

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date: July 17, 2008 Time: 4:00 p.m.

MEMBERS PRESENT

Pat Esparza, Chair
Frank Mizner, Vice Chair
Randy Carter
Beth Coons
Scott Perkinson
Chell Roberts
Ken Salas

MEMBERS ABSENT

None

OTHERS PRESENT

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

Gordon Sheffield
Krissa Lucas
Angelica Guevara
Gary King
Bill Jabjiniak
Paul Gilbert

Reese Anderson
Ralph Pew
MaryGrace McNear
Others

Chairperson Esparza declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated July 17, 2008. Before adjournment at 6:00 p.m., action was taken on the following items:

Ms. Esparza introduced and welcomed Ms. Beth Coons and Mr. Scott Perkinson to the Board. Boardmembers Coons and Perkinson briefly introduced themselves.

It was moved by Boardmember Salas, seconded by Boardmember Roberts that the minutes of the June 17, 2008, and June 19, 2008 study sessions and regular meeting be approved as submitted. Vote: 5-2 with Boardmembers Coons and Perkinson abstaining.

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

It was moved by Boardmember Carter seconded by Boardmember Coons that the consent items be approved. Vote: 7-0.

Zoning Cases: Z08-42, *Z08-44, *Z08-45, *Z08-46, Z08-47

*Mesa Gateway Strategic Development Plan

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Item: **Z08-42 (District 1)** 1614 North Mesa Drive. Located south of McKellips Road and west of Mesa Drive (1.09± acres). Rezone from R1-6 to O-S and Site Plan Review. This request will allow for the development of an assisted living facility. Gregory D. Link, CSOM – Link, LLC., owner/applicant. **CONTINUED FROM THE JUNE 19, 2008 HEARING.**

Comments: Gregory Link, 1649 East Hackamore, Mesa, AZ., applicant, asked the Board to approve the zoning change from R1-6 to OS to allow him to build and operate two assisted living facilities; adding that this use would integrate seamlessly into the area and hopefully inspire others to redevelop in the area.

John Moore, 317 E Indigo, resident, stated that this area is 100% residential and there are assisted living facilities on Brown Road, which would be a more appropriate place for this project. He noted that the majority of the residents understood that this area would remain residential. He stated he was concerned with noise and lighting issues as well as the project being too close to other homes. Mr. Moore commented that the site has been graded and is ready to be constructed; he asked what kind of guarantees the applicant received from Council that the zoning was going through.

Mr. Link responded that he has been working on this project for about a year and does not have any building plans; adding that an assisted living facility would be appropriate at this location, and that it was not feasible to build a \$800,000 home.

Jennifer Gniffke, Planner II, stated that this request is for the development of two, single-story buildings to be developed as an assisted living facility. She mentioned that the Board heard this case in June and it was continued due to some concerns by neighbors. She noted that the applicant submitted an updated Citizen Participation Report and attended their HOA meeting to address those concerns. Ms. Gniffke stated that this development complies with and is consistent with the General Plan and with the frontage on Mesa Drive and the design of the project; staff is in support of this proposal.

Boardmember Roberts asked Ms. Gniffke what type of assisted living facility this would be, how many residents would be allowed, what the lighting concern was, and how high the perimeter fence would be. Ms. Gniffke responded that this facility would house senior citizens and people who cannot take care of themselves. The applicant has specified that there will be 16 residents per building, the standard height of the perimeter fence would be 6', and per the Zoning Ordinance, house side shields are required on all light standards adjacent to residential developments.

Boardmember Carter asked Ms. Gniffke to reiterate how this project conforms to the General Plan and if the applicant provided a photometric lighting plan; adding that this project would not be incompatible with the residential area. Ms. Gniffke read the definition of the General Plan designation and added that the lighting plan will be reviewed as part of Design Review Board case and was not submitted as part of the zoning case.

Boardmember Mizner agreed that this is a compatible use and noted that this case was continued from the June hearing and the applicant has subsequently met with those neighbors and addressed concerns. He added that although the site is zoned residential, it would be very difficult and economically not feasible to develop it as a residential use.

Boardmember Roberts also agreed that this is a compatible use and consistent with the General Plan. He pointed out that if a developer chooses to do construction before the zoning is approved, they do so at their own risk because neither this Board nor the City make prior

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agreements with them; adding that it's not easy to get through zoning, if it's not compatible.

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board approve and recommend to the City Council **approval** of zoning case Z08-42 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
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. Approval, and compliance with all conditions of approval of a Special Use Permit for an assisted living facility.
5. Approval, and compliance with all conditions of approval of a Development Incentive Permit.

Vote: 7-0.

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Item: **Z08-44 (District 6)** The 6800 block of East Elliot Road (south side) and the 3600-3700 blocks of South Power Road (east side). Located south of Elliot Road and east of Power Road (14.46± acres). Rezone from C-2-DMP to C-2-BIZ-DMP and Site Plan Review. This request will allow the development of a multiple-use center including a 4-story hotel. George Gilbert, "The Commons", L.L.C., owner; Ralph Pew, Pew and Lake, PLC, applicant; Eugene S. Cetwinski, ESCA Environmental, Inc. Consider the preliminary plat for "The Commons".

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

It was moved by Boardmember Carter, seconded by Boardmember Coons

That: The Board approve the preliminary plat of "The Commons" and recommend to the City Council **approval** of zoning case Z08-44 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan, preliminary plat submitted and preliminary elevations as approved by the Design Review Board (without guarantee of lot yield, building count, lot coverage). Compliance with the basic proportionality and designation of the room, pool and spa uses depicted in the hotel ground level floor plan.
2. Compliance with all requirements of the Design Review Board.
3. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
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 street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Recordation of cross-access and reciprocal parking easements among each of the parcels.
10. 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).
11. Written notice be provided to future tenants, and acknowledgment received that the project is within 2 mile(s) of Williams Gateway Airport.
12. Noise attenuation measures be incorporated into the design and construction to achieve a noise level reduction of 25 db.

Vote: Passed 7-0.

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Item: **Z08-45 (District 1)** 2304 North Center Street. Located on the west side of the Center Street and north of McKellips Road (2± acres). District 1. Site Plan Modification. This request will allow the construction of an industrial shell building. Joe Boyle, Boyle Family , L.L.C., owner; J. Joseph Diemer, Diemer & Associates, applicant; William H. Standage, Standage & Associates, Ltd., engineer.

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

It was moved by Boardmember Carter, seconded by Boardmember Coons

That: The Board approve and recommend to the City Council **approval** of zoning case Z08-46 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all City development codes and regulations.
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 street frontage landscaping to be installed in the first phase of construction.
5. Recordation of cross-access easement at the northern property line as shown on the site plan.

Vote: Passed 7-0.

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Item: **Z08-46 (District 6)** 4730 & 4750 East Baseline Road. Located on the north side of Baseline Road and east of Greenfield Road (5± acres). District 6. Rezone from AG (Conceptual M-1) to PEP PAD and Site Plan Review. This request will allow the development a group office center. Gary R. Claybaugh, Baseline 2005, L.L.C., owner; Gary R. Claybaugh, Midiron Development Group, L.L.C., applicant; Cameron B. MacDonald, Site Solutions, L.L.C. Consider the preliminary plat for "Ironwood Center".

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

It was moved by Boardmember Carter, seconded by Boardmember Coons

That: The Board approve the preliminary plat of "Ironwood Center" and recommend to the City Council **approval** of zoning case Z08-46 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan and preliminary conceptual elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Recordation of cross-access easement at locations where drive-aisle cross lot lines and reciprocal parking easements for each lot.
10. Retention basins to be 6:1 slopes maximum where adjacent to Baseline Road.
11. Office use developments shall provide one covered parking stall per office or suite.

Vote: Passed 7-0.

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Item: **Z08-47 (District 6)** The 8200 to 8500 blocks of East Baseline Road (north side). Located west of the Loop 202 on the north side of Baseline Road (53± acres). District 6. Rezone from AG (conceptual M-1, C-2, O-S, R-3, and R-2) to C-2, PEP, and R-4 and the establishment of the "Baseline Center" Development Master Plan (DMP). This request will establish a Development Master Plan to allow the creation of a mixed-use residential development. David Glimcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant; Stuart Rayburn, RCC Design Group, LLC, engineer.

Comments: Paul Gilbert, 4800 North Scottsdale Road, Scottsdale, AZ, applicant, noted that this 54 acres is part of a 70 acre parcel, with an additional 16 acres that's not part of this request and separately owned. He added that this property has been conceptually zoned for 23 years and is an infill piece that has been passed over. He stated that even though they have significant frontage, access and visibility are extremely limited and that is one of the reasons that this parcel is still vacant. He commented that only one person attended their neighborhood meeting and was in support and that they also met with some neighbors who commented that they were tired of the site not being developed. Mr. Gilbert stated they are fulfilling the need that has gone unmet and have spent a year working with staff and made numerous changes to the plan; adding that staff has attached an "arm load" of stipulations, which they agree to.

Mr. Gilbert addressed concerns raised at the study session, as to whether or not this project was really mixed use residential, and that there was no site plan. He stated that Mesa's General Plan does not have a definition for mixed-use residential and the site plan submitted is conceptual and simply shows an idea of what could be developed. He commented that they have done mixed-use projects in Chandler, Surprise and in many parts of the western United States, adding that once they get their users lined up, they will come back with a site plan. Mr. Gilbert stated they don't have things worked out with the Economic Development Department but are making good progress; he added that they have agreed to and briefly explained the conditions of approval noting that this project qualifies as a mixed-use plan and they conform to the General Plan.

Reese Anderson, Pew and Lake, 1930 East Brown Road, Mesa, AZ, representing Al Jesson, owner of the out parcel, stated that they are in opposition to this case. He stated they are concerned that there are serious flaws with the land planning and asked the Board to give the parties some guidance and direction, and asked for a 60-day continuance. He continued that they are concerned with the amount of C-2 zoning on the frontage and the way the zoning is laid out, will result in either significant delays in the development or severely hamper Mr. Jesson's ability to develop. He stated, as discussed in the study session, there are a lot of good thoughts to be shared by all, as to what are appropriate land uses for this parcel. He suggested that they do a comprehensive site plan with all the parcels and work closely with Mr. Gilbert's office to bring something that will solve everyone's issues so that all parties, including the City can come out of top on this project.

Boardmember Roberts asked Mr. Anderson to clarify why C-2 zoning, on the front end, would hinder development. Mr. Anderson responded that part of that has to do with the site plan. If there was a site plan, they could look at how things would be mixed and integrated and have input as to how the rest of that property could develop in the future. He mentioned that Mr. Jesson is a member of the LLC, and has not seen the Development Agreement.

Boardmember Mizner asked Mr. Anderson to explain how they wound up with this ownership pattern and how the narrow strip could be developed. Mr. Anderson responded that developing that strip would be tough, which is one of the issues they'd like to discuss with Mr. Gilbert. He stated he wasn't able to answer the ownership question because their client is bound by a confidentiality agreement and deferred the question to Mr. Gilbert. Discussion ensued regarding

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how long the two parties have been meeting.

Mr. Gilbert commented that the narrow strip is not a problem to develop and had a contract to buy it, but Mr. Anderson's client did not respond. He stated he has been involved in four meetings with Mr. Anderson and have made absolutely no progress; adding that they tried to have them come forward simultaneously with their application and it didn't work out. He explained that this property was in escrow to buy, there was reluctance on behalf of the seller to sell, it had to go to court and the court divided the property to the way it is now. He stated that they have a month between now and City Council to work things out with Mr. Anderson and his client. He noted that they have been meeting with staff for almost a year and are in a position to move forward.

Tom Ellsworth, Senior Planner, briefly explained the project and stated that access to the site would be difficult. He stated that there is no specific development site plan and, as alluded to by the applicant, there is no clear guideline within the City as to what constitutes a mixed-use development; adding that one of the challenges, without a specific site plan, is to comment on whether this request constitutes a mixed-use environment. He briefly explained the Development Master Plan (DMP) overlay, the layout of the site and the conditions of approval; adding that they have established stringent design guidelines and those guidelines would need to be reviewed and approved by the Design Review Board. Mr. Ellsworth mentioned that negotiations are ongoing with the Economic Development Department regarding a Development Agreement and that staff would continue to work on the exception parcel. He noted that the ideal situation would be to have one complete development plan on both parcels and that staff is recommending approval with conditions.

Bill Jabjiniak, Economic Development Director, 20 East Main Street, Mesa, AZ, stated they have met with the applicant, who has committed to work with them before this request gets to City Council; adding that discussions are ongoing and there are many points to still work out.

Discussion ensued regarding the Development Agreement, what could be used and developed without a site plan, what the General Plan envisions and examples of mixed-use developments in the City of Mesa.

Boardmember Carter asked if this Board and City Council would be reviewing the site plan when it comes back because he had grave reservations about the development being sustainable. He also asked if staff ever looks beyond compliance with the General Plan. Mr. Ellsworth explained the process of cases that come back to this Board and City Council and added that staff reviews them for compliance with the General Plan. He stated that the applicant has shown a conceptual plan and staff has checked it against the General Plan, noting that if this request were any different, it would require a Minor General Plan Amendment.

Boardmember Carter asked Mr. Gilbert what else he was doing to help his client make this property more sustainable; he also asked the City Attorney to explain the State Statute regarding the Board's position. Mr. Gilbert responded that the Growing Smarter Legislation, states: When reviewing a case, the Board is to consider whether it conforms to the General Plan; adding that they are in compliance with the General Plan. He commented that they have done some careful and tenacious investigation and know that the retail and multi-family portions work well and that the office portion isn't ready to be developed; noting that if it doesn't work, they will come back and ask for a Minor General Plan Amendment to change it.

MaryGrace McNear, Assistant City Attorney, stated that State Statute gives the Board specific authority, including the duty to review zoning request with respect to their consistency in compliance with the General Plan; adding that the City Code gives additional authority and duties

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to the Board to exercise.

Boardmember Mizner commented that the first staff report recommended a continuance and that the revised report recommended approval with extensive conditions. He asked Mr. Ellsworth to explain the change and the status of the out parcel. He also commented that if the other zoning case were further along a continuance might be in order to see them both together. He noted that with the conditions outlined by staff he would be inclined to support this case.

Mr. Ellsworth explained staff's reasons for a continuance, adding that staff held several meetings with the applicant, prior to this hearing. He stated that there is an application for the out parcel to rezone and change the General Plan but have not received a subsequent submittal. Discussion ensued regarding allowed uses for the out parcel and the suggested conditions of approvals.

Boardmember Mizner stated that with some reluctance he would move to approve zoning case Z08-47 with conditions as outlined in the staff report. He stated there are some problems with this plan and strongly encouraged the two parties to work together prior to City Council. Boardmember Roberts seconded the motion.

Boardmember Roberts commented he would like to see the two parties work together and was also reluctant to move forward because there are significant constraints on the smaller property; adding that he recognizes the conundrums in the sustainability but will support the project.

Boardmember Carter noted his concerns about the site; adding that if the two parties agreed to workout their issues, then he would feel comfortable with moving this project forward.

It was moved by Boardmember Mizner, seconded by Boardmember Roberts

That: The Board approve and recommend to the City Council **approval** of zoning case Z08-47 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the DMP exhibits submitted (without guarantee of lot yield, building count, lot coverage).
2. Site Plan Review through the public hearing process of future development plans to include but not limited to:
 - a. One comprehensive site plan for the PEP and C-2 zoned properties concurrently.
 - b. Site design shall incorporate visibility of and access to the northern portions of the larger property.
 - c. A comprehensive transportation network, including:
 - i. A primary loop road system.
 - ii. Two points of access to the excluded parcel.
 - d. A site plan review for the R-4 area shall be considered following or in conjunction with approval of access to Baseline Road through dedication or the development of a private street with the appropriate overlay zoning.
 - e. An integration of uses across the site.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa

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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. Written notice be provided to future property owners, and acknowledgment received that the project is within 5 miles of Phoenix-Mesa Gateway Airport.
9. Noise attenuation measures be incorporated into the design and construction to achieve a noise level reduction of 25 db.
10. The use of decorative concrete within the public right of way where deemed appropriate by the Transportation Division.
11. Compliance with the Development Agreement for the site as negotiated with the City Council that would include items such as:
 - a. Minimum square footage for commercial/employment uses
 - b. Minimum square footage of Class-A office development
 - c. Minimum height of Class-A office development
 - d. Restriction of uses
 - e. Overall Quality of Development
12. Review and approval of Design Guidelines by the Design Review Board for the entire DMP before or at the time of the first Site Plan Review. These design guidelines should include, at a minimum, sections addressing the following:
 - a. Landscaping: Theme, types, and locations, to establish an overall landscape palette.
 - b. Streetscapes, Site Lighting, and Entry Feature design
 - c. Signage Guidelines
 - d. Building materials: Types that are allowed, types that are prohibited for the overall center, building material, and colors
 - e. Integration of uses through design themes.

Vote: Passed 7-0.

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Item: Hear a Presentation, Discuss and Provide Direction on the Following Mesa Gateway Strategic Development Plan: **CONTINUED FROM THE MAY 15th, AND THE JUNE 19, 2008, HEARINGS.**

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

It was moved by Boardmember Carter, seconded by Boardmember Coons

That: The Board **continue** the Mesa Gateway Strategic Development Plan to the August 21, 2008 hearing.

Vote: Passed 7-0.

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Item: Review and Discuss the Concepts and Components of Form-Based Zoning.

Comments: Gordon Sheffield, Zoning Administrator, explained and gave a presentation on Form-Based Codes and mentioned to the Board that they will be seeing it as part of the Planned Community District (PCD) that is being proposed for the GM proving grounds. He noted that Mesa has not really dealt with Form-Based Codes and that Form-Based Code is significantly different then what is seen with a normal Zoning Ordinance.

He briefly explained the Concepts and Components of:

- The Basic Parts of a Zoning Ordinance.
- The Basic Types of Zoning Regulations, which included:
 - Euclidean
 - Performance Zoning
 - “Form-based” Codes
 - “Hybrid Codes”
- Form-Based Codes: Standard Elements which included:
 - Overview
 - Regulating Plan
 - Building Form Standards
 - Public Spaces/Street Standards
 - Land Use Matrix
 - Pattern Books

Mr. Sheffield answered questions by the Board on Form-Based Codes.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

MS:
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