

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date: March 24, 2010 Time: 4:00 p.m.

MEMBERS PRESENT

Randy Carter, Vice Chair
Chell Roberts
Vince DiBella
Lisa Hudson

MEMBERS ABSENT

Frank Mizner, Chair (excused)
Beth Coons (excused)

OTHERS PRESENT

John Wesley
Tom Ellsworth
Lesley Davis
Angelica Guevara
Gordon Sheffield
Tim Lillo
Wahid Alam
Debbie Archuleta
Margaret Robertson

Ralph Pew
Tom Henessey
Greg Davis
Roy Moloney
Guy Turley
Others

Vice-Chair Carter declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated March 24, 2010. Before adjournment at 5:16 p.m., action was taken on the following:

It was moved by Boardmember Chell Roberts, seconded by Boardmember Vince DiBella that the minutes of the February 16, 2010, and February 17, 2010 study sessions and regular meeting be approved as submitted. Vote: 4 – 0 .

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson, that the consent items be approved. Vote:

Code Amendment: Amending Sections § 11-18-8: General Provisions: Applications, Procedures, Fees. And amend Title 11 by Revising the Short Names Used to Designate Existing Zoning Districts

Zoning Cases: Z10-09, Z10-06, Z10-08, Z10-10, Z10-11, Z10-12, Z10-13, and Z10-14

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Item: **Z10-09 (District 6)** 7825 East Paloma Avenue. Located north of Elliot Road and east of Sossaman Road (3.77± acres). District 6. Site Plan Review. This request will allow the development of a construction yard. Shalena Weidenbener, owner; Steve Nevala, applicant. (PLN2010-00032)

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z10-09 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted.
2. Compliance with all City development codes and regulations.
3. 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.

Vote: Passed 4 – 0

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Item: **Z10-06 (District 1)** 945 North Center Street. Located south of Brown Road on the east side of Center Street (1.35± acres). District 1. Rezone from R1-6 to R1-6 HL. This request will establish a Local Historic Landmark Overlay for the Fitch Farmhouse. Owner; City of Mesa, applicant.

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board continue zoning case Z10-06 to April 21, 2010

Vote: Passed 4 – 0

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Item: **Z10-08 (District 3)** 502 South Dobson Road Suite #3. Located south of Broadway Road on the west side of Dobson Road (1,900± sf). District 3. Council Use Permit. This request will allow the operation of a pool hall. Cary Newton, owner; Duc Nguyen, applicant. (PLN2009-00060)

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z10-08 conditioned upon:

1. Compliance with the basic development as described in the project narrative, plan of operation and good neighbor policy submitted.
2. Compliance with all City development codes and regulations.
3. This Council Use Permit may be suspended, revoked, or modified at any time by the City Council upon a finding at a public hearing, that any condition, stipulation, or term of the approval of this Council Use Permit, or any provision of the Mesa City Code, has been violated.
4. This Council Use Permit is non-transferable and terminates upon the transfer of the property interest or business to any other operator or business owner.
5. The sale of alcohol at the establishment is prohibited in association with the approval of this Council Use Permit. This Council Use Permit will need to be modified in the future if a liquor license is sought for this establishment.

Vote: Passed 4 – 0

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Item: **Z10-10 (District 6)** 1455 South Power Road. Located north of the Superstition Freeway and east of Power Road). District 6. Council Use Permit. This request will allow the development of a Freeway Landmark Monument Sign. KIMCO Realty Corp. owner, Doug Atkins, applicant. (PLN2010-00038)

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z10-10 conditioned upon:

1. Compliance with the basic development of the Freeway Landmark Monument as described in the project narrative and as shown on the site plan except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Maximum sign height of 90 feet.
4. Removal of the project name "Mesa Pavilions" signage from the south elevation.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Building Safety Division with regards to the issuance of building and sign permits.

Vote: Passed 4 – 0

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Item: **Z10-11 (District 2)** 915 North Val Vista Drive. Located north side of Adobe Road on the east side of Val Vista Drive (79.6± acres). District 2. Rezone from AG to R1-15 PAD. This request will allow the development of a single-residential subdivision. Thomas A. Coury Trustee, Owner; Greg Davis, IPlan Consulting, applicant. Also consider the preliminary plat for "Trovita". (PLN2010-00010)

Comments: Ralph Pew, Tom Henessy, Greg Davis, were present to represent the case. Mr. Pew 1744 South Val Vista stated there had been no changes from what was in the Board packets, therefore they suggested the neighbors speak first and then he would address their concerns.

Roy Moloney of 4027 East Encanto Street stated his concern was the width of Adobe. He wanted the width of Adobe to be consistent with the width from Lindsay to Val Vista and from 40th Street to Greenfield. He also wanted bike paths.

Guy Turley of 752 North 39th Circle then spoke. He stated he understood why some of the neighbors wanted Adobe to be narrowed to slow down driving speeds; however, he thought it was more important to have continuity of width along Adobe. He also wanted to insure that wireless communications could be added in the future without additional problems.

Chair Carter then asked if there any concerns with the project other than the width of Adobe. Mr. Moloney stated that was his only concern. Mr. Turley stated he would prefer the project not be gated, and that the homes along Adobe front onto the street instead of backing onto it to match what happens along Adobe.

Ralph Pew, then spoke. Mr. Pew stated the idea that Adobe was being narrowed was a misnomer. The actual right-of-way would be the same, but the improvements would be different. Parking would be allowed only on the south side of Adobe, there would be a bike lane in each direction, then the street. On the north side of Adobe there would be a row of new citrus and two rows of existing citrus, and a sidewalk. They would only be changing the striping. He stated this side would be similar to the north side of Adobe east of the elementary school east to Greenfield, except that this project would have an additional row of citrus, a bike lane and a sidewalk. He also stated they would be maintaining citrus on the larger lots within the subdivision, and there would be 16 acres of open space. He explained the reason for requesting the 90' lot widths was because the trend in new homes was for narrower lots with more depth, and larger backyards. The smallest lot size would be 12,500 sq. ft.

Boardmember DiBella confirmed that there would be a sidewalk on the north side of Adobe.

Boardmember Roberts confirmed the traffic lanes would be narrower and the parking lanes would be narrower to accommodate the sidewalk; however, they would still have the same functionality.

Vice-Chair Carter stated he was concerned with the elevations of 2-story homes along Adobe. He wanted more enhanced rear elevations. He was also concerned with the review of the product. Mr. Pew then stated the applicants were willing to add a condition of approval to only build single-story homes along the north of the project adjacent to Triana, where there were single story houses in Triana. Mr. Carter stated he was not asking for single-story homes along Adobe, he was simply asking for enhanced rear elevations. Mr. Pew stated they would be submitting final design standards which would be approved by the Planning Director. Staffmember Lesley Davis stated staff would review the product. Mr. Pew stated there would be

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a 165' separation between the homes along the south side of Adobe and the back of the homes along the north side of Adobe.

Staffmember Lesley Davis explained the case and stated there would be 147 lots. She explained this case was for a rezone and preliminary plat, and that it conforms with the General Plan. She stated the applicants have been working with the Transportation Department regarding the design of Adobe.

Boardmember Roberts confirmed with staff that there are other collector streets within Mesa that have parking.

Vice Chair Carter confirmed with Planning Director, John Wesley, that Transportation has jurisdiction over streets.

It was moved by Boardmember Vince Di Bella, seconded by Boardmember Lisa Hudson

That: The Board approve the preliminary plat of "Trovita" and recommend to the City Council approval of zoning case Z10-11 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Review and approval by the Planning Director the final version of the Design Guidelines for Trovita Estates prior to approval of the residential product.
4. Review and approval from the Planning Director of the residential product proposed for Trovita Estates.
5. For lots 15 – 19 no two-story homes will be built if they are adjacent to a single-story home in the Triana subdivision to the north.
6. Provide enhanced rear elevation for two-story homes adjacent to Adobe.
7. 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.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Full compliance with all current Code requirements and regulations, unless modified through appropriate review and approval of the modifications outlined in the staff report.
10. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport.
11. Written notice be provided to future residents, and acknowledgment received that the project is within 2 miles of Falcon Field Airport.
12. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

Vote: Passed 4 – 0

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Item: **Z10-12 (District 5)** 7464 East Main Street. Located north of Main Street and west of Sossaman Road (18,742± sf). District 5. Council Use Permit. This request will allow the operation of a school within a commercial zoning district. Mansoor Alyeshmerni Revocable Trust, owner; Dick Buckingham, applicant (PLN2010-00031)

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z10-12 conditioned upon:

1. Compliance with the basic development of the Private School as described in the project narrative.
2. Compliance with all City development codes and regulations.

Vote: Passed 4 – 0

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Item: **Z10-13 (District 6)** 9828 East Pueblo Avenue. Located west of Crismon Road and south of Broadway Road (19.3± acres). District 6. Rezone from Maricopa County R1-43 to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. Rancho Reata, owner; City of Mesa applicant.

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z10-13 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Vote: Passed 4 – 0

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Item: **Z10-14 (District 6)** 9828 East Pueblo Avenue. Located west of Crismon Road and south of Broadway Road (19.3± acres). District 6. Rezone from R1-43 to R-4 for a Manufactured Home Park. This request will bring the zoning of the property into conformance with the existing land use. Rancho Reata, owner; David Cisiewski, applicant. (PLN2008-00197)

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z10-14 conditioned upon:

1. Compliance with the Development Agreement, to be negotiated and approved by the City Council.
2. Compliance with all City development codes and regulations.
3. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.

Vote: Passed 4 – 0

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Item: Amend § 11-18-8: General Provisions: Applications, Procedures, Fees.

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of the Text Amendment:

Vote: Passed 4 – 0

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Item: Amend Title 11 by Revising the Short Names Used to Designate Existing Zoning Districts

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

It was moved by Boardmember Vince DiBella, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of the amendment to Title 11:

Vote: Passed 4 – 0

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Hear a presentation on the Zoning Code Update regarding commercial and office development.

Zoning Administrator, Gordon Sheffield gave a presentation on the zoning code changes for chapter 6, commercial, and chapters 19 – 22.

He explained staff is trying to equalize the land uses with the types of forms we expect to see coming through the development. He explained name changes for zoning districts were intended to make it easier for customers to understand.

Land use comparisons: O-S Office Service will become OC Office Commercial and allow attached single family with a CUP, it will also allow some C-1 uses. Town Center will become Downtown, and there will be some new districts MX Mixed Use, TMX-1 Transit Mixed Use 1 and TMX-2 Transit Mixed Use 2. C-1 will allow single family group homes in excess of 10 residents with a CUP. LC will allow residential with a CUP, it will also allow up to 25 units by right. Plant nurseries will be allowed in LC with a SUP. The GC district will have different standards based on whether the parcel is an auto; urban, or default designator. The landscape setbacks will be reduced from 30' to 10'; however, the parking setback will remain the same. Mr. Sheffield stated there will be a maximum setback as well as the minimum setback. He explained the various standards for "Character Areas" Default, Auto and Urban. In some area there would be normal standards, for auto areas buildings would be closer to the street and higher with larger sidewalks.

Auto standards would not have a lot of change. Building form standards would be mandatory with flexibility to provide choices. There would be standards that apply to all projects; to default standards; and urban standards, and auto standards.

Vice Chair Carter confirmed Mr. Sheffield has talked to building officials about zero lot setbacks along streets.

Mr. Sheffield explained there will be mandatory form standards with options, the applicants can then choose some of those options like 3 out of 9. There will be design objectives to explain what the design standards are trying to achieve. He stated staff is trying to be more predictable regarding what the expectations are.

Boardmember DiBella was concerned that the City not try to mandate design.

Planning Director, John Wesley stated that a lot of these standards will be for urban projects.

Mr. Sheffield explained the expectations and listed some examples: Allow minor projections into setbacks to encourage change in plane; where on corner lots buildings can be placed; specific standards for parking structures.

Boardmember DiBella confirmed that live work units would require a Special Use Permit, except in the Mixed Use Designator, where they would be by-right. The idea would be for at least 30% of the building to be for work area.

Building forms for group developments plazas, open space requirements, connectivity, integrated design theme, character areas. Prominent building entrances, holistic design.

Mr. Sheffield stated Impact Standards would be in chapters 19 – 22: General standards; fences, storage, lighting, screening, etc. He also stated accessory uses can be in residential as well as commercial. Standards for specific uses. Farmers markets would require a Temporary Use Permit, and could be placed within 10% of the required parking and would require mandatory clean up. No more than 2 of every 7 days, otherwise full parking requirements would apply.

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Introducing by-right residential option in commercial districts. 40% of total floor area remains commercial. 65% of total ground floor area remains commercial. In NC and LC maximum density of 25 dwellings per acre. In OC and GC maximum density is 15 dwelling per acre. If you want to exceed these standards you would need a Council Use Permit.

Boardmember DiBella asked what the intent was. Mr. Sheffield responded that for areas that are over built for commercial this would allow some residential. Residential on second floor would be by right. To provide of a mixed use development.

Staff is attempting to define superior design: holistic approach to project design; responsive to site and sub-area context; sustainable design; exceeds zoning ordinance standards; includes great public spaces.

Chapter 21 – on site parking: There will now be a cap of 125% of the minimum requirement. Sites that might be long-term parking could have 8.5' parking stalls instead of 9'. Less parking would be required near light rail. The new code would allow shared parking. Provide discounts for sites close to public transit. There will be defined bicycle and motorcycle spaces. Discounts will be allowed for valet parking.

Landscaping will be similar to current Code. Some changes will be : sidewalks up to 5' wide may encroach if they have permeable pavement; In areas without U designator outdoor seating will be allowed to encroach into landscape areas; One tree and 6 shrubs will be required for every 25' along street; Permeable landscape paving islands will be allowed; Alternative landscaping to allow more creativity; Foundation base averaging to encourage change in planes; The requirements for 30' by 30' entry would revised to allow 20' depth or 20' width, with the area still being 900 sq. ft.

Boardmember Roberts thought the new Code was very good.

Vice-Chair Carter confirmed this Code would be merged with the form based Code. In some areas of the City the form based code would be mandated. In other areas applicants could rezone to be eligible for the form based code.

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The meeting adjourned at 5:16

Respectfully submitted,

John Wesley, Secretary
Planning Director

DA:
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