

## CITY OF MESA

### MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date February 19, 2004 Time 4:00 p.m.

#### MEMBERS PRESENT

Marty Whalen, Chair  
Mike Cowan, Vice-Chair  
Rich Adams  
Barbara Carpenter  
Alex Finter  
Bob Saemisch

#### MEMBERS ABSENT

Pat Esparza (exc.)

#### OTHERS PRESENT

John Wesley  
Dorothy Chimel  
Ryan Heiland  
Scott Langford  
Lois Underdah  
Maria Salaiz

Richard McAllister  
Lesley Davis  
Wahid Alam  
Veronica Gonzales  
Tom Ellsworth  
Charlie Scully

Jim Smith  
Ray Mehan  
Ralph Pew  
Susan Guthrie  
Dave Udall

Chair Whalen declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated February 19, 2004. Before adjournment at 6:00 p.m., action was taken on the following items:

It was moved by Boardmember Cowan, seconded by Boardmember Finter that the minutes of the January 15, 2004 meeting be approved as submitted. The vote was 6-0 (Esparza absent).

It was moved by Boardmember Adams, seconded by Boardmember Cowan that the minutes of the January 13, 2004 public meeting and the January 15, 2004 public hearing for GPMinor 04-01 be approved as submitted. The vote was 6-0 (Esparza absent).

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch that the consent items be approved. Vote 6-0 (Esparza absent)

Zoning Cases: Z03-66, Z04-05, \*Z04-10, \*Z04-11, \*Z04-12, \*Z04-13, \*Z04-14, \*Z04-15, \*Z04-16, \*Z04-17, \*Z04-18, \*Z04-19, \*Z04-20, \*Z04-21, Z04-22

Preliminary Plat: Hermosa Vista Estates

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Item: Z04-22 (District 5) The 6000 – 6200 block of East McKellips Road (north side) and the 6200 – 6400 block of East Hermosa Vista Drive (south side). Located north of McKellips Road and east of Recker Road (47 ac + ). Rezone from R1-6 DMP and R-4 PAD-DMP to R1-6 PAD-DMP; also modification of a Development Master Plan. This case involves the development of a residential community. Shelby Futch, owner; Ray Mehan, Mehan Construction, and Shelby Futch, applicants. Also consider the preliminary plat of “Painted Mountain Townhomes.”  
COMPANION CASE – GPMINOR04-02

Comments: David Udall, representing the applicant, stated that many meetings had taken place on this project and an agreement had been reached where concessions were made by the developer. He pointed out that zoning was approved at R-3 for “resort villas” in 1985 and the DMP established. He stated that the density being proposed was much lower (5.13 du/ac) than that which had been allowed with the previous zoning. He showed photos of the present golf course and desert landscape and some “before & after” photos of what was being proposed.

John Michael (2342 N. 63<sup>rd</sup> Pl.) stated they had been working with the developer to try and get some concessions, adding that supposedly there is an agreement but he had not seen any signatures on it and doesn't know if its going to be incorporated into the approval. Providing that it is properly documented and recorded and included in the total package he would have no objection to it.

Connie Newburg (2312 N. 63<sup>rd</sup> Pl.) stated that they had just moved in and had paid a lot for the golf view that now would be gone. They are not in favor of new housing because they would like to keep as much of the view as possible.

Robert Treat (6246 E. Hermosa Vista) stated that he is much happier with the new density Mr. Udall had mentioned but would like to see it drop more. Another concern is the possibility of more traffic on Hermosa Vista.

Betty Benzie (2109 N. Recker Rd.), President of the Camelot Country Club Estates Association, stated that the residents are opposed to the development but they have been working with the developer and have reached some tentative agreements. She noted that those agreements are contingent on what the Board decides. Ms. Benzie mentioned that one of the stipulations they had agreed upon was a 30-year agreement to keep the 18-hole golf course.

Bill McCullough (6502 E. Mills St.) stated that he and his wife had not signed the agreement because there is a retention area that they want to be sure will be maintained. He added that if the terms of the agreement were approved they would have no problem with the project.

Jonathan Haley (2322 N. 63<sup>rd</sup> Pl.) stated that he had owned 8 pieces of property on the golf course. He asked that, if the project were approved, the terms of agreement be incorporated.

June Treat (6246 E. Hermosa Vista) stated that the neighbors around the perimeter are 100% against the project.

Robert Rowland (2329 N. Recker Rd. #19) stated that he was speaking for Country Club Estates (on the north side of the project) and that they, as a group, opposed the project.

Dede Perkins (2329 N. Recker Rd. #86) read a letter from Bob & Dottie Gawley, which had been given to Boardmembers prior to the meeting. The letter stated they (the Gawley's) had reviewed the plans proposed and visited Tuscano Villa. It also stated that their concerns were

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that this project be compatible and appropriate for the surrounding area and that it be well designed and constructed to maximize values.

Rob Terrell (3455 E. Longhorn Dr., Gilbert) acting as a Neighborhood Negotiator. Mr. Terrell addressed concerns regarding density, stating that the transition was excellent. He mentioned that research had shown that surrounding projects range anywhere from \$100-150,000. On the north the average is \$240,000 and in Apache Lakes just under \$165,000.

Gay Bowen (6144 E. Minton Pl.) stated that her property value is tied to the neighborhood and she supports this development. She added that she is a golfer and conditions have improved over the last few years and she believes beautification will continue with this project.

Greg Bowen (2042 N. 63<sup>rd</sup> Pl.) stated he is an employee of Mr. Mehan and also lives in the area. He added that he and his wife are in support of the project.

David Udall urged Boardmembers to vote in favor of the project.

Ryan Heiland (Staff Planner) addressed the concern of a resident concerning traffic into and out of the site. Mr. Heiland explained that there are three driveways into the development. Two along McKellips Road, one on the eastern portion of the site, which can be used for ingress and egress. Further west there is another drive that is exit only. Both are gated entrances so there will not be any conflict in that area. There is a third gated exit off Hermosa Vista that will be controlled by a "Knox Box" remote controlled by emergency vehicles and solid waste. That will effectively eliminate all public traffic on Hermosa Vista from this project. The City of Mesa Transportation Division has reviewed this project and they do not have any concerns with it, but did require a right-turn lane off McKellips for the main entrance. That should help to alleviate some of the traffic in this area.

Mr. Heiland stated that in 1985 the majority of the Camelot Master Plan was annexed into the City of Mesa. Also in 1985 it was rezoned. He explained that in looking at the uses allowed for that zoning, golf courses was listed along with single-family homes, town homes and condominiums. He added that it was very clear and designates the areas in which the single-family homes and town homes are to be located and that the subject site is designated a golf course.

He mentioned that the case has many merits and the site plan many positive aspects, however staff is recommending denial for this case in order to maintain the integrity of the DMP as well as the integrity of that open space. Another reason for recommending denial is because of the significant neighborhood opposition that the case has seen. The area to the east of the project does not have a Homeowner's Association or an "umbrella group" which covers a large group of residents, so it was difficult to determine a neighborhood position on the proposal.

Mr. Heiland stated that Staff would like to recommend that the Board utilize the opportunity to speak to the residents and truly understand their concerns regarding this case. Mr. Heiland addressed the residents and thanked them for their participation in this case, adding that from the first day they have been consistent and persistent in expressing their views.

Boardmember Saemisch asked if staff was suggesting that the 1985 plan was superior to that being proposed.

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John Wesley (Planning Director) stated that the DMP was approved back in 1985 and with that there were certain conditions. The immediate community and the community at large had expectations as to how that would develop out in balancing the densities of housing vs. open space that would be available. He added that as Staff looks at amendments to any DMP they look carefully to see if what's being proposed is going to be in keeping with the original approval or direction intended, or if it is deviating from that. In this case you see a large open area that is going to be turned to residential use.

Mr. Wesley commented that it has been a tough one for Staff to deal with because it does look like a quality plan but, given that DMP and the amount of opposition up to this point, Staff felt it had to give that some weight to maintaining that open space that was originally programmed throughout this development. That's not to say it couldn't be changed if you find there are good reasons to go with the changes pointed out and the area around it is supportive at this point.

Mr. Saemisch stated his understanding is that they are exchanging open space for development space and asked what would be the negative side of this design vs. the original design. Is it the open space portion? Mr. Wesley responded yes. Mr. Saemisch asked how much open space would be lost? Mr. Wesley responded 35 acres. Mr. Saemisch stated he was having trouble understanding a definitive statement that says "we prefer the original site plan" adding that there were problems with the original site plan -- density problems, height issues, access issues -- and he did not understand more than just the open space issue.

Mr. Saemisch asked if the reason for denial is that Staff wants to see the original site plan built. Mr. Wesley responded that this had been a difficult one to deal with because we understand the condition of the golf course has not been everything you would like to see. We saw some pictures of the condition. The proposal would help to improve the overall course as far as the project, so there certainly are a lot of positives from that for the overall site. Because of the input we have been receiving from the public, saying that the original DMP was what they wanted to see maintained, we thought that at this time we would recommend voting against approval.

Mr. Saemisch noted that he was not convinced the public really understood the plan, other than that they maintained the open space as it is now and that's what they are relating to, not to a master plan. If they were to see the densities that were proposed in there they would be flabbergasted if they could visualize them. I'm concerned that that reality is not sinking in and maybe we should be doing a better job of showing them just what that effect is and also ourselves to show us what the effects of the original DMP is since that's what you're proposing.

Boardmember Carpenter stated that she was surprised and disappointed to hear reference to an agreement without anyone stating what those conditions are verbatim, adding that she wouldn't even consider adding conditions unless she knew what they were.

Boardmember Adams stated that he had not seen a case laid out like this before. While reading through it he had expected to find an approval at the end, and he didn't. He asked if staff were addressing a land-use issue and said he was not sure why the integrity of the DMP was favored over the proposed use and was not clear if this was a denial on a land-use basis only or was it the number of protests? Mr. Wesley responded that when a DMP is approved the overall development is looked at in terms of the amount of development that is going to occur, what types of open space and amenities are going with that. It is developed as a package, and this package included this golf course and now the request is to eliminate part of that original approval and it is a fairly significant deviation from what was the original approval. Its not that we can't change and deviate from that original approval but when you combine that with the

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community around that who have bought and developed and lived there with an understanding that this is the direction in which the DMP is going and now they are opposing that change, we felt we had to go ahead and give that weight in this case.

Mr. Adams asked if Staff was suggesting that the owner doesn't have the ability to petition for that change? Mr. Wesley responded no, they can make any application. Given what Staff understands the quality of the design to be and the open space that goes with it Staff thinks it is a good plan and could easily be approved, that's why the staff report seems to be going toward approval, because there are some good things to go with it.

Chair Whalen suggested perhaps this was a better plan than the old plan but because of neighborhood opposition Staff was going to accede to it.

Ryan Heiland stated that he had the agreement if Boardmember Carpenter wished for him to go through it point by point.

Boardmember Carpenter stated that she had expressed her disagreement with several of those points as being appropriate for inclusion in a city document. Some of those conditions are more appropriate to an agreement between private parties and the City has no business getting into those things. She added that none of this was proposed through staff, it was proposed privately. Staff has given us potential conditions, which are fairly standard, should we want to go ahead with this case. But they don't address anything that the developer and the neighborhood discussed. She added that she would not go into detail publicly on a discussion of this until it's presented as something that they want us to make a motion to approve. Everyone here attending this meeting as well as those watching on Channel 11 need to hear verbally what those conditions are and this case could take us until midnight.

Chair Whalen stated he did not want to stay until midnight but would stay in order to complete the case.

Boardmember Finter stated he liked the project, he thought it was consistent with the General Plan, the increased amount of green. He added that he was leaning in the direction of approval.

Boardmember Adams stated he would be in favor of having a letter read into the minutes.

Chair Whalen stated he shared Ms. Carpenter's concern regarding some of the details, adding that he did not know how you would make a zoning condition "base price at McKellips would be at a minimum of \$150,000" on value or quality. Generally speaking that is fine for neighborhood use but to use it as a zoning condition is difficult.

Mr. Udall stated that they would be prepared to put square footages on the dollar values and make that change if it is agreeable to the Board.

Boardmember Adams stated he did not know if they could properly debate the letter if it is not made a part of the proceedings. Mr. Udall stated they would offer it as part of the proceedings and agree to be bound by it.

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Boardmember Carpenter stated that before they get to that point she wished to address the neighbors concerns because she did not wish them to think she was not considering that. She stated there were 271 pages in the packet for that case, that they had every e-mail, every letter in the packet and some who were still holding on to wanting this case denied are doing so in the hopes that nothing will be built on that 9-hole golf course. That is not the issue – they have permission to build on that golf course, they always had. I am in agreement with what I see being proposed, especially with the changes. It's far better than what you would get if we denied this. I just hope those of you who are still very emotional and feel very strongly don't see this as siding with one or the other, for or against, a certain neighbor or developer, but it is the project that's better for your whole neighborhood and I would hope for your property values. That is one thing I will object to. I will object to any reference to government control over what these properties will be valued at, a dollar value, we have no business doing that in my opinion.

Chair Whalen asked Mr. Wesley what would be the best possible way to go on that. Mr. Wesley responded that they might want to get the City Attorney and get some of his input as those items really aren't appropriate to be in there.

Jim Smith, City Attorney, stated that it sounded as if the developer was willing to bind himself to the terms and some of them, including the concept that they would use the golf course as a golf course for 30 years. That would be something you would usually see in a deed restriction, and it sounds as if Mr. Udall is willing to place these things in a deed restriction. What portions or specific numbers would the Board like to see placed in a deed restriction and taken out of the conditions of approval.

Dorothy Chimel, Principal Planner, stated that there were conditions that could be applied to the zoning ordinance itself. She referred to conditions 4, 5, 7, 8, 9 and 10 as being specific to the zoning case. For the other items, arrangements could be made for some dialogue through the Subdivision Technical Review Committee. The commitment has been made tonight that there will be adherence to this agreement that was made with the neighbors and the neighbors have signed it. We can keep the neighbors apprised when the committee meets so they can attend the meeting and be knowledgeable as to what is transpiring as this progresses though the platting process also.

Of those conditions referenced:

- #4 speaks to the height of the architectural elevations of the home not exceeding a certain height above the PAD elevation, that being 22' and that fill dirt from the existing golf course would not be used to increase the height of the finished floor.
- #5 talks about no second stories on the inner 9-hole golf course site, no stairs in the home, excluding basements. This does not apply to the existing driving range site plan.
- #7 exterior walls facing the golf course will be no more than one and one-half feet of masonry with a wrought iron railing, meeting City Code requirements- that would be especially pertinent when there might be an adjacent pool.
- #8 talks about the exterior color schemes to be earth-tones, to be aesthetically pleasing and architecturally approved with design to match the surrounding environment. We have residential guidelines we also apply to every project in Mesa that is along the same lines and we are very effective in enforcing those guidelines.

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- #9 restrictions for the storage of RV's, boats, etc.
- #10 No more than 5 house exterior plans

Chair Whalen asked how the elevations would be handled. Ms. Chimel responded that there are residential design guidelines that are pertinent to all subdivisions that could be applied here. She added that, when reviewing the elevations at a staff review level, they appeared to be quite attractive and there are staff members specifically assigned to reviewing all elevations. Ms. Chimel stated that she felt comfortable that this was a quality project as far as the design of the exterior elevations. If the recommendation should be for approval the very first condition should be Compliance with the basic development as described in the project narrative and as shown on the revised site plan.

Ms. Chimel informed Boardmembers that Design Review cases are now required to provide notification to surrounding property owners. There has been so much interest in this case that staff will make every effort to ensure that the neighbors are made aware of the Design Review Board meeting. The discussion at the Design Review Board is on the elevations and the design. It is not on if this would be an appropriate land use at this location.

Mr. Smith stated that he had spoken with Mr. Udall and the applicant would be agreeable to placing certain items in deed restrictions subject to Mr. Udall's stipulation that he will include in a deed restriction all of the terms included in the February 15, 2004 letter, except those identified by Dorothy Chimel.

Boardmember Saemisch stated that he thought this was a superior design in a space that's been in a stable deteriorating condition for a long time. It is getting a conception of what never was really understood when it first started as a master plan. It is giving the impression that there will always be a lot of open space there, but it was always intended to have much higher densities. He added that if they had the higher densities that were originally proposed, maintaining the original DMP, he did not feel they would be happy. He added that he felt they were insulated from a high-density problem that could have been and that this was a superior design, adding that they will be protected by the Design Review process, which also allows public input.

Boardmember Carpenter stated that she wished to thank everyone for all the effort they put into making the place better - the neighbors, the residents, the developer and everyone who worked for him. She added that she had attended the first neighborhood meeting and there were 121 neighbors there. Ms. Carpenter mentioned that any student of public policy knows that public policy is a messy business but it is always nice when the mess gets refined and everyone leaves with some degree of satisfaction. She advised that you are never going to get everything you want and it's a hard lesson to find out that something was there that you didn't think was there and it's very emotional. There is potential where I live for that to happen, a real strong potential. Ms. Carpenter thanked everyone for coming out and dealing with the messy business and asked them to maintain their integrity while they work out their deed restrictions.

Chair Whalen stated that these cases are always difficult because there is a great deal of legal interest on one side of the table and a great deal of vested interest and emotional interest on the other side. He added that if you stop and reflect this proves that the Citizen Participation Ordinance and process that we have in place works, because this case has changed a lot since the first minute that a pencil was put to paper on it. He commended the developer for making

major concessions and trying to accommodate the people. Mr. Whalen stated that he was

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pleased with the outcome of this case, that he wished it could be to the liking of all of the neighbors.

It was moved by Boardmember Saemisch , seconded by Boardmember Finter

That: The Board approve and recommend to the City Council approval of zoning case Z04-22 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the revised site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines.
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. 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).
8. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
11. The applicant has further stipulated and agreed to the following terms and conditions:
  - a. Review and approval of product elevations and exterior color schemes, which are to be earth tones, by the Design Review Board.
  - b. The applicant shall enter into a deed restriction for the benefit of the property owners adjacent to the development reflecting the stipulations found in paragraphs 1, 2, 3, 6, 9, 11, 12, 13, 14, and 15 of the Neighborhood Agreement For Painted Mountain Townhome Project dated February 15, 2004.
  - c. The height of the architectural elevations of the homes not to exceed 22 feet from finish floor elevation.
  - d. For that portion of the subdivision located on the existing nine-hole golf course, all homes are to be one story only above finish floor elevation.
  - e. Walls and fences along the Golf Course shall be wrought iron over a masonry wall. Height of masonry wall portion not to exceed 1.5 feet and overall fence height not to exceed 6 feet.
  - f. For that portion of the subdivision located on the existing nine-hole golf course, provide no more than five standard product plans with multiple elevations.

Vote: Passed 6-0 (Esparza absent)

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Reason for Recommendation: The Board felt this project was well designed and would be compatible with the surrounding development.

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Item: **Z03-66 (District 2)** The 2500 block of East Southern Avenue (north side) Located north and west of Southern and Lindsay (1.26 ac.). Rezone from R1-43 to O-S. This request is for the development of a medical office building. S.L.A.M. (Drs. Thomas Sulton, Cynthia Lowe, James Anderson, and Richard Merkley), owner; Marty Fifer, applicant.

Comments: This item was removed from the consent agenda by Boardmember Finter who stated that he would not be participating in discussion or voting on this case.

It was moved by Boardmember Carpenter, seconded by Boardmember Adams.

That: The Board approve and recommend to the City Council approval of zoning case Z03-66 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
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, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Design Review Board.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 5-0-1 (Esparza absent, Finter abstaining)

Reason for Recommendation: The Board felt this proposal was compatible with adjacent office and residential uses.

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Item: **Z04-05 (District 6)** 517 South Higley Road. Located south of Broadway Road and east of Higley Road (12.69 ac.). Rezone from AG to R1-6 PAD. This request is for the development of a single residence subdivision. Donald R. Allison, Monogram Development Services, L.L.C., owner/applicant. Also consider the preliminary plat of "Heritage Pointe."  
**CONTINUED FROM THE JANUARY 15, 2004 MEETING.**

Comments: Ralph Pew, representing the applicant (Monogram Development) gave an overview of the project. He stated that this is an infill parcel that complies with the General Plan and the project meets the design criteria for the residential design guidelines. He added that the applicant concurs with the findings of the staff report and agrees with its conditions, including the added stipulation, which requires that the homes on the eastern and southern boundaries be single-story in nature.

Jennifer James (511 S. Higley Road) stated that she owned two properties and if they took her easement road it would land lock the property behind her house, which is another home.

Theresa Long (5264 E, Catalina Avenue) stated that she was in favor with the imposed restriction on single-story homes bordering Catalina and Sunnyvale.

Arthur Peterson (5320 E. Catalina) stated that he likes things the way they are and is not in favor of more noise, or traffic along Higley Road. He added that if the project were to be built he would request that only single story homes be allowed along Catalina and Sunnyvale.

Ronn Walker (520 S. Sunnyvale) stated that he was in opposition of two-story homes. He added that the eucalyptus trees housed a speckled owl and a set of falcons.

Boardmember Saemisch asked if they had submitted a landscaping plan showing the landscaping next to lots 54 and 55. Mr. Pew responded he thought they had submitted a landscape plan, adding that they intended to do what is shown on the drawing.

Dorothy Chimel (Principal Planner) stated that what had been presented with the packet was a concept drawing showing generally where the landscaped areas would be. On corner lots in subdivisions, residential guidelines would require that the end-cap be 10% wider to accommodate some area for landscaping. The plan that is shown has dimensions of 54 feet versus 45 feet that is on the tier of internal lots. There is an opportunity to direct staff to look carefully at the landscape palette when it comes through.

Richard McAllister (Staff Planner) stated that staff's position is to recommend approval with conditions.

Boardmember Carpenter stated that the conditions of approval would limit southern and eastern lots to one story, that should alleviate Ms. Long's concern.

It was moved by Boardmember Saemisch, seconded by Boardmember Cowan

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That: The Board approve and recommend to the City Council approval of zoning case Z04-05 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. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
8. Limit southern and eastern tier of lots to one story housing product only.
9. Raise existing perimeter wall along the south and east property lines by one to two courses of block.
10. Staff review and approval of a detailed landscape plan.

Vote: Passed 6-0 (Esparza absent)

Reason for Recommendation: The Board felt this proposal was in conformance with the 2025 General Plan and would be compatible with surrounding uses.

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Item: **Z04-10 (District 3)** The 2900 block of South Alma School Road (west side). Located south of Guadalupe Road. Site Plan Modification (5± ac.). This request is to allow the development of a new drive-through restaurant. SWC Guadalupe+ Alma School Road Limited Partnership (Gary Davidson); owner; Paul Gilbert, applicant. **CONTINUED FROM THE JANUARY 15, 2004 MEETING.**

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approved the withdrawal of zoning case Z04-10, as requested by the applicant.

Vote: Passed 6-0 (Esparza absent)

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Item: **Z04-11 (District 6)** 5416 and 5424 East Southern Avenue (3.4 ac ± ,). Located north of Southern Avenue and east of Higley Road. Rezone from O-S to O-S PAD. This case involves rezoning to facilitate condominium ownership on an existing building. David Rothberg (Manager), owner; Clare Abel, applicant. Also consider the preliminary plat of "Superstition Springs Square II."

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-11 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 except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: Passed 6-0 (Esparza absent)

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Item: **Z04-12 (District 5)** 2835 North Power Road. Located north of McDowell Road and East of Power Road (3.9 ac. ±). Rezone from C-2 DMP to C-2 PAD DMP. This request is for the development of office condominiums within an approved center. Sam Sprague/Power and McDowell Associates, LLC, owner and applicant.

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-12 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
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. All street improvements, including entire Power Road and McDowell Road frontages, and perimeter landscaping for the Eckerd Drugstore parcel to be installed in the first phase of construction.
5. Compliance with all requirements of the Design Review Board, to include citizen participation: Notification to include The Board of Directors of the Las Sendas and Spookhill Homeowners Associations. This shall include full compliance with the landscape requirements for arterials.
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.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a Comprehensive Sign Plan.
9. Plant material within the right-of-way shall meet the requirements of Section 11-15-3-A.

Vote: Passed 6-0 (Esparza absent)

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-13 (District 6)** West of the southwest corner of Southern Avenue and Ellsworth Road. (3.27 ac. ±) Rezone from AG to C-2. This request is for the development of an auto service building. Russell Scaramella, owner; Vince Dalke, V.P. Archicon L.C., applicant.

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-13 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 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 Land Split, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Design Review Board, to include citizen participation.
6. Compliance with all requirements of the Land Split process.
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 Land Split, prior to the issuance of a building permit).
9. Installation of the five-foot landscape strip shown along the proposed property line between the proposed developments with the initial construction.
10. The service bay doors along the rear (south) elevation are to remain closed except to bring vehicles in or out of the building.

Vote: Passed 6-0 (Esparza absent)

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-14 (District 2)** 1102 North Val Vista Drive. Located south of Brown Road and west of Val Vista Drive (0.36 ac. ±). Rezone from O-S to R1-9. This request is for the development of a single residence lot. Tydam LLC; Tyson M. Tibshraeny, owner; Ray W. Syder, Ray Quality Homes, Inc., applicant.

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-14 conditioned upon:

1. Compliance with the basic development as described in the project narrative.
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. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (prior to the issuance of a building permit).

Vote: Passed 6-0 (Esparza absent)

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-15 (District 6)** Southeast corner of Southern Avenue and Higley Road (13.39 ac. ±). Site Plan Review. This request is for the development of a commercial shopping center. Richard F. Cavanaugh, Southern and Higley Realty Partners, LLC, owner; Nick Wood and Reese Anderson, Snell and Wilmer, applicants.

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-15 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. Site Plan Review by the Planning and Zoning Board and City Council of future development plans for Pad 2.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.) including the installation of additional trash enclosures if deemed necessary by the Solid Waste Division.
6. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
7. All street improvements and perimeter landscaping to be installed in the first phase of construction.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. All pad buildings to be architecturally compatible with the center.
10. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
11. Retention basins to be 6:1 slopes maximum where adjacent to public rights-of-way and pedestrian walkways.

Vote: Passed 6-0 (Esparza absent)

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## MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-16 (District 6)** 5800 E. Still Circle. Located north of Baseline Road and west of Recker Road (9.15 ac. ±). Site Plan Review of PEP, PAD parcel. This case involves the development of a medical office complex as part of the Arizona Health and Technology Park. A.T. Still University, owner; Tim Becker, Alter Group, applicant.

Comments: This case was removed from the consent agenda because there were people present who had requested an opportunity to speak to the Board. All withdrew their requests when they understood the conditions.

It was moved by Boardmember Cowan, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z04-16 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 requirements of the Design Review Board.
3. Compliance with the approved project design guidelines for the Arizona Health and Technology Park, including all buildings, landscaping, signage, lighting, pedestrian facilities and site improvements.
4. Compliance with all City development codes and regulations.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. 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.
8. All street improvements and perimeter landscaping to be installed with the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Provide documentation of recordation of cross-access and reciprocal parking easements between Lots 1, 2 & 3 with submittal of construction documents.
11. For shared access from South Sunview Street, provide documentation of recordation of a shared access easement and cross-access easements between Lots 1, 2 & 3 and the adjacent properties to the south fronting on Baseline Road.
12. Maintain the recorded one-foot non-vehicular access easement along the entire frontage of Recker Road with the Preliminary Plat.
13. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
14. Retention basins to be 6:1 slopes maximum where adjacent to street frontage.
15. A maximum of ninety percent (90%) of the gross floor area for the overall development may be used for medical or dental offices or outpatient clinics and ten percent (10%) of the gross floor area for permitted non-medical commercial uses.
16. Parking lot landscape islands may be installed up to seventeen (17) spaces apart with covered parking structures covering the fifteen (15) interior parking spaces.
17. The parking lot may encroach up to eight (8) feet into the required twenty (20) feet wide landscape yard abutting Recker Road for that portion as indicated on the site plan.
18. Prior to submitting construction documents provide the Planning staff with a complete street frontage landscape plan in conformance with the Zoning Ordinance and the project design

MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

guidelines for the Arizona Health and Technology Park for those areas abutting the required street improvements.

Vote: Passed 5-0-2 (Esparza absent, Finter excused prior to this case)

Reason for Recommendation: The Board felt this proposal was in keeping with the over-all development of the PEP.

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-17 (District 5)** The northeast corner of North Sossaman Road and East Willetta Street. South and East of Sossaman and McDowell (2.86± ac.). Rezone from Maricopa County R1-35 to City of Mesa R1-35. This case involves the establishment of City zoning on recently annexed property. Aaron David Smith, owner; City of Mesa, applicant.

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-17 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.

Vote: Passed 6-0 (Esparza absent)

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-18 (District 6)** The northwest corner of South Signal Butte Road and East Pecos Road. (36.37± ac.). Rezone from Maricopa County Rural 43 to City of Mesa R1-43. This case involves the establishment of City zoning on recently annexed property. Clark Fox, David Jarvis, owners; City of Mesa, applicant.

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-18 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 6-0 (Esparza absent)

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-19 (District 5)** Area south of East Hermosa Vista Drive to East McKellips Roads, and west of North Sossaman Road to the Central Arizona Project Canal. (150.2± ac.). Rezone from Maricopa County R1-35 and R-18 to City of Mesa R1-35 and R-15. This case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant.

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-19 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.
3. Minimum lot size shall be 18,000 sq. ft. within the R1-15 zoning district

Vote: Passed 6-0 (Esparza absent)

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-20 (District 5)** Certain properties south of University Dr. and east of Crismon Rd. between N. 101<sup>st</sup> Cir. and 102<sup>nd</sup> St. (2.4± ac.). Rezone from Maricopa County R1-8 to City of Mesa R1-9. This case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant.

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-20 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.
3. Compliance with the Residential Development Guidelines.
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.

Vote: Passed 6-0 (Esparza absent)

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-21 (District 5)** Areas on the east and west sides of Ellsworth Road north of Main Street. (38± ac.). Rezone from Maricopa County R1-8, R-2 RUPD, R-5, C-2, and C-3 to City of Mesa R1-9, R1-6 PAD, and C-2. This case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant.

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-21 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.
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.

Vote: Passed 6-0 (Esparza absent)

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Item: Southwest corner of Hermosa Vista Drive & Hawes Road. This project involves the development of a single residence subdivision. Fitch & Nesbitt Family Limited Partnership (Thomas Nesbitt), owner; Jim Carlson, US Land Development, applicant. Consider the preliminary plat of "Hermosa Vista Estates" (38.77 ± ac.).

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

It was moved by Boardmember Cowan, seconded by Boardmember Saemisch

That: The Board approve the preliminary plat "Hermosa Vista Estates" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat (without guarantee of lot yield, building count, lot coverage) except as noted below.
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 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 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).
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 (Esparza absent)

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MINUTES OF THE FEBRUARY 19, 2004 PLANNING AND ZONING MEETING

Respectfully submitted,

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John Wesley  
Planning Director

LU/MS:  
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