

## CITY OF MESA

### MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

April 21, 2005 Time 4:00 p.m.

#### MEMBERS PRESENT

Mike Cowan, Chair  
Barbara Carpenter, Vice-Chair  
Rich Adams  
Alex Finter  
Frank Mizner  
Bob Saemisch

#### MEMBERS ABSENT

Pat Esparza (excused)

#### OTHERS PRESENT

John Wesley  
Dorothy Chimel  
Tom Ellsworth  
Ryan Heiland  
Scott Langford  
Liz Zeller  
Lois Underdah

Wahid Alam  
Susan Morrison  
Wayne Balmer  
Jim Smith  
Sean Lake  
Michelle Dahlke

Jason Morris  
Jennifer Urghart  
Paul Gilbert  
Reese Anderson

Chairperson Cowan declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated April 21, 2005. Before adjournment at 6:10 p.m., action was taken on the following items:

It was moved by Boardmember Mizner, seconded by Boardmember Carpenter, that the minutes of the March 24, 2005 meeting be approved. The vote was 6-0 (Esparza absent)

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter, that the consent items be approved. Vote: 6-0

\*Code Amendment: An amendment to the City of Mesa Zoning Ordinance, adding Section 11-13-2 (V) regarding Temporary Parking Lots.

Minor General Plan Amendments: GPMInor05-02, \*GPMInor05-03

Zoning Cases: \*Z04-105, Z05-41, Z05-42, \*Z05-43, Z05-44, Z05-48, Z05-49, Z05-50, Z05-51, Z05-52, \*Z05-45, \*Z05-46, \*Z05-47

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Item: An amendment to the City of Mesa Zoning Ordinance, adding Section 11-13-2 (V) regarding Temporary Parking Lots.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter,

That: The Board approve and recommend to the City Council approval of adding section 11-13-2 (V) of the Zoning Ordinance regarding Temporary Parking Lots.

Vote: Passed 6-0-1 (Esparza absent)

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## MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

Item: **GPMInor05-02** The 8400 block of East Broadway Road (south side). Located south of Broadway Road and west of Ellsworth Road at the southeast corner of Broadway and Hawes Roads (9.5 ac). District 6. Minor General Plan Amendment to change the General Plan Land Use Map from Neighborhood Commercial (NC) to Medium Density Residential 6-10 dwelling units per acre (MDR 6-10). Mount Baldy Limited Partnership, owner; Christopher Lindahl, applicant.

Comments: Boardmember Saemisch stated that, due to a potential conflict, he would abstain from all discussion and voting regarding this item.

Sean Lake, representing the applicant, gave an overview of the project. He stated that this was an area that had been largely developed for some time. To the north is manufactured housing, developed in the County and a strip of land directly north that is zoned R-5 in Maricopa County. This would be equivalent to Mesa's R-4. To the west is a manufactured home community, an age-restricted community and to the south a multi-family project is currently underway. To the east is a smaller, single-lot, detached residential subdivision. He added that the request was to change the land-use designation on this property from NC to Residential 6-10. He explained that they did not think it was any longer viable as commercial. The surrounding land uses are residential so they felt it was an appropriate designation.

Mr. Lake explained that retail development has located on specific retail corridors throughout Mesa. Power Road is the major north-south corridor. Heading east Ellsworth is the next north-south corridor for development of retail. He pointed out that Hawes Road does not go past Main Street on the north. What has happened is retailers and developers have decided this is not an appropriate location, there is no north-south connection or accessibility.

Susan Morrison, staff Planner, stated that staff recognizes that the site is surrounded by areas designated medium-density residential (4-6) and medium-density residential (6-10). Existing uses around the site are mostly residential. However, according to the map, the neighborhood commercial designated uses are rather limited and staff is recommending denial due to the limitation of commercial uses. A concern is that the residential designation would take away needed future commercial uses that would support that area. Staff sees the area as being more marketable as commercial in the future with the completion of the freeway.

Boardmember Mizner stated that one of the major themes emphasized in the General Plan, and by City Council, is the balance between jobs and housing in Mesa. In general terms, Mesa is an exporter of labor to other communities. One of the major goals of City Council was to reverse that trend and balance out jobs and population. To convert Mesa from a bedroom community to a boardroom community. The positive benefits are that residents can live and work in the same community, wouldn't overload the freeways, have better air quality and a lot of positive benefits. He added that there could be other reasons that the land hasn't developed for commercial uses. It could be cost of the land, there could be lots of reasons why property gets by-passed over the years.

Vice-Chair Carpenter stated that in past General Plans it was designated residential. She added that there were some good arguments relating to this site, but she also didn't want to see neighborhood services disappear from this mile. She mentioned that the walkability, something she was favoring in the beginning, is not something she is quite sure is practical.

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Mr. Lake stated that there really won't be an opportunity for pedestrian access to the site. He added that the market study doesn't mention the need for additional retail here because the area's been built out.

Mr. Mizner stated that the reason more area was not designated neighborhood commercial along the freeway was that there are not many vacant properties next to the freeway. In most cases it is really squeezing between existing residential development. So, with the exception of a few convenience stores and gas stations near the interchanges, there won't be a lot of commercial development next to the freeway. Unless somebody proposed to redevelop an older mobile home park, which could happen in the future.

Ms. Carpenter stated that she disagrees that having neighborhood commercial means you have to have a grocery store. She added that to her it was whatever the neighborhood needed – they may not need a grocery store. She concurred that this corner may be better for residential but that she would like to see neighborhood commercial along the corridor.

Boardmember Finter stated that he felt Mr. Lake had made a reasonable argument for the case.

Boardmember Adams asked how many lanes there were on Hawes Rd. and if there were plans to widen it in the future. Mr. Wesley responded that there are two lanes and it was planned for four lanes. Mr. Adams stated that he did not understand why, if this is such a great site for neighborhood commercial, are the Walgreen's, Osco's, CVS', who are building on every corner, are not there. He further stated that because of its terminus at Main Street he did not see Hawes in the same light as even a Lindsay Rd.

Chair Cowan stated that he could understand the concept of what is being presented in the General Plan but he also appreciates the General Plan as being a living document, something that changes and evolves with the needs of the community while it serves as a guideline. He added that, having lived in that neighborhood, he is very familiar with the need for neighborhood markets, He advised that Safeway, Basha's, Albertson's, Fry's have all provided great support while further east the pending developments on Signal Butte will provide more benefits for people. Knowing that, and the dynamic of the community, he stated that he would be comfortable with supporting a motion for approval to allow for housing to be developed in the area. This will help sustain and build a community sense for the people who live in that area.

Boardmember Adams stated that he didn't find compelling enough reasons to deny.

It was moved by Boardmember Finter, seconded by Boardmember Carpenter that

That: The Board approve and recommend to the City Council approval of General Plan Amendment GPMInor05-02.

Vote: Passed 4-1-1(Saemisch abstaining, Mizner voting nay, Esparza absent)

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Item: **GPMInor05-03** The 3000-3600 blocks of N. Val Vista Drive (west side) and the 2800 – 3500 blocks of E. Lehi Road (south side). Generally located south of Thomas Road between Lehi Road and Val Vista Drive (299.6 ac). Maricopa County, between Districts 1 and 5. Minor General Plan Amendment to change the General Plan Land Use Map from Medium Density Residential 2-4 dwelling units per acre (MDR 2-4), Medium Density Residential 6-10 dwelling units per acre (MDR 6-10), High Density Residential 10-15 dwelling units per acre (HDR 10-15) and Office to Medium Density Residential 2-4 dwelling units per acre (MDR 2-4), Medium Density Residential 4-6 dwelling units per acre (MDR 4-6) and Community Commercial. Engle Enterprises Limited Partnership (Rodney E. Engle, Jr. & Janelle A. Yancey), Richard K. Winslow & Marjorie Shreeve, Robert M. & Priscilla Clark, owners; Paul Gilbert, Beus, Gilbert, PLLC, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter,

That: The Board continue General Plan Amendment GPMInor05-03 to the May 19, 2005 meeting as requested by the applicant.

Vote: Passed 6-0-1 (Esparza absent)

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Item: **Z04-105 (District 6)** The 1600 block of South Signal Butte Road (west side). Located south of US 60 and west of Signal Butte Road (66.7 ac.). Requesting a Council Use Permit to allow the development of a Freeway Landmark Monument sign in conjunction with the construction of group commercial center. Bojer Land/Signal Butte, owner; Diversified Partners – Elizabeth Gaston, applicant. **CONTINUED FROM THE DECEMBER 16, 2004, JANUARY 20, 2005, FEBRUARY 17, 2005 AND MARCH 24, 2005 MEETINGS.**

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter,

That: The Board continue Case Z04-105 to the May 19, 2005 meeting per the applicants' request.

Vote: Passed 6-0-1 (Esparza absent)

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Item: **Z05-41 (District 1)** The 1700 block of North Lindsay Road (west side) Located south of McKellips Road and west of Lindsay Road (1.07 ac). Rezone O-S to C-2 and Site Plan Modification. This request is to allow inline retail. Russ Watson, Sterling Realty Group, owner; Sean Lake, Pew & Lake, P.L.C. Also consider the preliminary plat.

Comments: Sean Lake, representing the applicant, gave a brief history of projects which had previously been approved for the site. He compared the site uses and stated that one PAD had been zoned O-S and it was now found to be more appropriate for a retail shopping center that faces Lindsay Road while at the same time screens the eastern side of the neighborhood market. The balance is a Site Plan Modification -- to change the retail shops on the west side of the site by shifting them to the north, and reduce the grocery store component from 55,000 sf to 41,000 sf.

Liz Zeller, staff Planner, stated that this rezoning will allow it to be more in conformance with the rest of the site which is currently zoned C-2 and will allow it to mesh better with the group commercial center proposed with the other anchor and PAD buildings.

Boardmember Mizner stated that the applicant had presented a nice proposal for retail that will fit in with the balance of the center, had done a very extensive neighborhood outreach program, and he did not see the objection to retail development for this parcel that seemed to be present a few years ago.

It was moved by Boardmember Mizner, seconded by Boardmember Finter

That: The Board approve and recommend to the City Council approval of zoning case Z05-41 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 as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.

Vote: Passed 6-0-1 (Esparza absent)

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Item: **Z05-42 (District 1)** The 2700 block of East McKellips Road (south side) Located south of McKellips Road and west of Lindsay Road (11.92 ac). Site Plan Modification. This request is to allow Wal-Mart Neighborhood Market and inline retail. Russ Watson, Sterling Realty Group, owner; Sean Lake, Pew & Lake, P.L.C. Also consider the preliminary plat.

Comments: Sean Lake, representing the applicant, gave a brief history of prior projects which had previously been approved for the site. He compared the site uses and stated that one pad had been zoned O-S and it was now found to be more appropriate for a retail shopping center that faces Lindsay Road while at the same time screens the eastern side of the neighborhood market. The balance is a Site Plan Modification to change the retail shops on the west side of the site by shifting them to the north and reduce the grocery store component from 55,000 sf to 41,000 sf.

Liz Zeller, staff Planner, stated that this proposal was to allow the WalMart Neighborhood Market and surrounding PADs. She added that there were comments from surrounding neighbors whose primary concern was with the user. There was a concern about the crime rate, specifically with WalMart as the user. She provided crime statistics and stated that there is obviously crime with retail but comparing the neighborhood markets with superstores there is less crime with the neighborhood markets. The statistics showed that there is not going to be a big change in the crime rate depending on which user happens to locate there.

Craig Jones (2815 E Jasmine) stated that he is directly across from this and has concerns about traffic issues being a conflict for people trying to go north on Lindsay. He added that no one was thrilled with the user and they were concerned about delivery truck routes and trash blowing cross from the site.

Khristine Outz (2553 E Mallory) stated that her property was approximately ½ mile from the site and it was a concern to have a 24-hr. store surrounded by an area that was clearly residential and developed in the proximity of a high school. She added that it was not conducive to the neighborhood.

Sean Lake stated that he felt WalMart was an excellent corporation and had done very well in the United States. He added that the project was received well when it was conceived to be an Albertson's. The property has been zoned C-2 and he didn't feel the code should differentiate between users – whether it's an AJ's, a Trader Joe's, Sprout's, Fry's, or WalMart, but just designates property for retail uses.

Regarding traffic issues, he stated that their traffic engineer and the City of Mesa traffic engineer had looked at the site plan and there was not believed to be a conflicting turning movement since they removed the previous drive.

John Wesley, Planning Director, stated that the City doesn't go out and look for businesses to come and build. The property is zoned C-2 for commercial uses, so the owner has come forth with a site plan. The specific businesses are not subject to Planning & Zoning review, nor are they something that zoning considers. Regarding traffic movement, if they wanted turning restrictions it would need to be taken back to the traffic engineer for review.

Liz Zeller stated that the zoning code cannot regulate hours of operation either, but the crime statistics provided showed that the hours between midnight and 7 am have the lowest amount of crime generated in any area. She commented that 24-hour operation should not detrimentally

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affect any of the properties.

Boardmember Adams asked questions regarding internal traffic flow to the loading dock, and how the trucks would be coming in. Mr. Lake responded that they would come on the 202 to Gilbert, down to McKellips, over to Lindsay and down Lindsay before turning in. He explained that the loading docks are pushed into the west part of the property toward the Nursery, rather than toward the neighborhood. They will be exiting north, going back to Gilbert Road to the freeway. The docks have been screened for sound, depressed 4' with an 8-10' screen wall so when trucks are in that area you will not be able to see them. Mr. Lake mentioned that this is a small grocery store and will not have that many deliveries.

Mr. Adams asked if there were sufficient evidence to indicate that a WalMart Neighborhood Market produces any higher level of crime at night or any other time than any other market. Mr. Adams added that the Zoning Board cannot discriminate against WalMart or anybody else any more than the Building Department cannot decide that during the month of May they are not going to issue Building Permits to anyone with the name of Adams. The Board has to look at it from a land-use standpoint not who the proposed tenant is. Ms. Zeller stated she concurred with Boardmember Adams.

Boardmember Mizner stated that Mr. Adams had summarized the problem very well. Over the years that property could have developed into a hardware store, a grocery store, car wash, or even a mini-storage. When an Albertson's was proposed it was well-received because of the image of Albertson's vs. the image of WalMart. He added that the operation is essentially the same, it's a retail grocery store.

Mr. Mizner reminded that this was a Site Plan Modification, not a rezoning. There is an approved site plan that the applicant is looking to modify. Is it as good, or better, than what we had before? Are the elevations appropriate, the landscaping high quality, driveways in the right location, enough parking, etc.? This is not an issue of whether this should be a WalMart or not.

Vice-Chair Carpenter stated she had talked to some of the neighbors but the good news is that it's a smaller building which could be re-used. There is a building on the east side for screening and if this works out they might have a really nice ice cream store, coffee shop or maybe that wonderful neighborhood restaurant we're all looking for. She added that this is the best plan, the best possibly use-wise and utility-wise, and she would be in favor.

Ms. Carpenter mentioned that, through conversations with her children, she has found that 24-hour stores are necessary for people who work nights and it is not something to be feared. The crime statistics seem to uphold that. She would hope that lighting, noise, etc. would be kept to a minimum.

Boardmember Adams asked if the truck traffic flow could be revisited because the afternoon means Mt. View High School letting out and semi's coming south on Lindsay Rd. It would be advantageous if they could come in on McKellips and leave on McKellips.

It was moved by Boardmember Saemisch, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-42 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown

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on the site plan, preliminary plat and elevations as submitted.

2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.

Vote: Passed 6-0-1 (Esparza absent)

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Item: **Z05-43 (District 2)** The 800 block of South Greenfield Road (west side). Located north of Southern and west of Greenfield Road (1.8 ac). Rezone from O-S to R1-35. This request is to allow two single residential lots. Ross N. Farnsworth, owner; Tim Nielson, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-43 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 requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all requirements of the Subdivision Regulations.

Vote: Passed 6-0-1 (Esparza absent)

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Item: **Z05-44 (District 6)** 14403 and 14435 South Power Road. Located south of Ray Road and east of Power Road (5± ac). Rezone from R1-43 to C-2 and M-1. This request is to establish commercial and industrial zoning districts. Jesse & Ann Udall, Dwight & Jori Udall, owners; Wayne Balmer, City of Mesa, applicant.

*(NOTE: The following comments apply to Zoning Cases Z05-44, Z05-48, Z05-49, Z05-50, Z05-51, and Z05-52)*

Comments: Wayne Balmer, the applicant explained that this is essentially a County Island and it is an area where the property owners are interested in annexing because they get access to our water, sewer service, fire and police, which makes the area much more attractive for future commercial development. He added that they had been working with the property owners for some time. Mr. Balmer explained that by law the city must establish comparable zoning to what the zoning is in the county if they annex property, adding that some of the properties are currently being used for things that might exceed what the county zoning would allow and property owners are interested in being sure their property is properly zoned if it is to be annexed.

He advised Boardmembers that there is a lot of new development across Power Road in Gilbert and the property owners are interested in seeing new commercial development in Mesa. The City Council will consider the annexation, the comparable zoning and the introduction for the new zoning on the same date. He explained that all the cases were requesting C-2 zoning, with the exception of Z05-44. This is a combination of C-2 on the front and M-1 at the back of the property. The reason is that they have a building on the property that they are using as a steel fabrication business and it is more closely aligned with our M-1 zoning. That may be a temporary zoning as these properties are getting quite a bit of interest for commercial assembly for a new development and they may be moving. He explained that there were four additional conditions for Case Z05-44 that the property owners had agreed to.

Mr. Balmer stated that the City Council is concerned that in the future our zoning be consistent with our General Plan. This area on the east side of Power Road and south of Ray Road is all designated on the General Plan for Mixed Use-Employment and they did that because these properties are right at the entrance to Williams Gateway Airport and on the south side is the entrance to Arizona State University East. That is an outstanding location for future commercial development that would be consistent with both the airport and the university.

Paul Gilbert (Beus Gilbert) spoke in support of the cases and complimented Mr. Balmer's efforts.

Boardmember Mizner expressed his agreement with Mr. Gilbert's compliment to Mr. Balmer, relating that he knows how difficult it is to get such a diverse group of property owners to this point. He added that this is the first step in a long process and the Board would be seeing many more cases in the future, however he would like to see a unified plan for the entire property, whether it be an office park, hospital, shopping center. He stated he would not like to see 15 different requests for convenience stores or drive-thru restaurants or used car lots. Those are not the type of developments to see on the entrance to Williams Gateway Airport and ASU East. He mentioned that the more difficult properties would be the ones to the east because they do not have frontage on a legal street and under City Code they cannot develop. They will have to combine or consolidate to stimulate development in that area. Overall this is a great positive first step and he would welcome the annexation of all of those properties, having the city initiate

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annexation is an appropriate step.

Tom Ellsworth, staff Planner, stated that he concurred with Mr. Balmer's presentation of the cases and that staff was in support.

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-44 conditioned upon:

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
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. Construct a 6-foot masonry screening fence, at the 98' point from the center of Power Road. This distance aligns with the existing masonry screening wall of the neighboring parcel directly north. This screening wall would run from the inside of the north entry gate to the inside of the south entry gate. This would amount to approximately 362' of screening fence.
7. Continue using the existing automatic entry gate at the north end of parcel 304-37-017 and erect an entry gate at the south end of parcel 304-37-018, and continue the existing fence of the north entry gate to the south entry gate.
8. Installation of limited paving off of Power Road to accommodate entrance and exit on Power Road.
9. Clean up of the west side of the screening wall and relocation of materials to the east side of the screening wall.

Vote: Passed 6-0-1 (Esparza absent)

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Item: **Z05-48 (District 6)** 14207 South Power Road. Located south of Ray Road and east of Power Road (4± ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. John Gaines Trust ETAL (Ricky Fowler), owners; Wayne Balmer, City of Mesa, applicant.

Comments: *(NOTE: The following comments apply to Zoning Cases Z05-44, Z05-48, Z05-49, Z05-50, Z05-51, and Z05-52)*

Comments: Wayne Balmer, the applicant explained that this is essentially a County Island and it is an area where the property owners are interested in annexing because they get access to our water, sewer service, fire and police, which makes the area much more attractive for future commercial development. He added that they had been working with the property owners for some time. Mr. Balmer explained that by law the city must establish comparable zoning to what the zoning is in the county if they annex property, adding that some of the properties are currently being used for things that might exceed what the county zoning would allow and property owners are interested in being sure their property is properly zoned if it is to be annexed.

He advised Boardmembers that there is a lot of new development across Power Road in Gilbert and the property owners are interested in seeing new commercial development in Mesa. The City Council will consider the annexation, the comparable zoning and the introduction for the new zoning on the same date. He explained that all the cases were requesting C-2 zoning, with the exception of Z05-44. This is a combination of C-2 on the front and M-1 at the back of the property. The reason is that they have a building on the property that they are using as a steel fabrication business and it is more closely aligned with our M-1 zoning. That may be a temporary zoning as these properties are getting quite a bit of interest for commercial assembly for a new development and they may be moving. He explained that there were four additional conditions for Case Z05-44 that the property owners had agreed to.

Mr. Balmer stated that the City Council is concerned that in the future our zoning be consistent with our General Plan. This area on the east side of Power Road and south of Ray Road is all designated on the General Plan for Mixed Use-Employment and they did that because these properties are right at the entrance to Williams Gateway Airport and on the south side is the entrance to Arizona State University East. That is an outstanding location for future commercial development to have new developments that would be consistent with both the airport and the university.

Paul Gilbert (Beus Gilbert) spoke in support of the cases and complimented Mr. Balmer's efforts.

Boardmember Mizner expressed his agreement with Mr. Gilbert's compliment to Mr. Balmer, relating that he knows how difficult it is to get such a diverse group of property owners to this point. He added that this is the first step in a long process and the Board would be seeing many more cases in the future, however he would like to see a unified plan for the entire property, whether it be an office park, hospital, shopping center. He stated he would not like to see 15 different requests for convenience stores or drive-thru restaurants or used car lots. Those are not the type of developments to see on the entrance to Williams Gateway Airport and ASU East. He mentioned that the more difficult properties would be the ones to the east because they do not have frontage on a legal street and under City Code they cannot develop. They will have to combine or consolidate to stimulate development in that area. Overall this is a great positive first

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step and he would welcome the annexation of all of those properties, having the city initiate annexation is an appropriate step.

Tom Ellsworth, staff Planner, stated that he concurred with Mr. Balmer's presentation of the cases and that staff was in support.

It was moved by Boardmember Carpenter, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z05-48 conditioned upon:

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
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.

Vote: Passed 6-0-1 (Esparza absent)

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## MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-49 (District 6)** 14247 South Power Road. Located south of Ray Road and east of Power Road (2.74± ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Mark L. & Vicki L. Talbot, owners; Wayne Balmer, City of Mesa, applicant.

Comments: *(NOTE: The following comments apply to Zoning Cases Z05-44, Z05-48, Z05-49, Z05-50, Z05-51, and Z05-52)*

Comments: Wayne Balmer, the applicant explained that this is essentially a County Island and it is an area where the property owners are interested in annexing because they get access to our water, sewer service, fire and police, which makes the area much more attractive for future commercial development. He added that they had been working with the property owners for some time. Mr. Balmer explained that by law the city must establish comparable zoning to what the zoning is in the county if they annex property, adding that some of the properties are currently being used for things that might exceed what the county zoning would allow and property owners are interested in being sure their property is properly zoned if it is to be annexed.

He advised Boardmembers that there is a lot of new development across Power Road in Gilbert and the property owners are interested in seeing new commercial development in Mesa. The City Council will consider the annexation, the comparable zoning and the introduction for the new zoning on the same date. He explained that all the cases were requesting C-2 zoning, with the exception of Z05-44. This is a combination of C-2 on the front and M-1 at the back of the property. The reason is that they have a building on the property that they are using as a steel fabrication business and it is more closely aligned with our M-1 zoning. That may be a temporary zoning as these properties are getting quite a bit of interest for commercial assembly for a new development and they may be moving. He explained that there were four additional conditions for Case Z05-44 that the property owners had agreed to.

Mr. Balmer stated that the City Council is concerned that in the future our zoning be consistent with our General Plan. This area on the east side of Power Road and south of Ray Road is all designated on the General Plan for Mixed Use-Employment and they did that because these properties are right at the entrance to Williams Gateway Airport and on the south side is the entrance to Arizona State University East. That is an outstanding location for future commercial development to have new developments that would be consistent with both the airport and the university.

Paul Gilbert (Beus Gilbert) spoke in support of the cases and complimented Mr. Balmer's efforts.

Boardmember Mizner expressed his agreement with Mr. Gilbert's compliment to Mr. Balmer, relating that he knows how difficult it is to get such a diverse group of property owners to this point. He added that this is the first step in a long process and the Board would be seeing many more cases in the future, however he would like to see a unified plan for the entire property, whether it be an office park, hospital, shopping center. He stated he would not like to see 15 different requests for convenience stores or drive-thru restaurants or used car lots. Those are not the type of developments to see on the entrance to Williams Gateway Airport and ASU East. He mentioned that the more difficult properties would be the ones to the east because they do not have frontage on a legal street and under City Code they cannot develop. They will have to combine or consolidate to stimulate development in that area. Overall this is a great positive first step and he would welcome the annexation of all of those properties, having the city initiate

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annexation is an appropriate step.

Tom Ellsworth, staff Planner, stated that he concurred with Mr. Balmer's presentation of the cases and that staff was in support.

It was moved by Boardmember Mizner, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z05-49 conditioned upon:

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
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.

Vote: Passed 6-0-1 (Esparza absent)

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## MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-50 (District 6)** 14223 South Power Road. Located south of Ray Road and east of Power Road (1.3 ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Southwest Auto Care, LLC (Mike Cahill), owner; Wayne Balmer, City of Mesa, applicant.

Comments: *(NOTE: The following comments apply to Zoning Cases Z05-44, Z05-48, Z05-49, Z05-50, Z05-51, and Z05-52)*

Comments: Wayne Balmer, the applicant explained that this is essentially a County Island and it is an area where the property owners are interested in annexing because they get access to our water, sewer service, fire and police, which makes the area much more attractive for future commercial development. He added that they had been working with the property owners for some time. Mr. Balmer explained that by law the city must establish comparable zoning to what the zoning is in the county if they annex property, adding that some of the properties are currently being used for things that might exceed what the county zoning would allow and property owners are interested in being sure their property is properly zoned if it is to be annexed.

He advised Boardmembers that there is a lot of new development across Power Road in Gilbert and the property owners are interested in seeing new commercial development in Mesa. The City Council will consider the annexation, the comparable zoning and the introduction for the new zoning on the same date. He explained that all the cases were requesting C-2 zoning, with the exception of Z05-44. This is a combination of C-2 on the front and M-1 at the back of the property. The reason is that they have a building on the property that they are using as a steel fabrication business and it is more closely aligned with our M-1 zoning. That may be a temporary zoning as these properties are getting quite a bit of interest for commercial assembly for a new development and they may be moving. He explained that there were four additional conditions for Case Z05-44 that the property owners had agreed to.

Mr. Balmer stated that the City Council is concerned that in the future our zoning be consistent with our General Plan. This area on the east side of Power Road and south of Ray Road is all designated on the General Plan for Mixed Use-Employment and they did that because these properties are right at the entrance to Williams Gateway Airport and on the south side is the entrance to Arizona State University East. That is an outstanding location for future commercial development to have new developments that would be consistent with both the airport and the university.

Paul Gilbert (Beus Gilbert) spoke in support of the cases and complimented Mr. Balmer's efforts.

Boardmember Mizner expressed his agreement with Mr. Gilbert's compliment to Mr. Balmer, relating that he knows how difficult it is to get such a diverse group of property owners to this point. He added that this is the first step in a long process and the Board would be seeing many more cases in the future, however he would like to see a unified plan for the entire property, whether it be an office park, hospital, shopping center. He stated he would not like to see 15 different requests for convenience stores or drive-thru restaurants or used car lots. Those are not the type of developments to see on the entrance to Williams Gateway Airport and ASU East. He mentioned that the more difficult properties would be the ones to the east because they do not have frontage on a legal street and under City Code they cannot develop. They will have to combine or consolidate to stimulate development in that area. Overall this is a great positive first

## MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

step and he would welcome the annexation of all of those properties, having the city initiate annexation is an appropriate step.

Tom Ellsworth, staff Planner, stated that he concurred with Mr. Balmer's presentation of the cases and that staff was in support.

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-50 conditioned upon:

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
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.

Vote: Passed 6-0-1 (Esparza absent)

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## MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-51 (District 6)** 14215 South Power Road. Located south of Ray Road and east of Power Road (0.78 ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Joseph Kestner, owner; Wayne Balmer, City of Mesa, applicant.

Comments: *(NOTE: The following comments apply to Zoning Cases Z05-44, Z05-48, Z05-49, Z05-50, Z05-51, and Z05-52)*

Comments: Wayne Balmer, the applicant explained that this is essentially a County Island and it is an area where the property owners are interested in annexing because they get access to our water, sewer service, fire and police, which makes the area much more attractive for future commercial development. He added that they had been working with the property owners for some time. Mr. Balmer explained that by law the city must establish comparable zoning to what the zoning is in the county if they annex property, adding that some of the properties are currently being used for things that might exceed what the county zoning would allow and property owners are interested in being sure their property is properly zoned if it is to be annexed.

He advised Boardmembers that there is a lot of new development across Power Road in Gilbert and the property owners are interested in seeing new commercial development in Mesa. The City Council will consider the annexation, the comparable zoning and the introduction for the new zoning on the same date. He explained that all the cases were requesting C-2 zoning, with the exception of Z05-44. This is a combination of C-2 on the front and M-1 at the back of the property. The reason is that they have a building on the property that they are using as a steel fabrication business and it is more closely aligned with our M-1 zoning. That may be a temporary zoning as these properties are getting quite a bit of interest for commercial assembly for a new development and they may be moving. He explained that there were four additional conditions for Case Z05-44 that the property owners had agreed to.

Mr. Balmer stated that the City Council is concerned that in the future our zoning be consistent with our General Plan. This area on the east side of Power Road and south of Ray Road is all designated on the General Plan for Mixed Use-Employment and they did that because these properties are right at the entrance to Williams Gateway Airport and on the south side is the entrance to Arizona State University East. That is an outstanding location for future commercial development to have new developments that would be consistent with both the airport and the university.

Paul Gilbert (Beus Gilbert) spoke in support of the cases and complimented Mr. Balmer's efforts.

Boardmember Mizner expressed his agreement with Mr. Gilbert's compliment to Mr. Balmer, relating that he knows how difficult it is to get such a diverse group of property owners to this point. He added that this is the first step in a long process and the Board would be seeing many more cases in the future, however he would like to see a unified plan for the entire property, whether it be an office park, hospital, shopping center. He stated he would not like to see 15 different requests for convenience stores or drive-thru restaurants or used car lots. Those are not the type of developments to see on the entrance to Williams Gateway Airport and ASU East. He mentioned that the more difficult properties would be the ones to the east because they do not have frontage on a legal street and under City Code they cannot develop. They will have to combine or consolidate to stimulate development in that area. Overall this is a great positive first step and he would welcome the annexation of all of those properties, having the city initiate

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annexation is an appropriate step.

Tom Ellsworth, staff Planner, stated that he concurred with Mr. Balmer's presentation of the cases and that staff was in support.

It was moved by Boardmember Finter, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z05-51 conditioned upon:

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
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.

Vote: Passed 6-0-1 (Esparza absent)

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## MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-52 (District 6)** The 14000 block of South Power Road. Located at the southeast corner of Ray Road and Power Road (4± ac). Rezone from R1-43 to C-2. This request is to establish a commercial zoning district. Robert & Julie Galvin, owners; Wayne Balmer, City of Mesa, applicant.

Comments: *(NOTE: The following comments apply to Zoning Cases Z05-44, Z05-48, Z05-49, Z05-50, Z05-51, and Z05-52)*

Comments: Wayne Balmer, the applicant explained that this is essentially a County Island and it is an area where the property owners are interested in annexing because they get access to our water, sewer service, fire and police, which makes the area much more attractive for future commercial development. He added that they had been working with the property owners for some time. Mr. Balmer explained that by law the city must establish comparable zoning to what the zoning is in the county if they annex property, adding that some of the properties are currently being used for things that might exceed what the county zoning would allow and property owners are interested in being sure their property is properly zoned if it is to be annexed.

He advised Boardmembers that there is a lot of new development across Power Road in Gilbert and the property owners are interested in seeing new commercial development in Mesa. The City Council will consider the annexation, the comparable zoning and the introduction for the new zoning on the same date. He explained that all the cases were requesting C-2 zoning, with the exception of Z05-44. This is a combination of C-2 on the front and M-1 at the back of the property. The reason is that they have a building on the property that they are using as a steel fabrication business and it is more closely aligned with our M-1 zoning. That may be a temporary zoning as these properties are getting quite a bit of interest for commercial assembly for a new development and they may be moving. He explained that there were four additional conditions for Case Z05-44 that the property owners had agreed to.

Mr. Balmer stated that the City Council is concerned that in the future our zoning be consistent with our General Plan. This area on the east side of Power Road and south of Ray Road is all designated on the General Plan for Mixed Use-Employment and they did that because these properties are right at the entrance to Williams Gateway Airport and on the south side is the entrance to Arizona State University East. That is an outstanding location for future commercial development to have new developments that would be consistent with both the airport and the university.

Paul Gilbert (Beus Gilbert) spoke in support of the cases and complimented Mr. Balmer's efforts.

Boardmember Mizner expressed his agreement with Mr. Gilbert's compliment to Mr. Balmer, relating that he knows how difficult it is to get such a diverse group of property owners to this point. He added that this is the first step in a long process and the Board would be seeing many more cases in the future, however he would like to see a unified plan for the entire property, whether it be an office park, hospital, shopping center. He stated he would not like to see 15 different requests for convenience stores or drive-thru restaurants or used car lots. Those are not the type of developments to see on the entrance to Williams Gateway Airport and ASU East. He mentioned that the more difficult properties would be the ones to the east because they do not have frontage on a legal street and under City Code they cannot develop. They will have to combine or consolidate to stimulate development in that area. Overall this is a great positive first

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step and he would welcome the annexation of all of those properties, having the city initiate annexation is an appropriate step.

Tom Ellsworth, staff Planner, stated that he concurred with Mr. Balmer's presentation of the cases and that staff was in support.

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-52 conditioned upon:

1. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
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.

Vote: Passed 6-0-1 (Esparza absent)

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MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-45 (District 6)** The 1100 block of South Ellsworth Road (west side). Located north of Southern Avenue and west of Ellsworth Road (3.37 ac). Rezone from Maricopa County Rural 43 and C-2 to City of Mesa R1-43 and C-2. This case is to establish City zoning on recently annexed property. City of Mesa (northern parcel), Cynthia Taylor Trust (southern parcel), owners; City of Mesa Real Estate Division, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-45 conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

Vote: Passed 6-0-1 (Esparza absent)

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MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-46 (District 6)** The 3800 block of South Mountain Road (west side). Located south of Elliot Road and east of Signal Butte Road (14.86 ac). Rezone from Maricopa County R1-8 PD to City of Mesa PF. This case is to establish City zoning on recently annexed property. Gilbert Unified School District, owner; G. Keith Vaughan, Planning and Development Director, Gilbert Public Schools, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z05-49 conditioned upon:

1. Compliance with all City development codes and regulations.

Vote: Passed 6-0-1 (Esparza absent)

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MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

Item: **Z05-47 (District 6)** The 8800 – 9100 block of East Baseline Road (south side) and the 2100 – 2400 block of South Ellsworth Road (west side). Located south and west of Baseline Road and Ellsworth Road (145± ac). Modification of the Monte Vista Village Resort Development Master Plan, modification of an approved PAD, and site plan modification. This request is to allow for Monte Vistas' second phase of development of a manufactured home and RV resort. Monte Vista Two (Scott Brown), owner; David Evans and Associates (Eric Toll), applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board continue zoning case Z05-47 to the May 19, 2005 hearing.

Vote: Passed 6-0-1 (Esparza absent)

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MINUTES OF THE APRIL 21, 2005 PLANNING AND ZONING MEETING

Respectfully submitted,

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John Wesley, Secretary  
Planning Director

MS:  
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