

MINUTES OF THE MAY 26, 2005 PLANNING AND ZONING MEETING

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Planning Division Conference Room

Date May 26, 2005 Time 4:30 p.m.

MEMBERS PRESENT

Mike Cowan, Chair
Rich Adams
Alex Finter
Frank Mizner

MEMBERS ABSENT

Barbara Carpenter (excused)
Pat Esparza (excused)
Bob Saemisch (excused)

OTHERS PRESENT

Dorothy Chimel
Krissa Hargis

Jerry Stansbury
Others

Chairperson Cowan declared a quorum present and the meeting was called to order at 4:30 p.m. The meeting was recorded on flash card and dated May 26, 2005. Before adjournment at 4:55 p.m., action was taken on the following item:

Zoning Case: Z05-59

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Item: **Z05-59** 5646 East Main Street Suite 5. Located west of Recker Road and north of Main Street (13,000 s.f.). District 5. Council Use Permit. This request is to allow the development of a charter school within a commercial zoning district. Saia Family Limited Partnership (Christine Pimentel), owner; Jerry Stansbury, applicant.

Comments: Mr. Jerry Stansbury, applicant, explained that there are three existing Franklin Arts Academy schools located in the valley. The curriculum used at these schools has shown to be extremely successful. He further discussed that the biggest complaint the school has received is that the elementary and high school students are currently located in the same school. As a response to the complaint, they have decided to construct a high school next to one of the existing schools. Mr. Stansbury stated that they are requesting to locate a high school at this location for approximately one year while the permanent facility is being constructed. This school would have approximately 160 to 200 students at this site.

Chairman Cowan inquired about the locations of the other schools. Mr. Stansbury explained that Franklin Arts Academy has three sites, which include the Gilbert Campus, Gold Campus, and Liberty Campus. Chairman Cowan asked if the facility met the requirement for restrooms. Ms. Dorothy Chimel, Principal Planner, stated that staff did not receive a floor plan of the site and explained the state law requirements for processing charter schools. She further stated that the applicant would have to work with Building Safety to meet all current Building Code requirements. Mr. Stansbury stated that the site presently did not meet the restroom requirements, but explained that the contractor is working with Building Safety to meet Building Code requirements.

Boardmember Mizner inquired about the parking that the school would be utilizing from the church to the west. Ms. Chimel explained that there was a cross-parking agreement with the Velda Rose Methodist Church located across 56th Street. Boardmember Mizner stated that he believed the parking agreement would work out well for the school and church because the school would operate during the daytime hours and churches primarily operate in the evenings and weekends.

Boardmember Finter asked if Dream Land Villa was notified as part of the citizen participation. Mr. Stansbury stated that they complied with all requirements for the citizen participation and submitted a revised Citizen Participation Report, dated May 25, 2005. The only concerns that were received from neighbors regarded students loitering and smoking on the property; parking congestion at the location; and students speeding on 56th Street. These concerns were addressed by not allowing students to loiter or smoke on the property and they also would be limited to park only in the church lot. Regarding the potential for students to be speeding on 56th Street, the applicant stated that if this occurs, he told the neighbor to obtain the license plate number and contact law enforcement and the school. Mr. Stansbury further explained that he believed that the majority of students would not be driving down 56th Street.

Chairman Cowan inquired about what extracurricular activities would be provided for the student at the site. Mr. Stansbury stated that this site was limited, but they would be having a golf team, theatrical courses, and martial arts.

Boardmember Mizner asked about how lunches would be provided for the students. Mr. Stansbury explained that the lunches would be brought in from an outside caterer.

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Boardmember Adams inquired about the locations of saloons in the vicinity. Mr. Stansbury stated that saloons were far enough away from the proposed school and did not have any concerns regarding this. Boardmember Mizner concurred that they were far enough away.

Ms. Chimel explained the request to allow the school to be located in a commercial development. She further discussed the history regarding the Council Use Permit requirement and state law requirements concerning the time limits used for the processing of charter schools. Ms. Chimel stated that staff was recommending this case be approved with conditions because this would be a temporary location and a good interim land use for the site. In addition, she explained that the site would still be required to meet all current Building Code requirements with the Building Safety Division.

Boardmember Adams asked about what would happen if an objectionable use desired to move into one of the vacant spaces in the center. Mr. Stansbury stated that he knew there were requirements for separation between schools and liquor stores. Boardmember Mizner stated that those types of uses would not be permitted at the center while the school was located there because the school would have precedence since it was located first.

Boardmember Finter stated that he did not have any objection to the request. He further explained that he has heard complaints regarding some charter schools located in commercial developments, but he believed those were mainly regarding alternative schools and not college preparatory schools.

It was moved by Boardmember Finter, seconded by Boardmember Mizner

That: The Board approve the case Z05-59 and recommend to the City Council approval of zoning case conditioned upon:

1. Compliance with the basic development of the Charter School as described in the project narrative.
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.).

Vote: Passed 4-0-3 (Carpenter, Esparza, Saemisch absent)

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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