

**CITY OF MESA**

**MINUTES OF THE PLANNING AND ZONING BOARD MEETING**

Held in the City of Mesa Council Chambers  
Date July 18, 2002 Time 4:00 p.m.

**MEMBERS PRESENT**

Marty Whalen, Chair  
Dan Brock, Vice-Chair  
Mike Cowan  
Pat Esparza  
Lynda Bailey  
Barbara Carpenter

**MEMBERS ABSENT**

Rich Adams, excused

**OTHERS PRESENT**

Frank Mizner	Ralph Pew	John Hill	John Monaghan
Ryan Heiland	Sean Lake	Greg Hitchens	Boyd Miller
Lois Underdah	Jason Morris	Cecilia Fleming	Shirley Wheat
Maria Salaiz	Jennifer Urqhart	Bill Oliver	Eli Setton
Anne Blech	Joseph Cattaneo	Kristjan Sigurdsson	Robert Haywood
Charlie Scully			

Chair Whalen declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated July 18, 2002. Before adjournment at 8:00 p.m., action was taken on the following items:

It was moved by Boardmember Bailey, seconded by Boardmember Cowan that the minutes of the June 20, 2002 meeting be approved as submitted. The vote was approved unanimously by Boardmembers present at the June meeting.

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

It was moved by Boardmember Bailey, seconded by Boardmember Cowan that the consent items be approved. Vote 6-0.

**Code Amendment:** Amending Sections

1. Amending Section 11-18 to add a new section 11-18-15 of the Zoning Ordinance.
- \*2. Amending Chapter 18 to establish a "Redevelopment Committee" in the Zoning Ordinance.

**Zoning Cases:** \*Z02-23, Z02-24, Z02-25, Z02-26, Z02-27, Z02-28

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Item: Amending Section 11-18 of the Zoning Ordinance to add a new section, 11-18-15 regarding a Citizen Participation Plan requirement for public hearing cases .

Comments: Chairman Whalen read the introduction of the amending section from the agenda and asked Mr. Mizner to give an overview of the Code amendment.

Mr. Frank Mizner, Planning Director stated that this item is before the Board at the direction of the City Council. Mr. Mizner mentioned there are certain requirements by Arizona State law regarding citizen participation. The City is required to post the property, publish legal notice in the paper, and notify adjacent property owners by mail. That last item is not required by State law; the City does that as a matter of policy.

Beginning in the late 1990's, the Council discussed expanding those citizen participation efforts. There was a concern that not enough people knew about development proposals, not enough people knew about scheduled public hearings and that homeowner associations had not been adequately involved. The City Council adopted and expanded the citizen participation program by resolution, not by ordinance, but by resolution and those Citizen Participation Guidelines have been in effect since November of 1998. Applicants are encouraged to make a conscientious effort to contact neighborhood groups, to speak with interested parties, to conduct and organize meetings and to maintain some written record of those efforts.

Mr. Mizner stated that most recently, the City Council became interested in making these requirements in effect mandatory, by adopting by Ordinance rather than by resolution. There were several discussions by the City Council at study sessions. Council now has decided to initiate this public hearing process. Before you is a public hearing to get your recommendation to go on to City Council. We will also present this at a development forum early in August to get word out to the private sector. We have provided you a copy of our current guidelines, as well as a draft of the ordinance that might be adopted by City Council depending on your recommendations and it outlines things that staff would be implementing.

Penalties for violation would be two-fold. The first would be that failure to comply with these provisions could result in certain items not being placed on a Planning and Zoning Board agenda. Further violations of this ordinance, should it be adopted, would involve civil penalties similar to other violations of the Zoning Ordinance, with monetary fines to be determined by our Civil Hearing Officer.

Mr. Mizner pointed out the e-mail from Teresa Brice-Heames from Housing for Mesa who expressed her support for this proposal. He also mentioned we were initiating a process to notify neighborhood organizations about this but because of the timing of publication of newsletters we were not able to get word out to everyone prior to this meeting. This possible Code Amendment comes to you with an approval recommendation for staff. Whether you recommend approval or not this will go forward to City Council who would make the final decision on this issue.

Cecilia Fleming, 1356 W. Esplanade, stated that many of the issues that have come up regarding the stadium could have been averted if there had been better dialog. Her only concern in doing this as an ordinance is that homeowners and residence would be used as scapegoats. Perhaps a time-limit that's placed upon the dialog period, ninety days prior to permit, might be in order, but I think this is an ordinance whose time has really come. As it was explained to me this was another method of trying to get citizen involvement in the City. When

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we are taking about placing two story apartments and condos next to single-family homes, that needs to be looked at, neighbors need input. Many cities are known for their quality of life and their treatment of their families and homeowners and I think this is another process for treating everyone in the City fairly as long as we use it in a way that's not punitive to development.

Ralph Pew, 10 W Main Street, stated that his concern is: if you adopt it by an Ordinance with the strict criteria that are outlined, then every zoning case is handled the same way as it relates to notice. If you miss something, if you forget to record the minutes or something happens, you potentially have a defective application. My suggestion to you as Boardmembers, and to the staff, and ultimately to the City Council is to consider making citizen participation mandatory by an ordinance, but don't specifically dictate how it's to be done. In other words, say to each applicant, with your zoning application that you file with the staff, you must file a citizen participation plan and in that plan you explain what you're going to do, how you're going to contact citizens, what you're going to do to respond back to us. I think that any applicant who comes before you knows the critical nature of involving the neighborhood, and if you don't, you take your chances.

Mr. Pew stated that his concern about making this citizen participation into an ordinance and gave an example of the recent transfer station. No matter what we did in that case, notice was not enough. We voluntarily sent notice to people two miles away from the project, not three hundred feet, not a quarter of a mile, but two miles and nevertheless we got blasted by neighbors who live up to five miles away. So make it mandatory. I would urge you to make it mandatory, but make it up to the applicant to describe what the applicant would do and then you and the staff evaluate whether you think that's enough and let them take their chances.

Boardmember Brock stated he sees the merits of citizen participation, it helps the community, and it helps the process. However, when it becomes unwieldy and you're forced to follow a process that is outlined and dictated it gives you opportunities to stumble over technical issues.

The second thing is that different projects have different impacts on the community. There's different sensitivity to different projects. Citizen participation has different input and different needs on different projects. Boardmember Brock stated he is not convinced that it should be mandatory. He thinks it should be encouraged and stated he is not in favor of the citizen participation program as outlined in this ordinance. I do feel as though it's an important part of the zoning process and I do feel as though it should be voluntary. My opinion right now the way the ordinance is drafted, I want to vote it down.

Boardmember Cowan stated he agrees with Boardmember Brock. I believe that citizen participation is critical and any applicant who is involved in a zoning process would be foolish not to understand the power and the importance of involving the community and making decisions that impact neighborhoods, homes, schools and the larger community as a whole. My concern as I read through the proposal as it's stated right now locks everybody into the exact same process. While I am in favor of the citizen participation process I would lend my support to a mandatory process that was looser. The way it's stated right now, I don't feel comfortable in supporting it as stated.

Boardmember Bailey stated that when they receive their books every month, in the book under each of the cases there's a section that mentions Citizen Participation. She commented that you can always tell the way it is written whether staff is happy with the participation that has been given to one case or another. I rely on the staff and their sensitivity to each individual case what amount of citizen participation is necessary. I am going to vote and send my

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negative response to the proposal, as far as having an ordinance. As much as we try to encourage development in Mesa, I think it's really adverse to that encouragement. I don't think it's user friendly and I would rather see staff still be in charge of doing anything punitive if the case isn't supported by citizen participation. So I will be voting against having an ordinance.

Boardmember Carpenter stated that she was delighted to have her feelings expressed by fellow members of the Board. As a new member of the Board, I am willing to declare how important citizen participation is to my vote. I think that's enough without having to mandate it. The City has many resources that can help with citizen participation. It's not like you're going to be on your own, so I think with that it's a much better attitude for the City to take than to just make it so rigid that there nothing but punitive action as an alternative. If after another year or two of working with this and we're finding that there's not that cooperation, I'm sure we could revisit this.

Boardmember Esparza stated she is in favor of mandatory citizen participation; however, in this particular proposal, like Ms. Carpenter and Mr. Cowan said it is "a little rigid". I think the current process is fine. I think both the applicant and citizens should be equally involved in a particular project. I think the applicant has some responsibility to make sure that citizen participation is a complete process and the citizens also have that equal responsibility to the applicant to make sure they get all their comments in. However, in this particular proposal it is a little rigid and hopefully we can massage it a little more and work at a better proposal.

Boardmember Brock motioned that we reject the citizen participation ordinance as drafted and send that rejection on to City Council. Seconded by Boardmember Bailey.

Chair Whalen stated he is going to support the motion. Not that I'm in any way against citizen participation. I think that is the really the key to these sorts of hearings. My view, personally and quite frankly, is that the best law is the least law that is needed to get the job done. We have guidelines now that appear to be working quite well and I see no reason to go further.

It was moved by Boardmember Brock, seconded by Boardmember Bailey

That: The Board recommends to the City Council denial of amending Section 11-18 of the Zoning Ordinance as drafted.

Vote: Passed 6-0

Reason for Recommendation: The Board felt that the citizen participation ordinance, as drafted, was not appropriate at this time.

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Item: Amending Chapter 18 of the Zoning Ordinance to establish a "Redevelopment Committee" to assume the duties of the Planning and Zoning Board and Design Review Board within designated redevelopment areas outside of the Town Center Redevelopment Area.

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

It was moved by Boardmember Bailey seconded by Boardmember Cowan

That: The Board recommends to the City Council approval of amending Chapter 18 of the Zoning Ordinance.

Vote: Passed 6-0

Reason for Recommendation: The Board agreed that establishing this "Redevelopment Committee" would open communication between the two Boards who will make recommendations to City Council regarding future redevelopment projects.

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Item: **Z02-23** The southwest corner of Baseline and Ellsworth Roads (16 ac). Rezone from R-4 PAD to C-2. This case involves the development of a neighborhood retail center. Craig Bollman, owner; Joe Murray, applicant.

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

It was moved by Boardmember Bailey seconded by Boardmember Cowan

That: The Board approve and recommend to the City Council approval of zoning case Z02-23 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, square footage, and limited to five pads as shown) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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 street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Design Review Board.
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, and comprehensive sign plan.
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 prior to the issuance of a building permit.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
11. Compliance with the following terms of the letter from Casey Denny to Maria Salaiz dated July 3, 2002; this letter is incorporated into the ordinance by reference:
  1. Public Disclosure of Potential Noise Impacts – In order to ensure constructive and timely disclosure of potential noise impacts to the current and future occupants, developments within this area should be required to execute the following:
    - a. An Aircraft Noise Disclosure Statement.
    - b. An Avigation Easement.
    - c. Notification on the Plat and Title – the plat and title should note that the site is within an Airport Overflight Area subject to aircraft noise. Specifically, the plat should indicate, “these properties, due to their proximity to Williams Gateway Airport, are likely to experience aircraft overflights that generate noise levels which will be of concern to some individuals”.
  2. Sound Attenuation Measures – Due to its proximity to the Airport, sound attenuation measures should be installed during initial construction so as to achieve an exterior to interior noise level reduction (NRL) of 20 decibels.

Vote: Passed 6-0

Reason for Recommendation: The Board felt this proposal was appropriate given the location along an arterial road and next to future residential uses.

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Item: **Z02-24** The 3700-3800 block of McKellips Road (38 ac). Rezone from R1-35 to R1-35 PAD. This case involves the development of a single-residence subdivision. David Day, owner; Gregory L. Allen, applicant, represented by Sean Lake. Consider the Preliminary Plat of "Villa Tuscano".

Comments: Mr. Sean Lake gave an overview of the proposed project. Mr. Lake stated that the project is a custom lot subdivision. The project is going to be constructed as custom lots, all citrus trees will remain on all the lots and they will retain flood irrigation for all the citrus trees. This property is currently zoned R1-35. Mr. Lake stated they are requesting a PAD to have a gated community with private streets. Mr. Lake stated he has participated in the Citizen Participation Program voluntarily. They held a neighborhood meeting, at which nobody showed up; however, he did receive several phone calls from adjacent neighbors to the north and west and one question they asked was how big are the lots. He stated that several issues pertaining to citrus were brought up at the study session. We are not opposed to retaining citrus. We simply think that there should be a minimum standard but we don't want it to be too onerous upon the property owners.

Mr. Lake stated the stipulation that we are here to discuss is first: Condition #6. Staff has recommended that we provide two rows of citrus on the perimeter of the subdivision along McKellips. Mr. Lake showed a survey he conducted of the surrounding developments. The survey showed the amount of citrus tree rows that existed on the exterior or adjacent to the right-of-way on the outside of the perimeter wall. Mr. Lake gave comparisons of new developments that did not have any citrus on the outside of the subdivision as well as those developments with one or two rows of citrus. He also stated that their proposal was to maintain a least one row of citrus along the perimeter subdivision outside the wall. We will have citrus on the inside of the wall but our proposal was to have one row of citrus outside the wall.

Mr. Lake stated that the second issue dealt with Condition #7. Staff has proposed they retain one row of citrus on each side of every lot and two rows of citrus to the back. These are really large lots and if the homeowner chooses to retain them they can. However, if the homeowner does not want to have 35 or 40 citrus trees, they should not be forced through a zoning regulation to do so. The developments to the north and west and many of the developments in the area have not required this. We think that a good compromise is to maintain at least one row of citrus trees along the rear of the lots and also four citrus trees elsewhere on the lot. Mr. Lake felt that was a good compromise in providing those minimum standards. Homeowners will have to maintain those minimums but they can have more if they chose to.

Mr. Lake addressed the issue discussed at the study session in dealing with lot lines lining up with the trees. He agreed to go back and revisit where those exact lot lines will happen between the preliminary plat and final plat. He stated they would try to line up the lot lines down the center of the rows wherever feasible, so that homeowners who chose to retain citrus trees will be able to minimize the area that is lost in keeping those citrus trees. We will agree to do that. In closing, particularly with Condition #7, I think it puts us in an awkward situation that we start requiring a minimum number of citrus trees. I think it should be done on a voluntarily basis. I would request your support of this case with the revised stipulation.

Mr. Frank Mizner, Planning Director, stated that Mr. Lake presented a very good summary of this proposal. This is the kind of subdivision the Board, Council, staff, and neighbors have supported over the years in terms of density and quality of the project. There are a number of

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other conditions in the staff report which Mr. Lake has previously agreed to: including notification of proximity to Falcon Field and granting of an avigation easement. The issues and concerns that staff notes in the staff report are: Condition #6, regarding two rows of citrus. The City does not have a formal citrus policy. There's nothing in the Zoning Ordinance that mandates the retention of citrus. There's not a 100% consistency on the list that Mr. Lake has submitted regarding the density of projects or the location of projects as to whether there are one or two rows. It is fair to say that by requiring the retention of two rows of citrus along the street the citrus would have to be out of the right of way. It would have to be on a tract and owned and maintained by the Homeowners Association. The retention of one row of citrus, if they're well maintained and watered and appropriately trimmed, would provide a good landscaping buffer for this subdivision. It is important to note there will be further requirements to landscape the actual right of way. Any property fronting or abutting a major arterial is required to provide landscaping in the right of way to be maintained by the Homeowners Association.

On Condition #7, we have not been 100% uniform in the application of requirements for citrus retention on individual lots. Some property owners or developers have come forward with voluntary commitments to retain citrus. Others were the result of neighborhood negotiations. Mr. Lake is correct, if these requirements are in the Zoning Ordinance there's an implication that the City will be involved in the enforcement of this and that's not something we normally do. It's far preferable to have this enforced through CC& R's. Staff is recommending approval of this case. Staff thinks this will be an asset to the neighborhood.

Mr. Mizner stated that conditions #6 and #7 are a call for the Planning & Zoning Board. It might be better to take Mr. Lake up on his offer with one row of citrus along the rear, which would provide a buffer at the rear of the property line, and then have other citrus scattered elsewhere on the lot at the discretion of the buyer. That could be part of the Zoning Ordinance but more importantly it'll also be part of the CC& R's, so it can be enforced on a civil basis rather than the City being involved.

Boardmember Bailey first addressed Condition #7, Mr. Lake's proposal of one row of citrus on the rear plus four anywhere on the lot. She asked Mr. Lake if the CC& R's have been developed. Mr. Lake responded they have not yet been developed but he committed to put in the CC& R's both restrictions that have been proposed. Ms. Bailey stated she is in favor of Condition #7 being handled through the CC& R's rather than part of a stipulation, but if it is part of the stipulation she was comfortable with one row plus four. Boardmember Bailey gave her opinion on Condition #6 and she wanted to raise the level of that area, especially in a development like this that is so high quality. She stated there is no reason that we shouldn't have two high quality rows of citrus. If the staff says in another case that there's a reason for not requiring two, that's something different but in this case I see no reason why there shouldn't be two rows. Boardmember Bailey commented that this is going to be a beautiful gated subdivision.

Boardmember Esparza stated she concurs with Boardmember Bailey on Mr. Lake's proposal to have one row of citrus in the back and these restrictions being included in the CC& R's. As far as the two rows of citrus trees in the front, you have some big lots; some good homes being built and two rows of citrus trees will bring it up and add to the historical significance of the groves.

Boardmember Carpenter stated that she agrees with the comments so far. She expressed her

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concern with the public access. She mentioned that the entrance appears to be flush with McKellips so it might be possible to add more trees around the entrance. She stated as long as there is that promise that the CC& R's will carry what your report says she was okay with modifying Condition #7.

Mr. Lake stated there are reasons why they do not want two rows outside the wall. With the design of the subdivision we have a circular drive, it's a unique design of a subdivision. Our proposal is to put the wall behind that because it's going to be where the right of way is. If we had a grid pattern we could shift it out; the problem is that circle has to shift north and south and the actual diameter of those rows stay the same. But it does have an impact upon our development and that's why we only want to propose one row of citrus.

Chairperson Whalen stated that there is a municipal interest in the citrus issue that is largely a matter of streetscape. We have established a two-row theme on McKellips Road which is very attractive and I would hate to see that change. Conceivably that theme is one that can carry all the way to Greenfield Road on both sides of the street and materially enhance the look of the street. As to Condition #7, the municipal interest that we are talking about is balance between a municipal interest and a private property owner's interest. Chairperson Whalen stated he is reluctant to put a zoning condition that requires homeowner's to continue citrus when it's not visible.

Boardmember Brock asked Mr. Lake about the entry to the subdivision. He pointed out an observation that provides a screening for that entry with part of the existing trees. I really like what you're doing with offsetting the entryway. This adds a little elusiveness and privacy that doesn't already exist. Furthermore, your citrus preservation plan, based on what I mentioned in the study session earlier, has 14 property lines that are centered on a row of trees and shifting that property line one way or another isn't going to hurt the property at all. There have been some comments made as to whether there should be one row of trees or two rows of trees along McKellips Road. I don't have a strong feeling on that but because these are larger lots, I'm swayed by that argument and I don't want to do anything that destroys the streetscape. The way I read the staff report we are asking for three rows of trees.

Boardmember Brock asked Mr. Mizner is there could be a meandering sidewalk on this side of the street. Mr. Mizner replied that this is an ongoing discussion between Transportation, Planning and other City departments. Mr. Mizner mentioned that meandering sidewalks are more expensive to maintain, and we receive complaints from people that do not like meandering sidewalks. He stated he did not know if this was going to be a meandering or a detached but straight sidewalk.

Boardmember Brock stated this is a high quality project and with some tweaking the entry could be refined. I concur with Chairperson Whalen's thoughts on "public vs. private"; we should be more interested in what the public sees. When we get behind the wall in some of these communities, then I think that CC& R's are more appropriate to provide a means to maintain landscaping, quality, size and quantity of citrus. Therefore, I can support going with one row of trees around the perimeter and your quantity of trees being proposed for the lots.

Boardmember Bailey motioned to approve zoning case Z02-24, with the elimination of Condition #7 and with the inclusion of Condition #6. Seconded by Boardmember Carpenter.

Boardmember Brock asked Mr. Mizner if on Condition #7 the way that it is written, if this

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becomes a stipulation that the City enforces, how would we revise it so that it's up to the CC& R's?

Mr. Mizner replied as he understood the motion, the suggestion is to simply delete this as a condition of the ordinance. We have Mr. Lake's commitment on record regarding how many citrus trees he would like to propose, and I think that's in the narrative of the staff report. We would just look for that language to be incorporated in the CC& R's. Normally, CC& R's are provided to staff just for a general review during the Subdivision Technical Review process. This condition would be enforced by the Homeowners Association and it would no longer be a matter for the City to enforce.

It was moved by Boardmember Bailey seconded by Boardmember Carpenter

That: The Board approve the preliminary plat of "Villa Tuscano" and recommend to the City Council approval of zoning case Z02-24 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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 street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Maintain or install two rows of citrus trees along the McKellips Road frontage.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field 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. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
11. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
12. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
13. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0

Reason for Recommendation: The Board felt this proposal would be an asset to the neighborhood.

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Item: **Z02-25** 6544 E. Baseline Road (5.7 ac). Rezone from C-2 BIZ to O-S PAD and C-2. This case involves the development of an office condominium project. U.P. Mesa, Inc., represented by William Oliver, owner and applicant. Consider the Preliminary Plat.

Comments: Mr. Bill Oliver gave an overview of the proposal. He stated they have redesigned the project with current market demands and appropriate uses for this particular site. Mr. Oliver pointed out that they have had several meetings with the community and they do not have anyone objecting to their project. They all endorsed that we were not going to have a high-density hotel on the site and that office buildings would be more appropriate. Mr. Oliver stated the issue is whether or not it is appropriate to hold out for a hotel rather than put the property under development. The concept is for single story offices for individual sales and/or lease.

He stated they have complied with prior discussions with the Board relative to the project. The suggestion was to come back to the Board with a zone change application. He mentioned they have taken it to City Council, and they concurred that it needed to come back to the process. We have agreed with staff's recommendation on all the issues. Mr. Oliver stated they are working with the property owner on the one-acre parcel on Baseline Road. DMB has met with the property owner and he is in full support of what we are doing. We have agreed to try and work out a site plan that takes both sites into consideration and have a single restaurant layout that would work for exposure off Baseline Road and also be a compatible use with C-2 zoning.

Mr. Robert Haywood reiterated his previous comments stated at the Planning and Zoning and City Council meetings. Again, he stated that with the current state of the market and the anticipated future state of the market a hotel would not be feasible on this site.

Eli Setton with United Properties covered a few points addressed at the City Council in June. One was specifically the comment of Robert Brinton regarding the viability of the hotel. He specially stated that his organization believes it would be a perfect site for a hotel but realistically they also knew this will not occur unless considerable concessions were given. He added that Mayor Hawker basically reinforced his position from two years ago, that that was not something that was going to happen from the City's perspective. The City Attorney basically pointed out that the zoning should be changed from C-2 for the overall site to O-S and C-2 and the Mayor basically agreed for them to come back through the process and then come back to Council to get approval for this development. He also added that Councilmember Whalen mentioned they had done as much as possible and should be allowed to proceed and delete the hotel zoning and move forward on what is being proposed.

Frank Mizner, Planning Director, explained that what had changed in this proposal was that the request is now for a change to O-S to reflect the intended office uses. He added that previously there were two major issues that caused staff to not recommend approval: one was the thought that this still remains a viable hotel site and that we should not give up on that. The second major concern was that the applicant was not supportive of rezoning the property. They wanted to keep the C-2 zoning but build office buildings with the flexibility to have significant and somewhat unlimited retail development as a part of that. They later modified that and agreed to restrict some of their retail uses.

Mr. Mizner reminded Boardmembers that they had conducted a public hearing in April and concurred with staff's recommendation for denial. He added that when it was heard by the City Council in June they indicated that they were not comfortable with going ahead with the proposal as long as what was on the table was retention of the C-2 zoning. City Attorney Debbie Spinner

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had advised that if the Council was desirous of seeing office development this ought to go back through the public hearing process and be advertised and processed as a request for office zoning.

He pointed out that this case is very similar to what was presented in April. Essentially the request is for O-S zoning for the balance of the property for 10 single-story buildings, which would be restricted to the amount of medical uses they could have because of the parking requirements. An office usage with no retail component. One small parcel to the north of Baseline Road would retain C-2 zoning for a possible restaurant site. That parcel does not front on Baseline, there is another parcel that is owned by a second party, so the restaurant would have limited visibility and would not have frontage on Baseline.

Mr. Mizner noted that given the direction from City Council (they did not vote on this in June, but there was a lot of sympathy for the applicant in terms of holding on to the land and not being able to develop the hotel, some indicated support for the office development) staff faced a dilemma as to what to recommend in this case. Staff still has concerns about the long-term viability of this property and it is thought that while today's market trends do not support the idea of a hotel that doesn't mean it's going to remain the case in the future. He commented that if there is going to be a first class hotel in southeast Mesa this is a very appropriate location — next to the water features of Superstition Springs, freeway access, adjacent to a golf course, close to a regional shopping center. This is a great location for a hotel. He added that, In fact, the applicant had sold the Board and staff on the idea of the hotel back in 1997, at the time of the last major zoning case. It may not be viable today, but that doesn't mean it can't happen in the future. Staff is not recommending approval of this case.

Boardmember Carpenter asked if the present owner had owned the property since 1988. Mr. Mizner responded no, but they owned the property in 1997 when the request for a specific six-story hotel with conference center and casitas came through. Later on they modified the site plan for the condominium project. He added that they may have owned the property prior to 1997.

Chair Whalen stated that it was his recollection that the Convention and Visitor's Bureau and Economic Development favored staff's position to hold out for the hotel. Mr. Mizner responded that was correct, although Mr. Brinton had conceded that financing would be very difficult.

Boardmember Cowan asked if it is not opposition to offices so much as limiting the future opportunities for hotel growth. Mr. Mizner responded that was a fair summary and, in fact, approval of this case would pretty much eliminate the possibility of a hotel. Mr. Cowan stated that he is concerned about the restaurant pad. With the C-2 property immediately south of that property another applicant could build and that would prevent that restaurant from being visible to the street.

Chair Whalen stated that office condominiums are an intense use. There are always issues of maintenance and business failures as opposed to dealing with a large owner who is going to be responsible for the whole tract.

Mr. Whalen added that what was originally presented was a comprehensive development with residential (condominiums) adjacent to a hotel development. Now to pull the hotel out and put offices in. It is depressing to take a residential tract and have it hidden behind medical offices.

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Vice-Chair Brock stated that his position remains the same, adding that four years ago when this project was presented the condos were to be casitas that would be a part of the hotel. He added that it has gone downhill since its conception. Mr. Brock stated he is not in favor of office condominiums in this location, even if this never was a hotel site. There are other locations that might work very well. If the site is not to be a hotel, if office space is going to be here it needs to be thought out very carefully and be a high-density type of office building (perhaps mid-rise, with parking garages, etc.) This is the wrong product for this site. This looks like a short-term type of development to get in, build the buildings and sell out and go down the street. He added that he will not support this case, although he would entertain something else brought to the Board, before accepting a low-density office building. Mr. Brock also stated his opposition to the restaurant site, as it has no "window".

Boardmember Bailey stated that if she had a perfect dream there would be a resort on that property. Her wish would also encompass the property that fronted the street. She added that she felt the applicant was being reasonable in asking for the O-S designation and she would not be supporting staff's recommendation.

It was moved by Boardmember Brock, seconded by Boardmember Cowan

That : The Board uphold staff's recommendation to deny case Z02-25.

Vote: Passed 5-1 (Bailey voting nay)

Reason for Recommendation: The Board felt this proposal should be retained as a viable hotel site.

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## MINUTES OF THE JULY 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-26** The northwest corner of Brown and Ellsworth Roads (12.17 ac). Site Plan Modification. This case involves the development of a pharmacy. The Gustine Company, owner; Withey, Anderson, & Morris, P.L.C., applicant.

Comments: Jason Morris, representing the applicant, stated that they have support from staff and from the neighborhood for the proposed site plan modification and that the project has changed from a convenience and gas station to a pharmacy. He added that the site plan modification is a reduction in the intensity of the site and a reduction in the number of buildings.

Mr. Morris advised Boardmembers that the applicant is not in support of the stipulation regarding the deletion of Pad B, shown at the northern corner of the site. He explained that when originally approved it was a larger pad building, and the location of that building was approximately 100 feet from the neighborhood. The new pad building is very much in keeping with the new Design Guidelines, in that it is in the landscape setting and not surrounded by parking. The site still has a significant distance to the property line that will be landscaped, there will be a street between the property line and the nearest neighbor, and it is the front of the homes that face this portion of the shopping center. He mentioned that there are design considerations that can be made to make this an appropriate site for that pad building. There is no direct access from Ellsworth to that location, no direct access from Glencove, so there will not be that immediate impact on the neighbors.

Mr. Morris advised that although there is not a designated user, nothing can be developed at that site unless and until the property owner comes back to get a site plan approved. He clarified that the property owner is not his client, that his client is just purchasing the corner, adding that they believe it is an appropriate location and should remain.

The second concern is with the stipulation that requires the wall be developed in the first phase of development. He stated that he believes that comes from the neighborhood statements about the impact of the development and more specifically about the property as a whole. He presented an exhibit showing the property and the entire site to give perspective on the northernmost points and the neighborhood, adding that development of the site does not necessarily require an 8-ft wall along Glencove. He stated that there isn't unanimity amongst the neighborhood as to whether the wall should be developed at the first stage, but everyone agrees that when a shopping center is there and built out there should be a wall at that location.

Mr. Morris spoke regarding neighbors concerns – regarding trash dumped on the property, he suggested the solution is going to be development of the parcel. Regarding the wall he stated that in the short term there are alternatives to building a wall, because the wall, by itself, has its own challenges. One is CEPTED, which claims that if you are building a wall you are creating an area that can't be seen on the other side. It is one thing when that surrounds an area that is developed, lighted and maintained. It wouldn't necessarily stop any of the things occurring that the neighbors are concerned about, it just shields them. He asked that the wall requirement not be imposed with this stage of development.

Mr. Morris stated typically engineering staff asks that they dedicate and improve the right of way adjacent to the site. In this case the stipulations state Brown Rd., Ellsworth Rd., and Glencove need to be dedicated and improved. There is no access to Glencove from this site. The neighbors do not want full development of that street.

Shirley Wheat (9440 E. Glencove) stated that with no one to police it, the wall could be a target

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for vandalism and graffiti. She added that she did want Glencove to be improved at this time.

Boardmember Bailey asked Mr. Morris for minutes of the most recent neighborhood meeting. Mr. Morris responded that there had been a staff member present at the meeting and he had assumed that staff would be updating the Board.

Frank Mizner, Planning Director, explained that this is a site plan modification, not a rezoning case. The modification is to a previously approved plan for a gas station and convenience store to a pharmacy – a CVS store that is just entering the metropolitan area. The pattern of commercial development is already set, as indicated on the 1996 General Plan and the recently adopted Mesa 2025 General Plan.

Mr. Mizner related that buffering techniques, landscaping and setback issues have been of concern. There have conflicting signals from the neighbors. There are neighbors who don't want the wall. He advised Boardmembers that staff had included the condition for a variety of reasons; one was to ensure consistency with a previously approved plan and the other to ensure the appropriate screening between the residents and the proposed development.

He stated that staff included condition #2 (Deletion of Pad B) and #3 because they couldn't see a way the applicant could meet the previous setback requirement and still have the pad building there, but the 100' setback was not a condition of the zoning ordinance. It was simply an observation regarding the previously approved site plan. The site plan amendment apparently has neighborhood support, or at least neutrality, regarding the pad and the distance from the neighborhood. Mr. Mizner mentioned that condition # 4 would require future consideration by the Planning & Zoning Board, Design Review and City Council of future development on this property.

Regarding conditions #8 and #9, Mr. Mizner stated that the concern has to do with Glencove. Responding to Mrs. Wheat's statement that she would like to see the street and the landscaping installed, he added that there is no suggestion that Glencove would never be improved or that landscaping would never be installed, it is simply a matter of when. He mentioned that Mr. Morris' argument is that his project is away from the residential, that he would have no direct access to Glencove, The same with the landscaping – the CVS is well away from Glencove (200'). There is some intervening desert landscaping, it is not lush upper sonoran landscaping, but there is some on the site that would preserve the native desert character and provide some visual screening. He advised Boardmembers that staff is supportive of this project.

Chair Whalen asked Mr. Mizner if the Board voted to support Mr. Morris' position, would they be approving the north pad? Mr. Mizner responded yes, that the case was advertised as a 12.5-acre retail site. The only specific user is the CVS store but the City required Mr. Morris' client and the owners of the balance of the property to cooperate on an overall site plan. The Board would be approving a new site plan, but subject to future site plan review for those remaining parcels.

Boardmember Bailey asked if the owners would have a chance at getting the wall built at a later date if the Board let it go. Mr. Mizner responded that would be subject to the public hearing process at that time. It would probably depend on what was being proposed. If there were a proposal for Pad D, the applicant might make the same argument.

Boardmember Carpenter asked how high the wall was on the original site plan. Mr. Mizner

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responded that it was 8 ft. and still part of the basic site plan proposal. Ms. Carpenter stated that she was not a fan of walls and thought the landscaping could provide a buffer for the neighbors.

Mr. Mizner stated that the Desert Uplands Guidelines discourage walls, but this is a commercial development next to residential and walls do serve a purpose when well-designed and appropriately landscaped in terms of blocking views, cutting down cut-thru traffic and improving security for the residential area.

Boardmember Esparza stated that she would like to see the wall completed in conjunction with development of the next pad.

Vice-Chair Brock stated that with regards to Pad B, architecturally there is more interest if the building is pulled up to the street and the streetscape is a variation of building, parking, and landscaping, as opposed to pulling Pad B to the south and wrapping parking around it in a traditional Walgreen's type. He added that he would hope the wall would not wrap around Pad B. Mr. Brock stated that he did not remember commitments that were made regarding the 100 ft. setback.

Mr. Morris stated that at the original City Council meeting he had referenced that the new site plan showed buildings no closer than 100 ft.

Mr. Brock stated he would rather see a building on the corner than parking. If it is well designed and well landscaped it could be more interesting, but not a building that turns its back on the neighborhood, something that has glass and some interest. Regarding the wall, landscaping and improvements on Glencove, Mr. Brock stated that there needs to be an understanding as to how CVS is going to participate so that burden is equally shared and there is some guarantee that it is going to be taken care of. What triggers it and who participates financially? Is this something they will post a bond for when they pull the building permit?

Mr. Morris responded that when they see development occurring in an area where they can't peg the developer for the total cost of the frontage there is a potential for city-share. The City will participate to some degree and the developer will participate to some degree but neither is fully responsible. He added that is what they are seeking in this case. Mr. Brock asked if this is something that could be worked out prior to the City Council meeting.

Mr. Mizner stated that Glencove meets the needs of the residents right now but there is no storm drainage, no streetlights, sidewalks, etc. That needs to be improved. Typical municipal requirements are that the owner is responsible even if he does not have access to that street. Mr. Brock asked if CVS or Pad B would be responsible for that street. Mr. Mizner responded that has not been resolved, but basically the adjacent private developer is responsible for the improvement of any public street abutting that property. There are a lot of examples of residential subdivisions that are responsible for major arterial street improvements, even though they have their access off private internal streets. This is complicated with the fact that Glencove is still in the County and not even annexed into the City.

Mr. Brock asked if it would be reasonable to ask for a continuance so this could be resolved to the satisfaction of CVS, the master developer and the neighbors on financial participation and what triggers what. Mr. Morris stated that if CVS couldn't open by Thanksgiving of next year they would push it off into another year. He added that they are time sensitive and would rather have a stipulation they don't agree with and move forward to Council and try to negotiate. Then

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the Board would have the knowledge that at least there is a stipulation in there covering it.

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Mr. Brock asked if they built Glencove was there a vehicle by which they would get paid back their expenses on a pro rata basis. Mr. Mizner stated the City would not be a part of that; it would be between the two property owners.

Mr. Brock stated that the retention basins should be designed in accordance with the current Design Guidelines. He added that would allow flexibility and ensure that they are designed for areas in the Desert Uplands.

Boardmember Bailey stated that she is not willing to give up the fencing and landscaping. There was a commitment by the initial applicant and she was not concerned with who pays for it. CVS could make a deal with the owner, but her position is that when the parcel is developed out the residents are going to want the fence. Chair Whalen stated that it could be stipulated that this must be done with Pad A. Ms. Bailey asked if it were unreasonable to ask that the perimeter landscaping along Glencove be put in now so it would be established before the wall is put in. Mr. Mizner responded that anytime you can put in landscaping early and give it a head start in growth it is an advantage to everyone. He added that the problem is there are two different owners and it would require the installation of an extensive irrigation system and someone to do the engineering for Glencove Avenue to know where the curb line and what the grade is going to be, otherwise the landscaping would have to be taken out when they construct the street.

Mr. Morris stated that if there is a requirement for temporary landscaping, that could be worked out between the two landowners.

It was moved by Boardmember Cowan seconded by Boardmember Bailey

That: The Board approve and recommend to the City Council approval of zoning case Z02-26 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) except as noted below.
2. Pad B shall maintain a minimum one hundred (100) feet building setback from north property line.
3. Construction of 8-foot theme wall and installation of required landscaping along the entire north property line to be completed no later than the development of Pad A (major anchor).
4. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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. All street improvements (all Ellsworth Road, all Brown Road, and excluding Glencove Avenue) to be installed in the first phase of construction.
9. Install new perimeter landscaping per Code and maintain native vegetation per Native Plant Preservation Plan (all Ellsworth frontage, CVS property frontage adjacent to Brown Road, and excluding Glencove Avenue frontage) with the first phase of construction.
10. Compliance with all requirements of the Subdivision Technical Review Committee and Land Split Regulations.

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11. Compliance with all requirements of the Design Review Board.
12. All pad buildings to be architecturally compatible with the center.
13. Retention basins to be designed in accordance with requirements of Mesa Zoning Ordinance.
14. Installation of interim landscaping north of the proposed CVS store, subject to review by Design Review Board.

Vote: Passed 6-0

Reason for Recommendation: The Board felt this proposed commercial use is appropriate given the location along an arterial road.

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## MINUTES OF THE JULY 18, 2002 PLANNING AND ZONING MEETING

Item: **Z02-27** The southeast corner of Baseline Road and Roslyn (1.1 ac). Site Plan Modification. This case involves the development of multi-tenant retail. Joseph C. Cattaneo, owner; Kristjan Sigurdsson, K&I Architects & Interiors, LLC, applicant.

Comments: Kristjan Sigurdsson, the applicant, explained that the project was originally approved in 1998 with four lots. Currently Walgreen's and KFC have been built, and a Kindercare has been approved that is currently in Design Review. The original site plan included a 5,600 s.f. restaurant. He stated that the current owner has been unable to secure a user for the pad and is requesting a modification to allow a multi-tenant retail project. They would like to rotate the building and set it in the center of the site in line with the current buildings.

Mr. Sigurdsson advised Boardmembers that the proposed building is 8,400 s.f. We responded to staff concerns, stating that it could generate less traffic volume than would a 5,600 s.f. restaurant, adding that people will be coming in off Baseline not Roslyn. With regard to the landscaping, he stated that they have more than the other buildings on the property and the existing retention basin already has landscaping.

Frank Mizner, Planning Director, explained that this general area of retail between Roslyn and Superstition Springs Boulevard has been the site of many zoning requests and site plan modifications. There have been a number of proposals in the past that have been withdrawn or tabled indefinitely by the applicant. The City has had proposals for apartments, and a tire and brake shop that was withdrawn. Staff has recommended denial on several requests because of poorly designed proposals and insensitivity to the neighbors to the south. Mr. Mizner mentioned that is the situation in this case. Staff is recommending denial. This is not an efficient or wise traffic flow, increases the square footage by 50%, reduces flexibility for landscaping, design and vehicular circulation. The retention basin to the south might be landscaped; however it is a basin that does not provide adequate area for the planting of materials adjacent to residential.

Mr. Mizner further explained that to the south are small lot residential homes with minimal rear yards and, in staff's opinion, it is not a wise land use or a compatible design to have this kind of intense retail development close to residential. The site plan proposes to install trash dumpsters to the rear of the building in close proximity to the residents.

Boardmember Bailey asked if this case would be under the new Design Guidelines. Mr. Mizner responded that this project was under review when the Guidelines were adopted and would not be. Ms. Bailey stated that there is only one-half the setback and one-half the landscaping and she is not comfortable with that.

Boardmember Cowan stated his disappointment with this being so close to small patio homes and he will not be supporting the project.

Boardmember Brock stated that existing dumpsters are closer than those proposed and the location is not the problem. He added that if this is to be a retail project there are opportunities to be creative with landscaping, design, placement of building, etc.

Ms. Esparza stated she agrees with Mr. Brock. She stated she is in favor of the design and not opposed to the increase of square footage, but did think it needed to be worked on a little bit more.

Mr. Sigurdsson addressed the concerns Mr. Brock had on the dumpsters. We have not placed

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them any closer to the residential area than previously approved on the site plan. He mentioned that the Kindercare facility, which was recently approved, had their trash enclosures a lot closer. He stated he understood the concerns about the neighbors, but historically this site has not received much interest by the neighbors.

Mr. Sigurdsson stated that this has been in front of the Board numerous times and stated they are restricted by the existing site conditions in terms of the existing driveway locations, sewer, water easements, etc. which dictate where the building will go. He agreed that putting the building on the corner would be appropriate if they had a single user. For that particular purpose and use we feel this is a most appropriate site plan in terms of being able to rent those spaces. The site design, considering the restrictions of the site, is very appropriate for its intended use and he urged the Board to reconsider asking them to redesign the site because that was not going to work for the developer. In terms of the driveway being one-way, he stated they would post proper signage indicating One-Way Only.

Boardmember Carpenter asked Mr. Sigurdsson if this building is for six tenants only or if there is some flexibility built into this design for five or four tenants. Mr. Sigurdsson responded that it could be just for one tenant and the maximum would be six tenants.

Ms. Carpenter commented about the loading dock in the back. The plans only showed two of the spaces having them and she wondered how they would load something to an office or retail establishment on the other end. Mr. Sigurdsson stated there is a continuous sidewalk along the backside of the property that would service that loading dock and allow delivery to each tenant space.

Ms. Carpenter asked about the signage and visibility from Baseline and if there would be any on Rosyln because it looks like a fairly well traveled entrance. Mr. Sigurdsson responded that this would be subject to Design Review and mentioned that they did include windows on both sides of the building. The intent of the building is to focus on Baseline Road.

Chairman Whalen moved to note that in the immortal words of Joe Woods, "Mesa is long on zoning and short on planning" and the argument that we should buy a bad design because it fits the preconceived notion of the owner is not persuasive to me and he agreed with staff's recommendation.

Ms. Bailey motioned to deny case Z02-27 and stated that if she is going to err, she would like to err on the side of the neighborhood and also the projected traffic that Kindercare will generate.

It was moved by Boardmember Bailey seconded by Boardmember Brock

That: The Board deny zoning case Z02-27.

Vote: Passed 5-1 (Carpenter voting nay)

Reason for Recommendation: The Board felt this proposal was not a good use for this site and will create many problems for the surrounding uses.

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Item: **Z02-28** The southwest corner of Broadway Road and Stapley Drive (1.74 ac). Rezone from R-2 and R1-6 to C-2. This case involves the development of a convenience and gas store. Dave Cisiewski, owner; Daniel Bonow, applicant. Consider the Preliminary Plat for Quick Trip #433.

Comments: Mr. Jason Morris, applicant, addressed the concerns raised at the study session by Mr. Brock on the issue of the right of way. The ultimate right of way, a total built-out for Broadway and Stapley, creates a situation where there is little if any landscaping. With the existing situation at this site there is little if any landscaping, so whatever could be designed would be an improvement. Mr. Morris mentioned as a result of meeting with Mr. Brock and receiving some suggestions to try and restore landscaping at ultimate built-out he showed a revised exhibit.

Mr. Morris stated that the result of that revised exhibit allows for 25' of landscaping to remain on both Broadway and Stapley at ultimate built-out, which includes the P.U.F.E. and that 10-15 feet is part of that landscape area. The only way to accommodate that is to approach staff and ask for some zoning relief either through the SCIP process, which was recently approved by the Board and going to Council, if approved. If not, through the Zoning Administrator or Board of Adjustment on their variance process.

John Monaghan stated he owns property at 1108 E. Broadway Road and his concern is with what is happening with the environment. He stated that the previous video store and restaurant were used by the locals in the area and felt that the QuikTrip would be more for the people passing through. He also pointed out that traffic is bad in the area and the site plan shows no easement on Broadway. He stated that the Texaco across the street had 4-6 pumps and the proposed QuikTrip is showing 10 pumps, which would generate more traffic.

Boyd Miller stated he owns the house on the same side of Broadway as the proposed QuikTrip and has concerns about the area being rezoned to commercial and that only a few residential homes would be left. He stated this would create a hardship for him to rent his house with such a big proposal going in and that it would downgrade the area. He commented that if he gets surrounded with C-2 zoning would it be an advantage for the whole block to go C-2 or would it just be another cheap housing area next to a service station?

Chairman Whalen asked Mr. Morris if he would like to address these concerns and if he could also address where the vapor recovery stacks would be located. Mr. Morris gave some background of the project and stated that both of the previous uses were commercial so it's not a drastic change in use or in intensity. In terms in the use of this site, the majority of the users are going to be users of the arterial roadways so this isn't generating a lot of additional traffic. He mentioned that the previous two users have departed and that the site was under contract to QuikTrip for development of a QuikTrip station. He also pointed out the landscaping issue because QuikTrip is concerned about the ultimate look of this site. He believes that QuikTrip based upon their site plan and based upon the fact that there is a concern about the end product will be an excellent user for this site.

He also noted that there is vacant property adjacent to the QuikTrip and there is another developer assembling that property in the hope of developing residential property. If somebody is willing to build new housing which would be owner occupied then it wouldn't have a detrimental impact on their rental properties. Mr. Morris also addressed Mr. Whalen's question on the location of the vapor recovery in which Mr. Bonow stated that one of the conditions of staff was to place it outside the trash enclosure and on the south side of the building.

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Mr. Frank Mizner, Planning Director, stated that the request before the Board is partially to rezone the property but the applicant is also seeking to rezone two adjacent lots from R1-6 to C-2 for a total of 1  $\frac{3}{4}$  acre zoned commercial. He stated that the owners of the adjacent properties raised some very valid concerns and stated that it is hard to say what the impact of the QuikTrip, should it be approved and developed, would be on those adjacent properties. He mentioned that Mr. Morris has presented a site plan that attempts to respond to some of those concerns. The concern was that much of the landscaping that was shown on the site plan could be gone. We have seen examples of that, where the City has widened intersections and because right of way is limited and budget is limited the City buys the minimal to widen the street and the landscaping is what usually suffers.

It will require the granting of a variance or perhaps utilization of one of the new Code amendments that was recommended for approval by the Board and is going to City Council in August. The applicant would have the opportunity to apply for relief of the Design Guidelines without meeting the strict State test for granting of a variance. Essentially whatever landscaping we get out of this proposal would be a vast improvement over what we have now. Staff is recommending approval of this case and sees this as an upgrade to the neighborhood.

Mr. Mizner mentioned that the issue came up as to whether staff should recommend denial of this case because there are already two gasoline facilities on the northwest and southeast corners. City Council recently expressed concerns about the proliferation of auto-oriented uses on arterial corners. We have a policy in the new General Plan that would serve to discourage that but the new General Plan is not legally in effect. Mr. Mizner stated staff is comfortable with going with the revised site plan as represented by Mr. Morris, and suggested that should the Board be inclined to recommend approval of this case that Condition #1 be modified to state "revised" site plan to make clear to City Council that we are looking at a revised submittal.

Boardmember Brock moved to approve this project and send it to City Council. He commended the QuikTrip personnel for taking a leap and better an older neighborhood. Seconded by Boardmember Cowan.

Boardmember Carpenter stated there is a lot to like about this project but she had major concerns. She stated she sympathized and empathized with the resident's concerns about businesses coming into the intersection and catering to the drive-by traffic rather than the local residents. She noted that Power Road is a much larger arterial than Stapley Drive and she was concerned about the scale of this project in this neighborhood. Ms. Carpenter stated she finds this project a bit overwhelming and was concerned because this particular client was not going to be able to vary from their standards and scale down a bit. She stated she tends to be less favorable to this project because of the scale.

Boardmember Esparza stated she likes QT and would drive out of her way to go to a QT. She likes the scale of this project and the easy access. She stated her concerns were with day labor and how QT would be receptive to this issue. The other concern is the recovery rate for the two properties being demolished to accommodate QT. Mr. Mizner responded that this is a proposal by the applicant who either has already purchased those properties or has an agreement to purchase those properties. The City does not have a policy on the replacement of housing. That's one of the issues on the General Plan and one of the priorities in that Plan is the replacement of affordable housing.

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Mr. Morris also responded that the day labor issue has been brought to the attention of QuikTrip. Fortunately they can adapt to some of the operational issues. They are aware of it. The second issue is the housing. There actually is a developer looking at adjacent property to provide some additional housing in the area.

Chairman Whalen stated he is sensitive and disturbed about the City's lack of progress on the day labor issue. With regard to this specific case, he stated he is going to support the case but would like the Design Review Board staff to take a look at the gas station at the northwest of Extension and University because the Board paid a lot of attention to buffering and neighborhood issues. The Design Review Board might find that site to be a source of ample resources in resolving the similar issues here. He also asked the Design Review staff to pay particular attention to the location of the vapor recovery stacks.

It was moved by Boardmember Brock seconded by Boardmember Cowan

That: The Board approve the preliminary plat of "Quik Trip #433" and recommend to the City Council approval of zoning case conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the revised site plan and elevations submitted, (without guarantee of lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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.
5. Compliance with all requirements of the Design Review Board.
6. Review and approval of a Special Use Permit by the Board of Adjustment for the fueling station.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 5-1 (Carpenter voting nay)

Reason for Recommendation: The Board felt there are many positive aspects to redeveloping the property and assembling parcels in this area.

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Respectfully submitted,

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Frank Mizner, Secretary  
Planning Director

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