

**CITY OF MESA**

**MINUTES OF THE PLANNING AND ZONING BOARD MEETING**

Held in the City of Mesa Council Chambers

Date: March 23, 2011 Time: 4:00 p.m.

MEMBERS PRESENT

Randy Carter, Chair  
Beth Coons, Vice-Chair  
Chell Roberts  
Vince DiBella  
Lisa Hudson  
Brad Arnett  
Suzanne Johnson

MEMBERS ABSENT

OTHERS PRESENT

John Wesley  
Gordon Sheffield  
Tom Ellsworth  
Lesley Davis  
Angelica Guevara  
Wahid Alam  
Debbie Archuleta  
Margaret Robertson

Roni Nordbye  
Bob Hardy  
Dorothy Shupe  
D.J. Ibeling

Chairperson Carter declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated March 23, 2011. Before adjournment at 4:53 p.m., action was taken on the following:

It was moved by Boardmember Vince DiBella seconded by Boardmember Chell Roberts that the minutes of the February 15, 2011, and February 16, 2011 study sessions and regular meeting be approved as submitted. Vote: 7 – 0 .

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

Code Amendment: Repeal of the present Title 11 of the Mesa City Code, known as the Mesa Zoning Ordinance, in its entirety, and replacement with a new Title 11, also to be known as the Mesa Zoning Ordinance. This project is also known as the Zoning Code Update.

Zoning Cases: Z11-06, Z11-07, Z11-08, Z11-09

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Item: **Z11-09** 307 East 1<sup>st</sup> Street. Located north of Main Street on the west side of Mesa Drive (0.27± acres). District 4. Site Plan Review. This request will allow an addition to an existing wedding reception facility. (PLN2011-00003) Raymond & Michele Hart, owner; Vince DiBella, applicant. **(District 4)**

Comments: Chair Randy Carter read the description of this project.

Boardmember Vince DiBella recused himself.

It was moved by Boardmember Brad Arnett, seconded by Boardmember Beth Coons

That: The Board approve zoning case Z11-09 conditioned upon:

1. Compliance with the site plan and project narrative submitted, except as modified by the conditions below;
2. Compliance with all requirements of Development Services Division with regard to the issuance of building permits;
3. Compliance with requirements for local landmark designation (HL98-002TC) established in 1998;
4. Compliance with requirements of the Historic Preservation Committee related to the Certificate of Appropriateness/Historic Clearance approved February 24, 2011;
5. Compliance with all requirements of the Board of Adjustment for case BA11-16;
6. Removal of all on-site parking spaces that encroach into the rights-of-way for Mesa Drive and for 1<sup>st</sup> Street;
7. Replacing pavers with grass between sidewalk and curb along 1<sup>st</sup> Street with landscaping materials such as grass;
8. Review and approval of a landscaping plan by the Planning Director prior to issuance of a building permit for the requested shade canopy;
9. Review and approval by the Planning Director of a phasing plan for installation of required improvements prior to issuance of a building permit for the requested shade canopy;
10. Approval of parking requirement modifications by the Zoning Administrator.

Vote: Passed 6 – 0 – 1 (Boardmember DiBella abstained)

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**Note:** *Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at [www.mesaaz.gov](http://www.mesaaz.gov)*

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Item: **Z11-06** The 2400 block of South Signal Butte Road. Located north of Guadalupe Road on the east side of Signal Butte Road (7.34± acres). District 6. Rezone from R1-6 PAD DMP to R-4 PAD DMP and Site Plan Modification. This request will allow the development of a memory care facility. (PLN2011-00005) SSV Twin Homes 2, Inc. owner; Craig Ahlstrom Jr., applicant.

**(District 6)**

Comments: Chair Randy Carter read the description of the project.

Boardmembers DiBella and Coons recused themselves.

It was moved by Boardmember Brad Arnett, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z11-06 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Subdivision Technical Review Committee.
4. Future Site Plan Review for phase two.
5. Compliance with all requirements for a Special Use Permit from the Board of Adjustment.
6. Compliance with all City development codes and regulations.
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, prior to the issuance of a building permit).

Vote: Passed 5 – 0 – 2 (Boardmembers DiBella and Coons abstained)

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Item: **Z11-07** 239 & 257 South Power Road. Located north of Broadway Road and east of Power Road (2.86± acres). District 6. Site Plan Review. This request will allow the development of a medical office building. (PLN2010-00394) Power Road Land Investors, LLC owner; Alan Laulainen, Coaction Development Group, applicant.

**(District 6)**

Comments: Chair Randy Carter read the description of the project.

It was moved by Boardmember Brad Arnett, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z11-07 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.

Vote: Passed 7 – 0

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Item: **Z11-08** 5503 South Power Road. Located south of Ray Road on the east side of Power Road (4.34± acres). District 6. Rezone from C-2 to M-1 and Site Plan Review. This request will allow the development of an RV/Boat Storage Facility. (PLN2010-00148) James McDowell, owner; Tony Cooper, applicant.

**(District 6)**

Comments: Chair Randy Carter read the description of the project.

It was moved by Boardmember Beth Coons, seconded by Boardmember Chell Roberts

That: The Board continue zoning case Z11-08 to the April 20, 2011 meeting:

Vote: Passed 7 – 0

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### DISCUSS THE FOLLOWING CODE AMENDMENT:

Item: Repeal of the present Title 11 of the Mesa City Code, known as the Mesa Zoning Ordinance, in its entirety, and replacement with a new Title 11, also to be known as the Mesa Zoning Ordinance. This project is also known as the Zoning Code Update.

Zoning Administrator, Gordon Sheffield explained that the Livestock regulations are in Title 8 of the Mesa City Code. The Zoning Code is Title 11 of the Mesa City Code. The Planning and Zoning Board has no jurisdiction over Title 8. He further explained the City Council changed the Livestock Ordinance about a year and half before this meeting. Mr. Sheffield also explained that the City Council had revised the Medical Marijuana regulations and C-3 (GC) General Commercial would no longer be an allowed location. Regarding detached accessory structures they would be allowed closer than 6' from the side of the residence if the structure does not exceed 6' in height (at the peak of the roof) and 120 sq. ft. in roof area, has no permanent attachment to the ground or permanent foundation, shall not have any electrical or plumbing fixtures installed, and shall drain all stormwater back to the same lot or parcel as the accessory structure. There will no longer be a requirement to provide a minimum 5/8 inch Type X gypsum wallboard attached to the inside of all side walls of such accessory structures.

Mr. Sheffield then briefly explained changes that had been made to the proposed Zoning Code at the request of City Council. A Special Use Permit will be required to lease or rent accessory living quarters. A Council Use Permit will no longer be required to allow Pool or Billiards in the NC district. The setback requirement for cell towers adjacent to residential property will remain at 2 to 1: Off track betting will be allowed by right in eating and drinking establishments. Citizen Participation requirements will now require a minimum 500' notification. Agritainment (education and entertainment uses as an accessory use for dairy farms) will require a Special Use Permit: Churches will be allowed in the Downtown Core; however, the City Council can establish an "entertainment district" and suspend the 300' separation for liquor sales. The requirement for 30' rear yard setbacks in the RS-6 and RS-7 districts will not be required if the subdivision has a 10' landscape setback behind the residences.

Chair Carter stated that there were blue slips from citizens, some of whom wanted to speak, others who had questions, but did not wish to speak. He stated the questions related to whether the new Zoning Code would change the regulations regarding keeping of livestock. Mr. Sheffield stated the livestock regulations are Title 8 of the Mesa City Code, the Zoning Code is Title 11. The revisions to the Zoning Code will not affect livestock regulations. There is a provision of the Zoning Code that would allow people who do not meet the regulations to apply for a Special use Permit to allow them to have more livestock. This would require a public hearing with notification of neighbors and the posting of the property. Chair Carter then read a slip that asked will there be any rules regarding "halfway houses". Mr. Sheffield explained that "halfway houses/group homes for the handicapped" are regulated by Federal Law. The City can establish distance separations; however, the City cannot prohibit them. The next question "What does the S stand for in RS-35"? The answer RS stands for residential single family.

The following citizens then spoke.

Bob Hardy 111 South Greenfield Road #49, stated that people who are reaching retirement age these days want more opportunities for housing and entertainment. He stated they don't want to live

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in "tin houses". RV parks need to revise their image. He was requesting the new Code allow the 400 sq. ft. Arizona Room and 120 sq. ft. shed allowance be revised to combine the square footage to 520 sq. ft. with more flexibility.

D.J. Ibeling 4702 East Camino, spoke regarding parking issues in his subdivision. He stated parking around the duplexes is a problem and hurts property values. He stated he had spoken with several Council members and previous City Managers since 1990 and nothing has ever been done.

Roni Nordbye 258 South Yale spoke regarding art galleries. Mr. Nordby stated that Downtown Phoenix has a 3 mile square arts overlay where people are allowed to turn their house into studios for performing arts, music, and art galleries. He stated he wanted to buy a house on an arterial street and put up a sign for an art gallery.

Mr. Sheffield stated the requirement for sign permit fees is now in The Schedule of Fees which is in a resolution adopted by Council; therefore, it no longer needs to be in the Zoning Code. Staff is continuing to review regulations for manufactured homes and RV's. Regarding Mr. Ibeling's parking situation, there really isn't much of a solution for that because of the way the subdivision is built. Regarding the arts districts that was mentioned, one of the proposals in the new Code is for single family residential properties that front onto an arterial street, when those sites are located on a corner lot, there is a proposal for a Special Use Permit, rather than having to rezone.

Respectfully submitted,

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John Wesley, Secretary  
Planning Director

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