

COUNCIL MINUTES

April 4, 2002

The City Council of the City of Mesa met in a Special Council Meeting in the lower level meeting room of the Council Chambers, 57 East 1st Street, on April 4, 2002 at 4:00 p.m.

COUNCIL PRESENT

Mayor Hawker
Jim Davidson
Bill Jaffa
Pat Pomeroy
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Dennis Kavanaugh

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Kavanaugh from the meeting.

1. Discuss and consider the results of the March 12-21, 2002 public open houses and possible land use issues relating to the Mesa General Plan.

Planning Director Frank Mizner addressed the Council relative to this agenda item and reported that the purpose of today's presentation is to provide a status report regarding the ongoing update of the Mesa General Plan. He explained that it is the recommendation of staff that the Council consider the results of the March 12-21, 2002 public open houses, and also possible land use map modifications as a result of recommendations from both staff and the Joint Master Planning Committee (JMPC).

Mr. Mizner commented that during a series of public open houses which were conducted between March 12 and 21, staff received a significant number of citizen comments related to land use issues, comments which will be addressed in other plans (Parks, Transportation and Economic Development), and general comments related to various issues in Mesa. He stated that as a result of the public comments, it is the opinion of staff and the consultants that additional substantive modifications to the General Plan text are unnecessary and that staff proceed with the printing of the General Plan (to be completed by April 12) to initiate the mandatory 60-day public comment period scheduled to commence on April 15. Mr. Mizner added that the General Plan text was submitted to the JMPC for consideration and received the Committee's unanimous approval.

Mayor Hawker commended staff for their efforts and hard work to compile a comprehensive document listing all of the citizen comments and staff's corresponding responses to those comments.

Vice Mayor Davidson acknowledged Councilmember Walters for encouraging staff to respond to every written comment made by a Mesa resident during the public hearing process.

Mr. Mizner referred to a map provided to the Councilmembers entitled "Mesa 2025 General Plan Land Use Issues." (See Attachment.) He explained that since the City Council and the JMPC last reviewed the land use map in detail (September and October 2001), staff has considered possible amendments to the map. Mr. Mizner advised that some of the changes would be considered "technical corrections," whereby the map does not accurately reflect existing development, and other changes are requests from landowners to change current designations. He commented that staff is seeking Council direction regarding land use designations for 12 areas which were considered at the April 2nd meeting of the JMPC.

Site 1 – Northwest corner of Crismon Road and U.S. 60

Mr. Mizner reported that Site 1 is approximately 40 acres of vacant land currently zoned R1-43; that the area was originally designated Commerce Park (CP) in the 1996 General Plan and is currently designated Business Park (BP) in the Draft Mesa 2025 General Plan; that the landowner has requested that 12 acres (which front onto Crismon Road) be changed to a Community Commercial (CC) designation to allow for future retail development, including possible big box retailers; that Planning and Megacorp staff oppose the landowner's request and recommend that the BP designation be retained, and that at their April 2nd meeting, the JMPC voted 10-6 to support staff's recommendation.

Andy Moore, 3101 North Central Avenue, Phoenix, an attorney representing the landowner, addressed the Council relative to this agenda item. He explained that in addition to the request to change the BP designation to CC with regard to the Crismon Road frontage property, his client has also requested that the High Density Residential (HDR) designation on the western portion of the property be deleted and that the majority of the site retain the BP designation. Mr. Moore also voiced a series of concerns regarding his client's inability to market the property under the current BP designation and urged the Council to approve the above-referenced changes.

In response to a question from Councilmember Pomeroy, Mr. Mizner clarified that it is the recommendation of staff that the current BP designation be retained for the following reasons: the area is a significant employment generator and has been designated in the General Plan as the Superstition Freeway Employment Corridor; freeway accessibility makes the area an appropriate site for Office Park (OP) or BP development, and in the immediate area, alternative locations exist for retail development.

Discussion ensued relative to the distinctions between major and minor amendments to the General Plan, and the fact that if a retail developer expressed interest in the property subsequent to the adoption of the General Plan, a General Plan amendment could be submitted to run concurrently with the zoning case.

Councilmember Jaffa acknowledged that many of the speakers in the audience have concerns relative to specific land use issues and said it is important for them to be aware that the Council is cognizant of such concerns. He added that when the zoning cases are considered by the Council in the future, each case will be reviewed with greater specificity on an individual basis.

Mayor Hawker requested that staff provide the Council with clarification relative to the definitions of General Plan major and minor amendments.

It was moved by Councilmember Pomeroy, seconded by Councilmember Walters, that the recommendation of staff and the JMPC to retain the current Business Park designation relative to Site 1, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

Site 2 – Northeast corner of Crismon Road and U.S. 60

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that the recommendation of staff and the JMPC to change the Neighborhood Commercial designation to the Community Commercial designation relative to Site 2, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

Site 3 - South side of Southern Avenue, midway between Ellsworth Road and Crismon Road.

Mr. Mizner stated that Site 3 was originally designated Commerce Park in the 1996 General Plan; that the land is currently zoned a combination of M-1, AG and R1-43; that in 1994, most of the property was rezoned to M-1 for a mobile home manufacturing plant which was not developed; that in early 2001, the JMPC considered various land use scenarios with an emphasis on employment and population; that the Draft Mesa 2025 land use designation of High Density Residential (HDR) was not specifically discussed by the JMPC or the City Council and was inadvertently carried forward in the land use map; that staff is requesting that the land designation be changed from HDR to Business Park (BP) to match existing and planned area land uses, and that at their April 2nd meeting, the JMPC voted 15-1 to support the recommendation of staff.

The following citizens (in order of appearance) spoke in support of retaining the HDR designation for Site 3:

Dave Udall (attorney for the landowners)	30 West 1 st Street
Bob Saemisch	48 West Main Street
Travis Hansen	7941 East Holmes Avenue
Janet M. Smith	254 North Hall

Speakers spoke in support of retaining the HDR designation for the following reasons:

- There has been no opportunity until today for the landowners to offer input to the Council due to the fact that staff only recently requested that the HDR designation be changed to BP;
- It is unlikely that the property will ever be developed under the BP designation; however, the landowners have received offers from developers for HDR projects as a result of the Draft 2025 Mesa General Plan;
- A primary purpose of the General Plan is to enable Mesa residents to live in close proximity to employment centers;
- The unique configuration of Site 3 would make it an appropriate area for cluster housing;

- The freeway would have a limited effect on residential developments in the area and would also provide limited frontage to industrial development;
- The residents in the surrounding neighborhoods are opposed to the BP designation.

In response to a question by Councilmember Pomeroy, Economic Development Director Dick Mulligan explained that the Draft Mesa 2025 land use designation of HDR for Site 3 would be incompatible with planned non-residential uses south of Southern Avenue and also with existing retirement-oriented residential uses north of Southern Avenue. He added that the HDR designation would not be well served by schools or parks, and that it would jeopardize the potential for future employment-oriented land uses in the designated Superstition Freeway Corridor.

Vice Mayor Davidson thanked Mr. Udall for his insightful comments, but noted that since becoming a member of the Council, it has typically been his practice to support the recommendations of the Economic Development Advisory Board and staff. He also stated that Mr. Mulligan's arguments relative to retaining as much of Site 3 for commercial purposes to ensure greater economic development within the community are compelling.

It was moved by Vice Mayor Davidson that the recommendation of staff and the JMPC to change the High Density Residential designation to the Business Park designation relative to Site 3, be approved.

Councilmember Walters seconded Vice Mayor Davidson's motion for discussion purposes.

Councilmember Walters commented that southeast Mesa is growing rapidly and that she anticipates ongoing development in this area of the community. She also acknowledged that the City has a proliferation of BP designations, but noted that this issue is being addressed in the updated General Plan. Councilmember Walters stated that for that reason, she will tentatively support the recommendation of staff and the JMPC.

Councilmember Jaffa declared a potential conflict of interest on this agenda item and said he would refrain from discussion/participation on this item.

Councilmember Pomeroy expressed support for the motion and concurred with the other Councilmembers' comments.

In response to the remarks made by Mr. Mulligan, Mr. Udall reiterated that the surrounding area has already been divided up for various applications including a golf course, a post office, a church and a Home Depot. He added that the surrounding residents are supportive of the HDR designation and also stated that this land use was initially presented to the public four or five months ago.

Councilmember Whalen voiced opposition to the motion and concurred with Mr. Udall's comments.

Mayor Hawker expressed support for the motion and stated the opinion that the area still has the potential to be a viable business park with its location adjacent to the freeway.

Councilmember Walters concurred with Councilmember Whalen's concerns, but emphasized that the Council's decision this afternoon is not set in concrete and changes can be made in the future.

Upon tabulation of votes, it showed:

AYES - Hawker-Davidson-Pomeroy-Walters
NAYS - Whalen
ABSTAIN - Jaffa
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried by majority vote of those present and voting.

Site 4 – West of Sossaman Road, between Southern Avenue and the Superstition Freeway

Mr. Mizner stated that Site 4, which is owned by DMB Associates, Inc. (DMB) is the remaining portion of the Superstition Springs Business Park; that the property was considered by the JMPC in mid-2001 and recommended for a Business Park (BP) land use designation; that at the time, the BP category included a 25% High Density Residential (HDR) component; that it was the opinion of staff that the residential component would negatively impact development efforts, and the residential component was deleted from the BP definition; that subsequently, DMB convinced the City Council to change the property's designation to the current Mixed Use/Residential (MU/R) designation with a 30% component as HDR; that although staff agrees that such a land use could be developed, it would likely consume the valuable arterial frontage and serve as a negative factor in future economic development efforts, and that at their April 2nd meeting, the JMPC disagreed with the recommendation of staff (to change the designation from the current MU/R to BP), and voted 11-5 to retain the MU/R designation.

Brian Marshall, an attorney representing DMB, 11201 North Tatum Boulevard, Phoenix, and Michael DeBell, Executive Vice President of DMB, addressed the Council relative to this agenda item. Mr. Marshall provided the Council with a brief overview of the historical background of this issue. He explained that the MU/R designation would offer a mix of land uses which could bring jobs into the area, create a true "live-work-play environment" consistent with the goals of the General Plan, and also provide greater flexibility for future development opportunities. Mr. Marshall noted that a determination has been made by the Arizona Department of Transportation (ADOT) to limit access onto Sossaman Road from the Superstition Freeway, and added that ramps will no longer extend to the east side of Sossaman Road, which will significantly decrease access to Site 4.

Economic Development Director Dick Mulligan addressed the Council and voiced a series of concerns relative to this issue. He stated the opinion that DMB's proposed MU/R land use designation is inappropriate and added that higher-end employment opportunities would better serve the area. He also noted that although it is the goal of the General Plan to create "live-work-play environments" for Mesa residents, it is not necessary to locate residential developments within 20 seconds of an employment center. Mr. Mulligan added that in working with DMB on the Auto Center, located on the east side of Sossaman Road adjacent to the Superstition Springs Business Park, at the request of DMB, the City paid \$370,000 for a decorative wall which staff felt would make it a more attractive site for the business park (not for a multifamily residential development).

Mr. Mulligan concluded his comments by noting that after the April 2nd JMPC meeting, he was approached by several members of the Committee who expressed the viewpoint that because the Council had considered this matter twice and changed its preference from BP to the MU/R designation, it was the opinion of the JMPC that the Council should make the final decision regarding the Site 4 land use designation.

Vice Mayor Davidson commented on the Council's previous vote to change the land use designation from BP to MU/R and stated that he voted in opposition to the motion because he did not view the BP designation as having a residential component.

Discussion ensued relative to limited access from the Superstition Freeway to Sossaman Road.

Mayor Hawker explained that because of DMB's past track record of building high-quality developments in Mesa, he is supportive of the MU/R designation. He added that he would be reluctant to support a 30% residential component unless the development was attractively designed and blended in with the surrounding buildings.

Councilmember Walters stated that although she would prefer to see a mix of apartments within the Business Park environment, she has concerns relative to the fact that currently there is no specific plan in place that identifies which portions of the site would be used for such development. She added that she concurs with Mayor Hawker's comments regarding DMB's reputation for building high-quality projects and said that she wants to listen to everyone's comments, but is leaning towards voting against this and requesting that DMB submit a General Plan minor amendment relative to the residential development.

Councilmember Jaffa acknowledged DMB for its "top notch" developments throughout the community. He also offered suggestions with regard to confining a residential development to a smaller geographic area within Site 4.

Vice Mayor Davidson noted that although he could envision a residential component in Site 4, his preference is to support the recommendation of staff to change the land use designation from MU/R to BP.

In response to a question from Vice Mayor Davidson, Mr. Mizner stated that under the Growing Smarter legislation, if Site 4 is changed to the BP designation, a residential component would not be included as part of the land use designation and DMB would be required to submit a General Plan minor amendment in conjunction with the hard zoning cases.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, that the recommendation of staff to change the Mixed Use/Residential designation to the Business Park designation in Site 4, be approved.

Councilmember Pomeroy voiced support for the recommendation of the Economic Development Advisory Board and staff with regard to this matter.

Councilmember Whalen concurred with the comments of Councilmember Walters and said that although he would favor the inclusion of a residential component in Site 4, his preference would be to see a detailed plan relative to the development's size and one that would complement the currently existing Superstition Springs Business Park.

Mayor Hawker concurred with Councilmember Jaffa's comments with regard to confining the residential area to a smaller geographic area in Site 4.

Upon tabulation of votes, it showed:

AYES - Davidson-Pomeroy-Walters-Whalen
NAYS - Hawker-Jaffa
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried by majority vote of those present.

Site 5 – Northwest corner of University Drive and Higley Road; and

Site 6 – Northwest corner of University Drive and Greenfield Road

Mr. Mizner advised that the applicant has withdrawn both land issue items on Sites 5 and 6.

Site 7 – Southwest corner of Greenfield Road and Southern Avenue

Mr. Mizner stated that Site 7 is a 25-acre property situated in an active citrus grove; that on the 1996 General Plan, the area is designated for Neighborhood Commercial (NC) on Site 7 and Park/Open Space (P/OS) south of Site 7; that the Draft Mesa 2025 land use designation is High Density Residential (HDR); that this is a staff-initiated request, with input from the landowners, to retain the HDR designation, but also to incorporate a 5-acre NC designation at the immediate corner of Southern Avenue and Greenfield Road to reflect current land use proposals (a CVS Drugstore); that at their April 2nd meeting, the JMPC voted unanimously to support the recommendation of staff to retain the HDR designation, but also to include the NC designation on the 5-acres in the immediate corner of Southern Avenue and Greenfield Road, and that subsequently, City staff and the Council became aware of concerns from adjacent property owners regarding this issue.

John Jarvis, 4056 East Flower Avenue, a resident in the surrounding neighborhood, voiced opposition to the HDR land use designation. He explained that the development of multifamily housing would only increase the traffic congestion in the area. Mr. Jarvis also voiced concerns about City services, including a decrease in water pressure at his home.

Mayor Hawker advised that Madelyn Jarvis filled out a Speaker/Comment card, but did not wish to address the Council.

Ralph Pew, 10 West Main Street, an attorney representing the landowners, addressed the Council relative to this agenda item. He reiterated Mr. Mizner's comments and urged the Council to approve the recommendation of staff and the JMPC to proceed forward with the NC designation on the immediate southwest corner of Greenfield Road and Southern Avenue and the HDR designation on the remainder of the property. Mr. Pew advised the Council that in the 1996 General Plan, the southern portion of the 25-acre property was erroneously shown as P/OS, and today's request is to simply incorporate the NC designation on the immediate corner of the 5-acre site. He added that Site 7 is an excellent location for an HDR use for the following reasons: the property is situated at two major arterials streets (Greenfield and Southern); the canal on the western boundary would provide an excellent buffer between land uses; to the south, there is a 15-acre retention basin adjoining the freeway, and to the east and northeast, there is high density residential with commercial uses.

In response to a question from Mayor Hawker, Mr. Mizner clarified that in the Draft Mesa 2025 General Plan, the entire 25-acre property is designated as HDR. He added that a request was initiated by staff and received the unanimous approval of the JMPC, to designate approximately 5 acres of NC at the immediate corner of Greenfield Road and Southern Avenue to accommodate the pending development of the CVS Drugstore which is before the City as a zoning case.

Janie Thom, 4043 East Flower Street, a resident in the area and Councilmember Elect in District 6, addressed the Council relative to this agenda item. She voiced a variety of concerns regarding the location of a City of Mesa asphalt storage yard in the immediate vicinity of Site 7, and questioned the accuracy of the Mesa 2025 General Plan Land Use map. Ms. Thom also noted that there is a proliferation of apartments and drugstores in the surrounding neighborhood and urged the Council to return the property to the 1996 General Plan designation of NC and P/OS.

Discussion ensued relative to the City-owned asphalt storage yard; the fact that the property is so small and narrow that it would not show up on the General Plan map, and the fact that staff will endeavor to reflect City ownership of the storage yard on the land use map as a Public/Semi-Public (P/SP) designation.

Vice Mayor Davidson encouraged staff to address the issue of the City-owned asphalt storage yard.

It was moved by Vice Mayor Davidson, seconded by Councilmember Pomeroy, that the recommendation of staff and the JMPC to designate 5 acres of Neighborhood Commercial at the immediate southwest corner of Greenfield Road and Southern Avenue, and that the balance of the property in Site 7 retain the High Density Residential designation, be approved.

Councilmember Walters expressed support for the motion.

Mayor Hawker voiced concerns relative to proceeding with this land use designation prior to receipt of a determination regarding exactly what property is owned by the City adjacent to Site 7. He also commented that he will consider the CVS Drugstore application when the zoning case is presented to the Council, but stated that he would prefer that the entire site retain the NC designation. He added the opinion that a residential component should not be included in the land use.

Councilmember Jaffa concurred with Mayor Hawker's comments and questioned whether the City property could be sold to accommodate a better development. He also suggested that the matter be continued for a week to enable staff to provide the Council additional information.

In response to Councilmember Jaffa's proposal, Mr. Mizner clarified that staff is on a tight schedule to complete the General Plan update, and if this matter was continued for one week, staff may not be able to comply with all the necessary requirements to ensure that the General Plan is placed on the November ballot. He also noted that whether the storage yard is surplus City land or not is a totally separate issue and would not affect the land use designation. Mr. Mizner emphasized that Mr. Pew's client has not submitted a site plan zoning case for a multifamily development project relative to Site 7, but has merely indicated that there is market interest for such a development.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Pomeroy-Walters-Whalen
NAYS - Hawker
ABSENT - Kavanaugh

Mayor Hawker declared the motion carried by majority vote of those present.

Site 8 – North of West 8th Street, both sides of Dobson Road

Mayor Hawker declared a potential conflict of interest on this agenda item and said he would refrain from discussion/participation on this item.

Mayor Hawker yielded the gavel to Vice Mayor Davidson for action on this agenda item.

Mr. Mizner stated that the issue was brought forward by staff; that the 1996 General Plan designation indicated Park/Open Space (P/OS) for the City property and Mixed Use (MU) for the Hurley property; that the Draft Mesa 2025 land use designations (determined prior to commencement of discussions regarding a multipurpose facility) include Public/Semi Public (P/SP) for the golf course and County animal shelter, Parks (P) for the softball/lake complex, and Mixed Use/Employment (MU/E) for the Hurley property.

It was moved by Councilmember Walters, seconded by Councilmember Pomeroy, that the recommendation of staff and the JMPC to retain the Draft Mesa 2025 General Plan land use designations relative to Site 8, be approved.

Upon tabulation of votes, it showed:

AYES - Davidson-Jaffa-Pomeroy-Walters-Whalen
ABSTAIN - Hawker
ABSENT - Kavanaugh

Vice Mayor Davidson declared the motion carried by majority vote of those present and voting.

With action on this agenda item being completed, Vice Mayor Davidson yielded the gavel back to Mayor Hawker.

Site 9 – Northeast corner of Alma School Road and McLellan Road

Mr. Mizner stated that Site 9 was originally designated Mixed Use (MU) in the 1996 General Plan; that the Draft Mesa 2025 land use designation is Medium Density Residential (MDR), although staff was approached by developers to designate the area High Density Residential (HDR); that the area is currently located in unincorporated Maricopa County, but within Mesa's planning area; that the developers have conducted a series of neighborhood meetings with staff and area residents; that although the residents are not necessarily opposed to higher density development, they have expressed a variety of concerns regarding buffers, increased traffic congestion and the obstruction of views; that any future development must comply with all Mesa regulations and address neighborhood concerns, and that at their April 2nd meeting, the JMPC disagreed with the recommendation of staff to designate Site 9 as HDR, and voted unanimously to retain the current MDR designation.

Mr. Mizner informed the Council that it was the opinion of the members of the JMPC that if the various developers assembled most or all of the property, they could submit a General Plan amendment and a simultaneous rezoning case in the future which would then be considered. He added the opinion, however, that it was premature to change the designation at this time.

Jason Morris, 3101 North Central Avenue, # 1690, Phoenix, an attorney representing Suggs Homes, addressed the Council and provided brief historical background relative to this agenda item. He voiced support for staff's request to change the designation to HDR and expressed the opinion that from a land use perspective, it is the most appropriate designation. Mr. Morris stressed, however, that whatever type of project is eventually developed at Site 9, the subsequent zoning cases need to be sensitive to the concerns of the existing residents in the area. He also requested input from the members of the Council relative to possible uses for the property.

Councilmember Walters stated that she would prefer that the MDR designation be retained on the property and requested that the applicant obtain additional suggestions/input from the surrounding residents and create a development plan that is agreeable to everyone. She said that at that time, the applicant could then submit a minor amendment to the General Plan, the property would need to be annexed into the City to receive City services, and noted the applicant would be required to comply with a variety of other City issues and regulations as well.

It was moved by Councilmember Walters, seconded by Councilmember Whalen, that the recommendation of the JMPC to retain the current Medium Density Residential designation relative to Site 9, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

Site 10 – Citrus Sub-Area, generally north of Brown Road between 32nd Street and the RWCD Canal

Mr. Mizner stated that the request before the Council regarding Site 10 is on behalf of Lewis Lentz, a representative of the Northeast Mesa Homeowners' Association. He explained that Mr. Lentz has suggested two minor modifications to the text of the General Plan which would eliminate references to "limited neighborhood commercial uses" when referring to the Citrus Sub-Area. Mr. Mizner advised that staff is in concurrence with the request and that the JMPC considered this issue on their consent agenda with no specific discussion and unanimously approved the request of Mr. Lentz.

It was moved by Councilmember Jaffa, seconded by Vice Mayor Davidson, that the recommendation of Mr. Lewis Lentz to delete two references in the Citrus Sub-Area portion of the General Plan with reference to "limited neighborhood commercial uses," relative to Site 10, be approved.

Mayor Hawker declared that the motion carried unanimously by those present.

Site 11 – North side of McKellips Road, east of Recker Road

Mr. Mizner stated that Site 11 was originally designated High Density Residential (HDR) in the 1996 General Plan; that the Draft Mesa 2025 land use designation is Medium Density Residential (MDR); that the applicant is requesting to change the land use designation from the current MDR to HDR to match the approved zoning and site plan; that staff supports the

applicant's request, and the fact that at their April 2nd meeting, the JMPC unanimously approved the applicant's request on their consent agenda.

It was moved by Councilmember Whalen, seconded by Councilmember Pomeroy, that the recommendation of staff and the JMPC to change the Medium Density Residential designation to a High Density Residential designation relative to Site 11, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

Site 12 – Lehi area, South of Thomas Road and 202 Freeway, from slightly west of Lindsay Road alignment to Val Vista Drive

Mr. Mizner stated that Site 12 was originally designated as Medium Low Density Residential (MLDR) in the 1996 General Plan; that the Draft Mesa 2025 land use designation is Low Density Residential (LDR); that the area is currently located in unincorporated Maricopa County, but within Mesa's planning area; that the area consists primarily of citrus orchards, a few existing homes, and large aggregate mining operations; that State law preempts County zoning regulations of mining operations on any parcel of five acres or more in any zoning district in the County, and that the mining operations have been a source of frequent complaints from surrounding residents with regard to dust, noise, lights and frequent truck traffic.

Mr. Mizner reported that a portion of the property is represented by Clark Richter, on behalf of the Engel family, and noted that the owners are not interested in participating in the surrounding mining operations. He stated that the Engel family has requested that the land use designation be changed to Mixed Use/Residential (MU/R) which would allow for a wide variety of non-residential land uses, as well as 30% High Density Residential (HDR).

Mr. Mizner noted that although staff sympathizes with the property owners, there is no specific land use plan for the area, no indication of where the HDR would be located, and no input has been received from other landowners and residents in the area. He commented that as a result of those factors, it is the recommendation of staff that the LDR designation be retained. Mr. Mizner informed the Council that at their April 2nd meeting, the JMPC were also sympathetic to the landowners and felt the current LDR designation was unrealistic given the existing mining operations and pending freeway construction. He said that as a show of support for the landowners, the JMPC voted unanimously to support the recommendation of the applicant to change the LDR designation to the MU/R designation.

Clark Richter, 30 West 1st Street, addressed the Council relative to this agenda item and concurred with the comments of Mr. Mizner. He also displayed graphics in the Council Chambers and provided brief historical background regarding Site 12. Mr. Richter said that while the property is currently designated LDR, the alignment of the Red Mountain Freeway and the freeway interchange at Val Vista Drive will dramatically change the land use for the area. He added that the Red Mountain Freeway along Thomas Road is level with the surrounding property and that the interchange at Val Vista will produce a significant amount of traffic and activity at this location. Mr. Richter said that the intent of the applicant's request is to send a message to the existing landowners that they do not have to sell their property to the sand and gravel operations and also to make potential developers aware of the fact that there are development opportunities available in the MU/R designation.

Discussion ensued relative to the remaining available land in the area; the fact that current sand and gravel operators and the landowners would most likely not favor annexation into the City; and the legal procedure for annexing property.

Councilmember Jaffa stated the opinion that if Site 12 were annexed into Mesa, the City would gain the ability to regulate dust control enforcement and also make it more difficult for the owners of the sand and gravel business to operate.

It was moved by Councilmember Walters, seconded by Vice Mayor Davidson, that the recommendation of the JMPC to change the Low Density Residential designation to Mixed Use/Residential designation relative to Site 12, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

Mr. Mizner provided the Council with an upcoming schedule of events related to the General Plan.

2. Adjournment.

Without objection, the Special Council Meeting adjourned at 7:05 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council Meeting of the City Council of Mesa, Arizona, held on the 4th day of April 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK