

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date: November 28, 2012 Time: 4:00 p.m.

MEMBERS PRESENT

Randy Carter, Chair
Beth Coons, Vice-Chair
Vince DiBella
Lisa Hudson
Suzanne Johnson
Michael Clement

MEMBERS ABSENT

Brad Arnett

OTHERS PRESENT

John Wesley
Gordon Sheffield
Tom Ellsworth
Angelica Guevara
Wahid Alam
Debbie Archuleta

Danny Bockting
Joe Goforth
Kathleen Schauer
Warren Schauer
Richard Herrera
Aaron Beaty

Warren Puffer
Angel Sawyer
Peter Alukonis
Robert Fabrizio
Others

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 November 28, 2012. Before adjournment at 5:34 p.m., action was taken on the following:

It was moved by Boardmember Beth Coons, seconded by Boardmember Vince DiBella that the minutes of the October 16, 2012, and October 17, 2012 study sessions and regular meeting be approved as revised. Vote: 6 – 0 (Boardmember Arnett absent).

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

There were no items on the consent agenda

Zoning Cases: GPMinor12-04, Z12-45, Z12-46, Z12-47, Z12-48

MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

Item: **Z12-45 (District 1)** 1945 South Stapley Drive. Located at the northeast corner of Stapley Drive and Baseline Road (1± acres). District 3. Site Plan Review. This request will allow for the development of a restaurant with a drive-thru. Danny Bockting, Evergreen Development, owner; Ali Fakh, Sustainability Engineering Group, applicant. (PLN2012-00270)

Comments: Staffmember Wahid Alam explained the project. He stated it was a very small site and the applicant would need to dedicate right-of-way making it even smaller. He stated staff's main concern was with the connection between this site and the site to the east. The driveways do not line up and there is a grade change between the lots. He stated the project would be going to the Board of Adjustment because the landscaping did not meet current Code requirements.

Danny Bockting, 2390 East Camelback, represented the case and thanked staff for working with them on the site plan.

Boardmember Beth Coons asked what the issue was regarding cross access. Mr. Bockting stated there was no cross access agreement, the easement only allows the property to the east to access their site to Stapley.

Planning Director John Wesley stated staff had not seen the language on the easement.

Boardmember Vince DiBella confirmed they can only work on the site grade on their site, they do not have rights on the other property. He wondered how far the City could push the other site.

Chair Randy Carter suggested the applicant move the transformer north and then move their access to the north to line up with the access on the eastern side. Mr. Bockting stated the legal description defines the access drive and it can't be moved. Chair Carter stated they could move the transformer and then move their curb to the north to widen the connection. Mr. Wesley stated the site had existed like this for some time. There is still a curb on the other property that would be a problem. He suggested the condition be revised to say the applicant would be required to attempt to work with the neighbor and provide written documentation of their contact with the neighboring property.

Boardmember Suzanne Johnson confirmed the last case to come through the City was the shopping center with this easement.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z12-45 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted.
2. Compliance with all requirements of the Design Review.
3. Approval of a Substantial Conformance Improvement Permit by the Board of Adjustment for the modification of design standards from the zoning.
4. Compliance with all City development codes and regulations.
5. Relocate the entry/exit door facing baseline to the east so that the door does not swing out into the sidewalk/foundation base and improve ADA access.

MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

6. Improve the offset driveway connection with the property to the east per current City of Mesa standards.

Modifying condition 6 to read something like "improve the driveway grade differential to the extent possible related to your improvements. Provide evidence of input from the adjacent property to the possibility of relocating or offsetting the drive with the intent of participating in that or allowing you to do that. If that proves not possible, at least provide some improvements to the grade change."

Boardmember Beth Coons the commented that she would vote against the motion because it put too much unknown on the applicant and she thought it was difficult for them to go back and see what the other person would do.

Boardmember Clement confirmed that Boardmember Coons would vote no because of the revised condition 6. He stated he thought the revisions to Condition 6 seemed very loose. Boardmember Coons thought the Board was putting extra burdens on the applicant. Boardmember DiBella stated the original intent was to address the grade difference if possible and provide correspondence that they had tried to address the offsite issue, by doing their due diligence and providing evidence of that.

Planning Director John Wesley then stated staff would suggest two conditions: Provide improvements to the grade change to the property to the east, to the extent possible; and applicant to work with the adjacent property owner to revise the cross-access easement or provide a letter from them indicating they are unwilling to modify the existing easement.

Boardmember Coons confirmed the applicant was in agreement with the revised conditions.

Boardmember DiBella withdrew his motion.

It was then moved by Boardmember Vince DiBella, seconded by Boardmember Coons

That: The Board recommend to the City Council approval of zoning case Z12-45 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted.
2. Compliance with all requirements of the Design Review.
3. Approval of a Substantial Conformance Improvement Permit by the Board of Adjustment for the modification of design standards from the zoning.
4. Compliance with all City development codes and regulations.
5. Relocate the entry/exit door facing baseline to the east so that the door does not swing out into the sidewalk/foundation base and improve ADA access.
6. Address the grade change on your property as it relates to the existing points of connection, mitigate that to best engineering practices possible.

Vote: Passed 6 – 0 (Boardmember Arnett absent)

MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

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MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

Item: **Z12-46 (District 6)** The 10800 to 11000 blocks of East Ray Road (south side). Located east of Signal Butte Road on the south side of Ray Road (22.42± acres). Modification of the PAD within an existing RS-6 zoning district. This request will allow the development of single-residence lots. (PLN2012-00397)

Comments: The applicant contacted staff and requested the case be continued to the January 16, 2013 meeting

It was moved by Boardmember Beth Coons, seconded by Boardmember Lisa Hudson

That: The Board continue Z12-45 to the January 16, 2013 meeting

Vote: Passed 6 – 0 (Boardmember Arnett absent)

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MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

Item: GPMInor12-04 The 2000 block of North Sossaman Road (east side) and the 7600 block of East McKellips Road (north side). Located at the northeast corner of Sossaman Road and McKellips Road (10± acres). District 5. Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use designation from Low Density Residential 1-2 du/acre (LDR 1-2) to Medium Density Residential 2-4 du/acre (MDR 2-4). This request will allow future residential development of a higher density on the site. Foresight Group LLC, Owner; Joe Goforth, applicant. (PLN2012-00295)

Comments: Staffmember Angelica Guevara explained the request was to revise the General Plan land use designation for this property from LDR 1-2 to MDR 2-4. She stated staff was concerned that RS-9 allows 9,000 sq. ft. lots and the PAD would allow up to 4.8 dwelling units per acre. The existing lots to the north and east are over 1 acre. Staff suggested RS-15. She explained conditions 4 and 5 would address those concerns. She further explained that there was no layout for the project, therefore the site would have to come back in the future for Site Plan Review and plat approval.

Joe Goforth 7145 East First Street, Scottsdale, represented the case. He stated they were applying through a 2-step process. This request was for land use planning only. He stated the owner had received interest from commercial, patio homes, and assisted living. The neighbors want single family homes. He stated this request would establish densities of not more than 4 dwelling units per acre, with a minimum of 7,000 sq.ft. lots and a maximum of 11,000 sq. ft. lots. The perimeter lots would be not more than one-story. They wanted 4 units to the acre to make the site viable. They wanted to be annexed. They would not agree to annex into the City with the lot sizes in the condition suggested by staff. He stated the neighbors who attended the neighborhood meeting were here at this meeting. They wanted one acre lots. This site was not suitable for one acre lots, it was too close to the freeway. He stated 4 units to the acre was reasonable. He also stated they were going to put in landscaping.

The following people were opposed to the project but did not wish to speak:

Kathleen Schauer 2106 North 77th Place
Richard Herrera 7742 East McKellips Road
Aaron Beaty 7724 East McKellips Road

Warren Schauer 2106 North 77th Place spoke in opposition to the project. Mr. Schauer stated his property was 1 ¼ acres, the lots south of him were 2 acre lots. In the County you have to have one acre lots to be on septic. This applicant needed to be in the City to have sewer service. He stated he would be OK with this property being developed at 1 to 2 homes per acre. He was not in favor of 2-story homes. He was concerned with the washes and the drainage for this property.

William Puffer 8330 East Thomas spoke representing The Spook Hill Association. He stated he had worked with the City for 25 years with the City Desert Uplands Guidelines. He was concerned a precedent would be set for RS-9 development. He was opposed to this 2-step process with no site plan or plat. He questioned how the traffic would work. He stated he had not been notified until the neighbors contacted him the night before the meeting. He stated he felt blind sided like the applicant said he did. He requested a continuance to the December meeting, since the project could not be heard by Council until January, a continuance would not hold them up.

MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

Angel Sawyer 2107 North 76th Street spoke in opposition. She stated she had asked at the neighborhood meeting if Spook Hill had been notified, the applicant said they didn't know who that was. She was concerned with traffic. She was concerned with the ownership's change in name with the removal of the LLC and wondered if this application was still valid. She wanted a continuance to December meeting. She wanted to see a plan.

Peter Alukonis 2107 North 76th Street stated he had moved there because there were not many people. He stated 40 homes with 2 cars per home would be too much. With children there could be as many as 100 cars. He stated there was no assurance of what they were going to build. He did not want 2-story homes. He asked why one home per acre was not feasible.

Boardmember Mike Clement stated he would think they had something planned, even though they hadn't provided it. The lots would be approximately 9,000 sq.ft.. He asked how many lots they were anticipating, Mr. Goforth stated 25 to 30. He asked if they had worked with the 20,000 and 10,000 sq. ft. lots in the staff condition. Mr. Goforth stated that would not work. They had to be 9,000 to be profitable to them. He stated 4 units per acre would be 10,000 sq. ft. and that was not feasible.

Chair Randy Carter asked how many lots they were looking for. Mr. Goforth stated they wanted a range of lot sizes between 7,000 and 11,000. He stated they were just trying to position the property. The target was 25 to 35 lots. Chair Carter was concerned with the PAD. He wondered how small lots could be. He thought 10 acres was too small for hard zoning without a plan. He wondered how much of the site the streets and washes would eat up.

Boardmember Beth Coons was concerned with not having anything to look at. Planning Director, John Wesley stated this process was similar to the conceptual zoning that was previously allowed. With the update of the Zoning Code last year the D.M.P. was removed and replaced with the 2-step PAD. Boardmember Coons confirmed there had not been a traffic study. She was concerned that Mr. Puffer had not been notified. Mr. Goforth stated the owner had agreed to revegetate the site. Boardmember Coons was concerned with the washes.

Boardmember Vince DiBella stated that typically applicants have something to show what could be built. The Board was not seeing anything for this application. He questioned what the City was getting for the annexation. We don't know what the quality will be.

Boardmember Clement then asked what the typical lot sizes to the east were. Mr. Puffer stated Estates at Desert Mountain were 15,000 sq. ft. he stated there were major drainage issues in that subdivision. Boardmember Clement was concerned with the lack of direction. He wanted to see something. He suggested the property be annexed and zoned RS-35 then it could be rezoned in the future when they had a plan. He was concerned about what would happen to the land locked parcel to the north of this project. He understood the site was near the freeway and it is on an arterial. He questioned what sizes the parcels to the west were. Mr. Goforth stated the subdivision to the west was 15,000 to 18,000 sq. ft. lots.

Mr. Goforth stated they had used the notification list the City gave them. They had met with neighbors and there were things that can't be resolved. Yes they will sell the site to a home builder. Traffic is a non issue. He stated they would agree to one-story homes at the perimeter. Working with the neighbors would not resolve anything. They have nothing else to give the neighbors. They will not agree to the staff condition.

MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

Robert Fabrizio, 8738 E San Felipe Drive, Scottsdale, stated he was the owner. He would agree to a continuance but doesn't think anything can be resolved. Neighbors said they don't want anything there. People are dumping there, and riding motorcycles.

Staffmember Angelica Guevara stated she had told Mr. Goforth he had to contact Mr. Puffer, she also gave Mr. Goforth, Mr. Puffer's contact information. She also stated the project to the west had some 15,000 sq. ft. lots the average lot size was 18,000 to 20,000 to the west and some lots ranged up to one acre.

Joe Goforth stated this started as an annexation. They put in the PAD to stip to no more than 4 units per acre.

It was moved by Boardmember Michael Clement, seconded by Boardmember Beth Coons

That: The Board continue zoning case GPMinor12-04 to the December 19, 2012 meeting.

Vote: Passed 6 – 0 (Boardmember Arnett absent)

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MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

Item: **Z12-47 (District 5)** The 2000 block of North Sossaman Road (east side) and the 7600 block of East McKellips Road (north side). Located at the northeast corner of Sossaman Road and McKellips Road (10± acres). District 5. Rezone from Maricopa County R1-35 to City of Mesa RS-35. This request will establish City of Mesa zoning on recently annexed property. Foresight Group LLC, Owner; Joe Goforth, applicant (PLN2012-00295)

Comments: Staffmember Angelica Guevara explained that this request was to establish City zoning on this property. The site was zoned County R1-35 and this request would establish City RS-35 zoning.

Staffmember Angelica Guevara explained the request was to revise the General Plan land use designation for this property from LDR 1-2 to MDR 2-4. She stated staff was concerned that RS-9 allows 9,000 sq. ft. lots and the PAD would allow up to 4.8 dwelling units per acre. The existing lots to the north and east are over 1 acre. Staff suggested RS-15. She explained conditions 4 and 5 would address those concerns. She further explained that there was no layout for the project, therefore the site would have to come back in the future for Site Plan Review and plat approval.

Joe Goforth 7145 East First Street, Scottsdale, represented the case. He stated they were applying through a 2-step process. This request was for land use planning only. He stated the owner had received interest from commercial, patio homes, and assisted living. The neighbors want single family homes. He stated this request would establish densities of not more than 4 dwelling units per acre, with a minimum of 7,000 sq.ft. lots and a maximum of 11,000 sq. ft. lots. The perimeter lots would be not more than one-story. They wanted 4 units to the acre to make the site viable. They wanted to be annexed. They would not agree to annex into the City with the lot sizes in the condition suggested by staff. He stated the neighbors who attended the neighborhood meeting were here at this meeting. They wanted one acre lots. This site was not suitable for one acre lots, it was too close to the freeway. He stated 4 units to the acre was reasonable. He also stated they were going to put in landscaping.

The following people were opposed to the project but did not wish to speak:

Kathleen Schauer 2106 North 77th Place
Richard Herrera 7742 East McKellips Road
Aaron Beaty 7724 East McKellips Road

Warren Schauer 2106 North 77th Place spoke in opposition to the project. Mr. Schauer stated his property was 1 ¼ acres, the lots south of him were 2 acre lots. In the County you have to have one acre lots to be on septic. This applicant needed to be in the City to have sewer service. He stated he would be OK with this property being developed at 1 to 2 homes per acre. He was not in favor of 2-story homes. He was concerned with the washes and the drainage for this property.

William Puffer 8330 East Thomas spoke representing The Spook Hill Association. He stated he had worked with the City for 25 years with the City Desert Uplands Guidelines. He was concerned a precedent would be set for RS-9 development. He was opposed to this 2-step process with no site plan or plat. He questioned how the traffic would work. He stated he had not been notified until the neighbors contacted him the night before the meeting. He stated he felt blind sided like the applicant said he did. He requested a continuance to the December

MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

meeting, since the project could not be heard by Council until January, a continuance would not hold them up.

Angel Sawyer 2107 North 76th Street spoke in opposition. She stated she had asked at the neighborhood meeting if Spook Hill had been notified, the applicant said they didn't know who that was. She was concerned with traffic. She was concerned with the ownership's change in name with the removal of the LLC and wondered if this application was still valid. She wanted a continuance to December meeting. She wanted to see a plan.

Peter Alukonis 2107 North 76th Street stated he had moved there because there were not many people. He stated 40 homes with 2 cars per home would be too much. With children there could be as many as 100 cars. He stated there was no assurance of what they were going to build. He did not want 2-story homes. He asked why one home per acre was not feasible.

Boardmember Mike Clement stated he would think they had something planned, even though they hadn't provided it. The lots would be approximately 9,000 sq.ft.. He asked how many lots they were anticipating, Mr. Goforth stated 25 to 30. He asked if they had worked with the 20,000 and 10,000 sq. ft. lots in the staff condition. Mr. Goforth stated that would not work. They had to be 9,000 to be profitable to them. He stated 4 units per acre would be 10,000 sq. ft. and that was not feasible.

Chair Randy Carter asked how many lots they were looking for. Mr. Goforth stated they wanted a range of lot sizes between 7,000 and 11,000. He stated they were just trying to position the property. The target was 25 to 35 lots. Chair Carter was concerned with the PAD. He wondered how small lots could be. He thought 10 acres was too small for hard zoning without a plan. He wondered how much of the site the streets and washes would eat up.

Boardmember Beth Coons was concerned with not having anything to look at. Planning Director, John Wesley stated this process was similar to the conceptual zoning that was previously allowed. With the update of the Zoning Code last year the D.M.P. was removed and replaced with the 2-step PAD. Boardmember Coons confirmed there had not been a traffic study. She was concerned that Mr. Puffer had not been notified. Mr. Goforth stated the owner had agreed to revegetate the site. Boardmember Coons was concerned with the washes.

Boardmember Vince DiBella stated that typically applicants have something to show what could be built. The Board was not seeing anything for this application. He questioned what the City was getting for the annexation. We don't know what the quality will be.

Boardmember Clement then asked what the typical lot sizes to the east were. Mr. Puffer stated Estates at Desert Mountain were 15,000 sq. ft. he stated there were major drainage issues in that subdivision. Boardmember Clement was concerned with the lack of direction. He wanted to see something. He suggested the property be annexed and zoned RS-35 then it could be rezoned in the future when they had a plan. He was concerned about what would happen to the land locked parcel to the north of this project. He understood the site was near the freeway and it is on an arterial. He questioned what sizes the parcels to the west were. Mr. Goforth stated the subdivision to the west was 15,000 to 18,000 sq. ft. lots.

Mr. Goforth stated they had used the notification list the City gave them. They had met with neighbors and there were things that can't be resolved. Yes they will sell the site to a home builder. Traffic is a non issue. He stated they would agree to one-story homes at the perimeter. Working with the neighbors would not resolve anything. They have nothing else to give the

MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

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Staffmember Angelica Guevara stated she had told Mr. Goforth he had to contact Mr. Puffer, she also gave Mr. Goforth, Mr. Puffer's contact information. She also stated the project to the west had some 15,000 sq. ft. lots the average lot size was 18,000 to 20,000 to the west and some lots ranged up to one acre.

Joe Goforth stated this started as an annexation. They put in the PAD to stip to no more than 4 units per acre.

It was moved by Boardmember Michael Clement, seconded by Boardmember Suzzane Johnson

That: The Board continue zoning case Z12-47 to the December 19, 2012 meeting

Vote: Passed 6 – 0 (Boardmember Arnett absent)

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Comments: Staffmember Angelica Guevara explained that this request was to rezone the property from RS-35 to RS-9 PAD.

Staffmember Angelica Guevara explained the request was to revise the General Plan land use designation for this property from LDR 1-2 to MDR 2-4. She stated staff was concerned that RS-9 allows 9,000 sq. ft. lots and the PAD would allow up to 4.8 dwelling units per acre. The existing lots to the north and east are over 1 acre. Staff suggested RS-15. She explained conditions 4 and 5 would address those concerns. She further explained that there was no layout for the project, therefore the site would have to come back in the future for Site Plan Review and plat approval.

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MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

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MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

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Joe Goforth stated this started as an annexation. They put in the PAD to stip to no more than 4 units per acre.

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board continue zoning case Z12-48 to the December 19, 2012 meeting

Vote: Passed 6 – 0 (Boardmember Arnett absent)

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MINUTES OF THE NOVEMBER 28, 2012 PLANNING AND ZONING MEETING

Respectfully submitted,

John Wesley, Secretary
Planning Director

DA:
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