

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, November 1, 2004

5:45 P.M.

Invocation by Pastor Chris Carpenter, Christ the King Catholic Church.

Pledge of Allegiance.

Mayor's Welcome.

Recognition of the 2004 class of the Mesa Leadership Training and Development Program.

1. Consider all consent agenda items.

CONSENT AGENDA

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and considered as a separate item.

- *2. Approval of minutes of previous meetings as written.
3. Conduct a public hearing and consider an amendment to the land use map for the following Minor General Plan Amendment and possible adoption of the corresponding resolution:

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- a. **GPMInor04-07 (District 1)** The 1000 - 1100 Blocks of North Dobson Road (west side) and the 800 - 1100 Blocks of North Dobson Road (east side) and the 1700 - 1900 blocks of West 8th Street (north side). Located at the southeast and southwest corner of Dobson Road and Loop 202 Freeway. Minor General Plan Amendment request to the land use map of the Mesa 2025 General Plan from Mixed Use Employment to Regional Commercial. (202 ac +/-). Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

4. Consider the following liquor license applications:

a. CLOYD H. MOODY, INDIVIDUAL

Person Transfer Bar License for Main Street Sports Grill, 260 W. Main Street. This is an existing business. This is a Person Transfer from Mathew Kelley Shreeve, Agent, Shreeve Enterprise, Inc., 260 W. Main Street. This license will transfer to the applicant. District #4.

b. TIMOTHY RAYMOND O'SULLIVAN, AGENT

Person and Location Transfer Bar License for R.T. O'Sullivan's, 6646 E. Superstition Springs Blvd. This is an existing building. This is a person and location transfer from Everett Thomas Lee, Agent, Arizona Golf Outfitters, LLC at 18439 S. Arizona Avenue, Chandler. This license will transfer to the applicant. District #6.

*c. HIRAM NOE RASCON, AGENT

New Beer & Wine Store License for Carniceria El Rodeo #2, 1316 W. University Drive. This is an existing business. No previous liquor license at this location. District #1.

*d. PHILIP J. GREEN, AGENT

New Restaurant License for Longbow Golf Club, 5601 E. Longbow Parkway. This is an existing building. Current Beer & Wine Bar license exists at this location to accommodate guests on the golf course. District #5.

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5. Consider the following contracts:

- *a. Three-year supply contract for 15kV aluminum electrical cable for warehouse inventory to be used by the Electric Utility Division.

The Purchasing Division recommends accepting the low bid meeting specification by Wesco Dist. Inc. for items 4, 5 & 6 at \$161,823.66, including applicable tax and based on estimated annual requirements.

- *b. Ten-month contract for water treatment chemicals (for swimming pools and Utilities) as requested by the Materials and Supplies Division. These chemicals are stored in the City warehouse. The Purchasing Division recommends authorizing purchase from a cooperative bid with the City of Tempe and other area cities, as follows:

Item 1 (caustic soda) from Thatcher Chemical at \$16,850.22;
and

Items 2 and 3 (chlorine) from DPC Enterprises at \$88,915.90. The combined award is then \$105,766.12 based on estimated purchases during the remaining ten months of the contract.

- *c. One replacement front loading refuse truck for the Solid Waste Division, to be used for collection of commercial accounts.

The Purchasing Division recommends exercising an additional purchase option from RFB #2004114 with the original low bidder meeting specification, Cunningham Commercial Vehicles, at \$176,720.40 including desired options, extended warranties and applicable sales tax.

- *d. **Item Deleted**

- *e. Five replacement Livescan Fingerprinting Systems, including associated hardware and software as requested by the Police Department.

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The Purchasing Division recommends authorizing purchase from State contract with Sagem Morpho, Inc. at \$202,724.30 including applicable sales tax.

- *f. One new hazardous duty law enforcement robot for use by the Bomb Squad as requested by the Police Department.

The Purchasing Division recommends accepting the only bid by Remotec, Inc. at \$158,164.51 including applicable use tax. (This purchase is 100% funded by a grant from the Department of Homeland Security). (Sole Source)

- *g. Additional funding for the supply contract for street light lamps, luminaries and related components to be used by Transportation. These items are stored in the City warehouse.

The Council is requested to authorize \$50,523.90 in additional funding to the portion of the contract held by WESCO Distribution (Groups C, D, & I).

- *h. 2004/2005 Crack Sealing Project. City of Mesa Project No. 04-902-001.

This project will crack seal over 2,350,000 yards of street pavement citywide.

Recommend award to low bidder, Young, Swenson & Cross, in the amount of \$414,709.93 plus an additional \$41,470.00 (10% allowance for change orders) for a total award of \$456,179.93.

- i. Desert Wells Zone 30-Inch Water Line, Phase II, City of Mesa Project No. 01-566-002 and Sossaman Road 12-Inch Sewer, City of Mesa Project 01-914-001.

This project will install a 30-Inch water line and a 12-Inch sewer line for the purposes of enhancing the City's ability to satisfy water demands and pressure requirements within the southeast portion of the City.

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Recommend award to low bidder, Achen-Gardner Engineering, LLC, in the amount of \$3,339,798.50 plus an additional \$333,979.00 (10% allowance for change orders) for a total award of \$3,673,777.50.

- j. Southeast Mesa Relief Sewer, Phase I, Monterey Park to Baseline Rd. City of Mesa Project No. 02-392-001.

This project will increase sanitary sewer capacity in the southeast area of the City to accommodate development needs. Improvements to be constructed by this project include over 8,300 feet of 30-Inch and 24-Inch sewer line.

Recommend award to low bidder, SJL Construction of Arizona, LLC, in the amount of \$1,550,923.97 plus an additional \$155,092.00 (10% allowance for change orders) for a total award of \$1,706,015.97.

- *k. Dobson Police Substation Restroom Remodel, 2505 South Dobson Rd. City of Mesa Project No. 03-920-001.

This project will repair the metal wall studs in the showers and retile the restroom.

Recommend award to low bidder, Gila Southwest Builders, LLC, in the amount of \$38,814.00 plus an additional \$3,881.00 (10% allowance for change orders) for a total award of \$42,695.00.

- l. Greenfield Water Reclamation Plant (GWRP) Buffer Area Pipelines, City of Mesa Project No. 01-923-002.

This project will install the pipelines and control facilities located within the plant buffer area that will convey Mesa's portion of the reclaimed water from the Greenfield Water Reclamation Plant to the Gila River Indian Community as well as reclaimed water to existing and proposed off-site Gilbert and Queen Creek distribution systems.

Recommend award to low bidder, Highland Engineering in the amount of \$3,676,860.00 plus an additional \$367,686.00

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(10% allowance for change orders) for a total award of \$4,044,546.00.

- 5.1. Introduction of the following ordinances and setting November 15, 2004 as the date of public hearing on these ordinances:
 - *a. Amending Title 5, Chapter 12 of the Mesa City Code relating to massage therapists and establishments.
 - *b. Repealing Title 5, Chapter 4 of the Mesa City Code relating to the sale of jewelry at public auction.
 - *c. Repealing Title 5, Chapter 5 of the Mesa City Code relating to going out of business sales.

6. Consider the following resolutions:
 - *a. Authorizing the City Manager to execute a Highway Safety Contract between the City of Mesa and the Governor's Office of Highway Safety to reduce injuries and fatalities in the City of Mesa.
 - *b. **Item deleted.**
 - *c. Authorizing the sale of City-owned property located at 18501, 18515, and 18525 E. Ray Road to developer, Larry Gunning.

This is excess City-owned property left over from a road-widening project in 1996. The developer is assembling properties for a commercial retail center at the southeast corner of Ray and Power Roads.
 - *d. Modifying fees and charges for the Arts and Cultural Division and declaring this resolution and said fees and charges to be a public record.
 - *e. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa for fixed-route transit services.

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- *f. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Regional Public Transportation Authority and the City of Mesa for East Valley Dial-A-Ride Service.
- 7. Consider the following ordinances:
 - *a. Amending various sections of the Mesa City Code regarding the following traffic modifications.

Left Turns Prohibited During Posted Hours From Driveways on Certain Streets: 10-3-15 (C)

The west side of Barkley directly across from Hale Street between the hours of 8:00 am and 3:30 pm on school days (south of McLellan Road and east of Stapley Drive, Council District 1).
 - *b. Pertaining to the zoning ordinance and subdivision regulations of the Mesa City Code; amending Sections 11-18-8, 11-18-9, 11-18-10 regarding adjustments to the required fees for Planning services; and amending Sections 9-6-2(C), 9-6-2(D), 9-6-2(E), 9-6-2(F) regarding adjustments to the required fees for subdivision plats and land splits, as recommended by the General Development Committee.
 - *c. **A04-10** Annexation located on the southwest corner of Ray Road and South Mountain Road. (160.71±acres). Initiated by the property owners (Peart L T TR and General Motors Corp.).
- 8. Consider an ordinance and resolution modifying the rate schedule for industrial wastewater utility service for customers outside the City limits. **(Continued from the October 4, 2004 Council meeting).**
- *8.1 Consider acceptance of the City of Mesa Bus Stop Master Plan and approve the development of an additional \$600,000 in passenger shelter, bench and bus pullout projects.
- 9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances:

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- *a. **Z04-70 (District 4)** 1860 S. Stapley. Located north and west of Stapley Drive and Baseline Road (3.35ac.). Rezone from M-1 to C-2 and Site Plan Review. This request is to allow for two retail pads. Desco Southwest, Bruce Gillespie, owner; Archicon, Jere Planck, applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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 Design Review Board.
5. All existing Billboards on site shall be removed when construction begins (ARS 9-462.02c)

- *b. **Z04-71 (District 6)** The 10100 to 10200 block of East Southern Avenue (north side) and the 1100 block of South Crismon Road (east side). Located north and east of Southern Avenue and Crismon (19.33ac). Rezone from R-3 to R-3 PAD and Site Plan Modification. This request is for a condominium complex. Glen Walling, Coyote Landing Apartments, LLP, owner; Denise Burton, Broadbent and Associates, Inc., applicant.

P&Z Recommendation: Approval with Conditions (Vote: Passed: 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, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

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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. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
7. Administrative review and approval of garage elevations through City of Mesa Design Review staff.

*c. **Z04-72 (District 6)** 6060 E. Baseline Road. Located north and east of Baseline Road and Recker Road (6.5 ac). Rezone from AG and M-1 to M-1 PAD. This request is to allow for an owner occupied industrial park. Malcom & Loretta Pace, owner; David Udall, applicant.

P&Z Recommendation: Approval with Conditions (Vote: Passed: 6-0-1 (Saemisch abstaining due to conflict of interest).

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, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, 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.

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6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*d. **Z04-73 (District 3)** The 200 block of West Broadway Road (north side) and the 400 block of South Dobson Road (west side). Located at the northwest corner of Broadway Road and Dobson Road (78.25 ac). Rezone from M-1 to M-1 PAD and Site Plan Review. This request is to allow an owner occupied industrial/office park. David Krumwiede, Scott Hesse, Broadway 101 Venture, LLC, owner; Korey Wilkes, Butler Design Group, applicant.

P&Z Recommendation: Approval with Conditions (Vote: Passed: 7-0)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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. Future site plan review through the Planning and Zoning Board and City Council and Design Review Board is required for the area shown as Future Development.
5. Compliance with all requirements of the Design Review Board.
6. Compliance with all requirement of the Subdivision Technical Review Committee.
7. If any Archeological resources are discovered within this site, they must be identified, with findings reported to the State Historic Preservation Office and the City of Mesa's Historic Preservation Office.

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8. Recordation of cross-access easement to allow through access to and from Dobson Road across "Future Development Area."

*e. **Z04-74 (District 5)** 5750 E. Main Street. Located on Main Street (north side) and east of Higley Road (13.6 ac). Rezone from C-2 to C-2 BIZ and Site Plan Review. This request is to allow for a 5-story Holiday Inn Hotel and ancillary uses. Shane Kuber, owner; Gerald Kesler (Gerald Kesler, Inc Architects), applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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 Design Review Board.

*f. **Z04-75 (District 1)** 605 E. McKellips Road. Located south and east of McKellips Road and Mesa Drive (1.32 ac). Rezone from R1-43 to C-2 PAD and Site Plan Review. This request is to allow for the development of three office buildings. David E. Young, owner; Jonathon Johns, High Desert Engineering, Inc., applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

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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. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
5. Provide covered parking at one space for each office or suite for buildings designated for office use.
6. Review and approval of a Development Incentive Permit by the Board of Adjustment for setback modifications.

*g. **Z04-76 (District 4)** The 200 to 250 block of West Southern Avenue and the 1400 to 1450 block of South Country Club Drive. Located south and east of Southern Avenue and Country Club Drive (37.55 ac). Rezone from R-2 PAD, R-4 and M-1 to R-3 PAD and Site Plan Review. This request is to allow a condominium development. American Land Lease (Rod Morris), owner; Ralph Pew, applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, elevations, and preliminary plat submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all the elevations and materials presented for the housing units (Buildings 1A & B, 2A & B, 3A & B), entry monument gates, entry monument sign, and community clubhouse.
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

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plat, 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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Full compliance with all current Code requirements, except those modified through the Planned Area Development (P.A.D.) overlay, which are shown on the site plans.
8. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db and construction of a noise attenuated wall along the east property line.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
11. Compliance with the Residential Development Guidelines.

- *h. **Z04-77 (District 6)** The 4300 block of East Southern Avenue (south side) and the 1300 block of South Greenfield Road (west side). Located south of Southern Avenue and west of Greenfield Road (24.1 ac±). Rezone from AG to R-3 PAD and Site Plan Review. This request is to allow for a multi-residential development. DR Horton, owner; Sean Lake, Pew & Lake P.L.C., applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with the Residential Development Guidelines.
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. All street improvements and landscaping to be installed in the first phase of construction.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- i. **Z04-79 (District 6)** The 1500 block of South Sossaman Road (west side). Located north of US Highway 60 and west of South Sossaman Road (36± acres). Requesting a Council Use Permit to allow the development of a Freeway Landmark Monument sign in conjunction with the construction of group automobile sales center. Superstition Springs Investors, LP, owner; Biskind, Hunt and Taylor, PLC – Karrin Kunasek Taylor, applicant. (2 Ordinances)

P&Z Recommendation: Approval with Conditions (Vote: Passed: 6-0-1 (Boardmember Carpenter excused)).

OPTION A:

1. Compliance with the basic location, orientation, materials, colors and design of Option 2, except as modified by the conditions as noted below.
2. The overall sign area shall be no more than nine hundred thirty (930) square feet, based on the definition of "sign area" found in the Mesa City Code.
3. Revisions to the basic design of Option 2 shall include elements to achieve a visual balance of the upper and lower portions of the sign; to be reviewed and approved by the Design Review staff prior to submittal of an application for a sign permit to the Building Safety Division.

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4. Compliance with all requirements of the Federal Aviation Administration regarding the use of visibility warning lights, if applicable.
5. The frequency of text message changes for the electronic message panel shall be limited to no more than one every fifteen (15) seconds.
6. No permit for the construction of a freeway landmark monument shall be issued prior to the issuance of a building permit for an automotive dealership whose sales include new cars.
7. The Council Use Permit authorizing the Freeway Landmark Monument shall expire if, following installation of the Monument, no parcels within the Property are utilized for vehicle sales for a continuous period of twenty-four (24) months. Upon such expiration, all rights to use such Freeway Landmark Monument shall automatically terminate and the Freeway Landmark Monument shall be removed by the owner of the Property within six (6) months.
8. The right to use the Freeway Landmark Monument shall be limited to parcels within the Property that have vehicle sales as their primary use. This right may not be assigned or otherwise transferred.
9. The Freeway Landmark Monument shall be located a minimum distance of no less than four hundred feet (400') from the eastern Property boundary.
10. The Freeway Landmark Monument shall not be used as an off-site sign or billboard as defined by the Mesa City Code.

OPTION C:

1. Compliance with the basic location, orientation, materials, colors and design of Option 2, except as modified by the conditions as noted below.
2. The overall sign area shall be no more than nine hundred thirty (930) square feet, based on the definition of "sign area" found in the Mesa City Code.
3. Revisions to the basic design of Option 2 shall include elements to achieve a visual balance of the upper and lower portions of the sign; to be reviewed and approved by the Planning Director prior to submittal of an application for a sign permit to the Building Safety Division.
4. Compliance with all requirements of the Federal Aviation Administration regarding the use of visibility warning lights, if applicable.
5. The frequency of text message changes for the electronic message panel shall be limited to no more than one every fifteen (15) seconds.
6. No permit for the construction of a freeway landmark monument shall be issued prior to the issuance of a building permit for an automotive dealership whose sales include new cars.
7. The Council Use Permit authorizing the Freeway Landmark Monument shall expire if, following installation of the Monument, no parcels within the Property are utilized for vehicle sales for a continuous period of twenty-four (24) months. Upon such expiration, all rights to use such Freeway Landmark Monument shall automatically terminate and the Freeway Landmark Monument shall be removed by the owner of the Property within six (6) months.
8. The right to use the Freeway Landmark Monument shall be limited to parcels within the Property that have vehicle sales as their primary use. This right may not be assigned or otherwise transferred.
9. The Freeway Landmark Monument shall be located a minimum distance of no less than four hundred feet (400') from the eastern Property boundary.
10. The Freeway Landmark Monument shall not be used as an off-site sign or billboard as defined by the Mesa City Code.

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- *j. **Z04-81 (District 6)** The 1300 Block of South Ellsworth Road (west side). Located south of Southern Avenue and west of Ellsworth Road (9.58ac). Rezone from AG to R-3 PAD and Site Plan Review. This request is to allow for a multi-residential development. James Barrons, owner; Sean Lake, Pew & Lake P.L.C., applicant.

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

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with the Residential Development Guidelines.
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. 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).
8. All street improvements and landscaping to be installed in the first phase of construction.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
10. All buildings shall have a minimum four-foot (4') wide apron measured from the face of the garage door to the edge of the drive aisle.

- *k. **Z04-83 (District 6)** The 1600 to 1900 Block of South Signal Butte Road (west side). Located south of Superstition Freeway and west of Signal Butte Road (66.7 ac). Site Plan

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Modification. This request is to allow for a regional commercial development. Bojer Land/Signal Butte Limited Partnership, owner; Elizabeth Gaston, Diversified Partners, applicant.

P&Z Recommendation: Approval with Conditions (Vote: Passed: 6-0-1 (Saemisch abstaining due to conflict of interest)).

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. All pad buildings to be architecturally compatible with the center.
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, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and street frontage landscaping to be installed in the first phase of construction.
7. Recordation of cross-access easements between all lots proposed in the subdivision plat.
8. 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).
9. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
10. Compliance with all requirements of the Subdivision Technical Review Committee.
11. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

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- *l. **Z04-84 (District 6)** 6610 East Superstition Springs Blvd. Located southwest of US60 and Power Road (4.15 ac). Site Plan Modification. This request is to allow development of two restaurant pad buildings. Perry Mann Investments (Brett Anz), owner; Mark A. Bowker, applicant.

P&Z Recommendation: Approval with Conditions (Vote: Passed: 5-0-2; Finter and Saemisch absent).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. Compliance with all requirements of the Design Review Board.
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. Compliance with all requirements of the Subdivision Regulations and Land Split process.

- m. **Z04-85 (District 1)** Generally located at the southeast corner of the 202 freeway and Dobson Road intersection. Part A: The 800 - 1000 blocks of North Dobson Road (approximately 750 feet east of street frontage) Site Plan Review and rezone from R1-9 to C-2BIZ for the development of a theater, retail and restaurant shops, and 2 pad buildings (32 ac +/-); Part B: Land on the east side of Dobson Road, starting approximately 600 feet north of West 8th Street and continuing north along Dobson Road approximately 1800 feet by 250 ft +/- . Rezone from M-1 and R1-9 to C-2 for the future development of pad buildings. (11 ac +/-). Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

P&Z Recommendation: Approval with Conditions (Vote: Passed: 5-0-2; Finter and Saemisch absent).

1. For development within Part A as shown and described in the staff report:

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- a. Approval of C-2 BIZ zoning and compliance with the basic development as described in the Riverview at Dobson project narrative and Riverview at Dobson design guidelines, and as shown on the site plan and elevations submitted.
- b. Compliance with all requirements of the Design Review Board.
- c. Provide a pullout area for buses along the north property line with a tree-shaded pedestrian connection to the buildings, to be approved by the Planning Director.
- d. Extend tree-shaded walkways and pedestrian connections to adjoining future development sites along the east, west and south sides of Part A, to be approved by the Planning Director.
- e. Provide cross access to adjoining future development sites at the east, west, and south sides of Part A, to be approved by the Planning Director.
- f. Provide a screen wall, minimum height of 6 feet, along the north property line.
- g. Provide extruded curbing and a 5 foot minimum temporary landscape area along the west and northwest edge of Part A, to be approved by the Planning Director.
- h. Overall height of the theater tower and spire to be 96 feet tall maximum.
- i. Top of the north, east, and south theater parapet walls to be a height sufficient to screen roof top mechanical equipment, or other acceptable screening device for the roof top mechanical equipment as approved by the Planning Director.
- j. All public street improvements and street frontage landscaped setback areas to be installed in the first phase of the Part A development.
- k. Any theater spire / tower lighting to be architecturally integrated, to be approved by the Planning Director.

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2. For development within Part B as shown and described in the staff report:
 - a. Approval of C-2 zoning and future Site Plan Review and approval by the Planning and Zoning Board and City Council of future development plans for all pad sites: 3, 4, 5, 6, 7, 8, and 9.
 - b. Compliance with all requirements of the Design Review Board.
 - c. Future development to be in compliance with the Riverview at Dobson project narrative and Riverview at Dobson design guidelines.
 - d. All public street improvements and street frontage landscaped setback areas to be installed in the first phase of the Part A development.
3. For development within Parts A and B as shown and described in the staff report:
 - a. Incorporation into the Riverview at Dobson design guidelines, ground plane materials, textures, colors, patterns to reflect the river view design concept, and details regarding colors of site furniture, screening of dumpsters with well designed aesthetic gates, plant palette, screen walls, etc. to be approved by Planning Director.
 - b. Compliance with all City development codes and regulations, including Subdivision Regulations.
 - c. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
 - d. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
 - e. Compliance with all requirements of the Design Review Board.
 - f. 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

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- subdivision plat, or at the time of the City's request for dedication whichever comes first.
- g. All public street improvements and street frontage landscaped setback areas to be installed in the first phase of the Part A development.
- n. **Z04-86 (District 1)** Located at the southwest corner of the 202 freeway and Dobson Road intersection. The 1000 - 1100 blocks of North Dobson Road (west side). Rezone from M-1 and R1-9 to C-3 for the future development of an automall (33 ac+/-). Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

P&Z Recommendation: Approval with Conditions (Vote: Passed: 5-0-2; Finter and Saemisch absent).

1. Site Plan Review and approval by the Planning and Zoning Board, Design Review Board, and City Council prior to development.
2. Compliance with the Riverview at Dobson project narrative and Riverview at Dobson design 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. Compliance with all requirements of the Subdivision Regulations.
6. For Freeway Landmark Monument separate review and approval of a Council Use Permit is required.
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
8. That for five (5) years following City Council approval of the rezoning, the property will be limited to the following permitted uses: motor vehicle related uses, motor vehicle dealerships, and all uses associated therewith including, but not limited to, new and used vehicle sales, leasing, service, repair, body shops, wash, storage, display and all related uses. After five (5) years all uses permitted in the C-3 district shall be allowed.

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- o. **Z04-87 (District 1)** Generally located north and east of the Dobson Road and 8th Street intersection, and southwest of the Alma School Road and 202 freeway. The 800 – 1,000 blocks of North Dobson Road (east side). Rezone from R1-43 and R1-9 to C-3 for future retail development (33 ac +/-); and the 1700 - 1900 blocks of West 8th Street (north side). Rezone from M-1 and R1-9 to C-2 for future retail development (94 ac +/-); and the 1100 block of North Alma School Road (west side) Rezone from R1-9 to PEP for future planned employment park development (48 ac +/-). Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

P&Z Recommendation: Approval with Conditions (Vote: Passed: 5-0-2; Finter and Saemisch absent).

1. Site Plan Review and approval by the Planning and Zoning Board, Design Review Board, and City Council prior to development.
 2. Compliance with the Riverview at Dobson project narrative and Riverview at Dobson design 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. Compliance with all requirements of the Subdivision Regulations.
 6. For Freeway Landmark Monument separate review and approval of a Council Use Permit is required.
 7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
- p. **Z04-88 (District 1)** East and West of Dobson Road, along the 202 freeway (south side). Council Use Permit. This request is to consider the development of freeway landmark signs. Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

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P&Z Recommendation: Approval with Conditions (Vote:
Passed: 3-2-2; Finter and Saemisch absent).

1. Compliance with the basic design, sign area, location, materials and colors of the Freeway Landmark Monuments as shown on the submitted site plan and the "Freeway Pylon Signs" exhibits and as described in the Riverview at Dobson project narrative, with a total of four (4) landmark monuments for the Riverview at Dobson development. Freeway landmark monuments #1 and #2 are to be 60 feet tall, maximum; freeway landmark monuments #3 and #4 are to be 70 feet tall, maximum.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Federal Aviation Administration regarding the use of visibility warning lights, if applicable.
4. No permit for the construction of freeway landmark monuments shall be issued prior to the issuance of a building permit for the phase one development.
5. Freeway landmark monuments shall not be used as an off-site sign or billboard as defined by the Mesa City Code and shall be limited to advertising the Riverview at Dobson development.
6. The sign area is to comply with the Zoning Ordinance 11-14-3E2 whereas signs are to provide opaque backgrounds so that only the sign copy is illuminated.
7. Provide two half-size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised exhibits, site plans, and monument sign elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.
8. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
9. The electronic message display to comply with the Freeway Landmark Monument Guidelines including:
 - a. The display is limited to text messages only, with no animation or video.

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- b. The message change sequence is accomplished immediately or by means of fade or dissolve modes, with each message being displayed for a minimum period of fifteen (15) seconds.
 - c. No continuous traveling or scrolling displays allowed.
 - d. The intensity of the LED display shall not exceed the levels specified in the Freeway Landmark Monument Guidelines.
 10. Written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in the Freeway Landmark Monument Guidelines and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Building Safety Director.
 11. One, only, Freeway Landmark Monument to contain a double-sided electronic message display.
10. Consider the following subdivision plats:
- *a. "PORTER PLAZA OFFICE CONDOMINIUMS", – (Council District 3) – 500 block of West Southern Avenue (south side) located south and west of Southern Avenue and Country Club Drive. 12 O-S PAD office condominium units (1.29 ac) Porter Family Limited Partnership, an Arizona Limited Partnership, owner; Standage & Associates, Ltd. engineer.
 - *b. "HACIENDAS DEL ESTE", – (Council District 5) – 12000 block of East University Drive (south side) located south and east of University Drive and Crismon Road. 57 R1-7 PAD single residence lots (11.44 ac) Azkand Land, LLC, Richard Everhart, Sr., Managing Member, owner; David J. Buchli Engrs, Ltd., engineer.
 - *c. "MOUNTAIN VILLAGE AT LAS SENDAS", – (Council District 5) – 6900 block of East Eagle Crest Drive (east side) located north and east of Thomas Road and Power Road. 34 R1-7 PAD DMP single residence lots (14.85 ac) Sonoran Desert Holdings, L.L.C., Jeff Blandford, President, owner; Wood/Patel, engineer.

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