

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date July 21, 2005 Time 4:00 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

None

OTHERS PRESENT

Dorothy Chimel
Tom Ellsworth
Ryan Heiland
Jennifer Gniffke
Ryan Matthews
Maria Salaiz
Krissa Hargis

Lesley Davis
Jim Smith
Randy Carter
Dorothy Shupe
Cory Whittaker
Martin Hazine
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 July 21, 2005. Before adjournment at 5:05 p.m., action was taken on the following items:

Chairperson Adams introduced new Boardmembers Jared Langkilde and Ken Salas and noted the reelection of Boardmember Carpenter as Vice Chair and himself as Chair.

Boardmember Mizner acknowledged the parting members Pat Esparza and Mike Cowan and thanked them for the great job they did while serving on the board.

It was moved by Boardmember Mizner, seconded by Boardmember Saemisch that the minutes of the June 16, 2005 meeting be approved as submitted. The vote was 7-0.

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter that the consent items be approved. Vote 7-0.

Code Amendment: Amending Section 11-18-8 of the Zoning Ordinance by adding a fee for Section 106 Reviews, which are required by the National Historic Preservation Act Of 1966.

Minor General Plan Amendment: GPMInor05-04

Zoning Cases: Z05-79, Z05-65, *Z05-70, *Z05-71, Z05-72, *Z05-73, *Z05-74, *Z05-75, *Z05-76, Z05-77, *Z05-78

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Item: Amending Section 11-18-8 of the Zoning Ordinance by adding a fee for Section 106 Reviews, which are required by the National Historic Preservation Act Of 1966.

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board continue this item to the September 15, 2005 Meeting.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **GPMinor05-04 (District 5)** The 2600 to 2700 block of North Power Road (east side). Located south of the southeast corner of McDowell Road and Power Road (15.8± ac.) Minor General Plan Amendment to change the General Plan land use map from Office (OS) to High Density Residential 10-15 dwelling units per acre (HDR 10-15) and Neighborhood Commercial (NC). Power and McDowell, LLC (Edwin Gutzman), owner; Martin Hazine of HGN, LLC, applicant. **COMPANION CASE Z05-79.**

Comments: Wahid Alam, Senior Planner, gave an overview of this case stating that the applicant is requesting a change in land use from Office designation to five acres of Neighborhood Commercial and 10 acres of High Density Residential. He also noted that the companion case would address the site plan. He mentioned that this site is compatible with the surrounding area and it made sense to change the designation.

Martin Hazine, 7150 East Camelback Road, applicant, stated that they are proposing retail and office condominiums as well as residential, with 144 units, 3 and 6-plexes with each unit having garages. He noted that they are providing 38,400 sf. of office condominium and 12,800 ft. of retail.

Boardmember Mizner requested that the companion case be heard together with this case since they were closely related. The applicant had no objection.

Boardmember Saemisch had concerns regarding the refuse pick up and landscaping setbacks outside the garage doors and asked if the four feet was adequate. He also asked if the cans would be wheeled out to the curb.

Mr. Ryan Heiland, Planner II, responded that staff was aware of the four foot landscape island, which have recently been seen in higher density projects. He noted that this case is required to go before the Design Review Board and staff can have the Board look at specific requirements if requested. He also responded that there are storage locations inside the garages, as well as outside on designated pads. He mentioned that Solid Waste had reviewed and approved the plans.

Boardmember Mizner mentioned they had received correspondence from the Central Arizona Project (CAP), which implied that they were looking for additional right-of-way, but which had been resolved with the future path being inside the boundary of the canal, so the applicant would not have to provide any right-of-way or easements. Mr. Heiland responded that was correct, and noted that the applicant had provided a pedestrian gate to allow access from the residential portion of this project onto the canal. He also mentioned that CAP is fine with the right-of-way already dedicated.

Boardmember Mizner asked if the CAP was planning a trail all along the CAP canal and through the metropolitan area and mentioned that it would be a nice asset. Mr. Heiland responded that he did not know if it was a citywide trail. Mr. Mizner also asked the applicant that staff had recommended a condition requiring an interior noise reduction level of 25 decibels, which is a standard condition relating to projects near freeways and airports and asked why they were opposed to it.

Mr. Hazine stated that during the design of the project they contacted ADOT. The project manager told him what they currently had was sufficient. He added that ADOT performed a study along the existing properties and the proposed freeway extension and in their particular

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area they are calculating a 56-57 decibel, which is acceptable.

Boardmember Mizner stated that he would like to retain the added condition, which has been applied to dozens of projects throughout Mesa. It does not represent unusual construction and the applicant might need to use double pane windows or solid core doors, which would also provide for energy savings.

Boardmember Saemisch asked the applicant if his project would be built before the freeway gets completed. Mr. Hazine responded Yes. Mr. Saemisch also agreed with Mr. Mizner's comments adding that buyers would not know how bad the sound was until they bought units up against the freeway and adding this condition would give them some protection.

Mr. Hazine stated the condition would be acceptable and pointed out that in reviewing the aviation maps from Falcon Field, they were outside of the 60 decibels zone and outside the area that is designated to have an aviation easement.

Chairperson Adams clarified with the applicant that they were redrawing their opposition to Condition #11. Mr. Hazine responded Yes.

Boardmember Carpenter stated that she was pleased with this project and was glad to see that the applicant had provided for extra parking. She also noted that some condominium projects do not provide garages and she appreciated that these had garages and looked very nice.

Boardmember Langkilde stated that in addition to Falcon Field and the freeway, Sky Harbor also has planes flying low in the area, so he was also in favor of Mr. Mizner's comments.

Chairperson Adams noted that the Board would be voting with separate motions on these cases.

Boardmember Mizner made a motion to approve GPMinor05-04 and added that the Board does not entertain amendments to the Mesa 2025 Plan lightly. This is a significant document that is a blueprint for Mesa's future, but the Plan does provide for a periodic amendment of that Plan. The applicant has followed the appropriate procedures and this amendment is justified.

Boardmember Saemisch commented that this is a well-designed project and liked the contemporary style of it, which would create a new image for the Las Sendas area.

It was moved by Boardmember Mizner, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of Minor General Plan Amendment GPMinor05-04.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-79 (District 5)** The 2600 to 2700 block of North Power Road (east side). Located south of the southeast corner of McDowell Road and Power Road (15.8± ac.) Rezone from R1-35 DMP to R-3 PAD and C-1 PAD, Site Plan Review. This request is to allow for the development of retail/office buildings and residential condominiums. Power and McDowell, LLC (Edwin Gutzman), owner; Martin Hazine of HGN, LLC, applicant. Also consider the preliminary plat "Aquila Las Sendas". **COMPANION CASE GPMInor05-04.**

Comments: Wahid Alam, Senior Planner, gave an overview of this case stating that the applicant is requesting a change in land use from Office designation to five acres of Neighborhood Commercial and 10 acres of High Density Residential. He also noted that the companion case would address the site plan. He mentioned that this site is compatible with the surrounding area and it made sense to change the designation.

Martin Hazine, 7150 East Camelback Road, applicant, stated that they are proposing retail and office condominiums as well as residential, with 144 units, 3 and 6-plexes with each unit having garages. He noted that they are providing 38,400 sf. of office condominium and 12,800 ft. of retail.

Boardmember Mizner requested that the companion case be heard together with this case since they were closely related. The applicant had no objection.

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Mr. Ryan Heiland, Planner II, responded that staff was aware of the four foot landscape island, which have recently been seen in higher density projects. He noted that this case is required to go before the Design Review Board and staff can have the Board look at specific requirements if requested. He also responded that there are storage locations inside the garages, as well as outside on designated pads. He mentioned that Solid Waste had reviewed and approved the plans.

Boardmember Mizner mentioned they had received correspondence from the Central Arizona Project (CAP), which implied that they were looking for additional right-of-way, but which had been resolved with the future path being inside the boundary of the canal, so the applicant would not have to provide any right-of-way or easements. Mr. Heiland responded that was correct, and noted that the applicant had provided a pedestrian gate to allow access from the residential portion of this project onto the canal. He also mentioned that CAP is fine with the right-of-way already dedicated.

Boardmember Mizner asked if the CAP was planning a trail all along the CAP canal and through the metropolitan area and mentioned that it would be a nice asset. Mr. Heiland responded that he did not know if it was a citywide trail. Mr. Mizner also asked the applicant that staff had recommended a condition requiring an interior noise reduction level of 25 decibels, which is a standard condition relating to projects near freeways and airports and asked why they were opposed to it.

Mr. Hazine stated that during the design of the project they contacted ADOT. The project manager told him what they currently had was sufficient. He added that ADOT performed a study along the existing properties and the proposed freeway extension and in their particular

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Boardmember Mizner made a motion to approve GPMInor05-04 and added that the Board does not entertain amendments to the Mesa 2025 Plan lightly. This is a significant document that is a blueprint for Mesa's future, but the Plan does provide for a periodic amendment of that Plan. The applicant has followed the appropriate procedures and this amendment is justified.

Boardmember Saemisch commented that this is a well-designed project and liked the contemporary style of it, which would create a new image for the Las Sendas area.

It was moved by Boardmember Carpenter, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z05-79 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, 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. Compliance with all requirements of the Design Review Board.
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.

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5. Compliance with all requirements of the Subdivision Technical Review Committee.

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6. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
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 be provided to future residents, and acknowledgment received that the project is within three miles of Falcon Field Airport.
10. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of the 202 Red Mountain Freeway.
11. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-65 (District 6)** The 2850-2900 block of South Power Road (east side). Located north and east of Guadalupe Road and Power Road (2.3 ac ±) Rezone from R1-7 (conceptual C-2) to C-2 and Site Plan Review. This request is to allow for the development of a gas station with a convenience store. Karl Kohlhoff, owner; Craig Boswell, applicant. **CONTINUED FROM THE JUNE 16, 2005 MEETING.**

Comments: Charles Huellmantel, 2525 E. Arizona Biltmore Circle, applicant, noted that the Board heard this case before and they were asked by the Board to work on two issues. One issue was worked out at the last meeting, which was whether a mid-block location was appropriate. The other issue was that the site plan needed to be refined. He stated they have redesigned the site and staff is in agreement with the proposed site plan.

Keith Saunders, owner/manager of the S&S Fuel, 6810 E. Guadalupe, stated he is opposed to the QuikTrip because approving a gas station mid-block is contrary to the General Plan and that it was unfair and inappropriate. He stated that he was not permitted to built his station anywhere other than a corner. He pointed out that if QuikTrip is permitted to build, his station might not survive. He respectfully urged the Board to deny QuikTrip's request to rezone.

Tom Ellsworth, Senior Planner, stated that this is a request for a QuikTrip gas station. He stated that staff's concern dealt with Policy Statement: LU-4.1d from the Mesa 2025 General Plan, which discourages mid-block gas stations. He mentioned that per discussion and direction from the Board, it was determined that this policy statement was not reflected in the current request. The second concern dealt with the access on the north side of the property and the applicant has met with staff and provided a separate and distinct entrance with ingress and egress. They have also provided a landscaping median with pavers to designate it as a separate entrance. He added that staff is recommending approval with conditions.

Mr. Huellmantel stated that he understood the concerns of another gas station in the same vicinity and that people worry about competition, but added that it is not a part of the planning process. He stated that the QuikTrip offers a different product than the Shell station. The Shell station offers car washes, windshield repairs, oil changes, car repairs, RV and boat storage, and also has a convenient store and a fueling center. The intensity of that site and those operations are very different than at a QuikTrip. A QuikTrip is a place to find inexpensive high-grade fuel and inexpensive neighborhood grocery items. He asked that the Board stick to the comments and the concerns that were addressed at the last meeting.

Boardmember Carpenter pointed out that Mr. Saunders claimed he was told he must locate his business at an intersection. She asked what the policy was at the time, and had it changed.

Dorothy Chimel, Principal Planner, responded that she wasn't sure she could respond specifically to the fueling station; however, the language of the policy today, is one that staff has historically interpreted as being number of gas stations at arterial intersections. It was not unlikely that staff would have told the owner that a mid-block location would not be appropriate. She also noted that following the discussions last month staff had direction from the Board on how to interpret the language, adding that the General Plan is a policy and a guideline for development. Ms. Chimel stated that they had not had any request to amend the language of the policy document. She also stated that she was not aware of other mid-block fueling stations that had been approved since the General Plan was approved in 2002.

Boardmember Carpenter stated she was concerned about the issue of perception and fairness

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and to her understanding there are other QuikTrip stations in Mesa that are mid-block. Ms. Chimel stated that those processes go through the Board of Adjustment for Use Permits and are not necessarily a process that the Board would hear through rezoning or site plan approval.

Mr. Huellmantel stated that there are three mid-block gas stations in Mesa and gave the locations.

Boardmember Carpenter asked that with Condition #8 this project must still go through the Board of Adjustment for a Special Use Permit. Ms. Chimel responded that was correct adding that there is a necessity to have a Special Use Permit for fueling stations in the C-2 district.

Boardmember Mizner stated that this was an interesting discussion because the Board was trying to define a mid-block location and whether the policy applies. He recalls that the policy was developed in response to mid-block location that might negatively impact adjacent residential development but that was not the case with this project. Traditionally in Mesa, the City has not unduly restricted fair competition in terms of land uses. Mr. Saunders and his company have had the benefit of being the only service station, but this area of Mesa and Gilbert are growing rapidly. He stated that Mr. Saunders operates a nice facility that offers a variety of services that this project would not. The applicant has addressed the Board's concerns and added that he will be in support of this proposed use.

It was moved by Boardmember Saemisch, seconded by Boardmember Finter

That: The Board approve and recommend to the City Council approval of zoning case Z05-65 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage).
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the 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. Recordation of cross-access and reciprocal parking easements as shown on the site plan to the future development area.
7. Compliance with all requirements of the Design Review Board.
8. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-70 (District 6)** The 11200 to 11600 block of East Ray Road (north side) and the 4800 to 5200 block of South Meridian Road (west side) and the 5000 to 5200 block of South Mountain Road (east side). Located north and east of Ray Road and South Mountain Road (99± ac.). Rezone from R1-35 to R1-6 and R1-9 and Site Plan Review. This request is to allow for the development of a single-residence subdivision. Nyssa Land Company, Inc (Paul R. Skogebo), owner; Nyssa Land Company, Inc (John Poulsen), applicant. Also consider the preliminary plat "Keighley".

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-70 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) except as noted below.
2. Compliance with the Residential Development Guidelines, which includes the review and approval of building elevations and colors by the Planning Director.
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 Subdivision Technical Review Committee.
6. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
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. Written notice be provided to future residents, and acknowledgment received that the project is within five miles of Williams Gateway Airport.
10. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 20 db.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-71 (District 6)** The 7200 to 7300 block of East Baseline Road (south side). Located east and south of Superstition Springs Boulevard and Baseline Road (6± ac.) Rezone from C-2 to C-2 PAD and Site Plan Review. This request is to allow for the development of retail/office condominiums. Boyd Anderson, owner; Randolph Carter, Dream Catchers, applicant. Also consider the preliminary plat for "Superstition Springs Gardens".

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-71 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage).
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 Subdivision Technical Review Committee.
6. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
7. Compliance with all requirements of the Design Review Board.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-72 (District 5)** The 3500 to 3600 blocks of North Power Road (west side). Located on the southwest corner of Power Road and Thomas Road (6.13±). Rezone from C-2 to C-2 PAD and Site Plan Modification. This request is to allow for the development of an office condominium project with limited commercial uses. Philip L. Ellis and David C. Ellis, owner; Craig Cote & Steve Bauer – Shea Commercial, applicant. Also consider the preliminary plat “Red Mountain Village Office Suites”.

Comments: Craig Cote, 14287 N. 87th Street, applicant, stated that this project is for a five building office project. He stated that they have provided parking in excess of the City’s minimum requirements. He also mentioned that they have notified the neighbors, held a meeting and sent follow-up correspondence. Mr. Cote stated that over the last three months, there has been a request for a possible Pilate studio or a small bagel shop and they have notified the neighbors of these changes and added that they wanted to keep the neighborhood relationship positive. He added that the five buildings are duplicates to ones they have done in the City of Scottsdale, Clark County and Nevada.

Lesley Davis, Planner II, pointed out that the applicant is adding a PAD overlay, which would accommodate the ownership of the individual suites or buildings. She added that this is also a site plan modification from a previously approved site plan that had parking on all four sides of the building. Ms. Davis noted that the Board was concerned with how these buildings were attached.

Boardmember Saemsich asked if one of the buildings totaled more than 10,000 square feet. Ms. Davis responded that Building #4 was 11,650 sf. combining both areas. Mr. Saemisch noted that if a building or a suite is larger than 10,000 sf., it’s required to have a 30 x 15 foot landscape island when there are cars parked on both sides of the building. He added that it didn’t appear that there was enough landscape islands in the parking lot and asked that the Design Review Board take a look at this issue. He also noted that the medical uses might be under parked with handicap and van spaces. He asked if the applicant has complied with all the zoning issues. Ms. Davis responded that the issue with the building exceeding 10,000 sf, is something staff will have to work out with the applicant and as far as the parking island they are meeting that requirement.

Discussion ensued regarding the covered parking and the landscaping islands.

Boardmember Carpenter noted that the property is below street level and asked the applicant if he intended to built that up to street level or leave it below street level. Mr. Cote responded that it would be brought up to street level, adding that they would equalize the dirt from the Power Road side to the Thomas Road side in order to retain the site properly. He also stated that the property could not be below grade because it would bring water onto their property.

Boardmember Carpenter also noted she had concerns because this was a prime corner and a gateway to Mesa from the north. She added that Boardmembers are limited by what they are allowed to look at and speak to, and noted that some of them would be speaking to the Design Review Boardmembers and the applicant may have additional work to do. Ms. Carpenter noted that she was not comfortable with this project and wanted to be upfront with the applicant.

Boardmember Mizner stated that the neighbor who lives at the southwest corner of this site had concerns with the rear wall not being six-feet. He asked Ms. Davis if the applicant was required to build a taller wall or was it a matter between the applicant and the adjacent residents.

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Ms. Davis responded that the applicant is willing to talk with the neighbor about how they can address the issue without tearing down the entire wall. She stated that she had not spoken directly with the neighbor but indicated to him that they could work with him through the Design Review process. Ms. Davis mentioned that the buildings are being placed far away from the neighbors' properties.

Boardmember Mizner stated he was sympathetic to the neighbor and the Board can't guarantee views, but they also don't want the neighbors looking directly into the back of buildings, loading zones or trash dumpsters. He hoped there would be some room for negotiation by the applicant to address those concerns and as Mr. Saemisch pointed out, this is a nicely designed project and an asset to the neighborhood but we also need to be sensitive to the residents.

Boardmember Saemisch stated that this was a nicely design project and that the landscaping was very well done. He stated that he was concerned about the 15-foot deep courtyards and that would be something that the Design Review Board could review. He also noted that there was a 1200-foot suite that would require the exit out into that courtyard and a courtyard that deep needs to have two ways out of a dead end corridor.

Mr. Cote responded that the building configuration will be relocated and that a note has been made to the architect. He added that any small suites would exit to the outside. He also stated that they had discussions with staff and they could go to an 8-foot wall, if necessary, which will be addressed before the Design Review meeting.

Boardmember Langkilde noted his concerns about the safety in the layout of this project. Mr. Cote responded that there would not be any reason for an individual to go north or east outside of these buildings, adding that they are going to have to put some sizable retention in this area.

Boardmember Carpenter clarified that this project was far better than what was already approved and looked forward to seeing it go through.

Mr. Cote stated that they had 17 neighbors turn out for the neighborhood meeting and they all concurred with the positioning of the buildings.

Boardmember Finter stated he was in support of this project and mentioned previous discussions by the Board and that adding a couple of bricks to a 6-foot wall sometimes doesn't work.

Boardmember Saemisch moved to approve zoning case Z05-72 and mentioned that the Design Review Board was going to have to take a hard look at some issues but that the overall use and site plan would be an asset to the community, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-72 conditioned upon:

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.).

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4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit.
7. Restaurant uses for this project are not to exceed 2,000 s.f. of gross floor area.

Vote: Passed 6-1 (Langkilde, nay)

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-73 (District 5)** The 4600 to 4800 block of East McKellips Road (south side). Located south and east of McKellips Road and Greenfield Road (33± ac.). Council Use Permit and Site Plan Review. This request is to allow for the development of a Sam's Club anchored retail center. Marsha G. Greene, owner; Sean Lake, Pew & Lake PLC, applicant. Also consider the preliminary plat.

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board continue zoning case Z05-73 to the August 18, 2005 Meeting.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-74 (District 6)** The 3600 to 4200 blocks of South Mountain Road (west to the Signal Butte Road alignment), excluding Gilbert School site (parcels 304-33-003B/C). Located south and west of Elliot and Mountain Roads (225 +/- ac). Site Plan Review and Rezone from R1-43 and R1-9 to R1-6 PAD, R1-7 PAD, and R1-9 PAD all within a Development Master Plan overlay. This request is to allow development of a residential community known as Nova Vista. GBGM 240 Limited Partnership LLLP (William Ring), owner. US Homes, applicant. Also consider the preliminary plats for the Nova Vista DMP.

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-74 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, 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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Written notice be provided to future residents, and acknowledgment received that the project is within three miles of Williams Gateway Airport.
9. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 20db.
10. Written notice be provided to future residents, and acknowledgement received that the project is adjacent to the GM Proving Grounds.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-75 (District 5)** The 150 to 250 block of North 67th Street (west side). Located west and north of the northwest corner of Main Street and Power Road (6.3 acres). Rezone from Maricopa County R-3 RUPD to City of Mesa R1-6 PAD. This case involves the establishment of City zoning on recently annexed property. Desert Cove Subdivision Property Owners, owner; Associated Asset Management Company, applicant.

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-75 conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-76 (District 5)** The 50 to 150 block of North 65th Street (east side). Located west and north of the northwest corner of Main Street and Power Road (6.7 ac.). Rezone from Maricopa County R-3 RUPD to City of Mesa R1-6 PAD. This case involves the establishment of City zoning on recently annexed property. Apache Cove Subdivision Property Owners, owner; Associated Asset Management Company, applicant.

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-76 conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-77 (District 6)** The 10800 to 10840 block of East Apache Trail (south side). Located at the southeast corner of Apache Trail and Signal Butte Road (1± ac.). Site Plan Review. This request is to allow for the development of a single-story retail shop building. Geoff Jacobs, owner; Mark A. Bowker, applicant.

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-77 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot coverage).
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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Recordation of a cross-access easement and reciprocal parking agreement with the adjacent property to the south/east (APN 220-58-001-H), prior to the time of application for a building permit, for access to the site, to the drive through, and to the solid waste enclosures on the south side of the subject property, and to provide sufficient parking for the proposed restaurant use.
7. Approval of a Development Incentive Permit by the Board of Adjustment for all requested code modifications and compliance with all Board of Adjustment requirements associated with that approval.
8. Compliance with all requirements of the Design Review Board.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-78 (District 5)** The 4320 to 4400 block of East Presidio Street (north side). Located north and west of McDowell Road and Greenfield Road (2.75 ac.). Rezone from M-1 to M-1 PAD. This request is to allow for individual ownership of condominium suites inside industrial buildings. H-B Dover/Office, L.L.C. By: Hewson Development Corporation – David E. Lord, owner/applicant. Also consider the preliminary plat.

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

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-78 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage).
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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
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. The project developer/owner to provide a written notice to future owners, and receive acknowledgement that the project is within 2 miles of Falcon Field.

Vote: Passed 7-0.

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MINUTES OF THE JULY 21, 2005 PLANNING AND ZONING MEETING

Respectfully submitted,

Dorothy Chimel, Acting Secretary
Principal Planner

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