

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date April 15, 2004 Time 4:00 p.m.

MEMBERS PRESENT

Marty Whalen, Chair
Rich Adams
Barbara Carpenter
Pat Esparza
Alex Finter
Bob Saemisch

MEMBERS ABSENT

Mike Cowan, Vice-Chair (excused)

OTHERS PRESENT

John Wesley
Ryan Heiland
Scott Langford
Lois Underdah
Maria Salaiz
Jim Smith

John Manross
Ralph Pew
Craig Cote
Stuart Ryder
Floriza Rodriquez
Kim Browning
Inez Wortman

Dave Udall
John Bellerose
Michelle Dahlke
Sherry Dicus
Dorothy Johnson
Paula & Billy Demarbieux
Others

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 April 15, 2004. Before adjournment at 6:00 p.m., action was taken on the following items:

It was moved by Boardmember Saemisch, seconded by Boardmember Carpenter that the minutes of the March 18, 2004 meeting be approved as submitted. The vote was 4-1-2 (Cowan absent, Finter and Adams abstaining – they were not present at the March meeting).

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter that the consent items be approved. Vote 6-0 (Cowan absent).

Zoning Cases: Z03-12, Z04-34, *Z03-59, *Z04-28, Z04-29, *Z04-30, Z04-31, *Z04-32, *Z04-33

Preliminary Plat: "Crismon Business Park Amended"

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Item: **Z03-12 (District 5)** The 4400 block of East McLellan Road (south side). Located south and east of Greenfield Road and McKellips Road (1.76 ac ±). Rezone from R-3 to R-3 PAD. This case involves the development of an apartment complex. John Bellerose, owner; Randy Carter, Dreamcatchers Planning & Design, applicant.

Comments: Chair Whalen announced that these cases (Z03-12 and Z04-34) would be heard simultaneously, however they would be voted on separately.

Ralph Pew (Pew & Lake), representing the applicant, gave an overview of the case Mr. Pew explained that there had been various continuances and discussions, ultimately ending with the Board moving to deny the project. The case went on to City Council and the Council referred the case back for consideration. The Board held a special meeting, there were changes to the plan, and it was approved and again sent on to City Council. City Council asked the applicant to create a single-family lot that would act as a buffer between the residents to the south of the project and then go back again to the Planning & Zoning Board.

Mr. Pew stated that the property is zoned R-3 with a maximum density of 17 units/acre. The applicant is proposing six four-plex buildings for a density of about 13.6. The reason for the PAD overlay is to allow a subdivision plat on the parcel and the ability to sell each building separately. He stated that they (the applicant) had gone well beyond what would normally be expected in the way of amenities by adding a swimming pool, along with a ramada and a tot lot. He assured Boardmembers that the applicant agreed to participate in the Crime Prevention program and they will form an HOA with common assessments.

Regarding Case Z04-34 — Mr. Pew stated that this is a very irregular parcel and they have agreed to create an R1-9 single-family lot that contains over 11,000 s.f. He informed Boardmembers that the applicant had agreed to create a restrictive covenant on that lot that will benefit the property owner to the south.

Kim Browning (4454 E. Halifax) stated that they (homeowners) had just received the site plan today and just found out they had added the pool and more amenities. She stated they were not opposed to the project but that the applicant had come back after the February City Council meeting with a 6th building that he promised he would not have there.

Paula Demarbieux (4450 E. Hobart) stated that she had fought a long time for a high quality development that would meet minimum setbacks and building separations, offer substantial amenities and would not compromise the neighborhood. She added that she found it extremely disappointing that in achieving these results the applicant found it necessary to once again add a sixth building on the site plan. She stated that even though she did not support the individual ownership of the buildings that the addition of the swimming pool with the removal of the sixth building would be a satisfactory compromise.

Regarding Case Z04-34, Ms. Demarbieux stated that her understanding was that a private deed restriction was a good idea in theory but the problem was that if the property was sold and they forgot to put in the deed restriction it would drop off and be lost forever. To guard against that she asked that a declaration be recorded that would run with the land and that it be approved and recorded before zoning is approved.

Inez Wortman (4464 E. Halifax) stated that most of their lots are 1/3 acre and that the new lot created by the applicant does not give that owner enough room. She added that she also objected to six buildings.

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Billy Demarbieux (4450 E. Hobart) stated that there were not enough amenities and Council was going to deny it. He added that now the applicant had added a sixth building and all he added was a pool. He suggested there would be room for only a lean-to or travel trailer on the single residence lot, it was too narrow.

Mr. Pew stated that there had been many discussions about this project, it was seven units, six, five. There was never an agreement to a set number of buildings. He added that he had not heard one word from those opposed as to how that sixth building was going to adversely impact anybody's life. Mr. Pew mentioned that this project is nicely designed, will have a block wall around it and whether there are 20 or 24 units on that site they do not believe the neighborhood will realize or recognize the difference. It is not designed to cause problems. There is no access into the neighborhood, all the access is on McLellan you cannot penetrate onto Hannibal or the streets in the vicinity.

With respect to the single-family lot, Mr. Pew stated he is astonished to hear someone say that they have created an artificial lot that can't be used for anything but a lean-to or a storage shed. That is a bit disappointing. It is an R1 lot that contains 11,000 square feet. It is configured unusually, long and narrow, there is no question about that, but it was done for the express purpose of buffering the Demarbieux's home from the R-3 project. That land today is zoned R-3, but the applicant is creating an R1-9 lot, it will be a single-family house, not a duplex.

Boardmember Saemisch asked if there were a timeline for building the single-family residence. Mr. Pew responded that there was not, but he felt Mr. Bellerose would either build it himself or sell it to someone who wanted to do it.

John Wesley, Planning Director, stated that staff finds this project to be in conformance with the General Plan for the area and consistent with the existing R-3 zoning on the site. Staff is recommending approval.

Chair Whalen asked Ryan Heiland (staff Planner) if the only difference in the site plan were the location of the tot lot. Mr. Heiland responded that the buildings stayed in the same location as originally submitted and the only difference was that the location of the amenities had changed slightly. He added that the applicant continued to meet all required setbacks.

Boardmember Adams asked if there were a typical standard for R1-9 regarding typical square footage. Mr. Heiland responded that minimum square footage for R1-9 is 9,000 sq. ft. so the 11,000 sq. ft. proposed for this project is way over the minimum requirement. He added that there are also minimum lot dimension requirements. Due to the unique shape of this site, the applicant will need variances on the south parcel line. However, on the west property line it does exceed those requirements. The zoning requested for this parcel is consistent with existing zoning in the area.

Boardmember Adams asked if an 11,300 sq. ft. lot were average in Mesa. Mr. Heiland responded that this was above the average. Staff has seen a lot of R1-6 and R1-7 lots which are 6-7,000 sq. ft. The R1-9 lot exceeding 9,000 sq. ft. is actually larger than what staff typically sees. Chair Whalen stated that it was a rare occurrence. Boardmember Adams questioned - if an application were submitted that was R1-9 with 11,000 sq.ft. would staff think that was typical? Mr. Heiland responded that he would think it was bigger than the typical.

Boardmember Carpenter stated that she was concerned with five buildings vs. six buildings. She added that when the case left Planning & Zoning Board and went to City Council it had six buildings. She mentioned she was not surprised to see six buildings and did not understand why everyone else was. She asked staff to clarify. Mr. Heiland stated that the addition of the sixth building happened after it was

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referred back to the P&Z Board.

Scott Langford, staff Planner, stated that the packet had the site plan that had been sent to the January City Council meeting, it had the five building layout. The seven building layout was the original plan submitted in March of last year.

Boardmember Finter stated that he had been pretty vocal when this case first began. He congratulated the neighbors for stepping up and trying to get the best product possible, adding that it is now a better project, it will have crime free programs, an HOA, and is not a 2-story stucco building. Mr. Finter stated that this was a dramatically improved project, a housing product that would not adversely affect the neighborhood.

Boardmember Saemisch stated that the applicant had gone back and forth and had been through multiple public hearings on this project. He added that he believed this was a very good project.

Chair Whalen stated that he commended Mr. Bellerose in that he had not heard a word uttered about the neighbors through this whole process.

It was moved by Boardmember Finter, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z03-12 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. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. 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).
6. Written notice be provided to future residents, and acknowledgment received that the project is within two miles of Falcon Field Airport.
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 (Cowan absent).

Reason for Recommendation: The Board agreed that the applicant had provided a proposal that was well done and compatible with surrounding uses.

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Item: **Z04-34 (District 5)** The 4400 block of East Hannibal Street (north side). Located south and east of Greenfield Road and McKellips Road (0.26+ ac). Rezone from R-3 to R1-9. This case involves the development of a single-residence lot. John Bellerose, owner; Randy Carter, Dreamcatchers Planning & Design, applicant.

Comments: Chair Whalen announced that these cases would be heard simultaneously, however they would be voted on separately.

Ralph Pew (Pew & Lake), representing the applicant, gave an overview of the case Mr. Pew explained that there had been various continuances and discussions, ultimately ending with the Board moving to deny the project. The case went on to City Council and the Council referred the case back for consideration. The Board held a special meeting, there were changes to the plan and it was approved and sent on to City Council. City Council again asked the applicant to go back to the Planning & Zoning Board, to create a single-family lot that would act as a buffer between the residents to the south of the project.

Mr. Pew stated that the property is zoned R-3 with a maximum density of 17 units/acre. The applicant is proposing six four-plex buildings for a density of about 13.6. The reason for the PAD overlay is to allow a subdivision plat on the parcel and to be able to sell each building separately. He stated that they had gone well beyond what would normally be expected in the way of amenities by adding a swimming pool, along with a ramada and a tot lot. He assured Boardmembers that the applicant agreed to participate in the Crime Prevention program and they will form an HOA with common assessments.

Regarding Case Z04-34 – Mr. Pew stated that this is a very irregular parcel and they have agreed to create an R1-9 single-family lot that contains over 11,000 s.f. He informed Boardmembers that the applicant agreed to create a restrictive covenant on that lot that will benefit the property owner to the south.

Kim Browning (4454 E. Halifax) stated that they (homeowners) had just received the site plan today and just found out they had added the pool and more amenities. She stated they were not opposed to the project but that the applicant had come back after the February City Council meeting with a 6th building that he promised he would not have there.

Paula Demarbieux (4450 E. Hobart) stated that she had fought a long time for a high quality development that would meet minimum setbacks and building separations, offer substantial amenities and would not compromise the neighborhood. She added that she found it extremely disappointing that in achieving these results the applicant found it necessary to once again add a sixth building on the site plan. She stated that even though she did not support the individual ownership of the buildings that the addition of the swimming pool with the removal of the sixth building would be a satisfactory compromise.

Regarding Case Z04-34, Ms. Demarbieux stated that her understanding was that a private deed restriction was a good idea in theory but the problem was that if the property was sold and they forgot to put in the deed restriction it would drop off and be lost forever. To guard against that she asked that a declaration be recorded that would run with the land and that it be approved and recorded before zoning is approved.

Inez Wortman (4464 E. Halifax) stated that most of their lots are 1/3 acre and that the new lot created by the applicant does not give that owner enough room. She added that she also objected to six buildings.

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Billy Demarbieux (4450 E. Hobart) stated that there were not enough amenities and Council was going to deny it. He added that now the applicant had added a sixth building and all he added was a pool. He suggested there would be room for only a lean-to or travel trailer on the single residence lot, it was too narrow.

Mr. Pew stated that there had been many discussions about this project, it was seven units, six, five. There was never an agreement to a set number of buildings. He added that he had not heard one word from those opposed as to how that sixth building was going to adversely impact anybody's life. Mr. Pew mentioned that this project is nicely designed, will have a block wall around it and whether there are 20 or 24 units on that site they do not believe the neighborhood will realize or recognize the difference. It is not designed to cause problems. There is no access into the neighborhood, all the access is on McLellan you cannot penetrate onto Hannibal or the streets in the vicinity.

With respect to the single-family lot, Mr. Pew stated he is astonished to hear someone say that they have created an artificial lot that can't be used for anything but a lean-to or a storage shed. That is a bit disappointing. It is an R1 lot that contains 11,000 square feet. It is configured unusually, long and narrow, there is no question about that, but it was done for the express purpose of buffering the Demarbieux's home from the R-3 project. That land today is zoned R-3, but the applicant is creating an R1-9 lot, it will be a single-family house, not a duplex.

Boardmember Saemisch asked if there were a timeline for building the single-family residence. Mr. Pew responded that there was not, but he felt Mr. Bellerose would either build it himself or sell it to someone who wanted to do it.

John Wesley, Planning Director, stated that staff finds this project to be in conformance with the General Plan for the area and consistent with the existing R-3 zoning on the site. Staff is recommending approval.

Chair Whalen asked if the only difference in the site plan were the location of the tot lot. Ryan Heiland, staff Planner, responded that the buildings stayed in the same location as originally submitted and the only difference was that the location of the amenities had changed slightly. He added that the applicant continued to meet all required setbacks.

Boardmember Adams asked if there were a typical standard for R1-9 regarding typical square footage. Mr. Heiland responded that minimum square footage for R1-9 is 9,000 square feet so the 11,000 square feet proposed for this project is way over the minimum requirement. He added that there are also minimum lot dimension requirements. Due to the unique shape of this site, the applicant will need variances on the south parcel line. However, on the west property line it does exceed those requirements. The zoning requested for this parcel is consistent with existing zoning in the area.

Boardmember Adams asked if an 11,300 square foot lot were average in Mesa. Mr. Heiland responded that this was above the average. Staff has seen a lot of R1-6 and R1-7 lots which are 6-7,000 square feet. The R1-9 lot exceeding 9,000 square feet is actually larger than what staff typically sees. Chair Whalen stated that it was a rare occurrence. Boardmember Adams asked if an application were submitted that was R1-9 with 11,000 square feet would staff think that was typical. Mr. Heiland responded that he would think it was bigger than typical.

Boardmember Carpenter stated that she was concerned with five buildings vs. six buildings. She added that when the case left Planning & Zoning Board and went to City Council it had six buildings. She mentioned she was not surprised to see six buildings and did not understand why everyone else was. She asked staff to clarify. Mr. Heiland stated that the addition of the sixth building happened after it was

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Scott Langford, staff Planner, stated that the packet had the site plan that had been sent to the January City Council meeting, it had the five building layout. The seven building layout was the original plan submitted in March of last year.

Boardmember Finter stated that he had been pretty vocal when this case first began. He congratulated the neighbors for stepping up and trying to get the best product possible, adding that it is now a better project, crime free programs, HOA, not a 2-story stucco building. Mr. Finter stated that this was a dramatically improved project, a housing product that would not adversely affect the neighborhood.

Boardmember Saemisch stated that the applicant had gone back and forth and had been through multiple public hearings on this project. He added that he believed this was a very good project.

Chair Whalen stated that he commended Mr. Bellerose in that he had not heard a word uttered about the neighbors.

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z04-34 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance's outlined in the staff report.
6. 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).
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 (Cowan absent).

Reason for Recommendation: The Board agreed this proposal was well done and would be compatible with the surrounding neighborhood.

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Item: **Z03-59 (District 1)** The 400 block of North Dobson Road (west side). Located north and west of University Drive and Dobson Road (2.18 ac ±). Site Plan Modification. The case involves the development of office buildings. Bryan Faith, owner; John Eden, Eden Architects, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z03-59 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (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 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. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 (Cowan absent).

Reason for Recommendation: The Board agreed that the proposed development provides an improvement over the previously approved site plan and would be compatible with surrounding uses.

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Item: **Z04-28 (District 5)** 4646 East Main Street. Located north and east of Greenfield Road and Main Street (3.5 ac. ±). Rezone from C-2 to C-3. This request is to allow for outdoor sales/display associated with an existing business. Lisa Kazan, owner; David Skogebo, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z04-28 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Obtainment of either a Variance or Substantial Conformance Improvement Permit (SCIP) from the Board of Adjustment or the Zoning Administrator for all code deviations.
5. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 (Cowan absent).

Reason for Recommendation: The Board agreed with staff's analysis and recommendation of this proposal.

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Item: **Z04-29 (District 5)** 3941 North Higley Road. Located north and east of Thomas Road and Higley Road (2.88 ac. ±). Site Plan Modification. This request is for the expansion of an existing building. Gary & Roger Understiller, owners; John Manross, applicant.

Comments: John Manross, the applicant, stated that this expansion was being done to provide a larger manufacturing area inside the building, adding it would also provide additional fire flow (a way for additional fire trucks and fire hydrants).

Boardmember Saemisch asked when the landscaping adjacent to the private road to the south had been required and if they would be taking some out to expand. Mr. Manross responded that they were not taking out any landscaping. He stated that he did not know the history on the landscaping to the south and did not know if it was required in any previous expansions. Boardmember Saemisch asked if Mr. Manross knew of any reason why they are not required to put landscaping in on the southern elevation of the new building, based on current guidelines and ordinances. Mr. Manross stated they had to go through the variance process to achieve that, adding that there was no way to get fire flow around the building without using that area as a thoroughfare.

Boardmember Carpenter stated that the plan showed 12 parking spaces and asked when that would be going in and if there would be additional parking with the new addition. Mr. Manross stated that the previous permit (when the building was originally built) utilized part of the right of way as parking, adding that at some time the City would want their property back and the applicant would have to move the parking to the rear of the complex. He stated that along the way they would maintain adequate and required parking.

Boardmember Carpenter stated that staff appears to say that they have met the requirements for parking, but her observation was that they employed a lot of people and there was not sufficient parking.

Boardmember Adams asked how many employees there were and where they all parked. Mr. Manross responded that the back part of the property is going to be utilized for parking and will accommodate even more than what shows on the site plan.

Dorothy Johnson (3923 N. Higley) stated that they have been able to maintain the private road to the south of the project with a pipe that goes under the road but since the last addition the water runs down Higley Road and it washes out their road and they have to put in new pipes. They would like to see the runoff from that property sent to the retaining pit and the water drained from front to back.

Mr. Manross stated that water is retained and that if it were not they would not have been able to get a permit until it were taken care of.

Chair Whalen asked John Wesley, Planning Director, what recourse would be for the Johnsons, if it would be to go to Code Compliance. Mr. Wesley responded they could go back to the Development Engineering office to check the approved site against the plans and make sure nothing has been changed and that it is still in conformance.

Scott Langford, staff Planner, stated that staff did not have any concerns with the proposed expansion, adding that it would help accommodate the rapidly growing business. Responding to Boardmember Carpenter's concern regarding the parking, Mr. Langford explained that parking is calculated according to square footage of use in the building and according to the City Code the parking for this project is in conformance. He informed Boardmembers that the applicant will have to apply to the Board of Adjustment for a Substantial Conformance Improvement Permit to address the lack of foundation base

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landscaping as well as the setbacks.

Mr. Langford stated that staff recommends changing condition 6 to read as follows:

6. Review and approval by the Planning & Zoning Board, City Council, and Design Review Board of future development plans.

Boardmember Saemisch asked about a stipulation enforcing the study of the potential for illegal retention of water or diversion of water.

Mr. Langford respond that they could add that, but reminded Boardmembers that during the permitting process the storm water will be looked at by the Engineering Division. Mr. Saemisch stated that he remembered this being a complaint when the project went through Design Review and it is still not getting done.

Chair Whalen stated that he hated to make that a zoning condition but would rather get assurance from Mr. Wesley that it would be done. Mr. Wesley agreed.

It was moved by Boardmember Carpenter, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of zoning case Z04-29 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Obtainment of either a Variance or Substantial Conformance Improvement Permit (SCIP) from the Board of Adjustment or the Zoning Administrator for all code deviations.
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. Review and approval by the Planning & Zoning Board, City Council, and Design Review Board of future development plans.
7. All street improvements and landscaping to be installed in the first phase of construction.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 (Cowan absent).

Reason for Recommendation: The Board felt this proposed expansion conforms with the General Plan.

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Item: **Z04-30 (District 6)** 2941 South Ellsworth Road. Located south and east of Guadalupe Road and Ellsworth Road (6.64 ac. ±). Rezone from C-2 DMP to C-2 PAD – DMP. This request is for the development of office buildings. Kelly Hogart, owner; Craig Cote, UTAZ Development, applicant. Also consider the preliminary plat “Augusta Ranch Professional Village.”

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z04-30 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. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
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. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 (Cowan absent).

Reason for Recommendation: The Board agreed that this proposal was in conformance with the General Plan and would be compatible with adjacent development.

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MINUTES OF THE APRIL 15, 2004 PLANNING AND ZONING MEETING

Item: **Z04-31 (District 6)** The 7200 block of East Southern Avenue (north side). Located north and west of Power Road and Sossaman Road (2.4 ac ±). Site Plan Review. This case involves the development of an Arizona Federal Credit Union. Ann Burns, owner; David Jaeckels, applicant.

Comments: Floriza Rodriguez (1136 S. 72nd St.) stated concern that there is already a heavy flow of traffic in the area and an additional exit onto 72nd St. from the site would be too much. The school bus stop is at 72nd St. and Flossmoor.

Timothy Niemiec, applicant, explained that the reason for location of the exit was to make it safer for residents. They tried to bring the traffic off of the site in a way that was safer and would best suit everybody.

Boardmember Carpenter asked if this building would be like the other two in Mesa in size. Mr. Niemiec responded that he did not know about those two.

Ryan Heiland stated that the driveway requirement was the result of the City of Mesa Fire Dept. requirement to have two points of access onto a site. Due to the shape of the site, without access on 72nd St. that requirement would not be met. The second driveway access also allows the Solid Waste trucks to make a continuous trip throughout the site, which is also a requirement. Mr. Heiland explained that traffic on Southern Ave. is a high flow and it is better to have traffic exiting from 72nd St. where there is a controlled intersection as opposed to having customers trying to make a left-hand turn directly onto Southern Avenue.

Boardmember Adams stated he was familiar with a Credit Union in Phoenix with a similar exit. He added that it was set up with a "no right turn" restriction. He asked if it would be feasible to restrict the 72nd Street exit to a right turn only to discourage traffic through the neighborhood.

Mr. Heiland responded he did not think the City would have any problem with restricting that traffic.

Boardmember Finter suggested that someone talk with the school regarding the possibility of moving the bus stop.

Boardmember Esparza agreed they should talk with the school. She added that she agrees with the drive-up not facing the street.

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of zoning case Z04-31 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted 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 drive-through windows and outdoor teller facilities.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

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Vote: Passed 6-0 (Cowan absent).

Reason for Recommendation: The Board agreed that this proposal was in conformance with the General Plan and had the met the city's design standards.

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MINUTES OF THE APRIL 15, 2004 PLANNING AND ZONING MEETING

Item: **Z04-32 (District 6)** Northwest corner of Baseline Road and East Valley Auto Drive. Located north and west of Baseline Road and Greenfield Road (4.04 ac ±). Rezone from AG to M-1 and M-1 PAD. This case involves the development of an office building. Michael Reidy, owner and applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board recommend continuance of zoning case Z04-32 to the May 20, 2004 Meeting.

Vote: Passed 6-0 (Cowan absent).

Reason for Recommendation: The Board agreed with a continuance to allow the applicant to address staff's concerns and provide revised plans.

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MINUTES OF THE APRIL 15, 2004 PLANNING AND ZONING MEETING

Item: **Z04-33 (District 6)** Northeast corner and northwest corner of Baseline Road and Crismon Road (45± ac.). Rezone from R1-43 to C-2. This case involves the development of a multi-use commercial development. Stuart L Rider, Rider Land & Development LLC, applicant.

Comments:

Stuart Rider, the Applicant, gave a brief overview of the project. Mr. Rider mentioned that they had people concerned on the east side of the development regarding the wall that would separate the development from the residential to the east. The residents requested a 10 ft. wall and that they landscape the homeowners' side of the wall. Mr. Rider stated they would like to request it be an 8 ft. wall, adding that they can create a meandering berm along the boundary for a combination of berm and wall to create a barrier of 8 feet. Spillover lighting was a concern of homeowners. Mr. Ryder explained that the spillover lighting would be out on Crismon Road and should not affect adjacent properties.

Boardmember Adams asked about parking behind the supermarket for employees.

Chair Whalen complimented the applicant about the design elements of the project, adding that he was impressed with the fact that he was concerned.

Sherry Dicus (1630 S. Rialto) spoke of concern with traffic flow and the fact that traffic lights and medians needed to be addressed.

Chair Whalen asked if traffic lights were done in anticipation of projects. Ryan Heiland responded that conduit and pole boxes for future traffic signals would be installed during project development.

Ryan Heiland gave staff's analysis of the project. He advised that the northeast corner is conceived as a traditional retail development and the northwest corner as a mixed use commercial development including retail with office building components. The most unique part of the northwest portion of the development is the proposed farmer's market area on the site. The applicant has done a nice job of adhering to the design guidelines.

Boardmember Saemisch asked Mr. Heiland what the Design Guidelines required for setbacks to loading zones. Mr. Heiland responded it was a minimum of 50 ft., adding that the ones proposed were over 50 ft. Mr. Saemisch added that he thought there should be further consideration at the Design Review Board level regarding 4 o'clock deliveries where crates are taken off trucks at that location.

It was moved by Boardmember Adams, seconded by Boardmember Finter

That: The Board approve and recommend to the City Council approval of zoning case Z04-33 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. 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 for any development located within the property located northeast of the Crismon

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Road and Baseline Road intersection. The property northeast of Crismon Road is to be considered independently of the property northwest of Crismon Road.

6. All street improvements and perimeter landscaping to be installed in the first phase of construction for any development located within the property located northwest of the Crismon Road and Baseline Road intersection. The property northwest of Crismon Road is to be considered independently of the property northeast of Crismon Road.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Compliance with all requirements of the Design Review Board, including the review and approval of the design and location of a decorative, 8-foot high perimeter wall or barrier along the eastern property line of the northeast portion of the proposed development. Perimeter wall should not extend over 250 linear feet without an appropriate degree of horizontal variation (minimum 3' variation from linear orientation).
9. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps and the Farmer's Market Event area (outdoor activity accessory to a commercial use).
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 (Cowan absent)

Reason for Recommendation: The Board agreed that this was a well-designed project and it was in conformance with the Mesa 2025 General Plan.

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Item: **(District 6)** 10000 Block of East Hampton Avenue (both sides). Located south and east of Southern Avenue and Crismon Road (78± ac). This request to amend the preliminary plat will allow the realignment of Hampton Avenue. VJ Crismon LLC (Vance Marshall, Jeffrey Lanes) owners/applicants. Consider the preliminary plat of "Crismon Business Park Amended."

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve the preliminary plat of "Crismon Business Park Amended" and recommend to the City Council approval of conditioned upon:

1. Compliance with the basic lot configuration and street pattern as described in the project narrative and as shown on the preliminary plat for "Crismon Business Park Amended"
2. Compliance with the Subdivision Regulations.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans per Ordinance No. 3753, zoning case Z99-96.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. 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 6-0 (Cowan absent).

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Respectfully submitted,

John Wesley, Secretary
Planning Director

LU/MS:
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