

**CITY OF MESA**

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

Held in the City of Mesa Council Chambers  
Date October 20, 2005 Time 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair  
Alex Finter  
Bob Saemisch  
Frank Mizner  
Jared Langkilde  
Ken Salas

MEMBERS ABSENT

Barbara Carpenter, Vice-Chair, excused

OTHERS PRESENT

John Wesley  
Dorothy Chimel  
Tom Ellsworth  
Jennifer Gniffke  
Ryan Matthews  
Maria Salaiz  
Jo Donovan  
Krissa Hargis

Veronica Gonzalez  
Jerry Seeman  
Paul Dugas  
Steven Hall  
Pat Esparza  
Susan LeHew  
David Anderson  
Bill Siebler

Bryan Packham  
Gail Knight  
Others

Chairperson Adams declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated October 20, 2005. Before adjournment at 6:05 p.m., action was taken on the following items:

Chairperson Adams recognized the LTD class of 2006.

It was moved by Boardmember Mizner, seconded by Boardmember Finter that the minutes of the September 15, 2005 meeting be approved as submitted. Vote: 6-0 with Boardmember Carpenter absent.

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

It was moved by Boardmember Langkilde seconded by Boardmember Salas that the consent items be approved. Vote: 6-0 with Boardmember Carpenter absent.

Code Amendment: Amending Sections 11-18-7 "The Planning and Zoning and City Council: Amendments, Council Use Permits, Site Plan Review, and Site Plan Modification" and Section 11-18-8 "General Provisions: Applications, Procedures, Fees" of the Zoning Ordinance pertaining to processing and approval of site plans and site plan amendments.

Zoning Cases: \*Z05-89, \*Z05-91, \*Z05-92, Z05-93, Z05-94, \*Z05-95, Z05-96

Preliminary Plats: \*SEC of McKellips & Alta Mesa Drive, \*1611 N. 26<sup>th</sup> Street

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Item: Amending Sections 11-18-7 "The Planning and Zoning and City Council: Amendments, Council Use Permits, Site Plan Review, and Site Plan Modification" and Section 11-18-8 "General Provisions: Applications, Procedures, Fees" of the Zoning Ordinance pertaining to processing and approval of site plans and site plan amendments.

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

It was moved by Boardmember Langkilde seconded by Boardmember Salas

That: The Board continue this Code amendment to the November 17, 2005 meeting.

Vote: Passed 6-0 with Boardmember Carpenter absent.

Reason for Recommendation: The Board felt a continuance was warranted.

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Item: **Z05-89 (District 5)** The 1100-1200 block of North Recker Road (west side). Located south of the southwest corner of Recker Road and Brown Road (2.1 ac). Site Plan Review. This request will allow for the development of a retail complex. Michael Pollack, owner; Dave Gibson, applicant. **CONTINUED FROM THE SEPTEMBER 15, 2005 MEETING.**

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

It was moved by Boardmember Langkilde seconded by Boardmember Salas

That: The Board approve and recommend to the City Council approval of zoning case Z05-89 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 Design Review Board.
5. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 with Boardmember Carpenter absent.

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Item: **Z05-91 (District 6)** The 8300-8400 block of East Baseline Road (south side). Located at the southeast corner of East Baseline Road and South Hawes Road (4.86± ac). Rezone from AG to O-S-PAD and Site Plan Review. This request will allow for the development of office condominiums. Castelain Development Group, LLC, applicant; Roger Steill, applicant. Also consider the Preliminary Plat.

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

It was moved by Boardmember Langkilde seconded by Boardmember Salas

That: The Board approve and recommend to the City Council approval of zoning case Z05-91 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with 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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.
7. 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).
8. The plat and title should indicate, "these properties, due to their proximity to Williams Gateway Airport, will experience aircraft overflights that generate noise levels which will be of concern to some individuals"
9. An Aircraft Noise Disclosure Statement, pertaining to Williams Gateway Airport, shall be provided to all future buyers.

Vote: Passed 6-0 with Boardmember Carpenter absent.

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Item: **Z05-92 (District 6)** The 3720-3760 blocks of South Power Road (east side). Located south of the southeast corner of Power Road and Elliot Road (2.5± ac). Site Plan Review. This request will allow for the development of a swim school and a retail building. Michael Troy, Gold Medal Swim School, owner; Jeffrey Wogan, Jeffrey Wogan Architects, applicant.

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

It was moved by Boardmember Langkilde seconded by Boardmember Salas

That: The Board approve and recommend to the City Council approval of zoning case Z05-92 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 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
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. Written notice be provided to future owner(s) and tenant(s), and acknowledgement received that the project is within three miles of Williams Gateway Airport.
8. Noise attenuation measures be incorporated into the design and construction of the buildings to achieve a noise level reduction of 20 db.
9. Compliance with all requirements of the Design Review Board including review of signage.
10. Compliance with all conditions of approval of the land split.

Vote: Passed 6-0 with Boardmember Carpenter absent.

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Item: **Z05-93 (District 5)** 862 North Power Road. Located at the southwest corner of North Power Road and East Encanto Street (5.89± ac). Rezone from R1-7 (conceptual O-S) to R1-7-PAD. This request will allow for the development of a single residence subdivision. Steven J. Hall, owner/applicant. Also consider the Preliminary Plat.

Comments: Steven Hall, 7902 East Oak Street, Scottsdale, applicant, stated that this is an infill site of less than 10 acres, which qualifies for a density of 6.22 units per acre. He mentioned that with the improvements made to the site plan they ended up with closer to four units per acre. He stated they had done a good job and one that would be inviting and user friendly for families, which was his target audience for this project. Mr. Hall noted that in a standard subdivision there would be no limitation on the number of two-stories but with this PAD he agreed to limit that with the surrounding neighbors. No more than 50% of the product would be two-stories and he would limit the number to no more than three in a row.

Mr. Hall stated he was asking for the 10-foot front setback on Floor Plan #2 and added that Floor Plan #2 doesn't function well as a bedroom unless there was a bathroom on the front part of the house. If we were able to add an additional five feet we could get the extra bathroom and make the floor plan function more like a four bedroom. He mentioned that he didn't think everybody would want this option; however, it would be beneficial to the neighborhood to offer that kind of square footage and not force people to go into a two-story home. He requested that the 10-foot front setback be maintained and noted the other stipulations made by staff.

Boardmember Mizner asked the applicant out of the 26 homes how many would the 10-foot setback apply to. Mr. Hall responded at the most 5-6 and he anticipated that more than half the buyers would like the two-story because it affords them a larger back yard. He felt that about a quarter of those buying Floor Plan #2 would want the bathroom. Mr. Mizner also asked if there were an option to move the home further back on the lot and not have it so close to the street. Mr. Hall responded no, adding that he studied that and the home would not fit on the lot.

Boardmember Saemisch stated that he pulled this item from the consent agenda because of the dangerous situation when backing out of these homes and being five feet closer to the sidewalk. He also stated he had a problem with having it open-ended (referring to how many homes could have this setback). He noted that he would not want to take the risk that half of the homes were going to be built that way because it was a popular model.

David Anderson, 1009 N. Sericin, resident, stated that he was in support of this project. He added he did not want to see apartments, fast food, or a strip mall go in this area and noted he was impressed with how Mr. Hall worked with the neighbors. He also stated he would like to see more one stories than two stories, adding that it would be more aesthetically pleasing.

Ryan Matthews, Planner I, stated that staff is in support of this project and added that the issue discussed by the Boardmembers and the applicant was the 10-foot setback and in staff's opinion a variation in the street frontage would give a variety of streetscape and should be okay. Staff is recommending approval with conditions.

Mr. Steven Hall addressed Mr. Saemisch's concerns stating that it would be difficult for him to determine how many of these homes would be desired by folks wanting to buy in this area. He stated that he was limiting himself but was open to the opportunity for the public to make those decisions.

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Boardmember Saemisch moved to approve zoning case Z05-93 with a change to the conditions to take out the 10-foot setback in the front yards except for the four one-story units with the bathroom extension.

Boardmember Mizner seconded the motion noting that Mr. Hall had designed a nice project that would be an asset to the neighborhood. He stated that this is an infill residential type project that sometimes comes with difficulties. He agreed with Boardmember Saemisch that a home that is only 10 feet from the street could cause a crowded effect. Mr. Mizner noted that they did not want to have an entire row of two-story homes. He mentioned that Mr. Saemisch outlined a safety concern that backing into the street might cause a visibility concern. He noted that his major concerns had to do with the tightness of the site. Mr. Mizner stated he supports the motion for the reasons outlined by Mr. Saemisch.

Boardmember Langkilde stated that he did not think it was up to the Board to determine and tell the builder how many homes to built with the 10-foot encroachment and would rather let the market decide. He mentioned that the builder and the applicant had done a wonderful job in compromising between two-story homes vs. one-story homes, which the neighborhood is in favor of. He also stated he did not think that a 10-foot easement from the front of the house to the streets equals a danger zone adding that there are several neighborhoods, apartment complexes, and other places that have greater amenities, where that does not equal a danger zone. He stated that in this particular case, allowing this exception would improve the area, will serve families well and he was in favor of allowing the exception and the encroachment to 10 feet. Mr. Langkilde stated he would be voting against the motion in the hopes that they get another motion that would allow the encroachment.

Boardmember Saemisch stated that there is a certain amount of insincerity from the applicant when he put this item in the narrative and did not show it in the typical floor plan. The fact that he tried to avoid sharing that with us, he finds that objectionable. He stated that having four of these units would be allowing him some flexibility but not causing injuries to the rest of the development. He pointed out that there are other subdivisions that have very tight condos, where the carport or garages are four feet from the drives, which have no sidewalks, but this subdivision actually has a sidewalk and it's a little bit more concerning.

Boardmember Langkilde pointed out that the applicant had compromised quite a bit in terms of preserving open space and that the density on these lots is significantly less. He stated that he would be in favor of denying the motion and entertaining the opportunity to allow the encroachment on the setbacks.

Boardmember Salas stated he had mixed feeling about this issue and that the Board should either approve the setbacks or not. It's hard to determine whether it should be four, six, or twelve homes. He stated he is not in favor of the compromise and the Board should stick with the original plan.

Boardmember Langkilde clarified that this motion would approve this case with only four units being allowed to encroach into the 10-foot setbacks and if voted no another motion could be entertained.

Dorothy Chimel, Principal Planner, forwarded some language that would capture the intent of the motion. Condition #1 to read: Compliance with the basic development as described in the project narrative except that four units are allowed a 10-foot front yard setback, and continue with the language of that first condition.

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Boardmember Langkilde asked Mr. Saemisch to explain why he chose four units.

Boardmember Saemisch stated that out of 26 units, the first statement made by the applicant was that he could live with 4-6 units. He stated that by having four units he didn't think it would have a detrimental effect.

Boardmember Finter asked if there would be an opportunity to spread these units out and not cause a danger zone. He acknowledged Mr. Saemisch's concern about safety but hoped they could find a compromise to allow six units. Mr. Finter stated he would be voting against this motion in hopes that they could find a compromise and still maintain the safety.

Chairperson Adams noted that Boardmember Carpenter would be abstaining since she came in at the end of the discussion.

The Motion failed 4-2-1 (Boardmembers Langkilde and Finter nay and Boardmember Carpenter abstaining).

Boardmember Finter made a motion to allow Ms. Chimel's language to Condition #1 but instead of four units allow six units. Seconded by Boardmember Saemisch.

Boardmember Langkilde stated they were back to where they started and stated that they either allow the 10-foot setback or they don't and let the market decide. He stated it was wrong for government to tell the builder precisely how many homes of one type they could have in the neighborhood. If they are going to allow the houses to be built, then let's apply the law evenly and let those who want to buy that house be able to buy that house. Mr. Langkilde stated that the motion was arbitrary and suggestive.

Boardmember Saemisch stated that they add to the motion to allow two units with the non 10-foot setback and then have a unit with a 10-foot setback.

Boardmember Finter amended the motion to reflect Mr. Saemisch's comment. He also stated that he appreciated Mr. Langkilde's approach and added that he was moving toward six units, evenly spread to help with the safety concerns.

Mr. Hall stated that he agreed with Mr. Langkilde's point about the free enterprise system and for the safety reason we have a municipality that looks out for the well being of the people and he appreciated that. He stated that strategically located lots might be beneficial and either one of those approaches would work well for him. He suggested that they not put these units on the corner lots where it could affect visibility. This subdivision is a gated community and there would not be a big volume of traffic.

Boardmember Saemisch commended the architect for a very good design and just wanted to protect what he felt was a quality design. He noted that the Board does determine what the market is going to be by what they approve and setbacks are one of those issues.

Chairperson Adams stated that Mr. Hall had done a great job in designing the project and wished him the best. He stated he was not comfortable with deciding how many units to allow, so for that reason he would not be supporting the present motion. He asked Ms. Chimel to restate the motion.

Ms. Chimel stated that this request is for a Planned Area Development asking for modifications

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to the strict code requirements for the setbacks and a PAD asks for very specific setbacks. She mentioned that Condition #2 covers the discussion of two similar buildings immediately adjacent to each other. We have an enforcement mechanism to ensure that this PAD request is built the way it is requested. She stated that they continue with the first language that she had suggested and instead of four units they would insert six units.

Mr. Finter's motion did not pass. Vote: 3-3-1 (Boardmembers Salas, Adams, and Langkilde nay and Boardmember Carpenter abstaining).

Boardmember Langkilde moved that they approve this case and allow the encroachment throughout the neighborhood with no restrictions.

Chairperson Adams asked Mr. Wesley what the Board does in the case of a draw. Mr. Wesley stated that it does not constitute approval or denial of the case. It could go to City Council with that recommendation, but if the Board could come to an actual recommendation that would be better. Chairperson Adams commented that if the Chair rules that there is no decision the Board could move to a third motion. He asked Mr. Langkilde to restate his motion.

Boardmember Langkilde restated his motion to approve Z05-93 with the conditions as proposed by staff and allow the applicant to encroach 10 feet as necessary. Boardmember Finter seconded the motion.

Boardmember Carpenter noted that if the applicant should go to City Council with a different proposal that the Board be informed, so that they could weigh in as individuals and perhaps any modification between now and Council's consideration might reflect some of the discussion today.

Boardmember Langkilde encouraged the Board to vote in favor of this motion and mentioned that not every house in this neighborhood would follow the plan. The applicant has given us his assurance that it would be spaced every two houses at a maximum.

Chairperson Adams stated he would not be supporting the motion because he had a problem with allowing the 10-foot setback.

Mr. Langkilde's motion failed 4-2-1 (Board members Salas, Adams, Saemisch and Mizner, nay and Boardmember Carpenter abstaining).

Boardmember Saemisch moved that the 10-foot setback be disallowed and to revert to the typical plan #2 without the 10-foot setback. Boardmember Langkilde seconded the motion.

Mr. Saemisch's second motion passed 5-1-1 (Boardmember Adams, nay and Boardmember Carpenter abstaining).

Boardmember Saemisch asked if there were any alternative to the applicant on a specific site plan modification. Ms. Chimel stated that PAD modifications are through a site plan review process through this Board and it is clearly identified in the Zoning Ordinance especially given the size of the development.

Discussion ensued regarding the wording for Condition #1, Mr. Saemisch's motion and the setbacks for the garage. Ms. Chimel read revised Condition #1: Compliance with the basic development as described in the project narrative (except that a 10 foot front yard setback is not

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allowed) and as shown on the site plan (except that front yard setbacks are to be 15 feet for livable space and 18 feet for the garage), preliminary plat and elevations submitted (without guarantee of lot yield, building count, lot coverage).

Boardmember Saemisch stated that if the applicant desired he could come back with a site plan modification and show us specifically what he has in mind for the 10 feet. Ms. ChimeI responded that was correct.

Boardmember Mizner also stated that the applicant could make a pitch to the City Council for the 10-foot setback and Council could approve it.

The Board approves and recommends to the City Council approval of zoning case Z05-93 conditioned upon:

1. Compliance with the basic development as described in the project narrative (except that a 10 foot front yard setback is not allowed) and as shown on the site plan (except that front yard setbacks are to be 15 feet for livable space and 18 feet for the garage), preliminary plat and elevations submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development 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. 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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fencing to be provided to the rear walls of lots backing onto the common open space.
8. A pathway to be provided connecting the eastern side of the neighborhood to the common open space and amenities.

Vote: 4<sup>th</sup> Motion passed 5-1-1 (Boardmember Adams, nay and Boardmember Carpenter abstaining).

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Item: **Z05-94 (District 6)** The 6500 block of East Superstition Springs Boulevard (north side). Located west of Power Road and south of the Superstition Freeway (3± acres). Site Plan Modification. This request is to allow for the development of restaurant uses in a group commercial center. Perry Mann, owner; Mark A. Bowker, applicant.

Comments: Mark Bowker, 1850 N. Central Avenue, Suite 200, Phoenix, applicant, stated that they are proposing two PAD buildings and mentioned that the Bonefish restaurant had already been approved by the Design Review Board. The other PAD would also encompass restaurant uses and possibly retail. He stated he did not receive any opposition except a phone call by a Credit Union representative asking that they push the buildings back and delete the parking that backs into the drive aisle; he added that staff recommended that they pull the building forward and delete the parking in front of the building, which they had done. Mr. Bowker stated that he had worked with this site plan for about three months and this was the best suited for this site adding that they also did the PF Changs and BJ's and followed the same pattern for this site.

Bill Siebler, Truwest Credit Union, stated that their concern was not the use of the property but the parking. He mentioned that when PF Changs came in they lost about a third of their parking. He stated that their concern with Pad B is that it sit too close to the front, and the parking spaces to the south would back into the common area, which is the driveway into the Credit Union. Mr. Siebler stated that they are already experiencing considerable congestion at the drive-thru lanes and that the opening to Bonefish will create additional congestion and reduce their customer's ability to get to the Credit Union. He stated they welcome the business but noted they are being infringed upon and wants to protect their interest in this location.

Chairperson Adams asked the applicant what hours of operation were proposed for this project. Mr. Bowker responded that Bonefish is a high-end restaurant so it will operate after 5:00 p.m. and the others tenants are under negotiation but they would like the option to open earlier. He also mentioned that some of the restaurant owners could not get to their site because the Credit Union patrons use it. Mr. Bowker stated that they originally had head-in parking but they worked with the City and removed half of them where it created the congestion. He mentioned that the Credit Union could have also foreseen future development and that the parking will always be an issue.

Tom Ellsworth, Senior Planner, stated that this is a site plan review in the Superstition Springs Master Plan area and the last parcel to be developed in an already heavily congested site. He stated that this proposal is for two restaurant uses. Mr. Ellsworth noted concerns with the location of the buildings adding that setting these buildings within the pedestrian and the vehicular circulation of the overall center was very difficult. He added that parking would be an issue regardless of the location of the building along with congestion. Staff tried to work with the applicant to have the drive-thrus exit out onto the existing drive aisle to avoid conflict and, as noted by the Credit Union representative, this is on the main circulation. Staff is still recommending approval with conditions.

Boardmember Saemisch stated that it seems that one market place is in the way of another person's market place and therefore there would be issues especially when the back doors are used as the front doors and parking spaces are limited because the basic parking is to the rear. He stated that there would be a demand for the front door and people are going to see the convenience of parking at the Credit Union instead of parking in the back. Mr. Saemisch suggested that the applicant add to Pad B, two rows of parking, an aisle, and move the building back to identify more parking spaces to the front. He also noted that it was too late to make changes and added that there was nothing wrong with Bonefish. He mentioned that this

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proposal could cause a bad neighbor relationship.

Boardmember Mizner stated that this is a tough situation and, as talked about at the study session, they want businesses to be successful. This proposal is compounded by the fact that the Credit Union wants to have convenient access to its customers. He agreed with Mr. Saemisch that people would be trying to turn into the Credit Union and others would be trying to find parking for either dinner or lunch and that is going to be a very congested area. As Mr. Saemisch pointed out, it's pretty tough to make a major change to the site plan at this point. Mr. Mizner also stated he did not want to create a bad neighbor situation, which the Board had seen before and added that this plan was a result of a lot of compromise with staff. Mr. Mizner asked the applicant what he thought of Mr. Saemisch's suggestion.

Mr. Bowker responded that the owner was adamant about keeping the buildings in position. He mentioned that staff wanted to pull the building closer to the drive and delete the parking stalls, adding that they found a compromise and though limited still have parking in the front.

Boardmember Carpenter noted that she did not find any comments from their Citizen Participation Report as a result of their meetings. Mr. Bowker responded that to date no presentation had been requested. She asked the Credit Union representative when the applicant first contacted them. Mr. Siebler responded that the only notification they got was a letter dated October 5, 2005. Ms. Carpenter commented that it's good news when restaurants are crowded, as long as people understand that when they go to these restaurants their parking would be in the back. She asked the applicant what kind of signage they were planning to use that might help the Credit Union with their issues. Mr. Bowker responded that the owner would work with the Credit Union. Ms. Carpenter stated that they would like to see the applicant take a proactive, creative effort to parking so that the Credit Union doesn't have to take a negative approach. She noted that this is a message that should be sent to the City Council.

Discussion ensued about the parking issues and Boardmember Saemisch noted that more than once the applicant had mentioned that this is just like the other restaurants but that is not the case, this is an exception. He also asked staff to confirm why they would want the building moved closer. Ms. Chimel responded that staff would like to answer that question but the staff person that worked with the applicant no longer works with the Planning Division and it had been a few months before the applicant made a second submittal.

Mr. John Wesley, Planning Director stated that staff was looking at the overall pedestrian connections. He also stated that staff talked about getting rid of the parking on the main drive aisle because staff was concerned about the traffic movement.

Boardmember Finter noted that the first notice the Credit Union received was October 5<sup>th</sup>. He asked if two weeks was an adequate amount of time for the Credit Union to have input. He also noted that there had been months of design and redesign of this project and asked how the Credit Union was left out, being the most impacted by this project. Mr. Finter stated they should have been consulted early on to be able to overcome some of these challenges.

Mr. Bowker responded that they were not kept out of the process and that's why Mr. Siebler was here today. He stated they sent out the letters two weeks prior to the meeting and that was when Mr. Siebler contacted him and informed him of his concerns. He also stated that the parking issue with the Credit Union was never mentioned. He reiterated that it was the City who wanted to get rid of the parking in the front and pull the building forward. Mr. Bowker stated that the traffic issue would be the same because there was still parking on the main drive. To ask them to put a landscape buffer limits the developer because the City allowed head-in parking for

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the Credit Union.

Boardmember Carpenter stated that she did not want to vote against this project but was considering a motion to continue so that they could work on the best possible option to make this a better situation for all involved.

Boardmember Finter noted that the letter that was passed about was a notice of public meeting and it was his understanding that citizen participation was when everybody got together, worked out all the hassles and designs and becomes a good neighbor. He stated that he would be supporting the motion and hoped that it would not compromise building a great restaurant in Mesa.

Mr. Bowker asked if the Credit Union would also be compelled to do the landscape buffer because it would be strange for him to tell the developer that the Board was recommending a landscape buffer on the main drive because of the traffic. Chairperson Adams stated he would have to work that out with staff.

Boardmember Saemisch recommended that the applicant add an additional row of parking and keep the head-in parking. He stated that his goal was to get more parking in front so that this building would not be taking up the parking of the Credit Union.

Ms. Chimel stated that staff understands the design concept that has been expressed. It would be a continuation of the east-west parking field, with a 90 degree parking just south of their entryway to the shops. Discussion ensued regarding design solutions for this project.

Mr. Bowker stated that he was torn by what had taken place and mentioned that the reason it took three months to come back to the City was that at first they were told to put everything forward and now to put it back. If we had that information in working with staff we could have come in with a plan at that time but now he feels he's being blindsided by being asked to put everything back.

Chairperson Adams stated that the Board is not charged with making recommendation on how to redesign the project. The Board is charged with taking a look at the project as presented. He mentioned that one issue that was not on the table and should have been was the notification of the neighbors.

Boardmember Saemisch mentioned that this item was on the consent agenda and the Board did not see a problem until they had notification from the adjacent property owner.

Mr. Bowker mentioned that the public notice was generated with the same list for both the Design Review Board and Planning & Zoning.

Boardmember Mizner clarified that this case was being continued to the November 17<sup>th</sup> meeting and suggested to the applicant that they hold a meeting with everyone involved.

Boardmember Saemisch asked if there were any requirements for public participation. Ms. Chimel responded there is a requirement for public participation and citizen participation. The public notification radius is 300 feet for neighbors and within a half-mile for Homeowners Associations, as outlined in the Citizen Participation Report. She stated that the residents in this area live right across the street. She strongly advised that they along with the Credit Union and any of the developments to the north of Superstitions Springs receive an updated plan that shows any

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changes.

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Boardmember Carpenter added that materials, such as sign-in list, comments and petitions are copied to the City of Mesa but none were copied to the Board. Mr. Bowker responded that they did not have any request for meetings. Ms. Carpenter reminded staff that if there are none to inform the Board and to include any summary reports.

Ms. Chimel mentioned that the report is due 10 days prior to the stated meeting and she encouraged that any reports be turned in even after the deadline. She also strongly encouraged holding a neighborhood meeting and that staff is identifying neighborhood meetings on City Council agendas because it is important to the City that there be participation efforts with every zoning case.

Mr. Siebler thanked the Board and added that if they could have met with the applicant three months ago without the bureaucracy they could have had more time to voice their concerns with the parking and clear up these issues.

It was moved by Boardmember Carpenter, seconded by Boardmember Langkilde

That: The Board continue zoning case Z05-94 to the November 17, 2005 meeting.

Vote: Passed 7-0.

Reason for Recommendation: The Board felt a continuance was warranted to allow more time to meet with the surrounding area.

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MINUTES OF THE OCTOBER 20, 2005 PLANNING AND ZONING MEETING

Item: **Z05-95 (District 2)** 1905 South Lindsay Road (east side). Located between East Inverness Avenue and East Baseline Road (0.86± ac). Rezone from O-S to O-S-PAD. This request will allow for the sale of office condominiums. Michael Manetta, owner/applicant. Also consider the preliminary plat.

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

It was moved by Boardmember Langkilde seconded by Boardmember Salas

That: The Board approve and recommend to the City Council approval of zoning case Z05-95 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.
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.).

Vote: Passed 6-0 with Boardmember Carpenter absent.

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## MINUTES OF THE OCTOBER 20, 2005 PLANNING AND ZONING MEETING

Item: **Z05-96 (District 5)** The 8400 -8700 block of East Range Rider Trail (north and south side). Located at the southeast corner of Thomas Road and Hawes Road (69.88 ac). Rezone from R1-35 to R1-35 PAD DMP and Modification of the Las Sendas Development Master Plan. This request will allow the development of a gated single residence subdivision. Sonoran Desert Holdings, LLC; Paul Dugas, owner; City of Mesa, applicant.

Comments: Paul Dugas, 3329 East Baseline Road, applicant, gave a brief overview stating that they are proposing to put a 52 custom lot community on 70 acres. He stated they would have one community with four separate smaller private communities with private roads and gated entries. He stated that they agreed with staff recommendations and stipulations. He added that the people here today would speak about not having lighting on Range Rider Trail to maintain the dark skies. The community in the area is looking to keep the area as dark as possible and we are in support of that. Mr. Dugas stated that City of Mesa requires that the lighting be put up to the normal standards of a public street but if the City decided that less lighting or possibly lower lighting is better they can do that too.

Gail Knight, 3550 North 92<sup>nd</sup> Street, resident, stated that she has lived in the area for many years and has enjoyed the night skies. She asked that the Board look at the progressive elements of the dark skies and mentioned that Tucson, Scottsdale and Sedona have dark skies areas. She stated that it would be a sad thing if they were not able to preserve that gem in Mesa.

Mr. John Wesley, Planning Director, stated that there are dark skies provisions in the City ordinance that requires that lighting be directed down. He added that the General Development Committee is looking at a proposal for this area but that it would not come before this Board.

Jerry Seeman, 3714 North Hawes Road, stated he is speaking for the Spook Hills Neighborhood Action Association and they are not opposed to the applicant's plan for this area. He stated they are opposed to the plans by the City for putting lights along Range Rider Trail. He also stated that the residents of the Desert Uplands are adamantly opposed to street lighting on Range Rider Trail and as property owners they request that their rights be preserved. He mentioned that the City recently enacted a new ordinance intended to protect it from heavy-handed development and unfortunately the only concession made to the new ordinance was to reduce street lighting by 30 percent. The residents prefer no lighting on all public streets but a recent proposal by Councilmember Griswold recommends no lighting on all but collectors and arterial streets. He requested that the Board delay this case for 120 days pending a decision by City Council on Mr. Griswold's dark skies ordinance proposal. He also proposed that if the dark skies proposal was rejected that this Board urge City Council to impose a requirement for minimum lighting of only four proposed entry features leading from Range Rider into the four proposed sub-parcels.

Tom Ellsworth, Senior Planner, stated that the board heard this case last month for comparable zoning and added that this site is not currently in the City's corporate limits. The annexation is due to be heard by City Council on November 7, 2005, and they would also be voting and enacting the comparable zoning request. He stated that this request is for the development of a single family gated subdivision that takes advantage of this Natural Area Open Space (NAOS) Section of the Desert Uplands Guidelines. He stated that staff is recommending approval with conditions, but needed to modify Condition #9 to read: Maximum disturbance area per lot is 65% per the NAOS section of the Desert Uplands Standards Chapter of the Subdivision Regulations.

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Ms. Dorothy Chimel, Principal Planner, clarified that The Subdivision Regulations had been adopted and they are no longer Guidelines. There had been a very long process of developing standards for this special area. She stated that the new language would reference the NAOS section of the Desert Uplands Standards.

Mr. Ellsworth stated that the PAD request would allow for variation of the disturbance area. He stated that the applicant had conducted a significant amount of citizen participation as noted by his ability to get consent of the Spook Hill Area Homeowners Association as well as neighboring property owners. He stated that the street lighting is a standard condition of approval that meets the Mesa City standards for public streets. He added that the lighting issue is being brought up through the efforts of Mr. Seeman and the Spook Hills Area Homeowners Association and is to be discussed with the City Council in the future. Mr. Ellsworth stated that the Board could pass on any insight to the City Council, but deciding on the street lighting is out of the purview of the Board.

Mr. Seeman clarified that they do not approve of anything that goes on in their area. We either object to it, ask for modifications, or we reject it.

Boardmember Carpenter stated that the recommendation should make reference to the Desert Uplands ordinance rather than state one part of it for Condition #9. She stated she is in favor of this proposal but would not be able to vote because she had to leave. She believed that the lighting issue was important and needed to be addressed and perhaps their comments could be forwarded to City Council before the whole project was approved.

Ms. Chimel stated that the NAOS calculations are based on the percentage preserved. The calculations have been very thoroughly done by the applicant and by having it reference in the ordinance it allows for those who built the custom sites to be notified. It allows our Plan Examiners and Building Inspectors to ensure that we are not holding them to a stricter standard, but are allowing them what they are due.

Brian Packham, 2838 North Rowen Circle, resident, stated that great efforts have been undertaken by the developers to preserve the natural beauty of the area. He asked for consideration of the dark skies and that the lighting would go against the amount of work that had gone into preserving the natural effect that exists in the neighborhood.

Boardmember Langkilde moved to approve zoning case Z05-96 and stated that the lighting issue was out of their purview and something that the City Council needs to address.

Boardmember Saemisch seconded the motion and added that they add language to the motion that would encourage the developer to wait until final decisions have been made by Council or to notify Council that there is a concern by this Board regarding the lighting. He added that they are in favor of a dark skies quality of life in this neighborhood.

Boardmember Langkilde stated that he would be willing to accept the amendment to the motion along with the new language to Condition #9.

Boardmember Finter stated he has had the honor of being on Range Rider at night and it's a gorgeous area. He mentioned that there is new technology available and has been to Paradise Valley and Scottsdale and they have projection-type lighting and noted that Traffic Engineering should take a look at new technology.

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Chairperson Adams stated that this a beautiful area and while the issue of the lighting is outside of the Board's purview, he thought that it was appropriate for the Board to send a recommendation that Council look at that ordinance strongly and preserve that area for the beauty it possesses. He stated he would be supporting the motion.

It was moved by Boardmember Langkilde, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z05-96 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development 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. 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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
8. Compliance with Ordinance #3694 requiring a grading permit.
9. Maximum disturbance area per lot is 65% per the NAOS section of the Desert Uplands Standards Chapter of the Subdivision Regulations.

Vote: Passed 6-0 with Boardmember Carpenter absent.

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MINUTES OF THE OCTOBER 20, 2005 PLANNING AND ZONING MEETING

Item: **SEC of McKellips & Alta Mesa Drive (District 5)** The 5600 Block of East McKellips Road (south side). Located at the southeast corner of McKellips and Higley Roads (14.02 ac). This request is to create a four-lot subdivision, Legacy Village at Mesa. Gary Griffiths, owner/applicant.

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

It was moved by Boardmember Langkilde, seconded by Boardmember Salas

That: The Board approve the preliminary plat of "Legacy Village at Mesa" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted.
2. Site Plan Review by the Planning and Zoning Board and City Council of future development plans.
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 Technical Review Committee.

Vote: Passed 6-0 with Boardmember Carpenter absent.

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Item: **1611 N. 26<sup>th</sup> Street (District 1)**      The 1600 Block of North 26th Street (east side). Located north of Brown Road and west of Lindsay Road (2.01 ac). This request is to allow for the development of a six-lot subdivision, Tuscany Cove. Mark Gunning, owner, Jeff Welker applicant.

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

It was moved by Boardmember Langkilde, seconded by Boardmember Salas

That: The Board approve the preliminary plat of "Tuscany Cove" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development 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. 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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written approval from Mesa Public Schools allowing this development to retain within the existing retention basin on the Mountain View High School campus. If not granted approval, retention shall be provided on site resulting in a revised subdivision layout.
9. Right-of-way landscaping along North 26<sup>th</sup> Street to be installed concurrently with the construction of homes on lots 1 and 6.

Vote: Passed 6-0 with Boardmember Carpenter absent.

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director

MS:  
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