

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date: December 18, 2008 Time: 4:00 p.m.

MEMBERS PRESENT

Pat Esparza, Chair
Frank Mizner, Vice Chair
Randy Carter
Beth Coons
Scott Perkinson
Chell Roberts

MEMBERS ABSENT

Ken Salas (excused)

OTHERS PRESENT

| | |
|-------------------|---------------|
| John Wesley | Susan Demmitt |
| Tom Ellsworth | Sean Lake |
| Angelica Guevara | Ralph Pew |
| Joe Welliver | Dan Brock |
| Veronica Gonzalez | Daniel Foote |
| Amy Shackelford | Tyler Wright |
| Rob Dmohowski | Ted McNeil |
| Lesley Davis | Others |
| Debbie Archuleta | |

Chairperson Esparza declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated December 18, 2008. Before adjournment at 4:45 p.m., action was taken on the following:

Boardmember Mizner stated he was concerned with the staffing reductions in the Planning Division. He stated many competent people would be leaving, he thought this would be a loss to City and the citizens of Mesa. Boardmember Mizner wanted to publicly recognize Maria Salaiz and Dorothy Chimel for their many years of dedicated service to the City and the Planning and Zoning Board.

It was moved by Boardmember Coons, seconded by Boardmember Roberts, that the minutes of the November 18, 2008, and November 20, 2008 study sessions and regular meeting be approved as submitted. Vote: 6 – 0 (Boardmember Salas absent)

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

It was moved by Boardmember Carter, seconded by Boardmember Coons, that the consent items be approved. Vote: 6 – 0 (Boardmember Salas absent)

Zoning Cases: *Z08-74, *Z08-75, Z08-47, GPMinor08-11, Z08-62, GPMinor08-14, Z08-72, GPMinor08-15, Z08-73,

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Item: **Z08-74 (District 5)** 2041 North Recker Road. Located north of Mckellips Road on the east side of Recker Road (1.43± ac). Rezone from R1-9 to C-2 and Site Plan Review. This request will allow for the development of an auto service facility with a car wash. Angela N. Dotty, PFA Enterprises, LLC, owner; Richard Clutter, EMC2 Architects, applicant.

Comments: This case was approved on the consent agenda and therefore not discussed individually.

It was moved by Boardmember Carter, seconded by Boardmember Coons,

That: The Board recommend to the City Council approval of zoning case Z08-74 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary elevations submitted as approved by the Design Review Board, (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.
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
5. Compliance with all conditions of approval of a Development Incentive Permit.
6. Compliance with all conditions of approval of a Special Use Permit for the proposed carwash.
7. Provide an 8' block wall along the north property line and minimum 36" box size trees within the required landscape setback adjacent to the north property to mitigate noise from the service bays to the adjacent residences.
8. Recordation of cross-access easement between the subject parcel (141-66-436E) and the parcel to the east (141-66-930A) as shown on the site plan.
9. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
10. All street improvements and street frontage landscaping to be installed in the first phase of construction.
11. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.

Vote: Passed 6 – 0 Boardmember Salas absent

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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.cityofmesa.org*

MINUTES OF THE DECEMBER 18, 2008 PLANNING AND ZONING MEETING

Item: **Z08-75 (District 6)** 5358 East Baseline Road. Located east of Higley Road on the north side of Baseline Road. (3.47± ac). Site Plan Modification. This request will allow the development of a skilled nursing facility in the C-1 district. Kelly Hanrahan, Trustee of The William Lee Hanrahan Trust, owner; Mark Hansen, Member of Sante Partners, LLC applicant.

Comments: This case was approved on the consent agenda and therefore not discussed individually.

It was moved by Boardmember Carter, seconded by Boardmember Coons,

That: The Board recommend to the City Council **approval** of zoning case Z08-75 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board case DR08-82
3. Compliance with all City development codes and regulations.
4. Recordation of cross-access and reciprocal parking easements with the parcel adjacent to the east.

Vote: Passed 6 – 0 Boardmember Salas absent

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Item: **Z08-47 (District 6)** The 8200 to 8500 blocks of East Baseline Road (north side). Located west of the Loop 202 on the north side of Baseline Road (53± acres). Rezone from AG (conceptual M-1, C-2, O-S, R-3, and R-2) to C-2, PEP, and R-4 and the establishment of the “Baseline Center” Development Master Plan (DMP). This request will establish a Development Master Plan to allow the creation of a mixed-use residential development. David Glimcher, GVSW 202/60 LLC, owner; Susan Demmitt, Beus Gilbert PLLC, applicant. **CONTINUED FROM THE OCTOBER 16, 2008 HEARING.**

Comments: Susan Demmitt, Beus Gilbert PLLC, 4800 N. Scottsdale Rd., Scottsdale, AZ represented case Z08-47. She explained that the applicants were revising the request and could not be ready for a January hearing. She stated Beus Gilbert, had recommended the client hire a new architect and could not have anything substantive in 30 days. Ms. Demmitt stated they were planning to work with Pew and Lake, and retool the application.

Sean Lake 1930 E Brown Rd., Mesa, AZ then spoke on behalf of the adjacent property owner. Mr. Lake stated he wanted to put pressure on both parties to work on this quickly. He wanted both owners to speak at the January study session.

Boardmember Mizner stated a 60 day continuance would be to the February 19, 2009 meeting, which would require a first submittal in early January. He confirmed the case could be continued again to March.

Boardmember Roberts confirmed both parties were agreeable to a 60 day continuance.

It was moved by Boardmember Mizner , seconded by Boardmember Roberts

That: The Board **continue** case Z08-47 for 60 days with a “progress report” at the January 13, 2009 study session.

Vote: Passed 6 – 0 Boardmember Salas absent

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MINUTES OF THE DECEMBER 18, 2008 PLANNING AND ZONING MEETING

Item: **GPM08-11 (District 6)** 8260 East Baseline Road. Located west of the Loop 202 and north of Baseline Road (14.5± acres). Minor General Plan Amendment. This request will amend the Mesa 2025 General Plan land use designation for the site from Mixed Use Residential (MUR) to High Density Residential 15+ du/acre (HDR 15+). Loren & Colette Jessen; Jessco Dev. LLC, owner; Sean Lake; Pew and Lake, PLC, applicant. **COMPANION CASE Z08-62. CONTINUED FROM THE SEPTEMBER 18, 2008 AND THE OCTOBER 16, 2008 HEARINGS.**

Comments: Susan Demmitt, Beus Gilbert PLLC, 4800 N. Scottsdale, Scottsdale Rd., AZ represented case Z08-47. She explained that the applicants were revising the request and could not be ready for a January hearing. She stated Beus Gilbert, had recommended the client hire a new architect and could not have anything substantive in 30 days. Ms. Demmitt stated they were planning to work with Pew and Lake, and retool the application.

Sean Lake 1930 E Brown Rd., Mesa, AZ then spoke on behalf of the adjacent property owner. Mr. Lake stated he wanted to put pressure on both parties to work on this quickly. He wanted both owners to speak at the January study session.

Boardmember Mizner stated a 60 day continuance would be to the February 19, 2009 meeting, which would require a first submittal in early January. He confirmed the case could be continued again to March.

Boardmember Roberts confirmed both parties were agreeable to a 60 day continuance.

It was moved by Boardmember Mizner , seconded by Boardmember Roberts

That: The Board **continue** case GPM08-11 for 60 days with a “progress report” at the January 13, 2009 study session.

Vote: Passed 6 – 0 Boardmember Salas absent

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MINUTES OF THE DECEMBER 18, 2008 PLANNING AND ZONING MEETING

Item: **Z08-62 (District 6)** 8260 East Baseline Road. Located west of the Loop 202 and north of Baseline Road (14.5± acres). District 6. Rezone from AG (conceptual M-1, C-2, R-2, and R-3) to R-4. This request will allow the zoning for high-density residential development. Loren & Colette Jessen; Jessco Dev. LLC, owner; Sean Lake; Pew and Lake, PLC, applicant. **COMPANION CASE GPMINOR08-11. CONTINUED FROM THE SEPTEMBER 18, 2008 AND THE OCTOBER 16, 2008 HEARINGS.**

Comments: Susan Demmitt, Beus Gilbert PLLC, 4800 N. Scottsdale, Scottsdale Rd., AZ, represented case Z08-47. She explained that the applicants were revising the request and could not be ready for a January hearing. She stated Beus Gilbert, had recommended the client hire a new architect and could not have anything substantive in 30 days. Ms. Demmitt stated they were planning to work with Pew and Lake, and retool the application.

Sean Lake 1930 E Brown Rd., Mesa, AZ, then spoke on behalf of the adjacent property owner. Mr. Lake stated he wanted to put pressure on both parties to work on this quickly. He wanted both owners to speak at the January study session.

Boardmember Mizner stated a 60 day continuance would be to the February 19, 2009 meeting, which would require a first submittal in early January. He confirmed the case could be continued again to March.

Boardmember Roberts confirmed both parties were agreeable to a 60 day continuance.

It was moved by Boardmember Mizner, seconded by Boardmember Roberts

That: The Board **continue** zoning case Z08-62 for 60 days with a “progress report” at the January 13, 2009 study session.

Vote: Passed 6 – 0 Boardmember Salas absent

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MINUTES OF THE DECEMBER 18, 2008 PLANNING AND ZONING MEETING

Item: **GPM08-14 (District 4)** 513 South Morris Street. Located south of Broadway Road and east of Country Club Drive. General Plan Minor Amendment to change the General Plan Land Use Map from Community Commercial (CC) to Light Industrial (LI). This request will allow for industrial uses and align the land use category for the site with the zoning district. Lance Willis, Orange Street Mechanical, LLC., owner; Tyler Wright, Pew & Lake, PLC., applicant. **COMPANION CASE Z08-72.**

Comments: Boardmember Carter declared a potential conflict of interest and recused himself from Board deliberations.

Ralph Pew, Pew and Lake 1930 E Brown Rd., Mesa, AZ, represented the case.

Boardmember Mizner confirmed this case started as a Code Compliance violation and that the applicant was willing to bring the site into conformance except as conditioned in the SCIP process.

Joe Welliver explained the case and the SCIP application. Mr. Welliver stated M-1 is the most appropriate zoning category for the existing use and is consistent with other uses near this site.

Boardmember Roberts wondered if there were many others in this area in the same situation. John Wesley stated staff did not have that information at the meeting. Boardmember Roberts confirmed that this could be a trend and this site would then be more consistent with the surrounding properties.

It was moved by Boardmember Coons, seconded by Boardmember Perkinson

That: The Board recommend to the City Council **adoption** of zoning case GPM08-14.

Vote: Passed 5 – 0 – 1 Boardmember Salas absent, Boardmember Carter abstained.

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MINUTES OF THE DECEMBER 18, 2008 PLANNING AND ZONING MEETING

Item: **Z08-72 (District 4)** 513 South Morris Street. Located south of Broadway Road and east of Country Club Drive. Rezone from R-4 to M-1. This request will allow the current business operation to be brought into conformance with the M-1 zoning district. . Lance Willis, Orange Street Mechanical, LLC., owner; Tyler Wright, Pew & Lake, PLC., applicant.

COMPANION CASE GPMINOR08-14.

Comments: Boardmember Carter declared a potential conflict of interest and recused himself from Board deliberations.

Ralph Pew, Pew and Lake, 1930 E Brown Rd., Mesa, AZ represented the case.

Boardmember Mizner confirmed this case started as a Code Compliance violation and that the applicant was willing to bring the site into conformance except as conditioned in the SCIP process.

Joe Welliver explained the case and the SCIP application. Mr. Welliver stated M-1 is the most appropriate zoning category for the existing use and is consistent with other uses near this site.

Boardmember Roberts wondered if there were many others in this area in the same situation. John Wesley stated staff did not have that information at the meeting. Boardmember Roberts confirmed that this could be a trend and this site would then be more consistent with the surrounding properties.

It was moved by Boardmember Coons, seconded by Boardmember Perkinson

That: The Board recommend to the City Council **approval** of zoning case Z08-72 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan and landscape plan (without guarantee of lot yield, building count, lot coverage).
2. Site Plan Review through the public hearing process of future development plans.
3. Review and approval of a Substantial Conformance Improvement Permit (SCIP) by the Board of Adjustment/Zoning Administrator for modifications to current Code requirements.
4. Compliance with all requirements of the Zoning Administrator/Board of Adjustment.

Vote: Passed 5 – 0 – 1 Boardmember Salas absent, Boardmember Carter abstained

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MINUTES OF THE DECEMBER 18, 2008 PLANNING AND ZONING MEETING

Item: **GPM08-15 (District 2)** The 1000 to 1100 blocks of North Stapley Drive (east side). Located south of Brown Road and east of Stapley Drive. (1.15± ac.). General Plan Minor Amendment to change the General Plan Land Use Map from Medium Density Residential 2-4 (MDR 2-4) to Office (O). This request will allow for commercial uses and align the land use category for this site with the zoning district. Chad Rogers, owner; Dan Brock – Brock, Craig and Thacker Architects, applicant. **COMPANION CASE Z08-73.**

Comments: Dan Brock, 145 E University Dr., Suite 3, Mesa, AZ represented the case. Mr. Brock stated he was in agreement with the staff report and conditions. He stated they had worked with the County on the flood plain issue, and they would be building up the pad 3' and putting up an 8' wall to address the issues that have been raised.

Daniel Foote, who lives on Diane Street and is directly behind this property, then spoke regarding the case. Mr. Foote's main question was why the property was being rezoned. He thought the assisted living would be an allowed use within the existing zoning category. Mr. Foote stated he understood the applicant had applied for this in the past and been denied. He was also concerned with the flooding that currently existed along Stapley and with the phasing of the project.

Mr. Brock then responded that O-S is a good transition to residential zoning for low impact uses. He stated the proposed assisted living facility was not an allowed use in the R1-9 zoning district. He stated they had addressed the flooding issue. Regarding the phasing, he stated the land owners are two business partners who have been in business for a number of years. The owners want to start small and then grow, that is why they were phasing. The owners were planning to hire a manager to run the facility.

Veronica Gonzalez confirmed the assisted living was not an allowed use on R1-9 property. She stated she was not aware of any prior application. The applicant may have applied for a group home for this site.

Boardmember Mizner confirmed that a group home would be allowed; however, there are distance separation requirements for group homes.

Boardmember Perkinson confirmed the neighbors don't want a 2-story facility, which was why condition 11 had been added.

Ted McNeil, the owner, then spoke and stated they were not proposing any 2-story. He stated 2-story would not work for them.

Boardmember Carter stated he did not believe the site could accommodate the parking needed for a 2-story addition.

It was moved by Boardmember Carter, seconded by Boardmember Coons

That: The Board recommend to the City Council **adoption** of zoning case GPM08-15.

Vote: Passed 6 – 0 Boardmember Salas absent

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Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at www.cityofmesa.org

MINUTES OF THE DECEMBER 18, 2008 PLANNING AND ZONING MEETING

Item: **Z08-73 (District 2)** The 1000 to 1100 blocks of North Stapley Drive (east side). Located south of Brown Road and east of Stapley Drive. (1.15± ac.). Rezone from R1-9 to O-S and Site Plan Review. This request will allow the development of an assisted living facility. Chad Rogers, owner; Dan Brock – Brock, Craig and Thacker Architects, applicant. **COMPANION CASE GPMINOR08-15.**

Comments: Dan Brock, 145 E University Dr., Suite 3, Mesa, AZ represented the case. Mr. Brock stated he was in agreement with the staff report and conditions. He stated they had worked with the County on the flood plain issue, and they would be building up the pad 3' and putting up an 8' wall to address the issue.

Daniel Foote, who lives on Diane Street and is directly behind this property, then spoke regarding the case. Mr. Foote's main question was why the property was being rezoned. He thought the assisted living would be an allowed use within the existing zoning category. Mr. Foote stated he understood the applicant had applied for this in the past and been denied. He was also concerned with the flooding that currently existed along Stapley and with the phasing of the project.

Mr. Brock then responded that O-S is a good transition to residential zoning for low impact uses. He stated the proposed assisted living facility was not an allowed use in the R1-9 zoning district. He stated they had addressed the flooding issue. Regarding the phasing, he stated the land owners are two business partners who have been in business for a number of years. The owners want to start small and then grow, that is why they were phasing. The owners were planning to hire a manager to run the facility.

Veronica Gonzalez confirmed the assisted living was not an allowed use on R1-9 property. She stated she was not aware of any prior application. The applicant may have applied for a group home for this site.

Boardmember Mizner confirmed that a group home would be allowed; however, there are distance separation requirements for group homes.

Boardmember Perkinson confirmed the neighbors don't want a 2-story facility, which was why condition 11 had been added.

Ted McNeil, the owner, then spoke and stated they were not proposing any 2-story. He stated 2-story would not work for them.

Boardmember Carter stated he did not believe the site could accommodate the parking needed for a 2-story addition.

It was moved by Boardmember Carter, seconded by Boardmember Coons

That: The Board recommend to the City Council **approval** of zoning case Z08-73 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted and preliminary elevations as approved by the Design Review Board (without guarantee of building count or lot coverage).
2. Compliance with all requirements of the Design Review Board.

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3. Compliance with all City development codes and regulations.
4. 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.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
8. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
9. Review and approval of a Special Use Permit by the Board of Adjustment for an assisted living facility.
10. Review and approval of a Substantial Conformance Improvement Permit by the Board of Adjustment.
11. Review and approval by the Planning and Zoning Board for any increase in the number of stories per building.

Vote: Passed 6 – 0 Boardmember Salas absent

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Respectfully submitted,

John Wesley, Secretary
Planning Director

DA:
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