

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date September 20, 2007 Time 4:00 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

OTHERS PRESENT

John Wesley
Tom Ellsworth
Jennifer Griffke
Joe Welliver
Josh Mike
Maria Salaiz
Kelly Arredondo

Gordon Sheffield
Hector Tapia
Wahid Alam
Joy Spezeski
Stephanie Nix
Jim Smith
Christine Zielonka

Donna Bronski
Ralph Pew
Reese Anderson
Shelly McTee
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 September 20, 2007. Before adjournment at 5:50 p.m., action was taken on the following items:

It was moved by Boardmember Esparza, seconded by Boardmember Mizner that the minutes of the August 14, and August 16, 2007 study sessions and the August 16, 2007 regular meeting be approved as submitted. The vote was 6-0 with Boardmember Salas abstaining.

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

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

Code Amendment: *Amending Sections relating to "Supervised Living Facilities" to "Transitional Correctional Facilities"; *Amending Sections 11-13-2 (R), 11-13-2 (S), and 11-18-12; Amending Sections: Review and discuss a proposed amendment to the City of Mesa Zoning Ordinance to add a new zoning district entitled "PC – Planned Community".

Zoning Cases: *Z07-94, *Z07-91, *Z07-93, Z07-95, *Z07-96, *GPMInor07-11, *Z07-74, GPMInor07-12

MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-94 (District 6)** The 2700-3000 block of South Sossaman Road (west side). Located north of Guadalupe Road and west of Sossaman Road (3.16± acres). Site Plan Modification. This request will allow for the development of a retail shell building and a freestanding restaurant with a drive-thru. Mark Huss, owner; Kevin Kerpan, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board approve zoning case Z07-94 conditioned upon:

1. Compliance with the basic development as described in the project narrative, as shown on the elevations submitted, and as shown on Site Plan A if cross access for bridge is allowed, or on Site Plan B if cross access for bridge is disallowed as evidenced by written denial by adjacent property owners (without guarantee of lot yield, building count, or lot coverage).
2. Provide a pedestrian gate in the existing wall along the north edge of the subject site, northwest of the proposed loading area, and a pedestrian pathway directly from the gate into the site.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. 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).
7. An aircraft noise disclosure statement shall be provided to future tenants.
8. Notification to be included on the title that "these properties, due to their proximity to Williams Gateway Airport, will experience aircraft overflights that generate noise levels which will be of concern to some individuals."

Vote: Passed 7-0

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-91 (District 4)** 905 West Broadway Road. Located east of Alma School on the south side of Broadway Road (1.12± acres). Site Plan Modification. This request will bring the site into compliance with current standards. Larry Stickler, owner; David Lind, applicant.
CONTINUED FROM THE AUGUST 16, 2007 MEETINGS.

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

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board continue zoning case Z07-91 to the October 18, 2007 meeting.

Vote: Passed 7-0

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-93 (District 6)** The 1800 and 1900 blocks of South Crismon Road (east to South LaBelle Road). Located north of Baseline Road and east of Crismon Road (25.9± acres). Rezone 5.27± acres from C-2 to C-2-BIZ and Site Plan Review for the entire site. This request will allow the development of a retail/office development with two 3-story office buildings. Michael S. Gustafson, Crismon Gateway, LP, owner; Chris Sitler, DPA Architects, applicant. Also consider the preliminary plat of "Crismon Gateway".

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

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board approve the preliminary plat of "Crimson Gateway" and recommend to the City Council approval of zoning case Z07-93 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. 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. All perimeter street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. All pad buildings to be architecturally compatible with the center.
8. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.
9. 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).
10. All limits of construction for phased development shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/delivery areas are visible from rights of way and public areas.
11. Certificate of Occupancy and/or completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are installed for those individual buildings.

Vote: Passed 7-0

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-95 (District 3)** 2318 South Country Club Drive. Located south of Baseline Road on the west side of Country Club Drive (23± acres). Rezone from M-1 PAD to M-1 and Site Plan Modification. This request will remove the existing site plan and the associated overlay district from the property. Brandon Wolfswinkel, Vanderbilt Farms, LLC, owner; W. Ralph Pew, Pew and Lake, PLC, applicant.

Comments: Ralph Pew, 1930 E. Brown Rd., applicant, asked if he could address comments from citizens present and respond to any questions that the Board may have.

Michael Ginsburg, 433 W. Monterey Ave., representative of Rancho Del Mar and Hunters Ridge steering committee stated that they are not in objection to the request, but would like to recommend two stipulations. These stipulations are: future buildings be no higher than 30 feet and future landscaping be similar in nature to the landscaping at the office buildings to the north. He continued that if the Board felt they could not require these conditions at this time, he requested that these stipulations be recommended to the City Council when a final site plan is presented for this property.

Mr. Pew responded to Mr. Ginsburg's comments stating that the request is to clean up the confusion and inconsistency that exists on the parcel, which is to take it to its existing M-1 zoning and remove all site plans that exist on the parcel. He continued that limiting the height of future development is inappropriate at this time because there is not a site plan before the Board with this request and that any future development of this site go through the normal development processes.

Tom Ellsworth, Senior Planner, explained that the PAD is on 7 acres of the site and this is to clear confusion as to what is actually approved on the entire site. He continued that staff is recommending approval and explained that one of the conditions is for future site plan review of any development on this site which will come back to this Board, the Design Review Board as well as the City Council. He further explained that the City Council step is an extra step that is not necessary, however, with the history of the site, staff felt that it was important that any development go through a full public hearing process.

Boardmember Mizner asked Mr. Pew if Lowe's still had an interest in this site, if there were any specific developments proposed at this time for the site and if he was aware of the staff conditions requiring the full public hearing process. Mr. Pew responded that he does not represent Lowe's on this action, there are not any specific plans or user at this time and, that though it is unusual to have a site plan go to the Council, they are in agreement to the conditions due to the nature of this case and the extreme amount of citizen involvement here.

Boardmember Langkilde commented that he would like to see a condition of approval added that would require future site plan review before the parcel could be subdivided. Discussion ensued concerning a condition of this nature, subdividing, lot splits and site planning.

Boardmember Roberts asked staff if there were currently any height restrictions on the parcel. Mr. John Wesley, Planning Director, responded that there were not.

Boardmember Langkilde moved to approve zoning case Z07-95 with a revised condition or added condition to include the wording "any site plan for any portion of the property must include the entire tract as it exists today". Discussion ensued concerning the revised or added condition.

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The motion failed due to the lack of a second.

Boardmember Mizner moved to approve zoning case Z07-95 with the conditions as outlined by staff, seconded by Boardmember Esparza.

That: The Board approve recommend to the City Council approval of zoning case Z07-95 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the exhibits submitted, except as noted below.
2. Compliance with all City development codes and regulations.
3. Future Site Plan Review by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
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.

Vote: Passed 6-1 with Boardmember Langkilde nay.

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-96 (District 5)** The 5600 block of East Thomas Road (south side). Located west of Recker Road on the south side of Thomas Road (25± acres). Rezone from R1-90 to PEP (conceptual BIZ). This request will allow future the development of a business park. Van Bethancourt, Red Mountain Commerce Park, LLC, owner; Josh Hannon, EPS Group, Inc., applicant. Also consider the preliminary plat.

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

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board continue zoning case Z07-96 to the October 18, 2007 meeting.

Vote: Passed 7-0

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: Amending Sections 11-1-6, 11-5-3, and 11-6-3. The amendment is proposing to amend, modify or delete language for the existing definition of "Supervised Living Facilities (SLFs)" and possibly replace it with a definition for "Transitional Correctional Facilities (TCFs)." The amendment would also revise Sections 11-5-3 and 11-6-3 with regard to permitted uses in the R-4 and Commercial Zoning Districts, permitted locations of SLF/TCFs and required spacing between similar SLF/TCF land uses. **CONTINUED FROM THE JULY 19, 2007 MEETING.**

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

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board continue this item to the October 18, 2007 meeting.

Vote: Passed 7-0

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: Amending Sections 11-13-2 (R), 11-13-2 (S), and 11-18-12. To allow sites within the Town Center Redevelopment area to be eligible to apply for Development Incentive Permits (DIP) and Substantial Conformance Improvement Permits (SCIP) and to allow the Downtown Development Committee to hear and make recommendations on DIP and SCIP requests.

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

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board approve and recommend to the City Council approval of Amending Sections 11-13-2 (R), 11-13-2 (S), and 11-18-12.

Vote: Passed 7-0

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **GPMInor07-11 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road. General Plan Minor Amendment on from Business Park to Medium Density Residential 6-10 du/acre (20± acres) and Neighborhood Commercial (14± acres). This request will allow the development of a mixture of multi-family, retail, office and hotel uses as part of the Business Park Area of the Las Sendas Development Master Plan. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant. **COMPANION CASE Z07-74. CONTINUED FROM THE JULY 19, 2007 MEETING.**

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

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board continue zoning case GPMInor07-11 to the October 18, 2007 meeting.

Vote: Passed 7-0

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-74 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road (50± ac.). Rezone from R1-90 DMP to R-2, C-2 and PEP, all part of a P.A.D. overlay and The Las Sendas Development Master Plan. This request will allow the development of a mixture of multi-family, retail, office and hotel uses as part of the Business Park Area of the Las Sendas Development Master Plan. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant. Also consider the preliminary plat. **COMPANION CASE GPMInor07-11. CONTINUED FROM THE JULY 19, 2007 MEETING.**

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

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board continue zoning case Z07-74 to the October 18, 2007 meeting.

Vote: Passed 7-0

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **GPMInor07-12 (Citywide)** Text Amendment to the Mesa 2025 General Plan. (All Council Districts). Minor General Plan Amendment to add a new land use category titled " Mixed Use/ Community". **CONTINUED FROM THE JULY 19, 2007 MEETING.**

Comments: John Wesley, Planning Director, gave a brief overview of a recent article in the Urban Land Magazine concerning private urbanism and the discussion of similar topics dealing with the subject of providing more flexibility in development. He continued that this new land use category for Mixed Use Community and the related Planned Community Zoning District will allow developers to provide enough information up front so staff can allow more flexible development to occur over time, respond to the market and develop rich, high-quality urban spaces.

Wahid Alam, Senior Planner, stated that this is a text amendment to the Mesa 2025 General Plan. He continued that this will allow for mixed-use community development. Mr. Alam added that there is a size minimum of 160 acres, staff is not expecting a lot of applications for this land use designation and is recommending approval as submitted.

Boardmember Mizner asked Mr. Alam if approved, would this change the current land use designation of properties or if it is a platform for future applicants to use. Mr. Alam responded that it would not change any current designations and would be a platform for future use.

Boardmember Mizner recognized Mr. Wahid Alam, Senior Planner, Mr. Gordon Sheffield, Zoning Administrator and Mr. Jim Smith, Assistant City Attorney for their work on this General Plan Amendment and moved to approve GPMInor07-12 stating that it will allow for increased flexibility in the Mesa 2025 General Plan and will bring forth a new type of community to the City of Mesa. Seconded by Boardmember Esparza.

That: The Board approve and recommend to the City Council approval of zoning case GPMInor07-12.

Vote: Passed 7-0

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MINUTES OF THE SEPTEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: Review and discuss a proposed amendment to the City of Mesa Zoning Ordinance to add a new zoning district entitled "PC – Planned Community". The proposal would amend Section 11-2-1 by adding a new category of land use districts, "Mixed Use", and include PC – Planned Community as one of the districts under that category; and may amend Chapter 11-18, as needed, to facilitate the processing and administration of this proposed zoning district. It will also add a new chapter, 11-9.1, and associated sections, as needed, to fully describe the purpose and intent; administration, processing and implementation; and any associated land use, building form, design and/or site planning requirements, as needed, to implement this proposed zoning district. **CONTINUED FROM THE JULY 19, AND AUGUST 16, 2007 MEETINGS.**

Comments: Gordon Sheffield, Zoning Administrator, explained that this code amendment will insert a new chapter in Title 11. Mr. Sheffield explained the individual sections of the proposed Chapter 9.1. This explanation generated the following questions and comments from Boardmembers with Mr. Sheffield responding to them.

Boardmember Mizner posed the following questions/comments:

- Asked if there would be an opportunity for an applicant to submit items that appeared to be incomplete or if there it would be an arbitrary rejection of the submittal. Mr. Sheffield responded that applications for the PC District will be highly negotiated and applicants would be given the opportunity to submit missing materials.
- There is a wide range of things that are going to be examined, who would determine if the City can adequately serve a large-scale project in terms of public safety, roads, parks, etc. Mr. Sheffield responded that the criterion states that the plan would adequately, reasonably and conveniently serve existing and planned streets, transit systems and public services.
- Would notification go out to other public agencies outside the City of Mesa so they would have an opportunity to review plans and provide comments. Mr. Sheffield responded that is the standard process for any case.
- What happens if the master developer changes, who monitors the land use budget. Mr. Sheffield responded that it will be set up with the initial plan, it may be a part of a development agreement or it may be a recoded document, but an independent entity will keep track of that.
- Floor Area Ratio: is a new concept. He asked if this applies only to non-residential development and if there will be illustrations in both the Zoning Ordinance and the documents submitted by the applicant. Mr. Sheffield responded that it also applies to mixed-use development that might include residential and there is a proposal for a definition in the Zoning Ordinance.
- Do all the site plan review decisions have appeals built into them and in Section 8, do appeals trigger a legal protest like in a zoning case. Mr. Sheffield responded that the proposal is a 750-foot notification radius so people who may be immediately impacted would be able to file an appeal as well as the property owner if they disagreed with the decision. He continued that the initial rezoning to a PCD or an amendment could trigger one as well as the individual development units at Council.

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Chairman Adams posed the following comments/questions:

- If Council advised that the proposal overly impacts City services, could Council condition the developer to assist with items Council felt appropriate. Mr. Sheffield responded that this is going to be a highly negotiated process so by the time a plan gets to public hearing nothing should be a surprise. He continued that staff will give updates and progress points at study sessions.

Boardmember Carter posed the following comments/questions:

- How does the average citizen know what is going to be built within this type of development. Mr. Sheffield responded that it would depend on the stage of development for the PC District. He further explained that before, there will be advertisements, notices and the property would be posted to allow interested citizens to come to the City and review the documents and staff would try to clarify and answer any questions that may be associated. If the district has been adopted, the PCD documents would be available to the citizens so they could see what governs and regulates that particular property.

Boardmember Roberts posed the following comments/questions:

- Is the community plan going to come through this Board and can we ask for specificity and conditions at that time to condition what happens to the community plan. Mr. Sheffield responded that the plan will come through this Board and yes, conditions could be added. He added that these plans are going to be long-term negotiated documents and nothing will be hidden. He continued that this Board will also be updated and can ask for more information throughout the negotiation process.
- In Section 9.1-6(C-1) it says, unless otherwise specified in the community plan, conditions may be imposed on the approval of any site plan, so the community plan can restrict the City from imposing future conditions. Mr. Sheffield responded that that is correct, and Council can also place a condition that removes this condition.
- Why is this advantageous to the citizens of Mesa. Mr. Sheffield responded the City of Phoenix and Peoria have been using this tool. He continued that this allows some additional creativity to the developer so hopefully the type of development that comes will be creative, lively and give you a different since of place.

Boardmember Langkilde posed the following comments/questions:

- How would a citizen know that the Planning Director has made a decision. Mr. Sheffield responded that a notice will be sent to the owners of properties that may be affected as well as properties within 750 feet of the site, which is outlined as the protest distance.
- A key benefit with the Planned Community District is that there is a more complete overall picture of how a business would fit in the scheme of things and this is an added bonus when looking for locations for businesses.

Jill Kusy, 7600 E. Doubletree Ranch Road, Scottsdale, commented that Mr. Sheffield provided a very extensive overview of the Planned Community District and addressed their interest in using this as a tool for a future zoning case on the old GM Proving Grounds. She further commended the work of staff in preparing this ordinance and providing flexibility and many protections and defaults that can be utilized to make sure that minimum standards are provided in future Planned Community Districts and Community Plans.

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Boardmember Langkilde moved to approve the Code Amendment, seconded by Boardmember Mizner stating that this will be a great tool to use for some of the large parcels of vacant land and will allow new types of communities in Mesa.

Chairman Adams commented that he appreciated the hard work that went into this amendment that this is something new for Mesa and is a good move for the City.

It was moved by Boardmember Langkilde, seconded by Boardmember Mizner

That: The Board approve and recommend to the City Council approval of this code amendment.

Vote: Passed 7-0

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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