

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date: February 21, 2008 Time: 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair
Pat Esparza, Vice Chair
Frank Mizner
Jared Langkilde
Ken Salas
Randy Carter
Chell Roberts

MEMBERS ABSENT

OTHERS PRESENT

John Wesley
Dorothy Chimel
Tom Ellsworth
Jennifer Gniffke
Joe Welliver
Josh Mike
Maria Salaiz
Kelly Arredondo

Krissa Lucas
Brian Wells
Hector Tapia
Wahid Alam
Laura Hyneman
Joy Spezeski
Rob Dmohowski
Mary Grace McNear

Donna Bronski
Christine Zielonka
Ralph Pew
Reese Anderson
Paul Dugas
Grady Gammage
Others

Chairperson Adams declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated February 21, 2008. Before adjournment at 8:35 p.m., action was taken on the following items:

It was moved by Boardmember Mizner seconded by Boardmember Esparza that the minutes of the January 15, 2008, and January 17, 2008 study sessions and regular meeting be approved as submitted. Vote: 6-0-1 with Boardmember Adams abstaining.

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

It was moved by Boardmember Esparza, seconded by Boardmember Roberts that the consent items be approved. Vote: 7-0

Code Amendment: *Amending Sections 11-1-6, 11-5-3, 11-6-3 and 11-13-2 regarding "Supervised Living Facilities (SLFs)" and "Group Homes for the Handicapped (GHHs)."

Amending Section 11-18-2 regarding annexation of unincorporated land into the Mesa corporate limits.

Zoning Cases: *Z07-96, Z08-05, Z08-06, *Z08-07, *Z08-08, Z08-09, *Z08-10, Z08-11, GPMinor08-04, GPMinor08-05, GPMinor08-06, GPMajor08-01, GPMajor08-02

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Item: **Z08-10 (District 6)** 307 South Hawes Road. Located north of East Broadway Road and east of South Hawes Road (10.2± acres). Site Plan Review. This request will allow the development of an apartment complex. Chris Anderson, Riesgo Mesa 8, LLC, owner; Ralph Pew, Pew and Lake PLC, applicant; Ogbonna I. Abarikwu, The CK Group Inc., engineer.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Esparza, seconded by Boardmember Roberts

That: The Board **continue** zoning case Z08-10 to the March 27, 2008 meeting.

Vote: Passed 7-0

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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*

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Item: **Z07-96 (District 5)** The 5600 block of East Thomas Road (south side). Located west of Recker Road on the south side of Thomas Road (25± acres). Rezone from R1-90 to PEP PAD. This request will allow for the future development of a business park. Van Bethancourt, Red Mountain Commerce Park, LLC, owner/applicant; Brian Tretbar, JMI & Associates, engineer. Also consider the preliminary plat for "Red Mountain Commerce Park." **CONTINUED FROM THE SEPTEMBER, OCTOBER, NOVEMBER, DECEMBER 2007 HEARINGS AND THE JANUARY 2008 HEARING.**

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Esparza, seconded by Boardmember Roberts

That: The Board approve the preliminary plat of "Red Mountain Commerce Park" and recommend to the City Council **approval** of zoning case Z07-96 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on preliminary plat submitted.
2. Site Plan Review through the public hearing process of future development plans.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Approval of Design Guidelines for the commerce park prior to or in concert with the first site plan review case.

Vote: Passed 7-0

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Item: **Z08-05 (District 3)** The 2200 and 2300 blocks of South Country Club Drive (west side). Located south of Baseline Road on the west side of Country Club Drive (15± acres). Site Plan Review and Council Use Permit. This request will allow the development of a big box retail development in an M-1 zoning district larger than 10,000sf. Brandon Wolfswinkel, Vanderbilt Farms, LLC, owner; W. Ralph Pew, Pew and Lake, PLC, applicant; Peter Vesecky, P.E., DEI Professional Services, engineer.

Comments: Ralph Pew, 1930 E Brown Road, applicant, stated that Lowe's has a record of being a good and clean operator as well as a friendly and good neighbor; and it is unfortunate that this case has developed such acrimony and hard feelings. He briefly described the site and stated that they are asking for a Council Use Permit (CUP) and site plan approval, adding that a CUP is required if a retail user is larger than 10,000 sq. ft. He mentioned that this site is zoned M-1 with no approved site plan; adding that M-1 zoning can be used for a variety of uses, which include warehousing, nightclubs, manufacturing, processing, hotels/motels, restaurants, bars, cocktail lounges, automobile, and heavy equipment sales and services. He explained the requirements for a CUP to be considered and noted that this plan complies with those requirements and gave examples of approved CUP's in the City of Mesa with M-1 zoning.

Mr. Pew also gave examples of retail centers that abut immediately to residential areas; adding that it's very common and very compatible to have retail uses adjacent to neighbors. He briefly explained the project stating:

- They have moved the building 227' from the neighborhood
- No significant concerns with crime, as noted by the Police Department
- The proposed open space will be owned, operated, and maintained by Lowe's
- No fire danger from hazardous materials, as concluded by the Fire Department
- None of the traffic penetrates into the neighborhood and the impact is less than suspected
- With the huge setbacks, noise will not be an issue
- Will meet all Lighting standards
- No evidence of health risks from vehicle emissions or negative impacts on property values

The following individuals spoke in opposition of the proposed project.

Brad Toth, 2422 S. Colleen
Laurel Ginsburg, 433 W. Monterey Ave.
Jason Sanks, 1806 E. Ellis, Phoenix
David Healy, 536 W. Madero Ave.
Natalie Hassler, 2428 S. Colleen St.
Christopher Sykora, 445 W. Monterey Ave
Laurie Buckles, 559 W. Laguna Azul
John Nedin, 2428 S. Colleen St.
Maria Sykora, 445 W. Monterey Ave.
Larry Mades, 430 W. Madero Ave.
Rick Rumack, 2431 S. Date
Robert Emmelkamp, 2605 S. Orange
Michael Ginsburg, 433 W. Monterey Ave.
Daryl Burton, 2122 E Highland, Phoenix
Mark Phipps, 424 W. Madero Ave.
Gary Palangian, 454 w. Madero Ave.
Gordon Grivna, 565 W. Laguna Azul
Jessica Ebel, 620 W. Mendoza Ave.

Dennis Ebel, 620 W. Mendoza Ave

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Their comments and concerns included:

- This big box use will destroy the tranquility and fabric of the neighborhood
- Incompatible use to the neighborhoods, will generate more traffic, noise, crime, and pollution
- There is more efficient use of the property
- The 8-acre buffer could provide more jobs and tax revenue to the City
- This use does not meet the intent of the M-1 zoning designation
- A single user is not consistent with the definition from the General Plan
- Council Use Permits are site specific
- No engineering justification for underground storage
- Concerns with the sound study provided, which is not sealed by a registered engineer in the State of Arizona
- Proposed landscape trees are not very large
- Neighbors would approve any M-1 use to the site, just not a Lowe's
- Project is detrimental to property values and to the health and welfare of the neighborhood
- Not enough entrances/exits on this site
- Buffer zone will be a heaven for criminal activity and transients
- Concern with noise and light pollution
- Health concerns from vehicle emissions
- Will generate additional vehicle trips, as opposed to an office park
- The 150' 8-acre buffer proves incompatibility
- The site plan has not changed to make it more compatible with surrounding properties
- Too many big box stores in the area
- The applicant is using legal trickery by moving the building to avoid legal protests
- Be patient, the property will develop into a business park and the City will be rewarded
- By allowing a Lowe's you are rewarding cheaters
- The City does not need to sacrifice the neighborhood for sales tax dollars
- The loading ramps for 18 wheelers will be next to the neighborhood
- The building is too tall, it will have a circular drive and will park 440 vehicles
- Want something beneficial to the community, not a Lowe's; Home Depot is down the street.

The following individuals presented blue cards in opposition and did not wish to speak.

Stacy Rand, 459 W. Madero Ave.

Nancy Rumack, 2431 S. Date

Lee Ann Grivna, 565 W. Laguna Azul

Steve Buckles, 559 W. Laguna Azul

David Schuler, 2414 S Orange

John Hoover, 2446 S. Colleen

Rhonda Arnonld, 620 W. Mendoza Ave.

Susan Hatch, 620 W. Mendoza Ave.

Maria Gardeta-Healey, 536 W. Madero Ave.

Kelly Palangian, 454 W. Madero Ave.

The following individuals spoke in support of the proposed project.

Teri Smithers, 663 W. Natal Cir.

Dan Cahill, 1851 S. Saguaro Cir.

Bruce McGreevy, 2536 S. Hosick

David Breslauer, 558 W. Monte Ave.

Their comments and concerns included:

- The area is an eyesore and the Lowe's would be a good addition to the neighborhood
- A Lowe's will help keep the graffiti off the walls
- Lowe's has been more than fair with their setbacks and accommodating neighbors concerns
- Lowe's would be a great neighbor and keeps their facilities clean
- Traffic and noise are here; it's part of being in a city
- Donates to the community

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- The City needs the tax dollars, which they will bring
- This project will not have a negative impact, other M-1 businesses would be more detrimental to the neighborhood than a Lowe's

Discussion ensued regarding what other M-1 uses the neighbors would be willing to accept on this site.

Ralph Pew responded to concerns addressed by the neighbors stating if they were here today proposing a distribution center for Walmart, Lowe's, Target, Home Depot, etc., that use could go on this site with nothing more than a site plan approval. All we want is a use permit to operate a retail center to accommodate the public, adding that a stipulation was added to limit delivery hours. He explained that this is not the same application as previously submitted. Previously there were two conflicting site plans that caused confusion. He stated they are asking for a CUP on 15 acres and that eight (8) acres will be landscaped and approved by the Design Review Board (DRB), which has to be built, inspected and installed before a Certificate of Occupancy is issued.

Mr. Pew stated that the General Plan is not the issue; the site is already zoned and the issue is what can be done within the zoning, which is why they are here today; adding that staff is recommending approval. He stated that the technical issues have been reviewed and considered by City staff. He also mentioned that the only topic of negotiation was to move the site somewhere else. He added that day labors would not be allowed and urged the Board to vote today and not act on a continuance.

Boardmember Mizner asked Mr. Pew if Lowe's would have any interest in allowing people to camp, commit crimes, or allow trespassing in the landscape area. He also asked whether Lowe's has pursued putting a store at the northwest corner of Alma School Road and Southern Avenue, which many people feel would be an ideal location. Mr. Pew responded that it is in Lowe's best interest to keep this area clean, unobstructed and without vagrants, adding that this area will be maintained and will enhance the store and the entire area. He also explained that discussions between Lowe's and the owners of the Alma School and Southern area occurred years ago and that they were unable to successfully conclude negotiations with City staff and Council for a development agreement.

Tom Ellsworth, Senior Planner, stated that the retail uses within the M-1 category are limited to 10,000 sq. ft. for a single user and up to 50,000 sq. ft. for a group center unless a CUP is approved. He explained that the CUP would be at the discretion of the City Council and that the site plan becomes very relevant as staff determines compatibility and any issues to the surrounding community. Staff has looked at all the concerns expressed and requested input from other City divisions, which included fire, police, environmental programs and the City's engineers and traffic engineer. In each case, staff did not receive any indication that there would be any detrimental affects to the area. Mr. Ellsworth briefly described the previous site plan and added that the setbacks for this building is 3-4 times more than required and are conditioning the approval of the maintenance and landscaping to be reviewed by DRB. He stated that staff is recommending approval with conditions.

Boardmember Roberts asked Mr. Ellsworth to explained the typical use of a CUP and the process for developing the future use of the buffer area. Mr. Ellsworth responded that typical uses for commercial would go in commercially and community commercial zoned areas within the City of Mesa's General Plan; adding that any development proposed for the buffer area would come back through this Board.

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Boardmember Langkilde asked Mr. Ellsworth to elaborate on the seal and the noise report and asked what assurances have been put in place for the maintenance of the buffer area. Mr. Ellsworth responded that noise reports are not normally required but the applicant presented a report, it has been reviewed and accepted it on its' merits, adding that they are not required to be sealed. He stated that there is a condition of approval that Lowe's would maintain the buffer area and if it deteriorates in any way, the City's Code Compliance Office would be notified. Discussion ensued regarding if any studies have being done regarding big box retail and property values.

Boardmember Mizner asked if the concerns expressed about drainage and height would be done to Code standards. Mr. Ellsworth confirmed that they would be done to Code standards

Boardmember Salas asked if security would patrol the perimeter and if there are workers allowed inside during non-operational hours. Mr. Pew responded that Lowe's does it's own internal determination of crime risk and there is no staff allowed after closing.

Boardmember Carter asked if this project has gone through DRB; noting that there should be stronger language that care should be taken on the elevations particularly to enhance their compatibility with the surrounding neighborhoods. Mr. Ellsworth responded that there is a submittal for the March DRB work session but it has not gone through a DRB hearing.

Discussion ensued regarding the sound study provided, the crime stats on similar retail uses abutting residential, the precautions used to avoid loitering or camping in the buffer area and the number of single residential dwellings within the affect neighborhoods.

Chairperson Adams asked Mr. Ginsburg and Mr. Pew to comment on other allowed uses in the M-1 zoning district.

Mr. Ginsburg stated that they have looked at the surrounding developments and there is residential all around with the exception of some office complexes. Neighbors knew coming into the neighborhood how this property was zoned and knew what the possibilities were, but how often have you seen crematoriums, contractors yards or big distribution centers next to homes; he continued that what the applicant is requesting is not M-1, but C-2, commercial. He added that they have attempted many times to talk to the applicant about moving this store to the Southern and Alma School area.

Mr. Pew stated he honestly believes that the reaction from neighbors is not well stated, noting that if this case is denied and they come back with an allowed use under the law, the neighbors will pled that its inconsistent with their neighborhood.

Boardmember Esparza stated that Lowe's has been generous enough with the landscape buffer and welcomed Lowe's into Mesa. She moved to approve zoning case Z08-05 with conditions as stated.

Boardmember Mizner seconded the motion and stated that this has been a long struggle for all involved and applauded the neighbors for their diligence. He also stated they have an obligation to conduct a public hearing and make the best decision possible. He stated he would again be voting in favor because this is an appropriate location and Mesa needs a Lowe's store, which will generate sales tax. He added that they have an incredible buffer zone, which will be maintained and will exceed the Zoning Code requirements.

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Boardmember Roberts commented that this case is new to him and he's been swaying back and forth with his decision. He added that it's not an issue of what's the best use for this parcel but more about what you want for your community; adding that if he were a homeowner in the area he'd probably want residential or a business park next to him. He stated that this request is a reasonable alternative for the area and would be supporting the motion for approval.

Boardmember Langkilde echoed Boardmember Robert's comment; adding that he also had issues with comments made by some Boardmembers regarding sales tax. He stated the applicant has cleared the old zoning and is providing a generous buffer and didn't think the neighbors could ask for a whole lot more, in terms of compatibility; he noted that there are even restrictions on delivery times and hours of operation. He stated he would be supporting the motion.

Chairperson Adams stated he voted against the previous proposal and it had nothing to do with Lowe's or sales tax revenue, it had to do with not being comfortable with how the zoning was structured and as pointed out by Mr. Langkilde those things have been removed. He commented he appreciated everyone's courtesy and their views and stated he would be supporting the motion.

It was moved by Boardmember Esparza, seconded by Boardmember Mizner

That: The Board recommend to the City Council **approval** of zoning case Z08-05 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. 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.
6. Compliance with off-site improvements north, west, and south of the Council Use Permit and Site Plan area as follows:
 - a) All off-site improvements to be completed prior to the issuance of a Certificate of Occupancy.
 - b) Landscaping and maintenance of that portion of the existing parcel outside of the Council Use Permit and Site Plan area shall be improved as an off-site improvement as approved by the Design Review Board.
 - c) Review and approval by the Design Review Board of all off-site landscaping improvements.
7. Hours of delivery shall be restricted to the operation hours of the store.

Vote: Passed 7-0

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Item: **Z08-07 (District 5)** 1527 North Greenfield Road. Located on the east side of Greenfield Road and south of McKellips Road (2.38+/- acres). Rezone from R-4 to O-S and Site Plan Review. This request will allow for the development of a medical office complex. Tom Stapley, Treehouse Joshua Office, LLC, owner; Daniel Brock, Brock, Craig and Thacker Architects, LTD., applicant; Jared Cox, P.E., Atwell-Hicks Development Consultants, engineer. Also consider the preliminary plat.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Esparza, seconded by Boardmember Roberts

That: The Board approve the preliminary plat and recommend to the City Council **approval** of zoning case Z08-07 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat 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.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Incentive Permit.
5. 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.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
9. 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).
10. Written notice be provided to property owners, and acknowledgment received that the project is within 1 mile of Falcon Field Airport.

Vote: Passed 7-0

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Item: **Z08-08 (District 5)** 5252 East Main Street. Located on the north side of Main Street east of Higley Road (1.44+/- acres). Rezone from C-2 to C-3 and Site Plan Review. This request will allow for an auto sales office in an existing building. Tina Gabel, Enterprise Rent-A-Car, owner; Bill Hunse, Architectural Team 3, applicant.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Esparza, seconded by Boardmember Roberts

That: The Board **approve** the applicant's request to withdraw zoning case Z08-08.

Vote: Passed 7-0

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Item: **GPMInor08-04 (District 1)** 1010 North Country Club Drive. Located west of Country club Drive and south of Brown Road (20± acres). General Plan Minor Amendment to change the General Plan Land Use Map from Public/Semi-Public to Business Park. This will allow for the redevelopment of a hospital building into offices and training facilities and the construction of a technology center. Kip Edwards, Banner Health, owner; Beth Harmon-Vaughan, Gensler, applicant; David V. Pickens, KPFF Consulting Engineers, engineer.

Comments: Tim Keneipp, applicant, gave a brief overview of the project stating that they have successfully completed a consolidation of the various properties that made up what was called the Banner Mesa Lutheran Hospital and is now referred to as the Banner Mesa Office Center. Mr. Keneipp explained the vehicular access, the buildings that will be demolished, the new technology center and that the original hospital will be modified to create offices and simulation laboratories which will be used to train clinical staff. Mr. Keneipp urged the Board to approve this case.

The following individuals presented blue cards in support of the project:

Dennis Lloyd, 1137 N. Cherry St.

Linda Lloyd, 1137 N. Cherry St.

The following individual spoke in support of the project.

Robert Emmelkamp, 2605 S. Orange

His comments include:

- This is a wonderful repurposing and redevelopment project.
- This project is visionary and people from all over the western United States will train at this Medical Simulation Lab.

Brian Wells, Planner I, representing case GPMInor08-04 stated that from a long range planning standpoint this is an appropriate use for the area and staff recommends adoption of the resolution.

Jennifer Gniffke, Planner II, representing case Z08-06, stated that this request is to redevelop the former Mesa Lutheran Hospital. She explained the request for a Council Use Permit, the Bonus Intensity Zone overlay and site plan review. She also explained the conditions of approval as drafted by staff. She continued that staff believes this proposal will provide significant economic benefits to the City, result in an attractive site and enable the reuse of an existing building. Ms. Gniffke concluded that staff is recommending approval with conditions of the zoning case.

Boardmember Carter asked Ms. Gniffke to explain the exclusion of the Design Review Board (DRB) approval of this project. Ms. Gniffke explained that the applicant requested that the requirements for DRB only be applicable to the new technology building rather than the remainder of the site and the landscaping. She continued that it is staffs understanding that the applicant is going to redevelop the interior of the existing hospital building to accommodate office uses for existing Banner Departments. Ms. Gniffke concluded that the applicant is asking for just a staff review of the onsite landscaping and site changes that are anticipated to occur.

Discussion ensued concerning the condition of approval allowing a staff review rather than a DRB review of the project excluding the new technology center.

John Wesley, Planning Director, commented that this is a very important project for the City of

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Mesa and explained the establishment of the Mesa Economic Development Action Team and that this is one of the first projects to come through this team. He continued that staff works closely with applicants to streamline the process of a given project and develop a procedure to get them through the processes while meeting the needs of the City in terms of quality and development. Mr. Wesley concluded that he believes staff can address the issues of this project as well as if it had gone through the DRB and save the applicant that extra step.

Further discussion ensued concerning the change in procedure, the guidelines for administrative reviews, citizen involvement, the strong neighborhood involvement in the area and the neighborhood initiated sub area plan.

Boardmember Mizner moved to adopt GPMInor08-04 stating that it meets the test for amendment of the General Plan and is a basic overall improvement to the community and represents no negative impact on the immediate neighborhood. Seconded by Boardmember Langkilde.

The Board recommends to the City Council **adoption** of case GPMInor08-04.

Vote: Passed 7-0

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Item: **Z08-06 (District 1)** 1010 North Country Club Drive. Located west of Country Club Drive and south of Brown Road (20± acres). Rezone from R-4 and C-1 to PEP-BIZ-CUP and Site Plan Review. This will allow for the redevelopment of a hospital building into offices and training facilities and the construction of a technology center. Kip Edwards, Banner Health, owner; Beth Harmon-Vaughan, Gensler, applicant; David V. Pickens, KPFF Consulting Engineers, engineer.

Comments: Comments: Tim Keneipp, applicant, gave a brief overview of the project stating that they have successfully completed a consolidation of the various properties that made up what was called the Banner Mesa Lutheran Hospital and is now referred to as the Banner Mesa Office Center. Mr. Keneipp explained the vehicular access, the buildings that will be demolished, the new technology center and that the original hospital will be modified to create offices and simulation laboratories which will be used to train clinical staff. Mr. Keneipp urged the Board to approve this case.

The following individuals presented blue cards in support of the project:
Dennis Lloyd, 1137 N. Cherry St.
Linda Lloyd, 1137 N. Cherry St.

The following individual spoke in support of the project.
Robert Emmelkamp, 2605 S. Orange

His comments include:

- This is a wonderful repurposing and redevelopment project.
- This project is visionary and people from all over the western United States will train at this Medical Simulation Lab.

Brian Wells, Planner I, representing case GPMinor08-04, stated that from a long range planning standpoint this is an appropriate use for the area and staff recommends adoption of the resolution.

Jennifer Gniffke, Planner II, representing case Z08-06, stated that this request is to redevelop the former Mesa Lutheran Hospital. She explained the request for a Council Use Permit, the Bonus Intensity Zone overlay and site plan review. She also explained the conditions of approval as drafted by staff. She continued that staff believes this proposal will provide significant economic benefits to the City, result in an attractive site and enable the reuse of an existing building. Ms. Gniffke concluded that staff is recommending approval with conditions of the zoning case.

Boardmember Carter asked Ms. Gniffke to explain the exclusion of the Design Review Board (DRB) approval of this project. Ms. Gniffke explained that the applicant requested that the requirements for DRB only be applicable to the new technology building rather than the remainder of the site and the landscaping. She continued that it is staffs understanding that the applicant is going to redevelop the interior of the existing hospital building to accommodate office uses for existing Banner Departments. Ms. Gniffke concluded that the applicant is asking for just a staff review of the onsite landscaping and site changes that are anticipated to occur.

Discussion ensued concerning the condition of approval allowing a staff review rather than a DRB review of the project excluding the new technology center.

John Wesley, Planning Director, commented that this is a very important project for the City of Mesa and explained the establishment of the Mesa Economic Development Action Team and

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that this is one of the first projects to come through this team. He continued that staff works closely with applicants to streamline the process of a given project and develop a procedure to get them through the processes while meeting the needs of the City in terms of quality and development. Mr. Wesley concluded that he believes staff can address the issues of this project as well as if it had gone through the DRB and save the applicant that extra step.

Further discussion ensued concerning the change in procedure, the guidelines for administrative reviews, citizen involvement, the strong neighborhood involvement in the area and the neighborhood initiated sub area plan.

Boardmember Esparza moved to approve case Z08-06 with conditions as stated in the staff report. Seconded by Boardmember Roberts.

Boardmember Langkilde commented that he would vote to approve the case, however, has objections to Conditions #2 and 3; adding that he felt that the entire project needed to go before the public review process as opposed to a particular component or being done administratively.

Further discussion ensued concerning the streamlining of the process, the suggestion to take submittals to the DRB work session for their comments, the importance of citizens comments in the process and the best ways to continue the streamlining of the processes.

The Board recommends to the City Council **approval** of zoning case Z08-06 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, or lot coverage).
2. Compliance with all requirements of the Design Review Board for the Proposed Technology Center Building only.
3. Administrative review and approval by Design Review staff for all landscaping, hardscaping, wayfinding signage and directories, and exterior changes to the existing building.
4. Provide minimum 5' concrete foundation base in new service courts / loading zones.
5. Certificates of Occupancy and/or Completion for tenant improvements and individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those building areas.
6. 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.
7. 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.
8. With abandonment of 10th Place, provide cross access and record a cross-access agreement with the owner of Assessor's Parcel Number 135-15-001H.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Item: **GPMInor08-05 (District 5)** South of the 8600 and 8800 blocks of East McKellips Road and west of the 1700 and 1800 blocks of north Ellsworth Road (12.38± acres). General Plan Minor Amendment to change the General Plan Land Use Map from Education to Low Density Residential 1-2 du/ac. This request will allow for the development of residential subdivisions. Pinnacle Ridge Holdings, LLC, Jeff Blandford, manager, owner; Paul Dugas, applicant; Darrell D. Smith, P.E., Wood, Patel & Associates, Inc. engineer.

Comments: Paul Dugas, applicant, gave a brief overview of the case stating that the five parcels concerned are all within the Mountain Bridge Development Master Plan. He continued that Parcel 7 is located in the very northwest corner of the development and is a custom lot subdivision and the other parcels are located in the southern portion of the development and will be their production parcels with their Vintage Collection of homes.

The following individual presented a blue card opposed to this project:
Greg Baxter, 8643 W. Mawson

The following individual spoke in opposition of the project.
Stephen Loper, 2415 N. Hawes Rd.

His comments include:

- Concerns with downsizing of the custom lots from one acre to 35,000 sq. ft.
- Views will be distorted
- Concerns of a patio being within 20' of his property line
- Would like Parcel 7 to stay more in tune with the older neighborhood

Mr. Dugas responded that any homes that would be built behind Mr. Loper would be south of the 404 wash and there will be quite a large green space of undisturbed desert between his property and the building envelope of the lots.

Boardmember Mizner asked Mr. Dugas to speak to the two-story home issue and the reason for a General Plan Amendment. Mr. Dugas responded that there is a potential for two-story homes, however, they will be aesthetically pleasing and the second story would not have the same footprint as the first story. Mr. Dugas then explained that there was an elementary school planned in the old Mesa Highlands Plan and that school is no longer needed. He continued that Parcels 20, 21 and 23 are located where the General Plan calls for education and to comply with the General Plan it needs to be changed to residential.

Discussion ensued concerning the need for and placement of an elementary school.

Krissa Lucas, Planner II, gave an overview of case GPMInor08-05 stating that the designation of education was a result of the Mesa Highlands Development Master Plan and since that time the Mountain Bridge Development Master Plan has been approved and the request is to change the designation to low density residential 1 to 2 du/ac to allow for residential uses. She concluded that staff is recommending adoption of the resolution.

Ms. Lucas then gave an overview of case Z08-09 stating that this request is to modify the Mountain Bridge Development Master Plan and rezone Parcel 7 from its conceptual R1-15 zoning to R1-35 with an average lot size of 30,000 sq. ft. She explained that with regards to Mr. Lopers concerns, there is a tract of land that is 32 feet wide from the right-of-way of Hermosa Vista that will be landscaped and the lots will have building envelopes with a maximum percentage that will be allowed to be disturbed. Ms. Lucas concluded that Parcels 19, 20, 21

MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

and 25 are requested to be rezoned to R1-9-PAD for gated residential subdivisions

Boardmember Carter asked Ms. Lucas the size of the lots located in the south of the development. Ms. Lucas responded that the average size is around 6,000 sq. ft. and the smallest is 5,400 sq. ft.

Boardmember Carter commented that he would like to see that the housing products are built to look like the pictures that have been provided for the public to see through the Planning & Zoning Board meetings. He continued that this will hopefully decrease the ability of having a lesser quality product when built and hopefully it will require builders and developers to increase the quality of their site and products so they don't become another walled subdivision within the City of Mesa.

Boardmember Mizner moved to adopt GPMInor08-05 stating that it meets the test for amendment of the General Plan, it's an overall improvement to the General Plan and it does not represent a negative impact for any adjacent properties. Seconded by Boardmember Esparza.

The Board recommend to the City Council **adoption** of case GPMInor08-05.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Item: **Z08-09 (District 5)** The 2200 and 2400 blocks of North Hawes Road (east side) and the 8400 to 9000 blocks of East McLellan Road (north side). Located west of Ellsworth Road and north and south of McKellips Road (109.67± acres). Modification of the Stone Bridge Mountain Development Master Plan (DMP). Rezone from R1-35 (conceptual R1-15 and R1-9) to R1-9 PAD and R1-35 PAD and Site Plan Review. This will allow for the development of residential subdivisions. Pinnacle Ridge Holdings, LLC, Jeff Blandford, manager, owner; Paul Dugas, applicant; Darrell D. Smith, P.E., Wood, Patel & Associates, Inc. engineer. Also consider the preliminary plats for Parcels 7, 19, 20, 21 and 25.

Comments: Paul Dugas, applicant, gave a brief overview of the case stating that the five parcels concerned are all within the Mountain Bridge Development Master Plan. He continued that Parcel 7 is located in the very northwest corner of the development and is a custom lot subdivision and the other parcels are located in the southern portion of the development and will be their production parcels with their Vintage Collection of homes.

The following individual presented a blue card opposed to this project:
Greg Baxter, 8643 W. Mawson

The following individual spoke in opposition of the project.
Stephen Loper, 2415 N. Hawes Rd.

His comments include:

- Concerns with downsizing of the custom lots from one acre to 35,000 sq. ft.
- Views will be distorted
- Concerns of a patio being within 20' of his property line
- Would like Parcel 7 to stay more in tune with the older neighborhood

Mr. Dugas responded that any homes that would be built behind Mr. Loper would be south of the 404 wash and there will be quite a large green space of undisturbed desert between his property and the building envelope of the lots.

Boardmember Mizner asked Mr. Dugas to speak to the two-story home issue and the reason for a General Plan Amendment. Mr. Dugas responded that there is a potential for two-story homes, however, they will be aesthetically pleasing and the second story would not have the same footprint as the first story. Mr. Dugas then explained that there was an elementary school planned in the old Mesa Highlands Plan and that school is no longer needed. He continued that Parcels 20, 21 and 23 are located where the General Plan calls for education and to comply with the General Plan it needs to be changed to residential.

Discussion ensued concerning the need for and placement of an elementary school.

Krissa Lucas, Planner II, gave an overview of case GPMinor08-05 stating that the designation of education was a result of the Mesa Highlands Development Master Plan and since that time the Mountain Bridge Development Master Plan has been approved and the request is to change the designation to low density residential 1 to 2 du/ac to allow for residential uses. She concluded that staff is recommending adoption of the resolution.

Ms. Lucas then gave an overview of case Z08-09 stating that this request is to modify the Mountain Bridge Development Master Plan and rezone Parcel 7 from its conceptual R1-15 zoning to R1-35 with an average lot size of 30,000 sq. ft. She explained that with regards to Mr. Loper's concerns, there is a tract of land that is 32 feet wide from the right-of-way of Hermosa

MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Vista that will be landscaped and the lots will have building envelopes with a maximum percentage that will be allowed to be disturbed. Ms. Lucas concluded that Parcels 19, 20, 21 and 25 are requested to be rezoned to R1-9-PAD for gated residential subdivisions

Boardmember Carter asked Ms. Lucas the size of the lots located in the south of the development. Ms. Lucas responded that the average size is around 6,000 sq. ft. and the smallest is 5,400 sq. ft.

Boardmember Carter commented that the he would like to see that the housing products are built to look like the pictures that have been provided for the public to see through the Planning & Zoning Board meetings. He continued that this will hopefully decrease the ability of having a lesser quality product when built and hopefully it will require builders and developers to increase the quality of their site and products so they don't become another walled subdivision within the City of Mesa.

Boardmember Mizner moved to approve case Z08-09 with conditions as outlined in the staff report. Seconded by Boardmember Esparza.

Discussion ensued concerning the purview of this Board, the process of Product Approval and the end result of product versus elevations.

The Board approved the preliminary plat of "Parcels 7, 19, 20 21 and 25" and recommend to the City Council **approval** of zoning case Z08-09 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Development in accordance with the Stone Bridge Development Master Plan Ordinance 4656.
3. Compliance with the Residential Development Guidelines regarding product design, varied front yard setbacks, and variety of product. Compliance with the elevations as submitted.
4. Compliance with all City development codes and regulations.
5. 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.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Item: **GPMInor08-06 (District 3)** 805 and 913 West Southern Avenue. Located east of Alma School Road and south of Southern Avenue (19± acres). General Plan Minor Amendment to change the General Plan Land Use Map from RC to HDR 15+ (15.5± acres) and CC (3.5± acres). This request will allow for the development of residential and commercial/office uses. Edward B. Frankel, Trustee of the Frankel Family Trust, owner; Reese Anderson, Pew and Lake, PLC, applicant; Robert Byall, PE, David Evans and Associates Inc., engineer.

Comments: Reese Anderson 1930 E Brown Rd, applicant, stated that they have reviewed the revised staff report and are in agreement with it and the conditions of approval; adding that they also have full support of the Planning Division and the Economic Development Department.

Brian Wells, Planner I, gave a brief overview of the Minor General Plan Amendment stating the request is to change 3.5 acres to Community Commercial and approximately 15 ½ acres to High Density Residential (15+ du/ac.) for the development of residential and commercial office uses. He added that this is an appropriate land use change for the area and would provide a nice transition, which exist in the Fiesta Quadrant and that infusion of new residences to the area will help support the commercial and employment uses; he stated staff is recommending adoption of the resolution.

Jennifer Gniffke, Planner II, stated that this request is to rezone and obtain site plan and preliminary plat approval to accommodate the development of commercial, office, retail and residential apartment uses. She briefly explained the proposal and added the Council Use Permit is being requested to accommodate the mixture of residential and retail uses. She stated staff is in support of the proposed modifications and explained the unique features of the site, which include pedestrian bridges connecting the 4 story residential apartment buildings with the parking garages, as well as the incorporation of the Fiesta Paseo, which is a walkway that is proposed to extend west through Fiesta Mall and into the community college site. Ms. Gniffke mentioned that this proposal is well designed and is anticipated to be an exciting and attractive addition to the area, adding that staff is recommending approval with conditions.

Boardmember Mizner stated that this will be a great project and added that this property has received a lot of attention over the years. He mentioned he was particularly excited about the vertical element and with the integration of the retail and the residential. He stated that he was concerned with the current state of the property and suggested that the property owner take care of the potential fire hazard. Mr. Anderson responded that they have applied for a dust permit from the County, which has not been issued, adding that they have been in constant contact with Code Compliance and the County and are working on this issue.

Boardmember Esparza stated she also liked this project, which will provide good synergy especially for the AquaTerra project just directly west and it is definitely exciting to see the resurgence of this particular area.

Chairperson Adams commented that this project reminds him a little of both Dana Park and Riverview, adding that it's a very nice design and will be a great addition to that corner.

Boardmember Langkilde complimented the applicant for including the Paseo of the Fiesta District into the design.

It was moved by Boardmember Langkilde, seconded by Boardmember Salas

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That: The Board recommend to the City Council **adoption** of case GPMinor08-06.

Vote: Passed 6-0 with Boardmember Carter absent.

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MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Item: **Z08-11 (District 3)** 805 and 913 West Southern Avenue. Located east of Alma School Road and south of Southern Avenue (19± acres). Site Plan Review for the entire 19± acres, which is part of the "Fiesta Quadrant" DMP, and Rezone from C-2 and C-2 [conceptual BIZ] to C-2-BIZ-CUP (0.25± acres), R-4-BIZ (15.25± acres) and C-2-BIZ (3.5± acres). This request will allow for the development of residential and commercial/office uses. Edward B. Frankel, Trustee of the Frankel Family Trust, owner; Reese Anderson, Pew and Lake, PLC, applicant; Robert Byall, PE, David Evans and Associates Inc., engineer. Also consider the preliminary plat for "Southern Plaza."

Comments: Comments: Reese Anderson 1930 E Brown Rd, applicant, stated that they have reviewed the revised staff report and are in agreement with it and the conditions of approval; adding that they also have full support of the Planning Division and the Economic Development Department.

Brian Wells, Planner I, gave a brief overview of the Minor General Plan Amendment stating the request is to change 3.5 acres to Community Commercial and approximately 15 ½ acres to High Density Residential (15+ du/ac.) for the development of residential and commercial office uses. He added that this is an appropriate land use change for the area and would provide a nice transition, which exist in the Fiesta Quadrant and that infusion of new residences to the area will help support the commercial and employment uses; he stated staff is recommending adoption of the resolution.

Jennifer Gniffke, Planner II, stated that this request is to rezone and obtain site plan and preliminary plat approval to accommodate the development of commercial, office, retail and residential apartment uses. She briefly explained the proposal and added the Council Use Permit is being requested to accommodate the mixture of residential and retail uses. She stated staff is in support of the proposed modifications and explained the unique features of the site, which include pedestrian bridges connecting the 4 story residential apartment buildings with the parking garages, as well as the incorporation of the Fiesta Paseo, which is a walkway that is proposed to extend west through Fiesta Mall and into the community college site. Ms. Gniffke mentioned that this proposal is well designed and is anticipated to be an exciting and attractive addition to the area, adding that staff is recommending approval with conditions.

Boardmember Mizner stated that this will be a great project and added that this property has received a lot of attention over the years. He mentioned he was particularly excited about the vertical element and with the integration of the retail and the residential. He stated that he was concerned with the current state of the property and suggested that the property owner take care of the potential fire hazard. Mr. Anderson responded that they have applied for a dust permit from the County, which has not been issued, adding that they have been in constant contact with Code Compliance and the County and are working on this issue.

Boardmember Esparza stated she also liked this project, which will provide good synergy especially for the AquaTerra project just directly west and it is definitely exciting to see the resurgence of this particular area.

Chairperson Adams commented that this project reminds him a little of both Dana Park and Riverview, adding that it's a very nice design and will be a great addition to that corner.

Boardmember Langkilde complimented the applicant for including the Paseo of the Fiesta District into the design.

It was moved by Boardmember Esparza, seconded by Boardmember Langkilde

MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

That: The Board approve the preliminary plat of "Southern Plaza" and recommend to the City Council **approval** of zoning case Z08-11 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 all requirements of the Design Review Board.
3. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. 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.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Recordation of cross-access and reciprocal parking easements among all four parcels.
8. All perimeter street improvements and street frontage landscaping to be installed in the first phase of construction.
9. 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.
10. 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.

Vote: Passed 6-0 with Boardmember Carter absent.

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MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Item: **GPMajor08-01 (District 6)** South of Elliot Road between Hawes and Signal Butte Roads (approx. 3,600 acres). General Plan Major amendment to change Land Use Map from various categories (Mixed Use Employment, Medium Density Residential 4-6, Mixed Use Residential, Community Commercial, Regional Commercial, Office and Business Park) to Mixed Use/ Community. This request will allow for rezoning the property to Planned Community District (PCD).

Comments: Wahid Alam, Senior Planner, provided a PowerPoint presentation explaining the current land use designations, the proposed land use designations, the current job centers throughout the valley and the number of jobs per acre ratio along with the application process and the locations of the applications. He continued that the applicants would give a brief description of their request.

Grady Gammage, applicant for GPMajor08-01, gave an overview explaining that currently there are multiple designations on the property and the request is to change this to one designation, Mixed Use Community. He continued that this Board would progressively see more detail and make decisions concerning the development over a 25 to 40 year period. Mr. Gammage stated that a future application would be made and explained their position on the potential number of residential units, jobs and how they see the property developing in the future.

Chairperson Adams asked Mr. Gammage if the future application would include a timeframe of the development. Mr. Gammage responded that it would include the beginnings of how the property would be broken into Development Unit Plans and the mixture of uses.

Boardmember Mizner asked Mr. Wesley what direction the Board should go in concerning this item. Mr. Wesley explained that this is the time for the Board to ask questions, provide direction and alert the applicant to any potential concerns the Board may have with the current application.

Discussion ensued concerning the employment generation numbers and the residential dwelling units based on the current General Plan designations compared to the numbers with the proposed designations. There was further discussion about including the Economic Development Office in this land use change process and the protection of the Phoenix Mesa Gateway Airport with the addition of more residential in the area.

Boardmember Mizner asked Mr. Gammage if he had an agreement or planning permit to plan the State Trust Land in this application. Mr. Gammage explained that there is an agreement, not a permit. He further explained the ways that State Trust Land is planned, their reasoning for including the land in this application and that there is no guarantee that they would have a preference to this land when it is sold at auction.

Boardmember Mizner then asked Mr. Gammage to explain the status for annexation and how they envision funding infrastructure for this area. Mr. Gammage responded that there is a draft petition in the process for annexation. He further explained that in the future they would be explaining the funding, however, they envision at least one, possibly multiple, community facility districts.

Boardmember Langkilde commented that a fabulous job has been done in planning this section of land, there has been great communication and thanked the applicant. He then commented that the Board had been shown the potential for multiple story buildings and told the applicant to "go for it" and make the area as intense as they needed to.

MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Discussion ensued concerning the environmental aspects of this application, the building materials and methods that would be used.

Chairperson Adams commented that this is exciting new territory, a once in a lifetime opportunity to put it together and that the Board would appreciate a higher level of detail in the future so potential problems could be identified early.

Boardmember Roberts commented that he is also excited about this project, that he wants to make sure that all applicants in this area are treated fair and consistent and that it would be interesting to see how the residential component plays out in this development.

Susan Demitt, applicant for GPMajor08-02, gave a brief history of the previous Major General Plan Amendment that was adopted in December of 2006 and explained that this application is to take advantage of the Mixed-Use Community designation. She continued that had this designation been available in 2006 they would have utilized it. Ms. Demitt explained that they are not as far along in their processes as the DMB property and would not be filing a zoning application this year. She stated that they do not intend to change the concept for the land from the 2006 approval; adding that they have made a lot of commitments concerning where types of uses would be, preservation of the flight corridor for Boeing and the work with the proposed Williams Gateway Freeway alignment. She continued that this designation will allow flexibility to make adjustments and modifications through the zoning process rather than having to complete a two step process.

Boardmember Langkilded commented that he is supportive of the Planned Community District, but has concerns with this application in the sense that there has not been much communication concerning their proposal and stated that the communication, community meetings and input is important to the project. He continued that he took comfort in the fact that they are working closely with the applicant for the DMB property. Ms. Demitt responded that they appreciate all comments and reinforced that they are not seeking this designation to deviate from what was approved in 2006, only to use it as a tool to allow some flexibility.

Chairperson Adams commented that this Board had expressed a concern of preserving the economic viability of the airport and that it is important that the developers work in harmony because it affects the whole area. He also commented that this Board has protected the area from residential development and this will always be in the forefront of anything that is done in this area. Ms. Demitt responded that that has been reinforced in the commitments by the property owner and the success of the airport is tied directly to the success of the major property owners in the area. She stated that they have the same vision of protecting and supporting the airport.

Discussion ensued concerning the current General Plan Land Use Designations and how the applicant envisions the land to develop with the proposed Mixed Use General Plan Designation, the timeframe for a zoning case to come forward and annexation.

Boardmember Mizner commented that it would be advantageous to all parties concerned to get the properties annexed and the zoning in place.

Boardmember Langkilde asked Ms. Demitt to explain, with no current zoning case at this time, what attracted them to the Mixed Use Community land designation. Ms. Demitt explained that the intention has always been to have these two pieces of property looked at together and with

MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

DMB moving forward this is an opportune time to move with them. She continued that this designation will allow flexibility for such a large piece of land and that it is advantageous to have discussions revolving around both properties at the same time.

Chairperson Adams asked both applicants if they have received the type of input that they were looking for. Ms. Demitt responded that this process has been very beneficial, they appreciate having input upfront and that this process has been a very different experience than the one in 2006. Mr. Gammage responded that this has been very helpful.

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MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Item: **GPMajor08-02 (District 6)** SEC Ellsworth Road & Ray Road (approx. 1,700 acres). General Plan Major amendment to change Land Use Map from various categories (Mixed Use Employment, Medium Density Residential 4-6, Community Commercial, Regional Commercial, Light Industrial and Business Park) to Mixed Use/Community (MUC). This request will allow for rezoning the property to Planned Community District (PCD).

Comments: Wahid Alam, Senior Planner, provided a PowerPoint presentation explaining the current land use designations, the proposed land use designations, the current job centers throughout the valley and the number of jobs per acre ratio along with the application process and the locations of the applications. He continued that the applicants would give a brief description of their request.

Grady Gammage, applicant for GPMajor08-01, gave an overview explaining that currently there are multiple designations on the property and the request is to change this to one designation, Mixed Use Community. He continued that this Board would progressively see more detail and make decisions concerning the development over a 25 to 40 year period. Mr. Gammage stated that a future application would be made and explained their position on the potential number of residential units, jobs and how they see the property developing in the future.

Chairperson Adams asked Mr. Gammage if the future application would include a timeframe of the development. Mr. Gammage responded that it would include the beginnings of how the property would be broken into Development Unit Plans and the mixture of uses.

Boardmember Mizner asked Mr. Wesley what direction the Board should go in concerning this item. Mr. Wesley explained that this is the time for the Board to ask questions, provide direction and alert the applicant to any potential concerns the Board may have with the current application.

Discussion ensued concerning the employment generation numbers and the residential dwelling units based on the current General Plan designations compared to the numbers with the proposed designations. There was further discussion about including the Economic Development Office in this land use change process and the protection of the Phoenix Mesa Gateway Airport with the addition of more residential in the area.

Boardmember Mizner asked Mr. Gammage if he had an agreement or planning permit to plan the State Trust Land in this application. Mr. Gammage explained that there is an agreement, not a permit. He further explained the ways that State Trust Land is planned, their reasoning for including the land in this application and that there is no guarantee that they would have a preference to this land when it is sold at auction.

Boardmember Mizner then asked Mr. Gammage to explain the status for annexation and how they envision funding infrastructure for this area. Mr. Gammage responded that there is a draft petition in the process for annexation. He further explained that in the future they would be explaining the funding, however, they envision at least one, possibly multiple, community facility districts.

Boardmember Langkilde commented that a fabulous job has been done in planning this section of land, there has been great communication and thanked the applicant. He then commented that the Board had been shown the potential for multiple story buildings and told the applicant to "go for it" and make the area as intense as they needed to.

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Discussion ensued concerning the environmental aspects of this application, the building materials and methods that would be used.

Chairperson Adams commented that this is exciting new territory, a once in a lifetime opportunity to put it together and that the Board would appreciate a higher level of detail in the future so potential problems could be identified early.

Boardmember Roberts commented that he is also excited about this project, that he wants to make sure that all applicants in this area are treated fair and consistent and that it would be interesting to see how the residential component plays out in this development.

Susan Demitt, applicant for GPMajor08-02, gave a brief history of the previous Major General Plan Amendment that was adopted in December of 2006 and explained that this application is to take advantage of the Mixed-Use Community designation. She continued that had this designation been available in 2006 they would have utilized it. Ms. Demitt explained that they are not as far along in their processes as the DMB property and would not be filing a zoning application this year. She stated that they do not intend to change the concept for the land from the 2006 approval; adding that they have made a lot of commitments concerning where types of uses would be, preservation of the flight corridor for Boeing and the work with the proposed Williams Gateway Freeway alignment. She continued that this designation will allow flexibility to make adjustments and modifications through the zoning process rather than having to complete a two step process.

Boardmember Langkilded commented that he is supportive of the Planned Community District, but has concerns with this application in the sense that there has not been much communication concerning their proposal and stated that the communication, community meetings and input is important to the project. He continued that he took comfort in the fact that they are working closely with the applicant for the DMB property. Ms. Demitt responded that they appreciate all comments and reinforced that they are not seeking this designation to deviate from what was approved in 2006, only to use it as a tool to allow some flexibility.

Chairperson Adams commented that this Board had expressed a concern of preserving the economic viability of the airport and that it is important that the developers work in harmony because it affects the whole area. He also commented that this Board has protected the area from residential development and this will always be in the forefront of anything that is done in this area. Ms. Demitt responded that that has been reinforced in the commitments by the property owner and the success of the airport is tied directly to the success of the major property owners in the area. She stated that they have the same vision of protecting and supporting the airport.

Discussion ensued concerning the current General Plan Land Use Designations and how the applicant envisions the land to develop with the proposed Mixed Use General Plan Designation, the timeframe for a zoning case to come forward and annexation.

Boardmember Mizner commented that it would be advantageous to all parties concerned to get the properties annexed and the zoning in place.

Boardmember Langkilde asked Ms. Demitt to explain, with no current zoning case at this time, what attracted them to the Mixed Use Community land designation. Ms. Demitt explained that the intention has always been to have these two pieces of property looked at together and with

MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

DMB moving forward this is an opportune time to move with them. She continued that this designation will allow flexibility for such a large piece of land and that it is advantageous to have discussions revolving around both properties at the same time.

Chairperson Adams asked both applicants if they have received the type of input that they were looking for. Ms. Demitt responded that this process has been very beneficial, they appreciate having input upfront and that this process has been a very different experience than the one in 2006. Mr. Gammage responded that this has been very helpful.

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MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Item: Consider an amendment to the City of Mesa Zoning Ordinance, amending Sections 11-1-6, 11-5-3, 11-6-3 and 11-13-2. The amendment revises, modifies and deletes existing definitions, including definitions related to "Supervised Living Facilities (SLFs)" and "Group Homes for the Handicapped (GHHs)." It adds a definition for "Correctional Transitional Housing Facilities (CTHFs)." The amendment revises Sections 11-5-3 and 11-6-3 regarding permitted uses in the R-4 and all Commercial Zoning Districts, permitted locations of SLF/CTHFs and required spacing between similar SLF/CTHF land uses. It would amend Section 11-13-2 with regard to minimum requirements for Group Homes for the Handicapped.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Esparza, seconded by Boardmember Roberts

That: The Board **continue** this case to the March 27, 2008 meeting.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 21, 2008 PLANNING AND ZONING MEETING

Item: Consider a recommendation to the City Council to amend Section 11-18-2 of the City of Mesa Zoning Ordinance. The amendment would revise requirements related to annexation of unincorporated land into the Mesa corporate limits. The Board will also review and consider a recommendation to the City Council on an associated set of guidelines described as the "Annexation Guidelines," review proposed changes to annexation fees, and review a proposed amendment to Section 9-8-3 of the Mesa City Code relating to the applicability of City requirements to properties developed in unincorporated areas before annexation.

Comments: Laura Hyneman, Principal Planner, gave a brief history of the annexation process and an overview of the proposed Code Amendment for Annexation Guidelines. She explained that in April 2007 Council adopted a policy that required all parcels within County Island that requested City Utilities to annex. Ms. Hyneman continued that the City looks at properties that are eligible for annexation in three different scenarios and explained these as:

1. Vacant undeveloped property with no County permits issued:
These properties will pay impact fees as they develop and will be required to install all improvements up to City standards. If there is an instance where it doesn't make sense to install these improvements at that time they will be required to pay an "in lieu fees" which is the same as the cost of installing those improvements, but it is paid to the City and the improvements are done at a later time.
2. Property developed in the county with County permits:
These properties, in the past, have been entitled to receive City Utilities when annexed and this new change is to establish an Annexation Equity Fee so if the property was developed in the County, when it is annexed it will be required to pay all the fees that would have been required had it developed in the City of Mesa.
3. Properties that are not eligible for annexation:
There will be an opportunity for the applicant to make a presentation to Council if they can prove there is a hardship if they do not receive City utilities. Council can then approve a Utility Service Agreement which has fees that are equivalent to impact fees and the expectation that they will be installing improvements or paying in lieu payments as part of the service agreement.

Ms. Hyneman explained the application fees presented for consideration, which include 30% or 100% cost recovery options, new Annexation Equity Fees and the implementation of the new process of annexation if these fees are adopted.

Boardmember Roberts questioned Ms. Hyneman about the possibility of waiving fees and under what circumstances fees would be waived. John Wesley, Planning Director, explained that, though rare, staff does get these types of requests and that the applicant has to justify the reasoning, which may be a financial hardship. He continued that it is out there as a safeguard in cases of unique situations.

Boardmember Langkilde thanked Ms. Hyneman for developing a 100% cost recovery model and commented that the 100% cost recovery is the way to go.

Chariman Adams echoed Boardmember Langkilde's comments and stated that in these times, today particularly, that 100% cost recovery just makes good business sense.

Boardmember Mizner thanked Ms. Hyneman for her presentation and commented that some of

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the work that the Planning Staff does is for the general good of the community, but this annexation work is related to people that are coming to the City for particular services and that it is like going to a store and buying services that are not free.

Boardmember Mizner moved to recommend adoption of the proposal presented by staff with the 100% cost recovery, seconded by Boardmember Langkilde.

That: The Board recommend to the City Council **adoption** of this Code Amendment

Vote: Passed 6-0 with Boardmember Carter absent.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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