

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, October 4, 2004

5:45 P.M.

Invocation by President Terry D. Turk, The Church of Jesus Christ of Latter-Day Saints.

Pledge of Allegiance.

Mayor's Welcome.

Presentation by City of Flagstaff representatives regarding loaned Solid Waste vehicle.

1. Consider all consent agenda items.

CONSENT AGENDA

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

- *1.1. Approval of minutes of previous meetings as written.
2. Conduct a public hearing and consider the following annexations:
 - a. **A04-11** Annexing the northwest corners of Ray and South Mountain Roads. Initiated by the property owner.

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- b. **A04-12** Annexing the northeast corners of Ray and South Mountain Roads. Initiated by the property owner.
 - c. **A04-13** Annexing the northeast corner of North Dobson Road and the West Brown Road alignment. (17± acres). Initiated by the property owner.
- 2.1. Conduct a public hearing on a proposed establishment of an Enterprise Zone. (See item 6k)
3. Consider the following liquor license applications:
- *a. ELAINE S. O'TOOLE, PRESIDENT

Special event application of Elaine S. O'Toole, President, Christ Child Society of Phoenix, a one-day charitable event to be held Saturday, October 30, 2004 from 6:00 P.M. to 10:00 P.M. at 2017 N. Greenfield Road, Falcon Field Airport. District #5.
 - *b. DANIEL JOSEPH MARTIN, GENERAL MANAGER

Special event application of Daniel Joseph Martin, General Manager, Good Life MHC, LLC, a one-day civic event to be held Friday, December 31, 2004 from 5:30 P.M to 1:00 A.M. at 3403 E. Main Street. District #2.
 - *c. DANIEL JOSEPH MARTIN, GENERAL MANAGER

Special event application of Daniel Joseph Martin, General Manager, Good Life MHC, LLC, a one-day civic event to be held Saturday, January 15, 2005 from 4:00 P.M. to 12:00 Midnight at 3403 E. Main Street. District #2.
 - *d. DANIEL JOSEPH MARTIN, GENERAL MANAGER

Special event application of Daniel Joseph Martin, General Manager, Good Life MHC, LLC, a one-day civic event to be held Sunday, February 6, 2005 from 2:00 P.M. to 10:00 P.M. at 3403 E. Main Street. District #2.

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*e. DANIEL JOSEPH MARTIN, GENERAL MANAGER

Special event application of Daniel Joseph Martin, General Manager, Good Life MHC, LLC, a one-day civic event to be held Thursday, March 17, 2005 from 11:00 A.M. to 3:00 P.M. at 3403 E. Main Street. District #2.

f. STAN TROUTMAN, PRESIDENT

Special event application of Stan Troutman, President, Mesa Hohokams, a one-day civic event to be held Saturday, November 13, 2004 from 5:00 P.M. to 11:00 P.M. at 1235 N. Center Street. District #1.

*g. MICHAEL JOSEPH BASHA, AGENT

Person and location transfer Liquor Store for Bashas #155, 9925 E. Baseline Road. This is new construction. This is a person and location transfer from John S. Smirniotis, Jr. Agent, Sun Foods IGA #2 at 4410 W. Union Hills, Phoenix. This license will transfer to the applicant. District #6.

*h. DONALD WAYNE JAKUBOWSKI, AGENT

New Beer & Wine Store License for D.J.'s Beer and Wine, 2034 W. Southern Avenue, Suite 102. This is an existing business. The Liquor Store license previously held at this location by Donald Wayne Jakubowski, Etal, DJ's Liquor, will remain with previous licensee. District #3.

*i. RUSTIN HOWARD RANDALL, AGENT

New Restaurant License for Costa Azul Fresh Mexican Grill, 1744 S. Val Vista Drive, Suite #107. This is a new building. No previous liquor licenses at this location. District #2.

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*j. GAYLEN DEE PIERCE, AGENT

New Restaurant License for Silke's American Grill, 2036 N. Gilbert Road, Suite #4. This is an existing business. The license previously held at this location by Robert F. Kelley, Agent, Sonora Food Concepts, LLC, will revert back to the State. District #1.

4. Consider the following contracts:

- *a. One replacement fire pumper truck as requested by the Fire Department. (Quality of Life Capital Funds)

The Purchasing Division recommends accepting the proposal by Pierce Manufacturing, Inc. at \$476,247.55. (Sole Responding Bid)

- *b. CAD system upgrade (GPS receivers) for the Police Department as requested by the Communications Division.

The Purchasing Division recommends accepting the bid by Trimble Mobile Solutions at \$153,763.42. (Sole Source)

- *c. Fire Station #206 Volunteer Center Parking Lot Lighting. City of Mesa Project No. 03-008-001. (Fire Bonds)

This project will add much needed lighting to the parking lot and its walkways creating a more secure environment for Mesa's volunteers and the public that uses the parking lot when visiting the adjacent park.

Recommend award to low bidder, AJP Electric, in the amount of \$26,100.00 plus an additional \$2,610.00 (10% allowance for change orders) for a total award of \$28,710.00.

- *d. Bleacher Replacement (Citywide). City of Mesa Project No. 02-423-001. (Parks Bonds)

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This project will replace a total of 26 existing bleacher assemblies at various pools through out the City. The existing bleachers at these venues have reached the end of their useful life and do not meet the current safety standards.

Recommend award to low bidder, Hufcor, in the amount of \$100,470.00 plus an additional \$10,047.00 (10% allowance for change orders) for a total award of \$110,526.00.

5. Introduction of the following ordinances and setting October 18, 2004 as the date of public hearing on these ordinances:
 - a. **Z04-82 (District 1)** The northeast corner of North Dobson Road and 202 Red Mountain Freeway (17± acres). Rezone from County Rural-43 to R1-43. This request will establish City Zoning on recently annexed property. Robert Hurley, owner.
6. Consider the following resolutions:
 - *a. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between AVB S&H, LLC and L H One LLC, and the City of Mesa for regional improvements that are being constructed in conjunction with the development of the Sprouts Center located at 5201 East Southern Ave.
 - b. Authorizing the City Manager to execute an Intergovernmental Agreement with Mesa Unified School District for an ongoing joint Planning Division staff position.
 - *c. Authorizing the City Manager to execute a Memorandum of Understanding between the City of Mesa and the United States Department of Justice related to the ATF's National Integrated Ballistic Information Network (NIBIN) Program at the Mesa Police Department.
 - *d. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the City of Scottsdale for training of Scottsdale recruits by the Mesa Police Department Academy.

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*e. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Arizona Department of Economic Security/Child Protective Services for collaborative work at the Center Against Family Violence.

*f. Extinguishing a drainage easement located at 2721 South Ellsworth Road.

This easement is no longer required.

*g. Granting a Power Distribution Easement to Salt River Project on city-owned property located at the Greenfield Water Reclamation Plant.

This easement is necessary for the installation of electrical service at the new soccer fields in accordance to the Town of Gilbert's plans.

h. Stating the City's intent to implement measures to reduce particulate pollution.

*i. Granting a Power Distribution Easement to Salt River Project at 9231 East Pecos Road.

This easement is necessary for the installation of new electrical service at this location. (Desert Well No. 12)

j. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and the Mesa Unified School District Number 4, for the disbursement of Indian gaming revenue received by the City of Mesa to assist Mesa Public Schools in providing after school programs, educational activities and social services relating to school performances.

k. Designating that the Mesa City Council shall serve as the City's Enterprise Zone Commission, designating that the Mesa Economic Development Director shall serve as Zone Administrator, and approving and authorizing the Mesa Office of Economic Development to submit an application on behalf of the City of Mesa for a proposed zone generally

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bounded by the Cross Cut Canal, 10th Street, University Drive and Broadway Road on the North; Tempe Canal, Alma School Road, and Country Club Drive on the West; 8th Street, Main Street, Broadway Road, 7th Drive, 8th Avenue, Southern Avenue on the South; Center Street, Pasadena, Mesa Drive, Horne and Stapley Drive on the East.

- *l. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between Quik Trip Corporation and the City of Mesa for the development of a Quick Trip located at 816 West University Drive.
- 7. Consider the following recommendation from the General Development Committee:
 - a. Approving staff's proposal relative to increased Planning Division Application fees.
- 8. Consider an ordinance and resolution modifying the rate schedule for industrial wastewater utility service for customers outside the City limits.
- 9. Consider the following ordinances:
 - *a. Amending various sections of the Mesa City Code regarding the following traffic modifications.

Special Stops Required: 10-3-17 (Through Street Designation)

Pecos Road from Power Road to the east City limits
(Williams Gateway Airport area, Council District 6)

No Parking: 10-3-24 (D) (Full Time No Parking)

On Ensenda Street from Power Road to a point 175 feet west of Power Road (between Adobe Road and Brown Road west of Power Road, Council District 5)

On Ivy Street from Greenfield Road to a point 330 feet east of Greenfield Road (between McLellan Road and McKellips Road east of Greenfield Road, Council District 5)

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On Pecos Road from Power Road to the east City limits
(Williams Gateway Airport area, Council District 6)

On 95th Street from Baseline Road to a point 93 feet north of
Jacob Avenue (between Ellsworth Road and Signal Butte
Road north of Baseline Road, Council District 6)

Speed Limits: 10-4-3 (45 mph) and 10-4-5 (35 mph)

Establish a speed limit of 45 mph on Pecos Road from
Power Road to the east City limits (Williams Gateway
Airport area, Council District 6)

Establish a speed limit of 45 mph on Sossaman Road from
Pecos Road to the south City limits (Williams Gateway
Airport area, Council District 6)

Establish a 35 mph speed limit on Sossaman Road from
Tahoe Avenue to Pecos Road (Williams Gateway Airport
area, Council District 6)

- *b. Consider a resolution and ordinance adopting the guidelines
for office uses in the TCR-1, TCR-2 and TCR-3 zoning
districts and amending Section 11-8-3 of the Mesa City Code
relating to office uses in Town Center Residence Districts.
- c. **A04-13** Annexing the northeast corner of North Dobson
Road and the West Brown Road alignment (17± acres).
Initiated by the property owner.

*9.1. Consider amending the Parks and Recreation Master Plan 2025, by
adding the South Canal Access Spur Trail to the master plan trails
map.

10. Consider the following cases from the Planning and Zoning Board
and possible adoption of the corresponding Ordinances:

- *a. **Z04-60 (District 6)** Southwest corner of Southern
Avenue and 24th Street. Located south and east of Southern
Avenue and Gilbert Road (1.45 ac.). Rezone from R1-7 to
O-S PAD and Site Plan Review. This request is for the
development of offices. John Perkinson, Perkinson

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Investments, owner; Randy Carter, Dream Catchers Planning & Design, L.L.C., applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.

- *b. **Z04-61 (District 6)** 5555 East Broadway. Located south and east of Broadway Road and Higley Road (2.87 ac.). Rezone from R1-43 to R-2 PAD and Site Plan Review. This request is for the development of townhomes. John Bellerose, owner; Randy Carter, Dream Catchers Planning & Design, L.L.C., applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

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1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
6. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
7. Compliance with all requirements of the Design Review Board.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *c. **Z04-62 (District 6)** The 6600 block of East Baseline Rd (north side). Located north and west of Baseline Road and Power Road (7 ac.) Rezone from C-2 to O-S P.A.D. and Site Plan Review. This request is to allow for the development of a mixed-use commercial development. The Village at Superstition Springs Office Investors, LLC, (Steve Bauer) Shea Commercial, owner /applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

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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 City development codes and regulations.
3. Medical uses only for the five office buildings designated on the approved site plan.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all requirements of the Town of Gilbert related to street improvements for Baseline Road frontage.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. Review and approval of the development plans by the Superstition Springs Community Master Association prior to consideration by the Design Review Board.
9. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
10. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
11. Written notice be provided to future tenants, and acknowledgment received that the project is within five miles of Williams Gateway Airport.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
13. Recordation of vehicular cross-access and reciprocal parking easements for the overall contiguous office park.

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- *d. **Z04-63 (District 4)** The 900 block of South Stapley Drive (east side). Located north and east Southern Avenue and Stapley Drive (0.38 ac ±). Rezone from R1-6 to O-S and Site Plan Review. This request is to allow a two-story office building. Marie C. Moak, owner; Dorothy Shupe, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Medical office uses shall be prohibited on this site unless adequate parking spaces required by city code are provided.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
6. Obtainment of a Development Incentive Permit (DIP) from the Board of Adjustment or the Zoning Administrator for all code deviations.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *e. **Z04-64 (District 1)** The 1800 Block of North Barkley (west side). Located south and east of McKellips Road and Stapley Drive (0.291ac). Rezone from R1-9 PAD to R-2 PAD and Site Plan Review. This request is to allow four (4) new parcels for housing units. Neuman Petty, Nupetco Associates, owner; Shane M. Kobialka (Landev Engineers, LLC), applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

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1. Compliance with the basic development as described in the project narrative and as shown on the site plan.
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. When a builder is selected for the project complete housing product information will be submitted for review and possible administrative approval.
5. Subject to review and compliance with all requirements of the Subdivision Technical Review Committee.
6. Garage and driveway for Lot #3 shall be located along the north property line of this lot.

*f. **Z04-65 (District 6)** The 11000 Block of East Apache Trail (south side). Located south and east of Apache Trail and Signal Butte Road (8.5 ac). Site Plan Review. This request is to allow for the development of a group commercial center. ALC- Apache Signal, AZ L.L.C. (Douglas O. Guffy), owner; Ilan Baldinger, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board.
5. Future site plan review and approval is required for Parcel 2 and 3 "Future Commercial Pad."

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- *g. **Z04-66 (District 5)** 1244 North Greenfield Road.
Located north and west of Brown Road and Greenfield Road
(1.02 ac). PAD Amendment and Site Plan Modification. This
request is to allow for the development of medical offices. J
Daryl Bethea, Greenfield Medical Dental LLC, owner;
Douglas D. Brimhall, applicant.

P&Z Recommendation: Approval with conditions (Vote:
Passed 6-0, Adams absent)

1. Compliance with the basic development as described
in the project narrative and as shown on the site plan
submitted, except as noted below.
2. Compliance with all requirements of the Design
Review Board.
3. 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. Recordation of cross-access easements.
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
issuance of a building permit).
6. Retention basins to be 6:1 slopes maximum when
adjacent to public rights-of-way or pedestrian
walkways.

- *h. **Z04-67 (District 6)** The 1700 block of South
Greenfield Road (west side). Located south and west of US
60 and Greenfield Road (19.17 ac). Site Plan Modification.
This request is to allow a mix of retail and restaurant uses.
Jay M. Allen, Lumberjack Capital LLC. owner; Elizabeth
Gaston, applicant.

P&Z Recommendation: Approval with conditions (Vote:
Passed 6-0, Adams absent)

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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 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 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. Compliance with all requirements of the Design Review Board.
7. Any non-conforming and/or prohibited signs existing on any of the subject property shall be removed or brought into conformance prior to the issuance of a building permit.
8. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.
9. Provide copies of documents showing recordation of cross-access easements for all parcels within the commercial center at the time construction documents are submitted.

*i. **Z04-68 (District 6)** The 2800 block of South Signal Butte Road (east side). Located on the northeast corner of Signal Butte & Guadalupe (19.7 ac). Rezone from AG to C-2 and Site Plan Review. This request is to allow the development of a neighborhood commercial center Signal Butte / Guadalupe Ltd. Partners Victor Riches, owner; Ralph Pew, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

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1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. All pad buildings to be architecturally compatible with the center.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*j. **Z04-69 (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 ±). Modification of City Council approved Ordinance 4187. This request is to clarify Condition of Approval number 11c (regarding the height of homes) of Ordinance 4187. Shelby Futch, owner; Ray Mehan, Mehan Construction, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

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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 for that portion of the subdivision located on the existing nine-hole golf course. Lots 1-44, adjacent to McKellips Road, may be two-story homes up to 30-feet in height.
- 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.

*k. **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 ac.). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin, City of Mesa, applicant. **CONTINUED FROM THE MAY 3, 2004, MAY 17, 2004, JUNE 7, 2004 AND JULY 6, 2004, AUGUST 16, 2004, AND SEPTEMBER 7, 2004 CITY COUNCIL MEETINGS. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO DECEMBER, 2004.**

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Saemisch abstaining).

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1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
 2. All street improvements and perimeter landscaping to be installed in the first phase of construction.
 3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
 4. Compliance with all City development codes and regulations.
 5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
 6. Compliance with all requirements of the Design Review Board.
 7. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
 8. Transit oriented development is encouraged for the 3.67 acre lot.
11. Items from citizens present. (Maximum of three speakers for three minutes per speaker).