

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date January 19, 2006 Time 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair
Barbara Carpenter, Vice-Chair
Alex Finter
Bob Saemisch
Frank Mizner
Jared Langkilde
Ken Salas

MEMBERS ABSENT

None.

OTHERS PRESENT

John Wesley
Dorothy Chimel
Tom Ellsworth
Michael Bell
Jennifer Gniffke
Ryan Matthews
Maria Salaiz

George Smith
Kari Kent
Christopher Brady
Paul Gilbert
Krissa Hargis
April Ward
Bill Allison

Dave Moore
Kent Grantham
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 January 19, 2006. Before adjournment at 6:00 p.m., action was taken on the following items:

Mr. John Wesley, Planning Director introduced Mr. Christopher Brady as the new City Manager for the City of Mesa. Mr. Brady acknowledged and thanked the work done by the Planning & Zoning Board and looked forward to working in this city.

Chairperson Adams thanked and welcomed Mr. Brady to the City of Mesa.

It was moved by Boardmember Carpenter, seconded by Boardmember Mizner that the minutes of the December 15, 2005 meeting be approved as revised. The vote was 7-0.

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

It was moved by Boardmember Saemisch, seconded by Boardmember Salas that the consent items be approved. The vote was 7-0.

Code Amendment: *Amending Sections 11-13-2 with regard to the requirement for all lots within a development to have frontage on a dedicated public street.

Guidelines: Consideration of proposed revisions to the Freeway Landmark Monument Guidelines.

Zoning Cases: *Z06-01, Z06-02, Z06-03

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Item: Amending Section 11-13-2 with regard to the requirement for all lots within a development to have frontage on a dedicated public street.

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

It was moved by Boardmember Saemisch, seconded by Boardmember Salas

That: The Board approve and recommend to the City Council approval of amending Section 11-13-2 zoning with regard to the requirement for all lots within a development to have frontage on a dedicated public street.

Vote: Passed 7-0.

Reason for Recommendation: The Board acknowledged that this zoning change was reasonable.

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Item: Consideration of proposed revisions to the Freeway Landmark Monument Guidelines.

Comments: Gordon Sheffield, Senior Planner, mentioned that the board had met with the City Council and one of the items presented was to take a look at the Freeway Landmark Monument (FLM) Guidelines. He stated there were three cases that have been reviewed by this Board, the Design Review Board, and City Council and based on those cases there were some concerns about how those guidelines were working. He added that an Adhoc committee was formed to look at the circumstances and come up with a document, which was before the Board today.

Mr. Sheffield gave a brief description of the proposed revisions.

- General Provisions Section – limits the number of FLM to one per development, unless the development was in excess of 60 acres and had enough frontage on the freeway to accommodate several signs and to keep the primary focus on the FLM, as opposed to individual tenants.
- Location and Siting Section – increases the separation from 1,320 feet to 2,000 feet, to decrease the potential number of FLM within a given mile. He added that there was also a new setback being introduced due to the concern with the Superstition Gateway site that is in close proximity to a residential property. The setback being proposed is ten times the height of the sign.
- Design and Construction Section – primarily placing the focal point on the height of the sign as opposed to the message of the sign. The idea was to see the top of the sign and not necessarily the body of the sign from approximately a ¼ mile away.
- Modifications and Alternatives Section – the guidelines as written now gives Council the ability to approve alternatives if they meet one of five criteria listed. This would change so that three of the five criteria must be met.
- The committee added a new required submittal section, which requires the applicant to do more up-front work with the neighborhoods and requires some information with regards to the number of submittals.

Mr. Sheffield mentioned that staff had presented these guidelines to the Design Review Board and they agreed with the basic focus of the guidelines. They recommended approval of the changes as written. He added that staff is also recommending approval.

Bill Allison, 2575 E. Camelback Road, Phoenix, representing AZ Sign Association, stated that they are opposed to a small portion of the proposal adding they applaud what was being done to protect the neighborhoods. His concerns with the proposal were: 1) the focus of the signs, which are important for those in the center and for the national retailers, this could be a decision factor in deciding where to locate; 2) how the height is measured –the height is being set by the visibility of the top of the sign a ¼ mile away and people are not going to be able to see the message of the sign. He reiterated the efforts made regarding the neighborhoods and added it was the primary thrust behind this revision. Mr. Allison added that staff had done an excellent job with the Adhoc committee but the focus of the signs and the height of the signs needs to be addressed more to make these signs function.

Boardmember Saemisch asked if the number of signs/tenants that appear under a major sign has ever become a standard in other communities and if there have been any studies done. Mr. Allison responded that it could become an issue and it varies with jurisdictions. He added that it's not simply the number but also the size of the text and that there had been studies done to support that.

Boardmember Mizner noted that this proposal does not do away with tenant names on the sign

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and generally the public has an idea of where they are going and what their shopping needs are. He stated he was glad Mr. Allison was involved in this process and that City of Mesa has always been sensitive about having interest groups involved. Mr. Mizner stated he thought this was a good package, which allows for FLM signs. He added that although this Board and Council were divided about allowing this process to begin they have had three good packages come through. City Council's concern was for Mesa to be competitive with neighboring communities and this package clarifies and tightens up issues but does not disallow these signs. Mr. Mizner stated he was supportive of the package as presented by staff.

Boardmember Langkilde asked Mr. Allison for his input regarding allowing FLM to be fully digital with full color and animation and if it was something that the industry would prefer vs. what staff was proposing. Mr. Allison responded they would be interested in seeing that happen and would be supportive.

Kent Grantham, 3643 S. 7th Street, member of the legislative committee for the AZ Sign Association, stated that his major concerns were the height of the signs and the tenant visibility. He quoted some material from the "Signage Source" book regarding signage and added that limiting the height of FLM to where only the center name was visible was going to be a deterrent for tenants.

Boardmember Carpenter stated that what she was hearing from both Mr. Allison and Mr. Grantham was that they would prefer that the measurements of the sign be done from where the most prominent name would appear. She asked if they would be tempted to put all kinds of "fun stuff" above to make the sign taller. She also asked if they could live with an ordinance that would reduce that, and if they could also live with relocating the sign with Council making an exception on the separation to have better visibility but still have the same height.

Mr. Grantham responded that the location of the sign was something that could be worked with and as far as embellishments he did not see that being a major concern. He added that they were not concerned with the top of the sign height they were concerned with being able to read the tenant name and get that information to the consumer.

Chairperson Adams stated that they are looking at a fairly in-depth document prepared by the subcommittee and staff and he also noted that height was an issue. He stated he appreciated the concerns by Mr. Allison and Mr. Grantham, but had they come prepared with some graphic examples it would have been a more convincing argument. He stated he was having a hard time picturing the difference between what was being recommended and what the argument was.

Mr. Sheffield stated that staff is not saying that the tenant panels should not be visible. That is not the intent of the guidelines. He stated they are trying to place the emphasis on the place name.

Discussion ensued regarding the visibility of the panels, design and the size of the FLM signs.

Boardmember Saemisch stated that he wanted to have the guidelines revisited and added that he was a little disappointed that they didn't have empirical definition for what they were looking for. Mr. Sheffield responded that it would have been difficult to come up with a "one size fits all" circumstance. The guidelines are what they are and the language is loose, intentionally.

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Boardmember Carpenter noted just how competitive the retail industry really was and asked if there was some kind of compensation for a large retailer to have their name in the most prominent place, and if so, was that taxable and being returned to the community. Mr. Sheffield responded that he had no idea.

Boardmember Mizner responded that it would be interesting to know but that issue was irrelevant to the discussion adding that the Board was not here to impose taxes and not privy to private agreements. Mr. Mizner moved to approve the guidelines as presented. He noted that there might be further negotiations and discussions between staff and representatives and he was satisfied that staff had prepared a comprehensive package that addresses most of the issues that the Board and Council had. Boardmember Langkilde seconded the motion.

Boardmember Finter stated he appreciated Mr. Sheffield's work on this process and mentioned that he would have liked to see an opportunity for the industry to have had more input. Mr. Allison didn't have an opportunity to speak at these meetings and it was paramount to get more citizen participation. He hoped that by the time this gets to Council that they'll find a reasonable compromise. The goal of the Adhoc committee was not to put any limitations on the industry. Mr. Finter stated he would be supporting the motion.

Boardmember Saemisch stated he could not support these guidelines as presented because he did not know what they were getting. There is no example of what we are going to see at a ¼ mile away and have no clue as to what the product was going to be. He stated he would have liked to see some examples and would prefer a continuance to see if the sign industry could bring back something more definitive.

Boardmember Langkilde stated he was intrigued by Mr. Saemisch's comments. He noted that if these types of signs go up in their present conditions they'd look like they were built by the lowest bidder and this is an opportunity to make them look nice. He stated he would be in favor of a continuance.

Boardmember Finter stated that the Adhoc committee did some great work in asking for photo simulation, which they did not have before. They enhanced the balloon test because they could not get a good perspective of what they were seeing. He stated that with the revised conditions, and as each project comes through, it would give a clear picture of how it was impacting the area.

Boardmember Mizner stated that in light of the comments expressed, he thought a continuance might be in order. He stated he would withdraw his motion for approval and substitute a motion for a continuance of 30 days to the February's Planning & Zoning meeting, to allow staff and the Adhoc Committee to get with the representatives of the sign industry to show the difference between the two proposals. He stated he would also like to limit the motion to those issues. Mr. Mizner also noted Mr. Langkilde's desire for "Las Vegas" types signs in Mesa and if the sign industry wished to pursue those types of signs the appropriate way to do it, would be to approach the City Council directly.

Chairperson Adams stated that since there was no objection, the motion would be withdrawn. Mr. Saemisch seconded the new motion.

Boardmember Saemisch asked if the sign industry had the time to come back and give the Board a more thorough presentation. He stated he wasn't sure they needed to have staff or the

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Adhoc committee work on it. Mr. Allison responded they could have something to the Board in 30 days. He stated he would welcome the opportunity to work with staff and/or the Adhoc committee so they are all talking about the same thing.

Chairperson Adams stated it would be appropriate to have the Adhoc committee and staff work with Mr. Allison.

Boardmember Finter mentioned that they were under a tight deadline and per Council's direction wanted it back in 60 days.

Boardmember Mizner asked Mr. Wesley to let Council know that they had met the deadline and are trying to do a better job but needed another 30 days. He noted that there are no pending proposals, so a continuance would not jeopardize any cases.

Mr. Wesley stated that Council gave 60 days because they thought there were more cases coming through. He added that Council would rather have a good product come out.

Boardmember Carpenter stated she wasn't prepared for a continuance and wanted it moved forward to Council. She noted it was important for citizens to understand the power of the profit motive and how it influences the decisions this Board and Council make. It's more important to me that we go into as a partnership with the private sector rather than an adversarial relationship. Ms. Carpenter stated she wanted to send it to Council with a message that it's still imperfect and as all guidelines, they are living documents and they can be revised and reviewed. She stated that it's a good starting and added that she would like to see it improved and if a continuance would do that, she would support the continuance.

It was moved by Boardmember Mizner, seconded by Boardmember Saemisch

That: The Board continue the Freeway Landmark Monument Guidelines to the February 16, 2006 meeting.

Vote: Passed 7-0

Reason for Recommendation: The Board felt a continuance was warranted to allow the Adhoc committee, staff, and sign industry representatives more time to bring back something more definitive to show the differences between the two proposals.

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Item: **Z06-01 (District 6)** The 1100 to 1200 block of South Ellsworth Road (west side). Located north of Southern Avenue and west of Ellsworth Road (0.6± acres). Rezone from R1-43 to C-2. This request is to rezone property for future retail development. Mickey Toli, owner; Jeff Swan, applicant.

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

It was moved by Boardmember Saemisch, seconded by Boardmember Salas

That: The Board approve and recommend to the City Council approval of zoning case Z06-01 conditioned upon:

1. Site plan review is required for all future development on the site.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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 7-0.

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

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Item: **Z06-02 (District 5)** 430 North Power Road. Located north of University Drive and west of Power Road (1± acres). Council Use Permit. This request is to allow a restaurant with a bar in a C-2 district. David Moore, owner; George Smith, applicant.

Comments: George Smith, 6721 E. McDowell Road, Scottsdale, applicant, stated that they have been audited by the Department of Liquor License and Control and the results of that audit showed an insufficiency of doing the correct percentage of food under the current license, which is a Series 12 license. The results caused them to consider a use of a Series 6 license, where there is no percentage of food. He stated they have no intention of scaling down or doing anything less with their kitchen. This is a family restaurant and we cater to many softball, baseball, and little league teams. He gave a brief history of the location stating that this was a problem location under a previous owner and since acquiring it, have cleaned it up and operated as a good citizen. He added that they have an excellent tract record and have done a great service to the community.

Dave Moore, 8983 E. Sharon Drive, Scottsdale, owner, stated he concurred with Mr. Smith's comments and reiterated to the Board that nothing was going to change. He stated that they have added a patio, repainted and added landscaping and are proud of what they have done.

Boardmember Salas asked for the hours of operation and when the bulk of their business was during the day. Mr. Smith responded that they close about 1:00 a.m., Monday through Thursday and 2:00 a.m. during the weekends. He added that the bulk of their business was around 10-11 p.m., when most of the games were over. Mr. Moore added that since they had re-opened they have more than doubled the amount of food that was previously sold.

Boardmember Langkilde mentioned that the purpose of this case was to allow a restaurant with a bar in a C-2 district and that was a little misleading because a restaurant according to the definition of a Series 6 license goes away when you get a full fledged bar. He mentioned that Mr. Moore's comment regarding that "nothing would change" was precisely right because they are operating as a bar and not a restaurant and they have violated the criteria for a Series 12 license by not selling enough food.

Boardmember Mizner noted that it was important to remember that if City Council approves the Use Permit, it would run with the land and not with the owner. He believed their intention to operate their business as they had in the past but things can change once the Use Permit is granted. He stated there was a lot of debate about changing the Code to allow the option of a bar in a C-2 zone because that contradicted 20 years of policy in the City of Mesa. This was a very spirited debate on the Board and we recommended approval on a split vote and it was also approved on a split vote at City Council.

Mr. Mizner mentioned that this was the first case under this Code amendment and when this amendment was approved, people thought it would be for new businesses they did not anticipate dealing with an existing business that was having problems meeting their liquor license requirements. He noted that the City does have an option to revert a Use Permit but that is rare.

Chairperson Adams asked the applicant what he had done to balance out the percentage of food sells and what the cost of a Series 12 license was versus a Series 6 license.

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Mr. Moore responded that by their records they exceed the 40% and by State requirements they were just under the 40%. He added that the State used their own formula, which they were not allowed to know. He stated they had increased the structure and divided the building into 2/3-restaurant seating and 1/3 separate bar area. They also improved the quality of their food through supplier, lowered their retail on food and raised retail on liquor. Mr. Moore stated that a Series 6 license is whatever the market bares and right now the market was at \$95,000.00 plus any administrative expenses and a Series 12 license was \$2,500.00.

Boardmember Salas asked how long he had owned the restaurant and at what point did they come into violation. Mr. Moore responded that they bought the restaurant at the end of 2000 and has been re-opened for over five years. He stated they had never been audited or found not to meet the State standards. The food percentage has not been monitored closely and in the past it has been the Liquor Department's policy that if you come close on food sales you were fine. Mr. Moore stated that State standards have changed dramatically in the last 18 months and there are really no options available to the businessperson if they fail.

Boardmember Saemisch asked Mr. Moore if there was a franchise called Famous Sam's, how many he owned, how many Famous Sam's are there in Arizona and what the status of their liquor licenses were. Mr. Moore responded that there is a franchise called Famous Sam's, that he owns only one and that there are 26 Famous Sam's in Arizona, which have both licenses.

Boardmember Langkilde stated he contacted the Arizona State Liquor Board and they stated that your food sales were at 36%. He stated he spoke to Susie and she stated that you were aware of being audited and that the audit had been going on for a year. She also stated that you had a chance to negotiate and it was something you were not interest in and wanted to go with a Series 6 license and have your current license terminated in April. Discussion ensued regarding the criteria used in calculating the 40% requirement.

Boardmember Langkilde also mentioned that a Series 7 license was a possibility and that it was something that was not of interest to you. Mr. Moore responded that it would not have been of interest because a Series 7 license is a beer and wine license only, which would be catastrophe for them. Mr. Langkilde also clarified with Mr. Moore the time frame for the audit because Susie had mentioned that you were aware of the audit for a year and Mr. Moore noted that that was not the case.

Boardmember Carpenter stated that they were hearing different versions of the information and asked if a Series 6 license type bar belonged at this site. The state has already made some decisions and this is actually the "path of least resistance" for you. She stated that the Board couldn't recommend that this Use Permit be assigned only to you; it had to be assigned to the site. In my opinion a Series 6 bar does not belong at this site, and we take the risk of the building going "dark" by having someone else come in with a restaurant or bar under a Series 12 license.

Mr. Moore stated he respectfully disagreed with Ms. Carpenter but to say the "path of least resistance" would be a misnomer. There has been considerable time and effort put on this and it's a significant part of my net worth. This is somebody who bought a business, operates it well and bought the existing license that had been in place and has done everything to operate a more conducive restaurant and by a State audit, failed ever so thinly.

Boardmember Salas stated he heard a lot of discussions both pro and con and this establishment has functioned for a period of time and unless the discussion ensues differently

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he would be supporting the request.

Tom Ellsworth, Senior Planner, apologized to Boardmember Langkilde for the way this case was presented and added that the restaurant and bar request was generated by staff and not by the applicant. The requisition of the Series 6 license is what brings this Council Use Permit to the Board. He stated that the Council Use Permit was an issue last summer and Council passed a Code amendment establishing guidelines for considering a bar in a C-2 zone. Mr. Smith has worked well with staff and has described their operations. He stated staff was recommending approval with conditions.

Chairperson Adams asked if staff had an opportunity to check with the Mesa Police Department regarding calls for service. Mr. Ellsworth responded that staff had checked with the Police Department and over the last year there were six calls of services, two for vehicular burglary, two for commercial theft, one for assault and one for fighting.

Boardmember Finter stated he visited the site and in his opinion stated it was a mistake that the City chose to allow the option of a bar in a C-2 zone. He stated he was concerned with allowing these operations to go into neighborhoods. He added that this site did not worry him because he saw that it was a stand-alone building, next door to a gas station, a car wash and had industrial across the street. It was not typically where you would see a family walking down the street. Mr. Finter noted that it only had six calls for service, which speaks volumes. He stated he could support this request but still had concerns that some might think that this would be the easiest route to take. He added that he personally plans to stand up and fight any type of operation that would go into a neighborhood.

Boardmember Langkilde asked if there were any concerns that it was in close proximity to a library, a junior high or high school. Mr. Ellsworth responded that one of the considerations under the Council Use Permit was a separation requirement from church, public/private schools and as specified by the Arizona Revised Statute those are considered when obtaining a liquor license.

Chairperson Adams stated he went to the establishment and had dinner and he agreed that the menu was more than what he would have expected in a bar. He noted that at 8:15 p.m. at least 60% of the tables were still occupied with people including families. He stated he intended to support this request for those reasons. Mr. Adams stated he didn't believe the applicant set out to violate the 60-40 requirements. He also noted the same concern Mr. Finter expressed in allowing bars in a C-2 zone.

Boardmember Langkilde moved to deny zoning case Z06-02. Seconded by Boardmember Carpenter.

Boardmember Saemisch stated that the lack of citizens also speaks volumes adding that this item had been advertised. He hoped that this site did not turn into some other kind of venue that would sell more liquor and less food and he was willing to take a chance based on where it was located. He stated he would be supporting this request.

Boardmember Langkilde explained his position for denying this case, adding that it was a self-imposed hardship. The Department of Liquor Licenses and Control suggested that they could have put more menus in front of people and push the food rather than the booze. A restaurant is still a viable business at this location and could do well with a Series 12 license. He stated

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that by going with a Series 6 license could end up with an unknown and unintended consequence and he was not willing to take that risk.

Boardmember Carpenter stated she was disappointed that there appears not to be an appeals process through the State. Council is being put in the position of literally making "okay" what you have been doing, and the State is saying that it isn't "okay". She stated that if the applicant gets permission to operate under a Series 6 license, all the Board has is the applicant's word that he would continue being a family-friendly restaurant. Allowing a Series 6 license to be assigned to this site could allow anything to go in, at anytime in the future, and that was the concern.

Mr. Smith stated that Ms. Carpenter had expressed concern at the study session regarding a Series 6 license. He stated that according to State law a Series 6 license has a primary use and at any given moment they could be cited for violations.

Motion for denial failed 3-4 (Finter, Salas, Adams, and Saemisch nay).

Boardmember Finter moved for approval of zoning case Z06-02. He stated that the Police report speaks volumes and they have taken a business that was doing badly and have spent five years running a clean operation that is not a problem for public safety in the area. Although I'm opposed to putting these types of establishments in neighborhoods, this is a unique situation. Boardmember Salas seconded the motion.

Boardmember Langkilde reminded Mr. Finter that he was making his judgment under the assumption that this organization had been trying to conform to a Series 12 license. Things can dramatically change when you implement a Series 6 license. Mr. Langkilde stated he could almost guarantee that a year from now the police report would be different under a Series 6 license.

Mr. Moore thanked the Board and staff and stated that he would do everything in his power and pledged to the Board that they would not see any difference in this operation as a Series 6.

Chairperson Adams stated he appreciated those comments and noted that the applicant has a great opportunity to show the Board that they have made the right decision. He added that one of the things that helped him in his decision was what he observed. He also noted that the Council Use Permit could be reviewed at any time.

It was moved by Boardmember Finter, seconded by Boardmember Salas

That: The Board approve and recommend to the City Council approval of zoning case Z06-02 conditioned upon:

1. Site plan review is required for all future development on the site.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

Vote: Passed 4-3 (Langkilde, Carpenter and Mizner, nay)

Reason for Recommendation: The majority of the Board felt the location was far enough from neighborhoods and the few calls for service from the Police Department spoke volumes.

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Item: **Z06-03 (District 6)** The 9200 to 9600 blocks of East Elliot Road (north side). Located north of Elliot Road and west of Ellsworth Road (75± acres). Rezone from R1-43 to C-2 and PEP. This request is to bring the zoning of the property into conformance with the Mesa 2025 General Plan. The Cardon Company (Will Cardon), owner; Wayne Balmer, City of Mesa, applicant.

Comments: Wayne Balmer, 20 East Main Street, applicant, stated that this is the latest in a series of cases requesting that residential zoning be changed to a zone appropriate to the General Plan. When the General Plan was adopted in 2002, the City Council was concerned about protecting the growth of the future development of Williams Gateway Airport. He stated that the City had spent a substantial amount of the City's resources over the last 10 years getting the airport to the point where it could be the primary reliever to Sky Harbor Airport in terms of passenger service; but also the primary air cargo airport for the State of Arizona and the job center not only for Mesa, but for the southeast part of Maricopa and Pinal Counties in the future. He added that the Mayor's goal was to have 100,000 jobs in 2035 and to do this the space around the airport had to be protected for future employment uses from residential encroachment.

Mr. Balmer explained that the City had annexed so much property from Maricopa County over the years that the zoning was not consistent with our General Plan. When a city annexes property they are required by law to give it the nearest equivalence City zone. Often they just sit dormant for years until we see a zoning case on behalf of the property owners. That was the concern the City Council had, that people could lawfully come forward and built homes. He showed the cases that have been proposed and approved since 2003 and gave a brief history of each. Mr. Balmer stated they received a note that the Cardon Company was thinking of selling the property to do homes on acre lots. He stated they talked to the developer and representatives of the Cardon Company about the possibility of changing the zoning. He stated that staff was requesting to have the property changed and felt that C-2 on the corner was appropriate and the PEP to the east would make a nice transition for other uses in the area.

Boardmember Mizner asked Mr. Balmer to explain the overflights in the areas. Mr. Balmer stated that when Williams Air Force Base was there they flew military planes that had higher performance than most civilian planes. As we converted the airport, we worked closely with the FAA about coming up with approach and departure patterns for the airports. He explained the flight patterns used by the airport and the FAA. Mr. Balmer stated they are hoping to get 350,000 operations a year in the future with the addition of commercial airlines and the air cargo activities. Airlines and cargos are all large planes and they often fly in the evening because of their operations. He added they are looking ahead into the future and want to make sure that the areas around the airport are kept clear of residents and that the space around it is kept for Mesa's future economic base.

Chairperson Adams asked that as the air cargo business increased it was likely that there would be departure noise when people might be having dinner or watching television and the potential for residential noise complaints could be up. Mr. Balmer responded that evening and early morning departure and arrivals aren't unexpected in the air cargo activity. Air cargo aircrafts fly 24 hours a day and complaints could be up.

Mr. Paul Gilbert, 4800 N. Scottsdale Road, Scottsdale, representing the Cardon Company and Cornerstone Homes, stated they bought this property knowing there was a potential for more intense uses. He stated that have had no inquiry to develop the property for any of the uses as proposed under the existing General Plan designation, adding that they wished to keep the

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zoning of acre lots in place. There has been a plethora of attempts to change the zoning to more dense single family residential and this is a case where there has been no opportunity for that to happen. Mr. Gilbert stated that the acre lots they propose would provide a very low number of people, adding that this change would not have a detrimental effect on the Williams Gateway Airport. He pointed out when the development standards were developed for the area around Luke's Air Force Base that acre lots were an acceptable use. He reiterated that they would like to keep the existing acre zoning.

Michael Bell, Planner II, stated he concurred with Mr. Balmer's comments and emphasized that it was important to preserve Williams Gateway Airport and the economic area for the future. He stated staff is recommending approval with conditions.

Mr. Mizner stated that the Board and City Council had dealt with a number of zoning cases over the years with similar circumstances and needed to send a strong message that the Board is supportive of the Mesa 2025 General Plan. We are in agreement with the Mayor and Council's intent for the economic intent of the area for not just Mesa but for the East Valley. Mr. Mizner mentioned that rezoning this property would provide the property owner with great opportunities for development in the future. He stated he appreciated Mr. Gilbert's comment that they have not been inundated with offers to purchase for non-residential type uses. He added that there are plans for the redevelopment of the General Motors Proving Grounds and the comments about Williams Gateway Airport would do nothing but spur development in this area. He stated he supports the motion.

Chairperson Adams stated he concurred with Mr. Mizner's comments; adding that it would be inconsistent of us as a Board not to support this case because we have consistently taken action to protect Williams Gateway Airport as an economic engine for the city.

It was moved by Boardmember Carpenter, seconded by Boardmember Mizner

That: The Board approve and recommend to the City Council approval of zoning case Z06-03 conditioned upon:

1. Site Plan Review and approval by the Planning and Zoning Board, Design Review Board, and City Council of future development plans.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
6. Notification of aircraft related noise on plat and title
7. Maintain interior noise level of 45 dBA through noise attenuation construction.
8. Public disclosure of potential noise impact.

Vote: Passed 7-0

Reason for Recommendation: The Board felt this proposal was in keeping with the Mesa 2025 General Plan and protecting the growth of the future developments of Williams Gateway Airport.

MINUTES OF THE JANUARY 19, 2006 PLANNING AND ZONING MEETING

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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