

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date: August 21, 2008 Time: 4:00 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ken Salas, excused

OTHERS PRESENT

John Wesley
Dorothy Chimel
Tom Ellsworth
Jennifer Gniffke
Joe Welliver
Maria Salaiz

Sean Lake
Paul Gilbert
Grady Gammage
Patrick Murphy
Reese Anderson
David Udall

Gordon Sheffield
Josh Mike
Jeff McVay
Wahid Alam

Chairperson Esparza declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated August 21, 2008. Before adjournment at 6:30 p.m., action was taken on the following:

It was moved by Boardmember Perkinson, seconded by Boardmember Mizner that the minutes of the July 15, and July 17, 2008, study sessions and regular meeting be approved as submitted. Vote: 5-0 with Boardmember Roberts and Salas absent.

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

It was moved by Boardmember Mizner, seconded by Boardmember Coons that the consent items be approved. Vote: 5-0 with Boardmember Roberts and Salas absent.

A second consent agenda was held for zoning cases Z08-55 due to a potential conflict of interest by Boardmember Coons. It was moved by Boardmember Perkinson, seconded by Boardmember Mizner that the second consent item be approved. Vote 4-0-1 with Boardmembers Roberts and Salas absent and Coons abstaining.

Code Amendment: Chapter 17.

Zoning Cases: *Z08-49, *Z08-53, *Z08-55, GPMInor08-09, Z08-54, GPMajor08-01, GPMajor08-02, Z08-56.

Mesa Gateway Strategic Development Plan

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Item: **Z08-49 (District 4)** The 1600 and 1700 blocks of South Country Club Drive (east side). Located southeast of US 60 and Country Club Drive (50 +/- acres). Rezone from M-1, M-2 and C-3 to M1-PAD and Site Plan Review. This case is for a campus industrial use. Patrick Cusack, Horner Clyde/Cowley Duke/Cusack Pat Tr and John Helms, Empire Southwest LLC. owners; Dana Belknap, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Coons

That: The Board approve and recommend to the City Council **approval** of zoning case Z08-49 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the campus site plan.
2. Review and approval by the Design Review Board of the future retail buildings A and B adjacent to Country Club Drive.
3. Administrative review of new buildings and changes to existing buildings prior to submittal of construction documents.
4. Future review and approval of Freeway Landmark Monument Sign per the Zoning Ordinance.
5. Compliance with all City development codes and regulations (including Building, Fire, etc.).
6. Vegetation used as screening shall be maintained in height and density. Dead or dying vegetation that is used as a screening device shall be replaced by similar materials or a screen wall.
7. Compliance with the modifications outlined in the staff report and the following building setbacks:
 - a. 20 ft building setback from Iron Avenue.
 - b. 20 ft building setback from Juanita Avenue.

Vote: Passed 5-0 with Boardmembers Roberts and Salas absent.

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MINUTES OF THE AUGUST 21, 2008 PLANNING AND ZONING MEETING

Item: **Z08-53 (District 3)** 500 West Southern Avenue, Suite 14. Located west of Country Club Drive on the north side of Southern Avenue (976 s.f.). Council Use Permit. This case is to allow a tattoo parlor and body-piercing salon in a C-2 district. Southern Square Center, LLC, Dominic Ricciardo, owner; Thomas Middleton, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Coons

That: The Board **table** zoning case Z08-53.

Vote: Passed 5-0 with Boardmembers Roberts and Salas absent.

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MINUTES OF THE AUGUST 21, 2008 PLANNING AND ZONING MEETING

Item: **Z08-55 (District 6)** The 3600 to 5200 blocks of South Ellsworth Road (east side), the 9200 to 10800 blocks of East Elliot Road (south side), and the 3600 to 6000 blocks of the South Signal Butte Road alignment (west side). Located south of Elliot Road between Ellsworth Road and Signal Butte Road (3200± acres). District 6. Rezone from Maricopa County Rural 43 with a Special Use Permit for a Proving Grounds to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. Karrin Taylor, DMB Mesa Proving Grounds, LLC, owner; City of Mesa, applicant.

Comments: Boardmember Coons declared a potential conflict of interest and recused herself from Board deliberations.

A second consent agenda was held for zoning case Z08-55.

It was moved by Boardmember Perkinson, seconded by Boardmember Mizner that the second consent item be approved.

The Board approves and recommend to the City Council **approval** of zoning case Z08-55 conditioned upon:

1. Compliance with the Zoning Ordinance and all City development codes and regulations for the existing development.

Vote: Passed 4-0-1 with Boardmembers Roberts and Salas absent and Coons abstaining.

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MINUTES OF THE AUGUST 21, 2008 PLANNING AND ZONING MEETING

Item: **GPMInor08-09 (District 5)** The 3400 and 3500 blocks of North Recker Road (west side) and 5700 to 5900 blocks of Thomas Road (south side). Located south of Thomas Road and west of Recker Road. General Plan Minor Amendment to change the General Plan Land Use Map from Business Park (BP) to Neighborhood Commercial (NC) (22± ac). This will allow for the development of commercial and office uses. DTD-Devco 13, LLC; Elizabeth Gaston, owner; Pew & Lake, PLC; Sean B. Lake, applicant, Olsson Associates; Leonard J. Swartz, engineer.

Comments: Boardmember Roberts arrived at 4:20 p.m.

Ray Canale, 4055 North Recker Road, #27, resident, stated his concerns with traffic on Recker Road and presented a layout of the traffic patterns in the area. He recommended that the entrance/exit be eliminate to the proposed center from Recker Road.

Boardmember Mizner mentioned that the applicant has submitted a letter requesting a continuance to the September 18, 2008, hearing. He added that the Board discussed this item at Tuesday's study session and provided some guidance to the applicant regarding the Board's concerns about the General Plan designation and the site plan.

Boardmember Carter stated that he was finding discrepancies about staff's recommendation for denial based on the General Plan's Land Use Goals and the Falcon Field Strategic Plan; adding that he was worried about what is expected on this property; he asked where staff was going with their recommendation for denial.

John Wesley, Planning Director, explained the reason for staff's recommendation for denial; adding that staff initially recommended that it go from BP to Mixed Use Employment (MUE). The applicant chose to bring in more intense commercial districts, which is why they needed to apply for a General Plan change to Community Commercial. He stated that staff determined that this much retail would not be consistent with the General Plan or the Falcon Field Sub Area Plan. Discussion ensued regarding land use categories.

It was moved by Boardmember Coons seconded by Boardmember Perkinson.

That: The Board **continue** zoning case GPMInor08-09 to the September 18, 2008 hearing.

Vote: Passed 5-0-1 with Boardmembers Salas absent and Roberts abstaining.

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MINUTES OF THE AUGUST 21, 2008 PLANNING AND ZONING MEETING

Item: **Z08-54 (District 5)** The 3400 and 3500 blocks of North Recker Road (west side) and 5700 to 5900 blocks of Thomas Road (south side). Located south of Thomas Road on the west of Recker Road (26± acres). Rezone from R1-90 to C-1, C-2, and PEP, and Site Plan Review. This request will allow the development of commercial and office uses. DTD-Devco 13, LLC; Elizabeth Gaston, owner; Pew & Lake, PLC; Sean B. Lake, applicant, Olsson Associates; Leonard J. Swartz, engineer.

Comments: Boardmember Roberts arrived at 4:20 p.m.

Ray Canale, 4055 North Recker Road, #27, resident, stated his concerns with traffic on Recker Road and presented a layout of the traffic patterns in the area. He recommended that the entrance/exit be eliminate to the proposed center from Recker Road.

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John Wesley, Planning Director, explained the reason for staff's recommendation for denial; adding that staff initially recommended that it go from BP to Mixed Use Employment (MUE). The applicant chose to bring in more intense commercial districts, which is why they needed to apply for a General Plan change to Community Commercial. He stated that staff determined that this much retail would not be consistent with the General Plan or the Falcon Field Sub Area Plan. Discussion ensued regarding land use categories.

It was moved by Boardmember Carter seconded by Boardmember Coons

That: The Board continue zoning case Z08-54 to the September 18, 2008 hearing.

Vote: Passed 5-0-1 with Boardmembers Salas absent and Roberts abstaining.

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MINUTES OF THE AUGUST 21, 2008 PLANNING AND ZONING MEETING

Item: Consider an amendment to the City of Mesa Zoning Ordinance, amending Chapter 17. The amendment revises and modifies existing definitions and requirements related to the placement of manufactured homes within recreational vehicle parks and recreational vehicle subdivisions.

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

Jeff McVay, Senior Planner, stated that this is a proposed amendment to Chapter 17 of the Zoning Ordinance, which would allow the placement of manufactured homes on RV spaces and lots, subject to the granting of a Special Use Permit (SUP) by the Board of Adjustment. He stated that the SUP would be reviewed against criteria written into the proposed text language and includes some provisions for improved conformance for the entire park. He gave a presentation showing the existing RV parks and subdivisions.

The following individuals spoke on the proposal amendment.

Todd Lutz, 2550 S. Ellsworth Road, owner of four manufactured home communities.

Jim Beach, 3031 East University Drive, Mesa, representing Mesa Sprit RV Resort/RV Park.

Kathy Snider, 10926 E. Dartmouth Circle.

Their comments/concerns included:

- A cap should be placed on the amount of sq. ft.;
- Comfortable with the proposal;
- The National Center for Safety Initiatives (NCSI) Code, describes an RV as a portable unit intended for temporary living quarters for traveling or camping purposes;
- A manufacture home is built to HUD Code and is designed and built as a dwelling unit and intended to be placed on a lot or space to provide permanent living;
- Setback requirements differ for a mobile home park and an RV park;
- When RV parks were built, their intended use was seasonal;
- Are parks and cities equipped to handle and provide permanent residences, electricity, sewer and water?
- The difference between an RV park and a mobile home – is lifestyle.

Discussion ensued regarding the different standards used by NCSI and HUD.

The following individual submitted a card in favor, but did not wish to speak.

Dale Nielson, 2360 North Malachite

The following individual spoke in opposition.

Jack Crays, 2501 East Main Street, Mesa, AZ.

His comments/concerns included:

- Visitors come for the lifestyle, when they start putting mobile homes in RV parks, that lifestyle changes;
- Mobile homes need to stay in a mobile home park and RV's need to stay in an RV park.

David Udall, 30 West First Street, Mesa, AZ, representing Palm Garden RV Park, stated they are in favor of the request; adding that they had worked with staff on changing the Code. He stated they seek to put manufactured homes in RV parks that will not exceed 925 sq.ft. He explained the changes they would be doing and added that there are many people that live on a permanent basis in RV parks and manufactured homes. He urged the Board to pass the amendment.

Mr. McVay briefly explained how the Zoning Ordinance would apply to this text amendment and

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also addressed concerns regarding the square footage of the lots and setbacks; adding that the intent of this ordinance is to replace the temporary structures. He stated that if the Board feels it's appropriate, they could limit the size of manufactured homes. He noted that there are many permanent residents living in these RV parks and subdivisions and this amendment would address what is already an existing condition and make it a better condition.

Discussion ensued regarding who would be eligible for submitting an application, the down side to approving this amendment, ownership, RV parks vs. manufactured homes parks, NCSI vs. HUD standards and lots size limitation.

Boardmember Roberts moved to adopt the amendment to Chapter 17 of the Mesa Zoning Ordinance with an added condition to: limit the total livable area to 920 sq.ft. Seconded by Boardmember Coons.

Boardmember Carter recommended that the motion be amended to allow 1,000 sq. ft. of total livable area. After some discussion he retracted his amendment and substituted a "no size" limit to Mr. Robert's motion.

MaryGrace McNear, Assistant City Attorney, clarified that an amendment to a motion should be accepted by the motion maker before it can be voted upon, and a new motion could be made after the "unamended" motion is voted upon.

After some discussion by the Board regarding size limitations and square footage of the lots, the motion **failed**.

It was moved by Boardmember Coons, seconded by Boardmember Roberts

That: The Board approve amending Chapter 17 of the Mesa Zoning Ordinance and recommend to the City Council **adoption** of the amendment as proposed by staff.

Vote: Passed 5-0-1 with Boardmember Salas absent and Mizner abstaining.

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Item: Hear a presentation, review, discuss and provide a recommendation on the vision, goals, objectives, and general development guidelines proposed for the Mesa Gateway Strategic Development Plan.

Comments: Boardmember Coons declared a potential conflict of interest and recused herself from Board deliberations.

John Wesley, Planning Director, commented that the Board and the public have been kept up to date on this Plan and he briefly explained the area and noted that this is an important piece of property in the City of Mesa. He noted the challenge for this project is to develop a plan that will result in the creation of 100,000 high quality-high wage jobs by 2030, while protecting the airport operations. He briefly touched on the following areas: The Airport, Economic Opportunities, Demographics, Transportation and Infrastructure, and the Fiscal Impacts and explained the vision, goals, and objectives for the Mesa Gateway Strategic Development Plan. Mr. Wesley stated that staff is seeking the Board's recommendation on this section, which will be taken to Council for their review and tentative approval, and then develop the next section and bring it through the process again.

Boardmember Perkinson stated he was concerned with Goal #2; adding that he did not want people getting hung up on something that might not happen because it would not produce the 100,000 jobs goal. Mr. Wesley responded that the number of jobs came from the early parts of the study process and noted that the City needs to push itself to get something different and better. He further explained that one of the Objective's recognizes that there will be other types of jobs that would support high value-high wage jobs in the area. Discussion ensued regarding the target number of quality jobs and the role of Economic Development.

Boardmember Mizner asked what happens to this Plan once it gets approved. Mr. Wesley responded that it would be like other sub area plans, in terms of additional guidance for planning the area but it does not become part of the City Code.

Boardmember Carter commented that he was having a problem on how the future generation would interpret this Plan; adding that these Plans may not be law, but it is held up in a strong sense when staff is deciding their recommendation. He stated that in the future, he does not want to have the same challenges with Economic Development when the projects are not meeting their economic goals.

Boardmember Roberts noted his concerns for Section 2.2.3, which would allow single residences to be considered in any area, and Section 5.1.10, regarding form-based zoning. Mr. Wesley responded that staff is working on this as part of the Zoning Code update, which would be used as a tool for the area but would not be a requirement.

Paul Gilbert, 4800 North Scottsdale Road, #600, Scottsdale, AZ, spoke in support; adding the concerns they previously had, have been addressed.

Chairperson Esparza noted that the title of the document "Departure from the Past" was a negative title; she stated that it could use a positive title such as "A look into the Future".

It was moved by Boardmember Mizner, seconded by Boardmember Roberts

That: The Board **approve** and recommend to the City Council approval of the Mesa Gateway Strategic Development Plan.

Vote: Passed 5-0-1 with Boardmember Salas absent and Coons abstaining.

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MINUTES OF THE AUGUST 21, 2008 PLANNING AND ZONING MEETING

Item: **GPMajor08-01 (District 6)** From Medium Density Residential (4-6 du/ac), Community Commercial, Regional Commercial, Office, Business Park, Mixed Use Employment and Mixed Use Residential (30% at 15+ du/ac) to Mixed Use/ Community for approximately 3,600 ± acres just east of the Phoenix-Gateway Airport generally bounded by Ellsworth Road to the west, Signal Butte Road to the east, Ray Road alignment to the south and Elliot Road to the north. DMB Mesa Proving Grounds (MPG) LLC, a Delaware limited liability company, Flood Control District of Maricopa County, Arizona State Land Department, owners; Grady Gammage, Jr. Esq., Gammage & Burnham PLC, applicant.

Comments: Boardmember Coons declared a potential conflict of interest and recused herself from Board deliberations.

Grady Gammage commented that they have already presented this case and were the ones who started using the new designation of Mixed Use Community, he added that they have their zoning case under way and that the State Land property does not have a companion case but is part of the General Plan Amendment.

John Bradley, Vice President and General Manager of the Mesa Proving Grounds, 7600 East Double Tree Ranch Road, Scottsdale, AZ, thanked the Board, City Management and staff for their efforts in this long process; adding that he is delighted with achieving the vision that has become a joint vision.

Boardmember Mizner asked when development would start and commented that there are a lot of environmental issues on this property due to it being used as an automotive testing facility for over 60 years. Mr. Bradley responded that GM is still using the track and they plan to be out in March 2009, adding that their target date is the end of June 2009.

Mr. Gammage also commented that there is 400,000 sq. ft. of building on the property and that every single building has to be demolished, remediated and redeveloped.

Jerry Spellman, coordinator for Unimodal-Skytran, 648 South Grand Street, spoke in favor of the project stating they would like to bring Skytran to Mesa. He briefly explained the use of the personal rapid transit, which is the City of the future.

Boardmember Roberts commented that DMB has done an excellent job in keeping everyone informed during the process and thanked them for their work.

It was moved by Boardmember Carter, seconded by Boardmember Roberts

That: The Board **approve** and recommend to the City Council approval of zoning case GPMajor08-01.

Vote: Passed 5-0-1 with Boardmember Salas absent and Coons abstaining.

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Item: **GPMajor08-02 (District 6)** From Medium Density Residential (4-6 du/ac), Community Commercial, Regional Commercial, Business Park, Mixed Use Employment and Light Industrial to Mixed Use/ Community for approximately 1,699 ± acres just east of the Phoenix-Gateway Airport generally bounded by Ellsworth Road to the west, Signal Butte Road to the east, Ray Road alignment to the north and Pecos Road to the south. Pacific Proving LLC/ Andrew Cohn, owner; Bues Gilbert PLLC/ Paul E. Gilbert, applicant.

Comments: Boardmember Coons declared a potential conflict of interest and recused herself from Board deliberations.

Paul Gilbert, 4800 North Scottsdale Road, #600, Scottsdale, AZ, applicant, commented that they have already presented their Plan to the Board and added that they are not requesting zoning at this time and only doing the General Plan Amendment. He stated that they have provided a narrative and exhibits, which specifically states that it is their intention to maintain the overall land use concept established in their 2006 General Plan Amendment; noting that a compromise was agreed to by them, the City Council, Boeing, the airport and staff. He stated that the 2006 Plan is what they will bring forward when they do their zoning. Mr. Gilbert specifically asked that the narrative be part of the resolution when it goes before the City Council for adoption. He urged the Board for a recommendation of approval.

Josh Mike, Planner I, stated that staff is in support of the conceptual Land Use Plan with the understanding that a specific Land Use Plan will be coming forward when the zoning case is presented; he added that staff is recommending adoption and that the narrative submitted, be made part of the resolution adopted by Council.

It was moved by Boardmember Carter, seconded by Boardmember Perkinson

That: The Board **approve** and recommend to the City Council approval of zoning case GPMajor08-02.

Vote: Passed 5-0-1 with Boardmember Salas absent and Coons abstaining.

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Item: **Z08-56 (District 6)** The 3600 to 5200 blocks of South Ellsworth Road (east side), the 9200 to 10800 blocks of East Elliot Road (south side), and the 3600 to 6000 blocks of the South Signal Butte Road alignment (west side). Located south of Elliot Road between Ellsworth Road and Signal Butte Road (3200± acres). District 6. Rezone from R1-43 to Planned Community District (PCD). This request will establish a Community Plan for a Mixed Use Community. Karrin Taylor, DMB Mesa Proving Grounds, LLC, owner/applicant.

Comments: Boardmember Coons declared a potential conflict of interest and recused herself from Board deliberations.

Tom Ellsworth, Senior Planner, commented that the purpose of this item is to review/discuss and receive comments on the Planned Community District (PCD), specifically the Community Plan (CP) and gave a brief history of the PCD. He asked the Board to keep in mind as they review the proposal to allow flexibility for a higher quality and higher standard of development and look for the assurances within that Plan that the City's goals are being met. He stated that the PCD requires the implementation of the CP and is in essence the Zoning Ordinance for this site. He briefly explained and described each section of the Plan.

Boardmember Mizner stated there is a lot to like in this Plan and its' real exciting but noted his concerns with Chapter 6, Paragraphs G & H, which has to do with the approval process. He encouraged the applicant to work with staff and massage the language.

John Wesley, Planning Director, responded that in the Zoning Ordinance, under Section 11.9.1.6- D, Review and Conditions, it addresses this process.

Grady Gammage, 2 North Central Avenue, Phoenix, AZ, applicant, also responded they are not trying to keep the Board from being able to impose conditions, but that it has to be done by amending the CP. Discussion ensued regarding typically language of the CP.

Boardmember Roberts agreed with Mr. Mizner, adding that he also had concerns with Paragraph "F", which reads that industrial can be placed next to residential; adding that the placement of a Land Use Groups (LUG) cannot be restricted. He noted that he had other concerns with the CP.

Mr. Gammage briefly explained that they do not have a lot of heavy industrial and that industrial type uses could take place on a Campus LUG, which requires a lot of setback, a lot of protection and buffering between it and residential.

Trevor Barger, 2 North Central Avenue, Phoenix, AZ, stated that they've narrowed the permitted uses to things that are compatible with each other and briefly explained the uses.

Boardmember Carter commented that the applicant has done a marvelous job, which has been accomplished in less than a year; he noted that there will be changes as this goes forward.

Discussion ensued regarding letters received from the State Land Department, the Flood Control District, and the State Park Department, which were addressed by Mr. Gammage.

Kathleen Donahoe, consultant to DMB for their Neighborhood Community Outreach, 5123 East McDonald Drive, read a letter from a resident stating he was in favor of the proposal.

Mr. Wesley reminded the Board of the September 4, 2008, follow up meeting on this request and at which time the Board could take action. He also responded to Mr. Robert's comments stating that this is a big document and staff could help address any questions/comments.

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Mr. Gammage asked the Board what they would like to see at the September 4th, hearing. He also gave the Board an overview of their citizen participation efforts.

Boardmember Mizner commended DMB on their public outreach and added that he would like them to do a full presentation. Discussion ensued regarding addressing concerns/comments on the Community Plan prior to the September 4th, meeting.

Chairperson Esparza recommended that there be a full presentation on the proposal.

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Adjournment.

Without objection, the meeting adjourned at 6:25 p.m.

Respectfully submitted,

John Wesley, Secretary
Planning Director

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