

CITY OF MESA

MINUTES OF THE PLANNING HEARING OFFICER

Held in the City of Mesa Planning Division Conference Room
20 East Main Street, Suite 130
Date November 1, 2007 Time 1:30 p.m.

HEARING OFFICER

William "Bill" Petrie

STAFF PRESENT

Tom Ellsworth
Josh Mike
Joe Welliver
Veronica Gonzalez
Kelly Arredondo

OTHERS PRESENT

David Udall
Dorothy Shupe
Randy Carter
Joe Reilly
Joe Burke
Others

The Planning Hearing Officer (PHO) Bill Petrie welcomed everyone present and approved the minutes of the October 4, 2007, meeting as submitted.

Before adjournment at 2:20 p.m., action was taken on the following item(s):

Zoning Cases: Z07-98, Z07-100, Z07-109

Preliminary Plat(s): "First Pecos & Power", "Reilly Aviation"

The public hearing was recorded on Flash Card one and track titled PHO 11.01.07.

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Item: **Z07-100 (District 1)** 1812 and 1844 West Eighth Street (9.0± ac.). Located north of University Drive and east of Dobson Road. Site Plan Modification. This request will allow for a retail development. Doug Himmelberger, DeRito Partners, owners; Dave Udall, Udall Shumway & Lyons, applicant. **CONTINUED FROM THE OCTOBER 4, 2007 MEETING.**

Comments: Josh Mike, Planner I, gave a brief overview of the project stating that the request is for the removal of a restaurant pad and the development of a retail pad. He continued that the right-of-way as stated on the drawings is incorrect, staff has concerns with the number of trash enclosures provided and that they encroach into the landscape setback.

Doug Himmelberger, 3200 E. Camelback Rd. Ste 125, Phoenix, applicant, stated that there is a drafting error on the drawings and the right-of-way exists and there is no issue with it. He continued that they understand that the size of the buildings require a double trash enclosure, however, the use does not generate enough trash to fill the two enclosures, they are asking for consideration for just one enclosure and they will move the enclosure five feet north out of the landscape setback.

Hearing Officer Petrie commented that he addressed the trash enclosure issue in a prior case and the Solid Waste Division was not aware of his stipulation. He continued that he would prefer additional parking at this site to the additional trash enclosure.

Discussion ensued concerning the form of ownership of the property, the scheduling of solid waste pickup and the retail portion of the fitness center.

Hearing Officer Petrie stated that a more appropriate use would be parking spaces over the solid waste containers. He continued that if there is occupancy or change of use to the site an additional refuse enclosure could be added to meet the demand. The Hearing Officer recommended that a note be placed in the Tidemark System concerning this issue.

The Planning Hearing Officer **approved** zoning case Z07-100 conditioned upon:

1. Compliance with Ordinance #4496 (Z05-101) except as amended by the modification of Tract F-2.
2. Compliance with the Tract F-2 development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee building count, or lot coverage).
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Should the use or occupancy of building "J" change or through field inspection if City staff considers the quantity of trash enclosures to be insufficient to meet normal business needs, additional trash enclosures shall be installed at the developers expense to meet demand per City of Mesa standard detail M-62.2.
6. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.

Reason for Recommendation: The site is well designed; it is in keeping with the overall Development Master Plan for Riverview and meets the goals and objectives of the General Plan.

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Note: CD's of the Planning Hearing Officer Hearings are available in the Planning Division Office for review.

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Item: **Z07- 109 (District 5)** 1508 North Alta Mesa Drive. Located south of McKellips Road and west of Recker Road (7.04 ± ac). Site Plan Modification. This request will allow the development of a townhouse community. John Perkinson, Perkinson Investment Corp., owner; Dorothy Shupe, Dreamcatchers Planning & Design, LLC., applicant. Also consider the preliminary plat of "Clubhouse Village at Alta Mesa".

Comments: Joe Welliver, Planner I, gave a brief overview of the project stating that there is a reduction in the number of units, a modification to the Planned Area Development (PAD) overlay to accommodate modifications to the Development Standards and two concerns. Mr. Welliver explained the first concern was the backup distance and angles of the driveways located in units 5A and 12C and that this could be addressed by a hammerhead design. The second concern is two walkways between units 8A and 9C abruptly end at the fence on the north property line and an internal pedestrian network or elimination of the paths would correct this concern.

Randy Carter, 2454 E. Southern Ave, Suite 110, applicant, stated that they had no problem doing the hammerheads for the driveways and the sidewalks would be reconfigured to create a pedestrian walkway around the perimeter of the site.

Discussion ensued concerning the recommended conditions of approval relating to the Design Review Board, noise attenuation and avigation easements. Staff and the Hearing Officer determined these conditions did not apply and eliminated them.

Tom Ellsworth, Senior Planner, mentioned that there has not been a review for approval of the product design and that would be done during Subdivision Technical Review.

Hearing Officer Petrie asked Mr. Carter to submit a letter detailing the standard features of the product to staff.

John Perkison, 1733 N. Greenfield Rd., owner, stated that this is a difficult infill project and thanked staff for their assistance.

The Planning Hearing Officer **approved** the preliminary plat of "Clubhouse Village at Alta Mesa" and zoning case Z07-109 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
6. Provide a hammerhead at units 5A and 12C to be approved by Staff.
7. Provide a pedestrian network that meets City Code.

Reason for Recommendation: The Hearing Officer determined that this project is well designed, has reduced the density, is keeping with the surrounding single family area and is in conformance with the General Plan.

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Division Office for review.

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Item: **Z07-98 (District 6)** The 4200 and 4300 blocks of South Power Road (east to the Roosevelt WCD canal) (52± ac.). The northeast corner of Warner and Power Roads. Modification of Council Ordinance 3787. This request is to amend the ordinance allowing flexibility of future processing development requests. Custom Homes by Via, LLC, Michael Licano and others, owner; Michael Licano, applicant. **CONTINUED FROM THE OCTOBER 4, 2007 MEETING.**

Comments: Tom Ellsworth, Senior Planner, gave a brief overview of the request stating that this is a modification to an existing Ordinance on the site. He explained that the modification would allow certain Site Plan Modifications to end at the Planning & Zoning Board or at the Planning Hearing Officer rather than continuation to the City Council. He continued that all projects along the arterial streets would be review by the Design Review Board and projects within the interior would be reviewed administratively creating a streamline process to allow development to occur more efficiently.

Hearing Officer Petrie asked if all site plans need to go through the complete public hearing process. Mr. Ellsworth explained that the site plan that was approved in 2000 was a conceptual plan of development and when a site comes in for review it is required to go for a Site Plan Review all the way through City Council. He continued that as the site develops as previously approved, this modification would streamline the development process by allowing the review to be done administratively rather than going through a three month hearing process.

Hearing Officer Petrie asked Mr. Ellsworth if a site would go to the Planning & Zoning Board or the Planning Hearing Officer if it were to come in as something other than what was approved and if staff denied a design of a building, could it be appealed to the Design Review Board. Mr. Ellsworth responded that a modification to a site would go to either the Planning & Zoning Board or to the Planning Hearing Officer and that an applicant could appeal staff's decisions regarding design to the Design Review Board.

The Planning Hearing Officer recommends to the City Council approval of zoning case Z07-98 conditioned upon:

1. Compliance with Ordinance 3787 except as amended below.
2. Compliance with the basic development as shown on the DMP site plan.
3. Review and approval of development on all parcels adjacent to the arterial streets through the Design Review Board.
4. Administrative Design Review of development on all parcels not adjacent to the arterial streets.
5. Compliance with all City development codes and regulations except as amended through the DMP.

Reason for Recommendation: The Hearing Officer determined the project appears to be working well, is in conformance with the general plan and is well designed.

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Item: **"First Pecos & Power" (District 6)** 6927 E. Pecos Road. Located at the southeast corner of Power and Pecos Roads. To allow for the development of a five lot industrial subdivision. Paul Matthews, owner; Adam Valente, applicant.

Comments: Josh Mike, Planner I, stated that this request is for a five lot industrial subdivision at the intersection of Pecos and Power Roads.

Hearing Officer Petrie asked if there is going to be an under or overpass with the railroad tracks and how the intersection would work.

Joe Burke, 1121 E. Missouri Ave., Ste. 218, Phoenix, representing the applicant, stated that it is a regular intersection that is being completed by the Town of Gilbert and their improvements stop just before the Maricopa County Flood Control parcel to the west of the this site. He continued that they are tying into the improvements and have had discussion with the Transportation Division on how to taper it to meet City of Mesa requirements for half street and curb to match the Gilbert improvements.

Discussion ensued concerning the 50' gas line easement, the drainage channel, and the Pecos Road right-of-way and improvement requirements.

The Planning Hearing Officer **approved** the preliminary plat of "First Pecos & Power" conditioned upon:

1. Compliance with all requirements of Ordinance 4272 except as amended below.
2. Compliance with the basic layout as shown on the preliminary plat.
3. Compliance with all City development codes and regulations.

Reason for Recommendation: The Hearing Officer determined that the property and proposed uses are in conformance with the General Plan, the subdivision design is well laid out and meets the City of Mesa policies.

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Item: **“Reilly Aviation” (District 5)** 2745 N. Greenfield Road. Located south and east of the southeast corner of Greenfield Road and McDowell Road. To allow a condominium form of ownership for airplane hangars at Falcon Field Airport. City of Mesa, owner; F. Joseph Reilly, applicant.

Comments: Veronica Gonzalez, Senior Planner, gave a brief overview of the project stating that this is a request for a condominium plat over 41 previously approved airplane hangars. She continued that the City of Mesa owns the property and has signed a revised lease agreement with the applicant to allow this type of ownership.

Hearing Officer Petrie asked what the length of the lease agreement is. F. Joseph Reilly, 40165 W. Winterwash Dr., Tucson, applicant, stated that the lease agreement is for 40 years.

Discussion ensued concerning the current development on the site, the lease agreement and what happens to the property when the lease expires.

The Planning Hearing Officer **approved** the preliminary plat of “Reilly Aviation” conditioned upon:

1. Compliance with all requirements of Design Review Board case DR07-29.
2. Compliance with all requirements of Zoning Administrator case ZA07-20.
3. Compliance with the basic layout as shown on the preliminary plat.
4. Compliance with all City development codes.
5. Compliance with all requirements of the Subdivision Regulations.

Reason for Recommendation: The site is in compliance with the General Plan, the airport has approved this type of ownership and this will be a good development for the area.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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