

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date August 16, 2007 Time 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair
Pat Esparza, Vice Chair
Frank Mizner
Jared Langkilde
Randy Carter
Chell Roberts

MEMBERS ABSENT

Ken Salas, excused

OTHERS PRESENT

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

Bill Petrie
Jim Smith
Wahid Alam
Sabby Kapoor
Ron Starkmol
Shannon Ventittelli
Bryan Hubbard

Grady Gammage
Tony Cooper

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 August 16, 2007. Before adjournment at 6:30 p.m., action was taken on the following items:

It was moved by Boardmember Carter, seconded by Boardmember Mizner that the minutes of the July 17 and July 19, 2007 study sessions and regular meeting be approved as submitted. Vote: 6-0 with Boardmember Salas absent.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde that the consent items be approved. Vote 6-0 with Boardmember Salas absent.

Zoning Cases: *GPMInor07-08, *Z07-57, *Z07-58, *Z07-62, *Z07-85, *Z07-86, Z07-87, *Z07-88, *Z07-89, Z07-90, *Z07-91

Code Amendment: Amending Sections: Review and discuss a proposed amendment to the City of Mesa Zoning Ordinance to add a new zoning district entitled "PC – Planned Community".

Discussion Item: West Main Street

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Item: **GPMInor07-08 (District 6)** The 8700 to 9200 block of East Warner Road (south side) and the 4400 to 4800 block of South Ellsworth Road (west side). Located south of Warner Road and west of Ellsworth Road (77± ac). Minor General Plan Amendment from Office (O), Community Commercial (CC) and Mixed Use Employment (MUE) to Mixed Use Residential (MUR) and Mixed Use Employment (MUE). Via West Properties, Steven Schwarz, owner; Jason Morris, applicant. **COMPANION CASES Z07-57 & Z07-58. CONTINUED FROM THE JUNE 21, 2007 MEETING.**

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board accept the applicant's request to withdraw zoning case GPMInor07-08.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-57 (District 6)** The 8700 to 9200 block of East Warner Road (south side) and the 4400 to 4800 block of South Ellsworth Road (west side). Located south of Warner Road and west of Ellsworth Road (216± ac). Rezone from M-1 AF to M-1 and C-2 with a BIZ overlay on the M-1 of the western portion of the site as part of the approval for the "Entrada" Development Master Plan (an exhibit is available for review in the Planning Division). This request will establish the development pattern for a regional employment center. Via West Properties, Steven Schwarz, owner; Jason Morris, applicant. Also consider the preliminary plat of "Entrada at the Santan". **COMPANION CASES GPMInor07-08 & Z07-58. CONTINUED FROM THE JUNE 21, 2007 MEETING.**

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve the preliminary plat of "Entrada at the Santan" and recommend to the City Council approval of zoning case Z07-57 conditioned upon:

1. Compliance with the basic development as described in the DMP project narrative and preliminary plat (without guarantee of lot yield, building count, or lot coverage).
2. A noise impact study shall be required for all development applications within 500 feet of an existing or planned freeway right of way. The study shall be completed in accordance with Arizona Department of Transportation's (ADOT) Noise Abatement Policy. Measures to mitigate noise levels, as prescribed by ADOT's Noise Abatement Policy, shall be the developer's responsibility under the following conditions: (a) the freeway is an existing facility; or (b) an environmental Impact Statement (EIS) or Environmental Assessment (EA) has been completed for a planned freeway project prior to issuance of a building permit for the development project.
3. The Bonus Intensity Zone (BIZ) Overlay is conceptually approved. Final approval will be considered with site plan review.
4. Site Plan Review through the public hearing process of future development plans.
5. Compliance with all requirements of the Design Review Board.
6. Compliance with all City development codes and regulations.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. 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.
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).
10. Written notice be provided to future owners and residents, and acknowledgment received that the project is within one mile of Williams Gateway Airport.

Vote: Passed 6-0 with Boardmember Salas absent.

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MINUTES OF THE AUGUST 16, 2007 PLANNING AND ZONING MEETING

Item: **Z07-58 (District 6)** The 9000 block of East Warner Road (south side). Located south of Warner Road and west of Ellsworth Road (19± ac). Council Use Permit. This request is to allow a residential use within a C-2 district as part of a mixed-use development. Via West Properties, Steven Schwarz, owner; Jason Morris, applicant. Also consider the preliminary plat of "Entrada at the Santan". **COMPANION CASES GPMInor07-08 & Z07-57. CONTINUED FROM THE JUNE 21, 2007 MEETING.**

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board accept the applicant's request to withdraw zoning case Z07-58.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-62 (District 5)** 3941 North Higley Road. Located north and east of Thomas Road and Higley Road (3.01± ac.). Site Plan Modification. This request will allow the expansion of a cabinet shop and construction of an associated parking field. Roger Understiller, Burdette Property, LLC, owner; Design Professionals, LLC, John C. Manross, applicant. **CONTINUED FROM THE JUNE 21, AND JULY 19, 2007 MEETINGS.**

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve zoning case Z07-62 conditioned upon:

1. Compliance with Ordinance # 3865 except as amended below.
2. 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, or lot coverage).
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Review and approval of a Substantial Conformance Improvement Permit (SCIP) by the Board of Adjustment for modifications to City Code

Vote: Passed 6-0 with Boardmember Salas absent.

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MINUTES OF THE AUGUST 16, 2007 PLANNING AND ZONING MEETING

Item: **Z07-85 (District 2)** 845 and 851 North Gilbert Road. Located north of the northeast corner of Gilbert Road and Adobe Street (1.83 acres). Site Plan Review and rezone 851 N. Gilbert Road from R1-9 to O-S. This request will allow the development of a professional office condominium building. Floyd R. Fisher, Sr., owner; Paul Winegarner/PHM Ltd., applicant. Also consider the preliminary plat of "Gilbert Business Center".

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve the preliminary plat of "Gilbert Business Center" and recommend to the City Council approval of zoning case Z07-85 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, or lot coverage), except as modified below.
2. The maximum allowable medical suite area for the site shall not exceed 4,450 square feet.
3. Provide medical drop-off for medical suites in accordance with §11-15-3(C)(1)(ii).
4. Provide 30' x 30' entry plaza in accordance with §11-15-3(C)(1)(i).
5. Compliance with all requirements of the Design Review Board.
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. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-86 (District 6)** The 1300 to 1500 blocks of South Sossaman Road. (4.95± acres). Located South of Southern Avenue and west of Sossaman Road. Site Plan Review. This request will allow the development of a retail center. John D. Kothe, Vice President, Superstition Springs Commerce Park, LLC, owner; David Parker – Archicon, L.C. applicant. Also consider the preliminary plat of “Wilshire Property Group 5 Acre Parcel”.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve the preliminary plat of “Wilshire Property Group 5 Acre Parcel” and zoning case Z07-86 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, or lot coverage).
2. Pad E is to contain no more than 1,200sf of fast food uses.
3. Compliance with all requirements of the Design Review Board.
4. Full compliance with all current Code requirements and regulations, except as amended through the PAD overlay.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All perimeter street improvements and street frontage landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Regulations.
8. Recordation of cross-access easements among all lots in the subdivision.
9. All pad buildings to be architecturally compatible with the center.
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 owners/tenants, and acknowledgment received that the project is within five mile of Williams Gateway Airport.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-87 (District 6)** 6555 East Southern Avenue. Located north and west of the US 60 Freeway and Power Road. Council Use Permit. This request will allow the development of a Freeway Landmark Monument sign. Steve Wood, East Mesa Land Partnership, owner; Josh Goins, Young Electric Sign Co., applicant.

Comment: James Carpentier, Young Electric Sign Co., applicant, gave an overview of the project stating they are requesting a 90' freeway sign for the Superstition Springs Center with 864 sq.ft. of signage. He stated staff is recommending that the sign be reduced to 70' with 750 sq.ft. of signage. He stated they are proposing a compromise to 80' but want to maintain the square footage of 864 sq.ft. for signage, which is critical and important to the economic viability of the entire center. Mr. Carpentier mentioned that if the square footage were reduced as recommended by staff, it would reduce the legibility and visibility of the sign. He added that it is a legitimate and reasonable request and a good compromise, which will function reasonably well.

Steve Woods, WestCor Superstition Springs Center, applicant, added that it is important to the Center that the tenants are recognized as well as the mall; noting that they want to keep key tenants and stay competitive with other centers in the East Valley.

Joe Welliver, Planner I, gave an overview of the project stating that the reason staff is recommending denial of this case is based on the Freeway Landmark Monument Guidelines. The intent of the Guidelines is to have a landmark sign that advertises the destination and not the tenants. Mr. Welliver stated that based on their submittal staff would support a 70' sign height. Discussion ensued regarding eliminating a sign panel to increase the size of the letters.

Boardmember Carter stated that height is important for visibility to visitors to the State. He asked the applicant if they are agreeable to the 80' sign. Mr. Woods stated Yes, they feel strongly that the 80' would do what they need as long as they keep the square footage of the face. Mr. Carter asked Mr. Welliver if the freeway was depressed at this location.

Mr. Welliver responded that the freeway is depressed in this location and not at grade. He added that the Board needs to consider the development of a "Park n' Ride" center with multiple light poles that could break up the visibility of the sign from the freeway.

Boardmember Roberts stated that he struggled with this case and he looked for criteria to follow but because of the inconsistency of the Guidelines, which were unclear to him, he would be voting against this project.

Chairperson Adams agreed with Mr. Robert's comment about struggling with this case and added that erecting a monument sign that can't be read and doesn't serve its purpose did not make sense.

Boardmember Langkilde commented that there are unique circumstances with the location of this sign; adding that he was not conflicted with the Guidelines, they allow flexibility and don't have to be adhere to, that is why he moved for approval.

Mr. Welliver read into the record the conditions of approval for the 80' FLM sign. Discussion ensued regarding the conditions of approval, signs around the Valley and previously approved signs in Mesa.

It was moved by Boardmember Langkilde to approve zoning case Z07-87, to 80' with 864.18

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sq.ft. of signage, seconded by Boardmember Esparza.

That: The Board approve and recommend to the City Council approval of zoning case Z07-87 conditioned upon:

1. Compliance with the basic development of the Freeway Landmark Monument as described in the project narrative and as shown on the site plan and elevations.
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 Building Safety Division with regards to the issuance of building and sign permits.
5. Maximum sign height of 80 feet and a maximum sign area of 864.18 square feet.

Vote: Passed 5-1 with Boardmembers Roberts nay and Salas absent.

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Item: **Z07-88 (District 6)** 5850 East Still Circle. Located west of Recker Road and north of Baseline Road. (7.38± acres) Rezone from PEP-PAD to M-1-PAD-CUP, Site Plan Modification and modification of a PAD overlay. This request will allow the development of a new student housing / assisted living complex and new YMCA facility within the A.T. Still University campus. ATSU, Gary Cloud, owner; Jacques LeBlanc/Realm Design, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board continue zoning case Z07-88 to the August 23, 2007 Planning Hearing Officer Hearing.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-89 (District 6)** The 10400 to 10700 block of East Southern Avenue. Located north and west of the US 60 Freeway and Signal Butte Road. Council Use Permit. This request will allow the development of a Freeway Landmark Monument Sign. Erin Nellis, DeBartolo Development, owner; Paul E. Gilbert, Beus Gilbert, PLLC, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z07-89 conditioned upon:

1. Compliance with the basic development of the Freeway Landmark Monument as described in the project narrative and as shown on the site plan and elevations except as noted below.
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 Building Safety Division with regards to the issuance of building and sign permits.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-90 (District 6)** 2785 South Signal Butte Road. Located north and west of Guadalupe Road and Signal Butte Road (13.5± acres). Site Plan Modification for lot 5, lot 6, and lot 7. This request will allow the development of a dry cleaner, retail and day care facility. Andy Pham, Sunbelt Properties, owner; Tony Cooper, T² Architecture Group, LLC, applicant.

Comments: Tony Cooper, 5401 E. Van Buren St, Phoenix, applicant, referred questions to the Board.

Boardmember Mizner commented that the Board had received concerns from neighbors regarding the noise the daycare center would generate. He asked the applicant to explain how far away the proposed center was from the residents, hours of operations and if there were other facilities in Mesa or the East Valley.

Mr. Cooper responded that the closest residents are 100' from the building and that the playground area is about 400' from the residents to the east; adding that the self-storage building buffers the center from the residents with an 11-foot block wall and noise should not be an issue.

Ron Starkmol, 8767 Via de Ventura, Scottsdale, AZ, applicant, commented that a preschool is different than an elementary school in that the elementary school has about 600-700 children outside at one time. The preschool has 200 children maximum and they do not all go outside at the same time.

Shannon Ventitelli, 18820 N. 83rd Avenue, Peoria, AZ, Director of Mini-Skool, commented that the hours of operation are Monday through Friday 6:00 a.m. – 6:30 p.m. She stated that they usually have about 30 children outside at any one time, from 8:30 a.m. – 11:00 a.m. and from 3:00 – 5:00 p.m. rotating each classroom. Ms. Ventitelli stated that they have one facility in Gilbert, which is behind a neighborhood and they do not have any noise issues or complaints.

Boardmember Mizner asked about the proximity of the power lines to the center and if any research had been done regarding harmful effects and if there were any concerns. Mr. Starkmol responded that studies have been done, but there is nothing conclusive regarding the effects; adding that their facilities are required to be licensed by the State and if there were any concerns they would not have been granted a license.

Byran Hubbard, 2650 S. Willow Wood, Mesa, resident, spoke in opposition stating that they have concerns with ambient noise being generated by the daycare center next to a retirement community. Mr. Cooper responded to Mr. Hubbard's concern stating that there is a block wall surrounding the property; adding that sound is not an issue.

Joe Welliver, Planner I, gave an overview of the project stating that the daycare center is an allowed use in the C-2 district. He added that staff has no concerns with the noise generated by the daycare center. Mr. Welliver stated that there is adequate buffering between the daycare and the residents and staff is recommending approval with conditions.

Discussion ensued regarding the noise issues generated from traffic vs. the daycare.

Boardmember Mizner moved to approve zoning case Z07-90, stating this project is consistent with the Mesa General Plan, the zoning requirements have been met and the project would be an asset to this part of Mesa, seconded by Boardmember Esparza.

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The Board approved zoning case Z07-90 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, or 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 perimeter 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. Recordation of cross-access and reciprocal parking easements at all ingress and egress points in and between lot 5, lot 6 & lot 7.
8. All pad buildings to be architecturally compatible with the center.
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 6-0 with Boardmember Salas absent.

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Item: **Z07-91 (District 4)** 905 West Broadway Road. Located east of Alma School on the south side of Broadway Road (1.12± acres). Site Plan Modification. This request will bring the site into compliance with current standards. Larry Stickler, owner; David Lind, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board continue zoning case Z07-91 to the September 20, 2007 meeting.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: Update on West Main Street Area Plan for the community bounded by University Drive to the north, Country Club Drive to the east, Broadway Road to the south and Tempe/Mesa border to the west.

Comments: John Wesley, Planning Director, stated he wanted to inform the citizens and the public of the West Main Street Area Plan as it is nearing its completion. This process started over a year ago and staff has been gathering input from the public, working with an advisory committee, as well as a team that involves a number of different departments beside the Planning Division. He recognized staff involved in the process. Mr. Wesley stated that this is the first attempt to pull together comments from the public together with professional information on how to address Transit Oriented Development (TOD), light rail and redevelopment of neighborhoods. He stated he hoped the final document would be before the Board in September for a recommendation to Council.

Wahid Alam, Senior Planner, gave a presentation of the West Main Street Area Plan. He provided some background information on the planning area and stated that the Plan's recommendations will identify measures to direct future land uses, infrastructure planning and community facilities. He stated that Planning Staff has held meetings with the community and gave an overview of the meetings; adding that a second community meeting is scheduled for September 11, 2007. He mentioned the Board and the Downtown Development Community have been updated and staff's intention is to come back in September to get a formal recommendation to forward to Council. Mr. Alam briefly explained and highlighted several parts of the Plan. He encouraged the Board and the public to attend the meetings.

Chairperson Adams complimented Mr. Alam and staff for presenting a fine document for the Board's review.

The Board had questions, comments and concerns regarding:

- Light rail stops and the Park n' Ride station;
- Neighborhood Opportunity Areas, don't want to exclude single family homes or trailer homes from this area;
- Good high quality Plan;
- Historical section very interesting;
- One challenge is to meet the goals of the plan to accommodate higher density along the arterial roads and the transit corridors
- Lots of goals and objectives in the Plan, who will maintain the document;
- Graphics difficult to read;
- Will Plan stay as a Guidelines or become an Ordinance;
- How will upgrades be implemented, with the City's budget issues;

Mr. Alam briefly addressed questions and concerns regarding:

- Create a committee to help facilitate the Plan;
- Funding;
- The Plan will stay as a policy document, by resolution; adding that all Sub Area Plans are policy documents.

Mr. Alam added that he would have more information in the future.

Mr. Wesley also addressed the following concerns stating that funding would be an issue that the City will continue to work on. He also mentioned that it would help to have the citizens involved in the process and keep looking at the Plan as the City goes forward. Mr. Wesley also

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mentioned that this is a policy document that will be referred to; adding that this plan is different because it has elements of both residential and business. He stated that staff anticipates a TOD ordinance to be created as part of the Zoning Code update.

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Item: Review and discuss a proposed amendment to the City of Mesa Zoning Ordinance to add a new zoning district entitled "PC – Planned Community". The proposal would amend Section 11-2-1 by adding a new category of land use districts, "Mixed Use", and include PC – Planned Community as one of the districts under that category; and may amend Chapter 11-18, as needed, to facilitate the processing and administration of this proposed zoning district. It will also add a new chapter, 11-9.1, and associated sections, as needed, to fully describe the purpose and intent; administration, processing and implementation; and any associated land use, building form, design and/or site planning requirements, as needed, to implement this proposed zoning district. **CONTINUED FROM THE JULY 19, 2007 MEETING.**

Comments: Gordon Sheffield, Zoning Administrator, stated that staff is trying to get guidance to develop language for the Planned Community District (PCD). He asked the Board questions on the bolded areas of the outline that he passed out at Tuesday's study session. He explained the current zoning process vs. the proposed new zoning district, in which the developer would organize their Plan based on how the land uses will be arranged with much larger parcels; adding that the idea would be to try to figure out where the infrastructure would go in order to support the development and also subdivide the larger area into smaller units so it would be understood where the land uses would be placed.

Item II – General Plan & Minimum Area Requirements for PC (**160 acres minimum**)

The Board had questions, comments and concerns regarding:

- Where did the minimum 160-acres come from and is 160-acres large enough.
- If the 160-acres have other uses on it, does it still qualify;
- Does the 160-acres just apply to vacant land;
- What is the difference between a Development Master Plan (DMP) and this new district;
- When does staff know what sort of facility will go in, and who is the body that actually reviews it;
- Can the 160-acre requirement be waived if a developer does not have the minimum acreage required to apply for a PCD.

Mr. Sheffield responded that:

- The 160-acre is a "guess" as to how big a site is necessary to organize a community as opposed to an individual development;
- Any piece of land would be eligible for rezoning as long as it met the minimum threshold required to make that application;
- Specifics would be known during the Site Plan Review (SPR) process, which is the third level of planning;
- The minimum acreage would not be waived, but hoped Council would adopt a "sister" zoning district that would make up the 0-160 acreage that is required.

Mr. Sheffield also explained that there would be citizen notification for three levels of the review process (Community Plan, Development Unit Plan and Design Review); adding that the SPR process would be done as an administrative basis and that there would be no citizen notification for an administrative review by the Planning Director.

Item III b.iv. – Transferability between Development Units in same Community Plan.

Mr. Sheffield explained the current process for a DMP and stated that under the new district, if they have unused development potential in one particular Development Unit, they can transfer it from one Development Unit to another Development Unit.

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Item IV. a. iii. – **Citizen Participation Plan (What distance for notification radius?)**

The Board had questions, comments and concerns regarding:

- Would there be citizen participation of the SPR and would that notification be of just that Development Unit or would it be extended to the entire PCD zone;

Mr. Sheffield responded that:

- They are currently playing with a 1000' notification radius and wants to know if that radius is sufficient, or should it be larger or smaller;
- There would be citizen notification for the PCD and the Community Plan (1st level), for the Development Unit Plan (2nd level), and there may or may not be at the SPR (3rd level); adding that the 1000' notification is in conjunction to the regular notification process.

Discussion ensued regarding the radius of the 1000', where it would start and end, what other cities have established, and notifying HOA's or adjacent communities beyond 1000'.

John Wesley, Planning Director, commented that the official notification area for a public meeting is 300' by State Statute. Staff is proposing to move this to 1000' for this type of development. He explained the process that is currently used; adding that staff would have a lot more flexibility in working with the applicant and setting up distances for notifications.

Item VI. c. iii. – **Use of Floor Area Ratio (FAR) for non-residential uses**

Mr. Sheffield stated that staff is proposing to use Floor Area Ratio (FAR) as a means to calculate non-residential uses. He explained the process for using this method. He added that they will use ranges and asked that there be a minimum and maximum set for each case.

The Board had questions, comments and concerns regarding:

- Excellent tool to use;
- Use illustrations in the Code rather than just language;
- Will minimum FAR be mandated to encourage intensity;

Mr. Wesley clarified that staff is not looking, in terms of this PCD enabling legislation, to suggest what minimum FAR should be, it would be determined by each individual application.

Item VII. a. – **Review by the P&Z Board or PHO**

The Board had questions, comments and concerns regarding:

- Why would Development Unit Plans be reviewed by the Planning Hearing Officer;

Mr. Sheffield responded that:

- There might be some Development Unit Plans that are straight implementation of the Community Plan and non-controversial, that would be a decision that would either be specified in the Community Plan or made by the Planning Director, as opposed to coming through the Board.

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Item VIII. a. Certain Site designated for SPR by Design Review Board (DRB)

The Board had questions, comments and concerns regarding:

- Sites designated for SPR by DRB, will this be amending DRB's tasks
- DRB would not be precluded from reviewing esthetics, etc.;
- Have no problem with the PHO making decision;
- DRB involvement, appropriate;
- If there are Community Plans that are potentially controversial, the Board will have an opportunity to make comments;

Mr. Sheffield responded that:

- This would amend and give DRB a little more authority and explained the process;

Mr. Wesley commented that staff anticipates, in the enabling legislation, the ability to attach conditions of approval to cases.

Item X. Amendments to PC District and Community Plan

Mr. Sheffield explained that there will be major and minor amendments and if the percentage that they transfer into an area exceeded a certain amount, then it would be a Major Amendment to that Development Unit Plan and the Community Plan, which would go all the way to Council, but if it's less than 10%, then it would be a Minor Amendment and could be done on an administrative basis through the Planning Director, given some criteria.

Grady Gammage, 2 North Central, Phoenix, AZ, attorney for DMB, addressed several questions asked by the Board regarding minimum sizes in other communities. He commented on the citizen participation plan stating that when you see a PCD proposal, it's a very thick document, which will explain what is permitted in each Development Unit. PCD's are much more heavily negotiated in terms of what's in the document; adding that the documents can be modified and what you're seeing is just the enabling mechanism to make this possible and each PCD will be different to create flexibility. He stated that the PCD has to go through the full zoning process.

Discussion ensued regarding the amount of time permitted to review the entire document, bringing it to the Board in a timely manner and setting deadlines for submittals of PCD's.

Mr. Sheffield explained that reviewing the document will be staff's job, the developer will come forward with a proposal for a Community Plan, staff will have an opportunity to review the Development Unit Plan, review it against what was approved for the Community Plan and call out those areas of discrepancies for the Board to review.

It was moved by Boardmember Mizner, seconded by Boardmember Roberts

That: The Board continue this code amendment to the September 20, 2007 meeting.

Vote: Passed 6-0 with Boardmember Salas absent.

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Note: Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.cityofmesa.org

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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