

**CITY OF MESA**

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

Held in the City of Mesa Council Chambers  
Date October 14, 2004 Time 4:00 p.m.

MEMBERS PRESENT

Mike Cowan, Chair  
Barbara Carpenter, Vice Chair  
Rich Adams  
Pat Esparza  
Frank Mizner

MEMBERS ABSENT

Alex Finter (excused)  
Bob Saemisch (excused)

OTHERS PRESENT

John Wesley  
Dorothy Chimel  
Ryan Heiland  
Lois Underdah

Scott Langford  
Tom Ellsworth  
Liz Zeller  
Maria Salaiz  
Others

W. Dea Montague  
Mike Withey  
Jennifer Urqhart  
Vince DiBella  
Dave Richins

Chair Cowan declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated October 14, 2004.

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

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 following item: Z04-84, be approved on consent. Vote 5-0 (Finter, Saemisch absent).

Minor General Plan Amendment: GPMInor04-07

Zoning Cases: Z04-84, Z04-85, Z04-86, Z04-87, Z04-88

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**Z04-84 (District 6)** 6610 East Superstition Springs Blvd. Located southwest of US60 and Power Road (4.15 ac). Site Plan Modification. This request is to allow development of two restaurant pad buildings. Perry Mann Investments (Brett Anz), owner; Mark A. Bowker, applicant.

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

It was moved by Boardmember Carpenter, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z04-84, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all requirements of the Subdivision Regulations and Land Split process.

Vote: Passed 5-0 (Finter, Saemisch absent)

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Item: Conduct a public hearing for the following General Plan Amendment:

**GPMInor04-07 (District 1)** The 1000 - 1100 Blocks of North Dobson Road (west side) and the 800 - 1100 Blocks of North Dobson Road (east side) and the 1700 - 1900 blocks of West 8th Street (north side). Located at the southeast and southwest corner of Dobson Road and Loop 202 Freeway. Minor General Plan Amendment request to the land use map of the Mesa 2025 General Plan from Mixed Use Employment to Regional Commercial. (202 ac +/-). Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

The public hearing was opened by Chair Cowan at 4:30 p.m.

Dorothy Chimel, Principal Planner, stated that this change would allow a regional commercial center, Phase I associated cases are to be discussed later at this meeting. The change would be from Mixed-Use Employment to Regional Commercial in order to allow the development, known as "Riverview at Dobson". Staff is in support of this request and have noted goals and objectives that would be met with the change in land use. She added that this is a very large piece of property, located at the intersection of two major freeways and there is an opportunity for good regional commercial activity and visibility, providing an excellent gateway for Mesa. Staff recommends approval.

There were no citizens present wishing to speak.

Boardmember Mizner stated the importance of the Mesa 2025 General Plan and how it recommends a very strong blueprint for the economic and land-use future of Mesa. He added that in this case the applicant is asking for a minor amendment. The land use change is in order to facilitate a development mix of employment, entertainment and retail. The applicant has demonstrated a strong commitment toward public communication. There have been a number of neighborhood meetings and a lot of outreach to the community. Staff has done a nice report, a good summary of why the applicant is seeking this change.

Boardmember Adams stated his agreement with comments by Mr. Mizner regarding the case.

Vice-Chair Carpenter stated she would like to applaud those who worked so hard in putting this together, adding that she thought this was an exciting land use and it looks like it's going to be something very unique and different. Ms. Carpenter mentioned there are a lot of parcels out there that still need to be discussed that don't have site plans and don't have tenants and she hopes that those out there who are interested in becoming part of this in the future will maintain that it is not the "same old- same old", this is something new and different and very unique on a regional level. She added that hopefully that will help prevent any further protests that we may not want to have to go through.

Chair Cowan stated that he felt this was a great entryway into the City, as it is one of the first entrances from many points in the valley. He added that this would be a nice amendment to our General Plan. Mr. Cowan commented that he agreed with Mr. Mizner that we sustain and support whenever possible, the General Plan, because of the integrity of that document.

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It was moved by Boardmember Mizner, seconded by Boardmember Adams

That: The Board recommend to the City Council approval of Minor General Plan Amendment GPMinor 04-07 and adoption of the corresponding resolution.

Vote: Passed 5-0 (Finter, Saemisch absent)

Chair Cowan declared the public hearing closed at 4:35 p.m.

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*At this time Chair Cowan announced that they would discuss cases Z04-85, Z04-86, Z04-87, and Z04-88 jointly. Dorothy Chimel added that at the end of the discussion the motions and the votes would be made separately.*

**Z04-85 (District 1)** Generally located at the southeast corner of the 202 freeway and Dobson Road intersection. Part A: The 800 - 1000 blocks of North Dobson Road (approximately 750 feet east of street frontage) Site Plan Review and rezone from R1-9 to C-2BIZ for the development of a theater, retail and restaurant shops, and 2 pad buildings (32 ac +/-); Part B: Land on the east side of Dobson Road, starting approximately 600 feet north of West 8th Street and continuing north along Dobson Road approximately 1800 feet by 250 ft +/- . Rezone from M-1 and R1-9 to C-2 for the future development of pad buildings. (11 ac +/-). Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

Mike Withey, representing the applicant, stated that he felt this was going to be a tremendous project and a tremendous opportunity for Mesa, something that will not only have obvious economic benefits but also will benefit the entire area as well. He added that they had taken great lengths to try and raise the bar on this site. There is a water treatment plant, a freeway and a big hole in the ground (mining pit) next to the site and they are doing the best they can from a design perspective to really make this something special. He complimented staff for countless meetings under an extraordinary deadline that both parties have had to operate under. He remarked that there were a couple of issues that they needed to clarify on the zoning case stipulations and a couple of disagreements on the freeway landmark monuments, but they had come extremely far and that was a testament to staff being able to work with them.

Mr. Withey gave an overview of the project, stating that the property has been designated mixed-use commercial for some time. Most recently it was proposed as the Mesa site for the Arizona Cardinals football stadium. That proposal was adamantly opposed and was eventually withdrawn. Mr. Withey continued that at that time they heard clearly from the neighborhood that they were interested in seeing a commercial development at that location. They believe that is precisely what they are trying to deliver. A quality destination retail center, in addition to the employment uses – a business park or office uses over on Alma School. He emphasized that they think this is the ideal use for the property and hopefully will bring shopping, restaurants, theater, jobs and significant revenues to the City. He gave a brief history of the developers involved and their citizen participation efforts.

Mr. Withey stated that these cases would establish the underlying zoning categories for the entire site and also request the Council Use Permit for the Freeway Landmark Monument signage. In addition they have requested a site plan approval for the entertainment district (theater, restaurants, some shop spaces, some opportunity for offices). They are not requesting site plan approval on the other parcels at this time, but those will also have to go through the P&Z process before they could proceed.

Vince DiBella, the applicant's architect, gave an overview of the proposed zoning for each of the parcels. He gave detailed information on the theater/entertainment district regarding courtyards, pedestrian paths, bus pullouts, paseos, retail shops, entry elements, water features, and landscape elements, canopies and seating areas. There is roughly 24,000 square feet of restaurant space allocated to the site, along with additional shops. They are counting on the theater and the Bass Pro Shop to make the spaces in between work. The other key component of the theater site is that in order for them to make this work they would need to be in the ground by January 1<sup>st</sup>, 2005. He showed the drawings of the theater and the colors and materials to be

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used which had been presented to the Design Review Board.

Mr. DiBella showed the proposed locations and heights for each of the freeway landmark monument signs and explained the balloon testing criteria used to determine the best height for the signs. Mr. DiBella stated that they felt 70 ft. was the appropriate height to show the brand names of Riverview and being able to show some of the major tenants who will want to be seen on these signs.

Mike Withey stated that they didn't just love signs, these are the life blood of the project and they need the signs to get the tenants. He added that they had taken great pains to minimize their request and referred to the sign proposed for the Superstition Springs Auto Mall at Sossaman which had a 90-foot height, a much larger sign, on a 30-acre site, as opposed to these 70 ft. signs. Mr. Withey explained that this is a very unique site and they believe those signs will improve the skyline.

W. Dea Montague (533 N. Orange St.) Chair of the Mesa Grande Community Alliance stated that the Steering Committee had unanimously endorsed this project. A good selection of shops, jobs and entertainment will all be good additions to the neighborhood.

Dave Richins (833 W. 11<sup>th</sup> Place), Co-Chair of the Mesa Grande Community Alliance stated that he was in support of the zoning for this project, adding that they had worked with the developers for over a year. He stated the only problem he had with the signs was in the spacing. According to the guidelines it should only be three signs. Mr. Richins, who is a member of the Design Review Board, stated that he felt if the City was going to start guidelines, then it is important to follow them. He stated that he is opposed to the electronic message signs. He commended the applicant for a job well done.

Dorothy Chimel stated that there had been numerous meetings and a great deal of involvement by large groups of people. She added that this is definitely a "win-win" project for everyone, especially west Mesa. This is a parcel that is very important to the City. This is going to be extremely visible and sets the standard for quality development we want to express as Mesa, reinvestment in the west side and a source of pride for all of Mesa's citizens. It is a "win" for the development team, staff is very satisfied with the expression of the design through the guidelines and the project narrative. The developer has shown a commitment to including the neighbors in discussions of the design and though tenancy may not be a discussion at this Board, it probably will be out in the community meetings.

Ms. Chimel remarked that the freeway landmark monuments are where we have the most division between staff and the applicant and even between the Design Review Board. This is a Council Use Permit request that needs input from the Design Review Board as well as the Planning and Zoning Board. There was not a consensus of opinion nor a consensus recommendation to forward to Council. Most of the dialogue that occurred as well as some of the concerns heard tonight from the neighbors were those expressed by Council over the two and one-half years that it took to get to a point to where we had a process to go forward with the freeway landmark signs. Staff is taking the approach that the freeway guidelines that were adopted by Resolution as a policy document for freeway landmark monuments in Mesa, by Council, are the guidelines that staff is applying to the analysis of this case and staff is taking a reasonable and logical approach.

Ms. Chimel explained that she and another staff member were present at the balloon test and

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staff came to a different conclusion than the applicant. They felt that a 40-ft. sign would be very visible in order to identify this project. The freeway landmark monuments are not to identify the majors but the definition adopted by Council was that the freeway landmark monuments are landmark monuments to identify the center. Riverview is the name, it has the design in the wave element.

Staff felt it would be visible from the freeway at two locations, one on either side of Dobson and 40-ft high would be substantial to have visibility to the project. It should be noted that this will not be the only signage that will be visible from the freeway. As a tenant builds structures along the freeway they will be coming through the comprehensive sign plan process for attached signs (those large signs seen on the sides of building), typically they request signs that are visible from the vehicular surfaces that give the approach for those patrons going to the big boxes, whether it comes from the freeway or from Dobson Road. We think there will be sufficient signage to identify the center and the tenant.

History has shown that signs can be a lightning rod of controversy. When the ordinance was changed so that pylons were reduced from 24-25 ft. down to 12-ft., it created fear in business operator/owners that no one would shop if they couldn't see the signs from ½ mile or further away. History has shown that the 12 ft. signs have survived the test of time and give ample signage. We think that the freeway landmark guidelines should be adhered to and the test of time will be as we get more and more freeway monuments approved there may or may not be changes to the guidelines. There will then be decision making based on the type of signs, how many signs, etc. We feel it is very important to adhere to the guidelines.

Ms. Chimel commented that another outstanding issue would be on case Z04-85, for the site plan review of the theater building. The Design Review Board suggested that the theater's spire and tower be allowed at the height proposed (96-ft.). Staff is suggesting that the height be reduced by ten feet as it will be a landmark and will still be very visible from the freeway.

The BIZ overlay is being requested in order to allow for variations to code criteria such as the minor setbacks between buildings and the height to that tower element. Those were the primary notes taken as discussions occurred. She noted again that the design guidelines have been established for future development on all the other parcels, adding that staff thinks the expectation of the superior quality of development for the remainder of Riverview at Dobson is something that is expected and will be demonstrated with future plans that will be presented to this Board. Staff has every confidence in this development.

Boardmember Adams asked about the height of the sign that the P&Z Board recommended approval of for the Superstition Springs Auto Mall. Ms. Chimel responded that the height was approved at 99 feet. It was a different configuration where the freeway was lowered substantially beyond the grade at the site and there was a grade separation from the freeway right-of-way and where the private property began. In addition there was a street that crossed over the freeway, so that bridge structure also provided a barrier to seeing the monument at all.

Mr. Adams asked if from a perspective standpoint (height over the horizon to the height of the sign) that what this developer would do would give a similar profile to the viewer over the freeway wall or over other obstruction as the 99-ft. sign would give over the bridge. Ms. Chimel responded that staff was proposing that the Riverview wave and name be visible on this project which would be in strict compliance with the Freeway Landmark Monument Guidelines. The monument that was recommended for approval has not yet been acted upon by Council at

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Sossaman.

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Mr. Adams asked if the Board's previous action allowed for a much higher sign profile to be visible. Ms. responded that the Board's recommendation to Council was that a much higher profile be presented on that monument, given the visibility from the freeway was compromised.

Mr. Withey stated that he had a couple of clarifications to make on the stipulations on the zoning cases and some on the Council Use Permit for the Freeway Landmark Monument.

Chair Cowan suggested that since they would be looking at four different cases they should begin with Z04-85.

Boardmember Mizner complimented everyone involved in this project. He gave credit to the neighbors, the applicant's team, and to staff for working together to present a project that has the potential to be a great asset for northwest Mesa. He stated that this was a very nice project, well-designed with a lot of nice features. The one part that concerned him was the fact that the theaters face west and on an August afternoon it is going to be a convection oven. Mr. Mizner pointed out that they needed shade in that area, much more than is proposed. Overall the plan is very good. Of the cases, the one with the most detail is the entertainment complex (Z04-85). Z04-86 and Z04-87 are applying the zoning to properties that will be coming back to the Board in the future for detailed Site Plan Review, as well as various pads in Phase B in Z04-85. He commended the applicant for a nice job in preparing the proposal.

Boardmember Adams stated it was a real testament to the people who had gotten together to put this proposal together that the only issues were a few feet in the height of the spire and maybe a few things about signs. He added that is a reflection of the tremendous amount of work and professionalism that's gone into this project and it is exactly the right thing Mesa needs, in exactly the right place. It is a gateway to Mesa for anyone coming from the western part of the Valley. Mr. Adams said that in terms of economics and revenue that the City can hope for and will see from this project. He added that he thought they needed to be sensitive to the fact that companies like Bass Pro Shops and other merchants who may choose to locate here are working in very competitive environments and he thinks its important for them that people know that they are there. He stated that sometimes we need to focus more on how much Mesa can benefit from a project like this and worry a little less about how high the sign is. Mr. Adams mentioned that this was reversing himself from the comments made about the auto mall sign at Sossaman but he realized that was because he just didn't like that design, it didn't fit. These are very tastefully done signs and they fit with the overall theme of the project. He repeated that this is what Mesa needs, when it needs it and stated he could not think of a better use for that property. He said it was time for our city to start to enjoy first-class, high-end developments like this. It is one of those things that helps everyone out.

Boardmember Esparza stated that she was very excited about this project, personally and economically. She added that she attended two schools in this neighborhood and now her daughters attend schools. She stated that she had attended a neighborhood meeting a long time ago and it was nice to see it come to fruition. Ms. Esparza stated it was a great day to be a P&Z Boardmember and vote on this.

Boardmember Carpenter stated that she agreed with all the other statements. She added that she wanted to emphasize the need for shade. She stated that when you come east on the 202 you have a nice view of Banner Mesa Hospital and of the Superstition Mountains, and she wondered where the spire goes up and where they have the high parapets, how far will that go

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on the vista. Will they lose those views, will there be a view corridor between the buildings?

Vince DiBella, architect for the applicant, stated that the freeway is roughly 25 ft. above the grade of where the development is going to occur. They are looking at building heights, at the second story level, of about 30 ft. high. Some towers range from 45 to 60-ft. in height at various locations. From the neighborhood side the elevation is raised from that. It kind of sits between the freeway, that is elevated, and 8<sup>th</sup> St. where the neighborhoods are that is elevated in stair-step style from the aspect of where the development is occurring. So from a neighborhood yard maybe the only thing visible would be the spire.

Boardmember Carpenter stated that if they had a choice of putting the spire right in the line of site for the Superstition Mountains, or not, now would be a good time to make that choice before its too late. She added this was a concern when you have a blank canvas and you have a choice of where to put things you look at the natural features.

Mr. DiBella responded that as the freeway veers to the south and to the east the view down the freeway is not interrupted. It is a little further to the south.

It was moved by Boardmember Mizner, seconded by Boardmember Carpenter

That: The Board recommend approval to City Council of Case Z04-85, conditioned upon:

1. For development within Part A as shown and described in the staff report:
  - a. Approval of C-2 BIZ zoning and compliance with the basic development as described in the Riverview at Dobson project narrative and Riverview at Dobson design guidelines, and as shown on the site plan and elevations submitted.
  - b. Compliance with all requirements of the Design Review Board.
  - c. Provide a pullout area for buses along the north property line with a tree-shaded pedestrian connection to the buildings, to be approved by the Planning Director.
  - d. Extend tree-shaded walkways and pedestrian connections to adjoining future development sites along the east, west and south sides of Part A, to be approved by the Planning Director.
  - e. Provide cross access to adjoining future development sites at the east, west, and south sides of Part A, to be approved by the Planning Director.
  - f. Provide a screen wall, minimum height of 6 feet, along the north property line.
  - g. Provide extruded curbing and a 5 foot minimum temporary landscape area along the west and northwest edge of Part A, to be approved by the Planning Director.
  - h. Overall height of the theater tower and spire to be 96 feet tall maximum.
  - i. Top of the north, east, and south theater parapet walls to be a height sufficient to screen roof top mechanical equipment, or other acceptable screening device for the roof top mechanical equipment as approved by the Planning Director.
  - j. All public street improvements and street frontage landscaped setback areas to be installed in the first phase of the Part A development.
  - k. Any theater spire / tower lighting to be architecturally integrated, to be approved by the Planning Director.
6. For development within Part B as shown and described in the staff report:
  - a. Approval of C-2 zoning and future Site Plan Review and approval by the Planning and Zoning Board and City Council of future development plans for all pad sites: 3, 4, 5, 6, 7, 8, and 9.
  - b. Compliance with all requirements of the Design Review Board.

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- c. Future development to be in compliance with the Riverview at Dobson project narrative and Riverview at Dobson design guidelines.
- d. All public street improvements and street frontage landscaped setback areas to be installed in the first phase of the Part A development.
- 7. For development within Parts A and B as shown and described in the staff report:
  - a. Incorporation into the Riverview at Dobson design guidelines, ground plane materials, textures, colors, patterns to reflect the river view design concept, and details regarding colors of site furniture, screening of dumpsters with well designed aesthetic gates, plant palette, screen walls, etc. to be approved by Planning Director.
  - b. Compliance with all City development codes and regulations, including Subdivision Regulations.
  - c. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
  - d. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
  - e. Compliance with all requirements of the Design Review Board.
  - f. 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.
  - g. All public street improvements and street frontage landscaped setback areas to be installed in the first phase of the Part A development.

Vote: 5-0 (Finter, Saemisch absent)

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**Z04-86 (District 1)** Located at the southwest corner of the 202 freeway and Dobson Road intersection. The 1000 - 1100 blocks of North Dobson Road (west side). Rezone from M-1 and R1-9 to C-3 for the future development of an automall (33 ac+/-). Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

Dorothy Chimel, Principal Planner, stated that this is a request to establish the C-3 zoning for a future auto mall that would be part of the Riverview at Dobson. The conditions of approval include the incorporation of the Design Guidelines the Project Narrative and a letter that states that for five years following the approval of the rezoning the property would be limited to auto mall development. Staff anticipates that development to occur much quicker than the five-year time frame established in condition #8. She added that Staff is recommending approval.

Comments regarding this specific case were included in one presentation to the Board.

It was moved by Boardmember Mizner, seconded by Boardmember Adams

That: The Board recommend approval to City Council of Case Z04-86, conditioned upon:

1. Site Plan Review and approval by the Planning and Zoning Board, Design Review Board, and City Council prior to development.
2. Compliance with the Riverview at Dobson project narrative and Riverview at Dobson design guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all requirements of the Subdivision Regulations.
6. For Freeway Landmark Monument separate review and approval of a Council Use Permit is required.
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
8. That for five (5) years following City Council approval of the rezoning, the property will be limited to the following permitted uses: motor vehicle related uses, motor vehicle dealerships, and all uses associated therewith including, but not limited to, new and used vehicle sales, leasing, service, repair, body shops, wash, storage, display and all related uses. After five (5) years all uses permitted in the C-3 district shall be allowed.

Vote: 5-0 (Finter, Saemisch absent)

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**Z04-87 (District 1)** Generally located north and east of the Dobson Road and 8th Street intersection, and southwest of the Alma School Road and 202 freeway. The 800 – 1,000 blocks of North Dobson Road (east side). Rezone from R1-43 and R1-9 to C-3 for future retail development (33 ac +/-); and The 1700 - 1900 blocks of West 8th Street (north side). Rezone from M-1 and R1-9 to C-2 for future retail development (94 ac +/-); and The 1100 block of North Alma School Road (west side) Rezone from R1-9 to PEP for future planned employment park development (48 ac +/-). Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

Dorothy Chimel, Principal Planner, stated that some of the conditions of approval with the status report are simply to provide clarity and come to an agreement. She added that the Project Narrative will apply for Riverview at Dobson and the Design Guidelines will apply. This would be establishing the base zoning of C-3 where the Bass Pro Shop would go adjoining the freeway, C-2 for future retail development that would be along Dobson Road behind the retail PAD buildings and north of 8<sup>th</sup> Street, and PEP zoning (Planned Employment Park) for a variety of different land uses – commerce type of land uses. That would be accessible from Alma School Road.

Vice-Chair Carpenter stated that there were a lot of kinds of businesses and retail and commercial that will qualify for this space. "We've already had newspaper stories speculating about who is going to be here and for all I know there is ink on some paper somewhere. I don't want to name any brand names, that's not our business up here. I really would not be happy personally and would certainly voice my opinion as a citizen at the City Council level that we don't need the same old thing that we're getting at every other intersection that frequently causes a lot of consternation with neighbors. Some of that is noted in the public participation report and I think I would be pretty supportive of the neighbors on that. With that said I think this is an ideal location for commercial."

Comments regarding this specific case were included in one presentation to the Board.

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board recommend approval to the City Council of Case Z04-87 conditioned upon:

1. Site Plan Review and approval by the Planning and Zoning Board, Design Review Board, and City Council prior to development.
2. Compliance with the Riverview at Dobson project narrative and Riverview at Dobson design guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all requirements of the Subdivision Regulations.
6. For Freeway Landmark Monument separate review and approval of a Council Use Permit is required.
7. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

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Vote: 5-0 (Finter, Saemisch absent)

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**Z04-88 (District 1)** East and West of Dobson Road, along the 202 freeway (south side). Council Use Permit. This request is to consider the development of freeway landmark signs. Bixby Arizona LLC (Robert Hurley, David Kibbee and Margaret Hurley Smith), owner; KRS Acquisitions Corp (Mike Withey), applicant.

Dorothy Chimel, Principal Planner, stated that this would be for the Council Use Permit for the freeway landmark monument. Staff is recommending adherence to the Freeway Guidelines that would result in much-reduced height than that which is proposed, fewer signs in order to meet the spacing criteria, as well as the acreage per parcel – two signs total. Sign copy to not be exposed to the freeway but rather be reduced and limited to the project name area at the top portion of the sign and also as recommended by the Guidelines – a message change sequence of one hour for any electronic message display boards. What you heard in the discussions would be that the proposal would be for a combination of four signs 60' high and 70' high. 70' would be on the future C-3 parcel where the auto mall would be located, one electronic message display board on that same parcel where the auto mall is located. The request for 15 second message display on the electronic message board as well.

W. Dea Montague (553 N. Orange St.) stated he is not opposed to the higher signs but rather feels they are needed. This is a real unique location. Coming on the 202 east is quite confusing and we have to be sign-friendly if we are going to attract major retailers here.

Mike Withey stated that there are guidelines in the Freeway Landmark Monument ordinance but there are also specific provisions allowing for modification of those guidelines.

Boardmember Adams stated that he was in favor of what the applicant is requesting, that he thought the signs were appropriate. He added that the perception in the mind of the retailer is “we need to be seen, people need to know we’re here” and he would hate to do anything that would obstruct the ability of the developer to attract the kind of tenants we are looking for just because someone would say “we’re got to have our name on the sign and it can’t be seen so we think another location would better suit us”. Mr. Adams mentioned that it was his thought that there would be changing and adjusting with the freeway sign issue. Something that will have to be adjusted as time goes by. There are legitimate arguments here as to why 40 ft. might be a bit too small. As far as the electronic messaging I was thinking back and it is really frustrating when you are going through a strange town on the freeway and looking for a place to eat or a place to shop and by the time you spot it you’ve already missed the off ramp. We don’t want to frustrate folks or have people drive by.

Boardmember Esparza stated that she was in favor of what the applicant was requesting (two signs at 60' and 2 signs at 70'). She added that she wanted to see a sign, a message board showing what's going or what's playing at the theater. As far as the message sequence, every 15 seconds is fine. The guidelines need to be modified and worked on in the future so that we do have the common sense, when appropriate, to have the signs up there.

Boardmember Mizner stated that this is the second freeway landmark monument we've seen in two months. The City Council spent a year and a half discussing this issue. The result was a document that presents several criteria that an applicant should attempt to meet in presenting a proposal. He added that his concern with this particular proposal is that the applicant failed several of those tests. There are too many signs, the signs are too tall, they are too closely spaced together and the size of the signs is too large. These are guidelines and we have room for some modifications, but there are significant differences here. Mr. Mizner mentioned that Mr.

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Withey had used the word “precedent” and the Board needs to be very careful about that. Mr. Withey is using a project as a precedent for this and that previous project has not been approved by the City Council. It won’t be considered for a couple more weeks. This is a great project but the Board should remember that the Council adopted a new procedure for signs that are called landmarks. They are not called monument signs on stilts. The intent was not to list every tenant but to identify some large land use, regionally significant project, like Riverview at Dobson – but not to list every Osco Drug or Barnes & Nobles. There will be lots of other signage on this project, monument ground type signs, building signs, signs on the interior of the project. It is important to be business friendly but I don’t think Mesa’s regulations in general are designed to be business un-friendly. We would be a city approaching a half million if regulations were seen as being un-friendly to business. He added that we need to take some factors into consideration. The precedent this will set for other development, the impression it will make as an entryway to Mesa, the effect on surrounding land uses and the other options for identification available to the applicant which are numerous.

Vice-Chair Carpenter asked what square footage had been requested for the sign. She stated that she supports the sign and doesn’t really have a problem with the height. The area is still something for debate. She asked fellow Boardmembers to consider the context of where these freeway signs go. The primary purpose is to be able to find the correct off ramp for the complex you are looking for. She added that she had no objection to the names of some of the tenants on the sign. It needs to be somewhere, it may not have to be on that sign. I definitely am not in favor of electronic messaging, I’ve made that clear before – I see it as another form of graffiti. The applicant stated it clearly when he was talking about whether he wanted one hour or 15 seconds he called it “advertising” and I think that’s exactly what it is, especially in the case of car dealers, I think its “in your face” advertising and I don’t think its what we need in the transition of a freeway in the first off ramp trying to get off before the complex, trying to get off before the complex, trying to see the signs ahead of you and seeing the off ramp first, at least going east. I really do object to electronic messaging.

Chair Cowan stated that he is not opposed to the signs or the height. He added that he was in favor of the motion and in favor of the 15-second delay and he felt by approving these kinds of signs we are encouraging large vendors to come into our community as part of our gateway. It will serve in our economic and social hub of that part of the City which needs this kind of assistance.

Boardmember Adams stated that Mr. Mizner had brought up some very good points, things the Board needed to be mindful of in future cases. He added that the electronic messaging was something new and you either like it or you don’t and is probably one of those things that time will tell where it goes. Mr. Adams mentioned he was going to defer to the developers’ expertise that they are telling this is the thing they need to make this thing happen and he was going to trust that as a truthful and honest statement and not just something being said by some folks who just like to build some big signs.

It was moved by Boardmember Esparza, seconded by Boardmember Adams

That: The Board recommend approval to the City Council of Case Z04-88 conditioned upon:

1. Compliance with the basic design, sign area, location, materials and colors of the Freeway Landmark Monuments as shown on the submitted site plan and the “Freeway Pylon Signs” exhibits and as described in the Riverview at Dobson project narrative, with a total of four (4)

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landmark monuments for the Riverview at Dobson development. Freeway landmark monuments #1 and #2 are to be 60 feet tall, maximum; freeway landmark monuments #3 and #4 are to be 70 feet tall, maximum.

2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Federal Aviation Administration regarding the use of visibility warning lights, if applicable.
4. No permit for the construction of freeway landmark monuments shall be issued prior to the issuance of a building permit for the phase one development.
5. Freeway landmark monuments shall not be used as an off-site sign or billboard as defined by the Mesa City Code and shall be limited to advertising the Riverview at Dobson development.
6. The sign area is to comply with the Zoning Ordinance 11-14-3E2 whereas signs are to provide opaque backgrounds so that only the sign copy is illuminated.
7. Provide two half-size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised exhibits, site plans, and monument sign elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.
8. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
9. The electronic message display to comply with the Freeway Landmark Monument Guidelines including:
  - a. The display is limited to text messages only, with no animation or video.
  - b. The message change sequence is accomplished immediately or by means of fade or dissolve modes, with each message being displayed for a minimum period of fifteen (15) seconds.
  - c. No continuous traveling or scrolling displays allowed.
  - d. The intensity of the LED display shall not exceed the levels specified in the Freeway Landmark Monument Guidelines.
10. Written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in the Freeway Landmark Monument Guidelines and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Building Safety Director.
11. One, only, Freeway Landmark Monument to contain a double-sided electronic message display.

Vote: 3-2 Mizner, Carpenter voting nay (Finter, Saemisch absent)

Respectfully submitted,

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John Wesley, Secretary  
Planning Director

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