece adjacent to the neighborhood was zoned R1-43 and if there was anything to prevent a developer from building two-story homes. Ms. Gniffke responded that it was zoned R1-43 and there was nothing in the R1-43 zoning district that would restrict two-story homes.

Boardmember Finter stated he had visited the site and that this was a beautiful neighborhood with quality homes. He added that the view of the mountain was to the west, so the view was over the existing neighborhood and he didn't see a challenge because the buildings are located on the south side. He stated he appreciated the neighbors coming to the meeting and mentioned that it was a shame that they had put a large building to the east of their neighborhood, which blocks the view to those mountains.

Boardmember Mizner pointed out that Condition #9 requires this project to go to the Design Review Board and he encouraged the neighbors to be involved in that process because that Board would be considering specific design issues.

Boardmember Carpenter commented that it was good to have the Condition preserving the native plants in the area. She stated that the highest tip of the roof for the buildings would be less than 22 feet and that the four feet required to raise the back of the building would still be within the limit, so they might continue to have a view. She stated that she was in favor of the project and appreciated the efforts made by the neighbors to come to the meeting. She encouraged them to stay involved, especially as the adjacent property develops.

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board approve the preliminary plat and recommend to the City Council approval of zoning case Z05-106 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.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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. In order to comply with parking requirements, medical use shall not exceed 9,400 square feet of the total gross floor area for the project. All requests for occupancy and/or tenant improvement permits shall be accompanied by updated parking calculations to document that medical uses do not exceed 9,400 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.
6. The landscape plan shall include only those species listed in the Preferred Desert Uplands Plant List.
7. Provide a Native Plant Preservation Plan to Planning Staff, including a plant inventory and an explanation of which plants are to be salvaged.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Compliance with all requirements of the Design Review Board.

Vote: Passed 6-0 with Boardmember Langkilde absent.

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Item: **Z05-107 (District 6)** The 5200 block of East Broadway Road (south side). Located east of Higley Road and south of Broadway Road (2.8 ac). Site Plan Modification. This case will allow the development of a retail building. Sandor Development, owner; Martin Flood, A & E Solutions LLC, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z05-107 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 requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, 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 shown to have cross access.

Vote: Passed 6-0 with Boardmember Langkilde absent.

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Item: **Z05-108 (District 3)** 2655 West Guadalupe Road (south side). Located south of Guadalupe Road and east of Price Road (2400± sf). Council Use Permit to allow for the relocation of a pawnshop from one suite to another within the same shopping center. Egan Daniels, Agent for Owner – BP Pinnacle Properties, LLC, owner; Walter Cheeseman – Apache Pawn of Mesa, Inc., applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z05-108 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown in the floor plans submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.

Vote: Passed 6-0 with Boardmember Langkilde absent.

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Item: **Z05-109 (District 2)** The 1100 block of North Greenfield Road (east side). Located at the southeast corner of North Greenfield Road and East Brown Road (17.20± ac). Rezone from AG to R1-15-PAD. This request will allow for the development of a single-family residential subdivision. Erik Partridge, Partridge Development, owner; Josh Hannon, AMEC, applicant. Also consider the Preliminary Plat for "Pernice Estates".

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

It was moved by Boardmember Salas, seconded by Boardmember Saemisch

That: The Board approve the preliminary plat of "Pernice Estates" and recommend to the City Council approval of zoning case Z05-109 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and preliminary plat submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, 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 street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. 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).
9. Written notice must be provided to future residents, and acknowledgment received that the project is within two miles of Falcon Field Airport.
10. Noise attenuation measures must be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
11. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
12. Retention basins must have maximum slopes of 6:1 when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 with Boardmember Langkilde absent.

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Item: **Z05-110 (District 6)** The 7600-8000 block of East Elliot Road (south side). Located on the Southeast corner of Sossaman & Elliot Roads (59.94 acres). Rezone from Maricopa County Rural 43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. C&B Dairy Limited Partnership, Thomas & Susan Dodds, Elliot & Sossaman Limited Partnership, TLC Enterprises, owner; Thomas Dodds, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z05-110 conditioned upon:

1. Compliance with all City development codes and regulations.

Vote: Passed 6-0 with Boardmember Langkilde absent.

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Item: The southwest corner of Higley Road and Ingram (**District 5**). Located at the SWC of Higley Road and Ingram. This request is to allow for the development of an 18-lot industrial subdivision. Michael Blenis, owner; Jeff Hunter, applicant. Also consider the preliminary plat of "Higley Road and Ingram".

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

A second consent motion for the Preliminary Plat was required due to a potential conflict of interest by Boardmember Salas. It was moved by Boardmember Mizner, seconded by Boardmember Saemisch

That: The Board approve the preliminary plat of "Higley Road and Ingram" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Review and approval by the Design Review Board of future development plans on all lots within this subdivision.
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. Recordation of cross-access and reciprocal parking easements at the shared boundaries of lots nine (9) through eighteen (18) at the time of the final plat.
8. Record a one foot non-vehicular access easement along the south property line of the entire subdivision and along the east property line of Lot 4.
9. Recordation of reciprocal retention easements at the shared boundaries of lots nine (9) through eighteen (18).
10. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
11. Written notice be provided to future owner(s) and tenant(s), and acknowledgement received that the project is within two miles of Falcon Field Airport.
12. Retention basins to be 6:1 slopes maximum where adjacent to public right-of-ways or pedestrian walkways.

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

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Respectfully submitted,

John Wesley, Secretary
Planning Director