Planning and Zoning Board

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Meeting Minutes

Held in the City of Mesa Council Chambers – Upper Level
Date: October 21, 2015 Time: 4:00 p.m.

MEMBERS PRESENT:
Chair Suzanne Johnson
Vice-Chair Michael Clement
Lisa Hudson
Shelly Allen
Michelle Dahlke
Steve Ikeda
Dane Astle

MEMBERS ABSENT:

STAFF PRESENT:
John Wesley
Andrew Spurgin
Tom Ellsworth
Lesley Davis
Kim Steadman
Wahid Alam
Lisa Davis
Christine Zielonka
Jim Smith
MaryGrace McNear
Margaret Robertson
Charlotte McDermort
Kevin Myers
Rebecca Gorton

OTHERS PRESENT:
Richard Dyer
Wendy Riddell
David Peterson
James Claridge
Johnette Davidson
Gregory Pfister
Bryan Jeffries
Pat Esparza
Jim Robson
Matt McDowell
Daniel Hamman
Craig Vossler
Roger Jenkins
James Connelly
John McDowell
Others

Call Meeting to Order.

Chair Johnson declared a quorum present and the meeting was called to order at 4:00 p.m.

1 Take action on all consent agenda items.

Items on the Consent Agenda

2 **Approval of minutes:** Consider the minutes from the September 15 and September 16, 2015 study sessions and regular hearing.

*2-a It was moved by Boardmember Allen and seconded by Boardmember Hudson

Vote: 7-0

Zoning Cases: Z15-027, Z15-032, Z15-030 (with Conditions as revised at Study Session), Z15-033, and Z15-036; and Preliminary Plat "Eastmark DU 3/4 East – Parcels 3/4-1 through Parcels 3/4-4"

***3-a. Z15-027 District 6.** The 10900 block of East Pecos Road (north side). Located east of the Signal Butte Road alignment on the north side of Pecos Road (4.58± acres). Site Plan Modification and Special Use Permit for fueling pumps. This request will allow for the development of a commercial propane facility. Mike Hall, Michael A. Hall Architect, LLC, applicant; Martin Dawson, owner. (PLN2015-00238) **Continued from September 16, 2015**

Staff Planner: Wahid Alam
Staff Recommendation: Approval with Conditions

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson

That: The Board recommends approval of zoning case Z15-027 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan and building elevations submitted, except as modified below and to meet the site plan modification described in this report.
2. Compliance with all City development codes and regulations.
3. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.
4. **Compliance with all conditions of approval for Design Review DR15-030 for architectural and landscaping design.**
5. **Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa 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)**
6. **Due to the proximity to Phoenix- Mesa Gateway Airport, any proposed structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77.9, (form 7460), to determine any effect to navigable airspace, air navigation facilities. A completed form with response by the FAA must accompany building permit application for structures on this property.**

Vote: 7-0

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***3-b** **Z15-032 District 5.** 6735 East McDowell Road. Located west of Power Road and south of McDowell Road (0.57± acre). Site Plan Modification and a Special Use Permit. This request will allow for a carwash within an existing retail center. Michael Jorgensen, MDJ Studios, applicant; Superstition Promenade, LLC, owner. (PLN2015-00349)

Staff Planner: **Tom Ellsworth**
Staff Recommendation: **Approval with Conditions**

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson

That: The Board recommends approval of zoning case Z15-032 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan and building elevations submitted.
2. Compliance with all City development codes and regulations.
3. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.
4. **Compliance with all conditions of Design Review approval DR15-037 for architectural and landscaping design.**

Vote: 7-0

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*4-a **Z15-030 District 2.** 6350 East Main Street. Located east of Recker Road on the north side of Main Street (1± acres). Rezone from LC to ID-1 and Site Plan Review. This request will facilitate infill development on East Main Street. Nicholas A. Sobraske, Gammage and Burnham c/o Lindsay C. Schube, Esq., applicant; Granite Reef, Inc., owner. (PLN2015-00249) **Continued from September 16, 2015**

Staff Planner: Lisa Davis
Staff Recommendation: Approval of the ID-1 zoning and Phase 1 conceptual Site Plan Review with Conditions

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

That: It was moved by Boardmember Allen to approve case Z15-030 with Conditions as revised at Study Session, and seconded by Boardmember Hudson

1. Compliance with the Infill Incentive Plan and site plans except as modified by the following stipulations.
2. Compliance with all City development codes and regulations.
3. **Compliance with the development agreement approved by City Council modifying the permitted land uses.**
4. **Within 30 days after City Council approval of the re-zoning, a revised Infill Incentive Plan with all conditions of approval incorporated shall be submitted and accepted by the Planning Director. All phases of development shall comply with the approved Infill Incentive Plan approved by Council.**
5. **The IIP shall be revised as follows:**
   a. **Modify the language within the Development Standards section of the IIP to include the following language: "The development standards and design guidelines for Phase II shall be generally consistent with the T4 Main Street Building Form Standards, the Mixed Use Main Street Building Type Standards, the Private Frontage Standards and the Thoroughfare Standards of the Mesa City Code, Zoning Ordinance Chapters 58-61. The Planning Director may approve minor deviations from these standards to meet existing site constraints and development conditions.**
   b. **All landscape shall comply with Mesa Zoning Ordinance Section 11-33.**
   c. **Phase I shall require:**
      a. **Within 60 days of approval of the rezoning a final Phase 1 site plan consistent with the requirements established in the conceptual site plan incorporating needed revisions shall be submitted to the Planning Director for administrative approval. (page 13 under phasing)**

b. **The final site plan shall be revised to include removal of 2 parking spaces adjacent to 64th street at the southeast corner of the site to allow for adequate planting area and site visibility. (page 13 under phasing)**
c. **The landscape plan shall include three shrubs and ground cover along with the proposed tree at the southeast corner of the site. (page 13 under phasing)**
d. **Within 180 days of approval of this rezoning all proposed site plan improvements approved through the Planning Director shall be completed. (page 13 under phasing)**
e. **Installation of all street improvements as required by all City development codes and regulations. (page 11 under off-site improvements)**

d. **Phase II shall require:**
   i. **Compliance with all conditions of Design Review approval.**

Vote: 7-0

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***4-b** **Z15-033 District 3.** 2210 West Southern Avenue. Located west of Dobson Road on the north side of Southern Avenue. (1± acre). Rezone from OC to LC and Site Plan Review. The request will allow the development of a restaurant with a drive-thru. Neil Feaser, RKAA Architects, Inc., applicant; Jeffrey D. Garrett, President, GDC San Jose and Southern, LLC, owner. (PLN2015-00347)

Staff Planner: Kim Steadman
Staff Recommendation: Continuance to November 18, 2015

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen to approve and seconded by Boardmember Hudson

Board Decision: Continuance to November 18, 2015

Vote: 7-0

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***4-c** **Z15-036 District 5.** The 1300 through 1400 blocks of North Power Road (east side). Located north of Brown Road and east of Power Road (the northeast and southeast corners of Halifax and Power Road) (2.3± acres). Rezone from OC to ID-1 and Site Plan Review. This request will allow for the development of a mini-storage facility. Sean B. Lake, Pew & Lake, PLC, applicant; David T. Darling, PC/DC3, LLC, owner. (PLN2015-00242)

Staff Planner: Kim Steadman
Staff Recommendation: Continuance to December 16, 2015

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen to approve and seconded by Boardmember Hudson

Board Decision: Continuance to December 16, 2015

Vote: 7-0

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***5-a** **"Eastmark DU 3/4 East- Parcels 3/4-1 through Parcels 3/4-4"** District 6. The 9700 through 10000 blocks of east Ray Road (north side). Located east of Ellsworth Road and north of Ray Road (51± acres). Preliminary Plat. This request will allow for the subdivision of approximately 51 acres. Jill Hegardt, DMB, Inc., applicant; DMB Mesa Proving Grounds, LLC, owner. (PLN 2015-00332)

Staff Planner: Lesley Davis
Staff Recommendation: Approval with Conditions

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen to approve and seconded by Boardmember Hudson
That: The Board recommends approval of Preliminary Plat **"Eastmark DU 3/4 East Parcels 3/4-1 through Parcels 3/4-4"** conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted (without guarantee of lot yield).
2. Compliance with the approved Community Plan and the approved amendments to the Community plan as well as the Development Unit Plan and all applicable City development codes and regulations (Engineering, Transportation, Solid Waste, Fire, etc.).
3. Key lot situations shall provide a 10' wide angle at the street.
4. Landscape palette, screen walls, entry monuments, and amenities shall be designed with a quality level that is compatible to the design approved and provided in Development Unit 7.
5. Compliance with all applicable requirements of the Development Services Department, including items contained in the Development Impact Summary, to be addressed as part of Subdivision Technical Review and included in the final plat.
6. **This shall be noted on the final plat: Management controls for the enforcement of the parking prohibition on tracts less than 28-feet in width may be altered to be more restrictive, but not less restrictive than the original approved and recorded CC&R's only upon written approval of the City of Mesa Fire Marshall.**
7. **Each homebuyer and subsequent purchaser must sign a disclosure that notifies them that parking is not allowed along the private drive for homes within the portions of the development identified on the Preliminary Plat at Eastmark DU 3/4-1 and Eastmark DU 3/4-3 along private drives that have a tract that is less than 28-feet in width.**
8. **Each homebuyer and subsequent purchaser must sign a disclosure, if their home is further than 100-feet from the Solid Waste pick-up location acknowledging that they understand they will have to pull the barrel to and from the designated location on pick-up days.**

Vote: 7-0

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6-a **GPMinor15-001 District 2**. The 1600 block of South Greenfield Road and the 1700 block of South Old Greenfield Road (east side). Located south of the Superstition Freeway and east of Greenfield Road (21.85± acres). General Plan amendment to change Character Type from Employment to Mixed Use Activity District. The request will allow for commercial and residential development. Stephen C. Earl - Earl, Curley & Lagarde, applicant; Kay and Judy Toolson, Crisko, LLC and Mervin and Juletta Ellingson, owner. (PLN2015-00308)

Staff Planner: **Kim Steadman**
Staff Recommendation: **Adoption**

It was moved by Boardmember Allen and seconded by Boardmember Ikeda

That: The Board recommends approval of zoning case GPMinor15-001

Vote: 7-0

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6-b **Z15-035 District 2.** The 1600 block of South Greenfield Road and the 1700 block of South Old Greenfield Road (east side). Located south of the Superstition Freeway and east of Greenfield Road (21.85± acres). Rezone from AG, LC, and LI-PAD to LC and RM-3-PAD and Site Plan Modification. The request will allow for the development of a multi-residential complex. Stephen C. Earl - Earl, Curley & Lagarde, applicant; Kay and Judy Toolson, Crisko, LLC and Mervin and Juletta Ellingson, owner. (PLN 2015-00308)

Staff Planner: Kim Steadman
Staff Recommendation: Approval with Conditions

It was moved by Boardmember Allen and seconded by Boardmember Astle

That: The Board recommends approval of zoning case Z15-035 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan, and building elevations except as otherwise conditioned;
2. Compliance with all requirements of the Subdivision Regulations;
3. Recordation of cross-access easements between both lots in the subdivision;
4. All street improvements to be installed with the first phase of development;
5. **Providing a phasing plan with the first phase of development that identifies the limits of the phase, the auto and pedestrian connections, sidewalk and landscape improvements along Old Greenfield Road out to Greenfield Road, and temporary landscaping at the edge of the phase. Sidewalk design in front of Lot 1 to be consistent with sidewalk in front of Lot 2;**
6. **Provide a revised site plan with details for pedestrian access to building type G3 and to show sidewalk connections from the G2 buildings to the dumpster locations;**
7. **Install temporary right-of-way landscaping along Lot 1's Old Greenfield Rd frontage with the first phase of this development which landscaping shall be supplemented and made permanent in conjunction with the future development of the balance of Lot 1;**
8. **Provide a parking plan that meets the intent of Code for landscape islands and for landscape islands between parking canopies;**
9. **This site plan approval includes an area of improvements on Lot 1 associated with this development, as depicted on the site plan. Future development of the balance of Lot 1 will require both Site Plan Review and Design Review;**
10. **Design Review approval of the current proposal;**
11. Compliance with all City development codes and regulations;
12. Compliance with all requirements of Design Review approval.

Vote: 7-0

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7-a **"Mark Taylor Apartments" District 2.** The 1600 block of South Greenfield Road and the 1700 block of South Old Greenfield Road (east side). Located south of the Superstition Freeway and east of Greenfield Road (21.85± acres). Preliminary Plat. This request will allow for the development of a two lot subdivision. Stephen C. Earl - Earl, Curley & Lagarde, applicant; Kay and Judy Toolson, Crisko, LLC and Mervin and Juletta Ellingson, owner. (PLN 2015-00308) **Companion case to Z15-035**

Staff Planner: **Kim Steadman**
Staff Recommendation: **Approval**

It was moved by Boardmember Allen and seconded by Boardmember Astle

That: The Board recommends approval of Preliminary Plat **"Mark Taylor Apartments"**

Vote: 7-0

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8-a **Z15-020 District 6** The 6400 block of East Test Drive. Located west of Power Road and south of the Superstition Freeway (3.17± acres). Site Plan Review and Modification of an existing PAD overlay in an LI zoning district. This request will allow for the development of auto sales on the site. Wendy Riddell, Riddell & Rosensteel, applicant; Joseph and Jeanette M. Cardinale Revocable Trust and Superstition Springs Community Master Association, owners.(PLN2015-00076) **Continued from August 19, 2015**

Staff Planner: Lisa Davis
Staff Recommendation: Approval of the PAD modification with Conditions and continuance of the Site Plan Review

Summary: Staff member Lisa Davis presented case Z15-020 to the Board. Ms. Davis briefed the Board on the history of the property, dating back to Ordinance 3889 approved in 2001 which rezoned the property to LI. The Ordinance stipulates that the uses remain with the C-2 zoning district. In 2003 and 2008 there were applications to modify the Ordinance in which both applications were withdrawn prior to going before City Council. The current application is a request to amend Ordinance 3889 by removing stipulation #16 which refers to limiting the uses to LC district as well as amending stipulation #14f referencing lighting. The applicant has had additional meetings with neighbors since the original application. Staff has received 14 additional opposition letters as well as a potential legal protest which is currently under review.

Ms. Davis compared the applicant's proposed changes to the site plan with the original Site Plan from the June hearing. The biggest change is the absorption of the of Test Drive on the south side of the property and the introduction of the new Test Drive on the west side of the property. The display for the auto dealership and service center will be on the east side. The existing Test Drive is prposed to be cul-de-saced with access only to the condominiums. The applicant would obsorb the cost to install a traffic signal as well as realign a sewer line along Test Drive. Staff recommends the approval of the PAD modification with Conditions and continuance of the Site Plan Review.

Resident Mr. David Peterson motioned for a Point of Order. Deputy City Attorney, MaryGrace McNear clarified that a Point of Order is a Robert's Rules which Planning and Zoning Board generally does not follow at their hearings. However, Ms. McNear stated that this is a procedureal objection and recommends that the Board allow the resident to state his procedural objection.

Mr. David Peterson, 6535 E. Superstition Springs Blvd., #217, stated that he raises the question of the new proposal of the abandonment of Test Drive. He stated that the recent discovery that Test Drive is owned by the Master Association and not owned by the City. Mr. Peterson stated that the representative of the Master Association has no authority to enter into any type of procedural agreement and until that Board meets on the 30th of November, he believes there is an incomplete application. Mr. Peterson declared this is a crucial part of the proposal by the

Carnidale Group and until the Master Association holds their meeting on November 30, there continues to be an outstanding question of the authority of the signatore. Deputy City Attorney, MaryGrace McNear clarified that Mr. Peterson is objecting to the Board hearing this case due to an insufficient authority in terms of the application that was filed by the applicant. Ms. McNear continued to explain that the new site plan seeks to rezone and a site plan for the property that is not owned by the initial applicant. We did receive an application that includes the signature of the community manager for the owner of the property. The question is if the community manager has suffiencient authority to sign the application. As an advisory board to the City Council any questions of the authority can be resolved before it goes to Council and the Board can go ahead and hear the case and make a recommendation.

The applicant, Wendy Riddell, Riddell & Rosensteel, spoke on behalf of the Cardinale family and disagree that they do not have proper signatures on the application. They have met numerous times with the community manager and has in writing that she has this authority. Ms. Riddell stated that the request is to modify stipulation #16 and the stipulation on lighting from a previous zoning case. Ms. Riddell stated that she has spoken with Superstition Springs Homeowners Association as well as the Master Association on numerous occasions.

There was discussion among the Board and Chair Johnson made the decision to hear the case.

Applicant Wendy Riddell, presented updates to the proposed project, detailing those changes that the applicant has made. These changes include the relocation of the access to the Auto Mall, a new Site Plan, and the installing of a new traffic signal. The applicant is also proposing completely closing off the existingTest Drive, segregating the Auto Mall from the residents.

Vice Chair Clement inquired as to the procedures if there is found to be an issue with the ownership rights. Ms. Riddell stated that if they have a high level of confidence of approval from the Master Association. Vice Chair Clement asked that if the Board moves forward with the modification and there is an issue with the ownership, could a condition be placed with an approval. Staff member Lisa Davis stated if 16 and 14 is eliminated from the Ordinance and the Board continues approval of the Site Plan, it will go to Council with that recommendation.

Chair Johnson stated that the issue of the ownership will need to be handled before this goes before Council. Ms. Riddell stated they will commit to continue to work with the City Atottrney's office to straighten out the ownership issue prior to going to Council.

David Peterson, 6535 E. Superstition Springs Blvd., #217, stated the Homeowners Association has filed a formal legal protest. Mr. Peterson stated that the Homeowners Association is requesting evidence that the Master Association staff has the authority to allow the staff to approve the change. There will be a Board

meeting of the Master Association on November 30, 2015 at which time discussion of the authorization will be heard. Mr. Peterson feels there is no urgency to this case and would like the Board to continue the decision until there is evidence that a staff member has the authority to sign for the Master Association.

James D. Claridge, 6535 E. Superstition Springs Blvd, #161, spoke in opposition for the new proposed project. Mr. Claridge stated he was taken aback by the recent introduction of changes to the landscape and new design. Mr. Claridge stated he opposes the project and feels the Cardinale Group knew of the stipulations and purchased the property anyway.

Johnette Davidson, 6535 E. Superstition Springs Blvd., #205, spoke in opposition of the proposed project. Ms. Davidson state she is the President of the Homeowner's Association and is speaking as a representative of the homeowner's as well as herself. Ms. Davidson reaffirmed the history of the project and asked the Board to vote to oppose the project.

Gregory Pfister, 6535 E. Superstition Springs Blvd., owner of both #254 and #102, spoke in opposition of the project. Mr. Pfister reviewed the history of the property and is concerned with lighting and noise of the proposed auto dealership. Mr. Pfister stated he and Mr. Peterson spoke with the property manager of the Master Association and she clearly stated she had no authority to speak on behalf of the Master Association. The property manager invited all of the homeowner's to attend their meeting on November 30, 2015.

Bryan Jeffries, 52 South Center Street, President of the Mesa Firefighters and Paramedics Association, spoke in support of the auto dealership. Mr. Jeffries spoke of the balance between commercial and residential and the need to bring in more taxes for better response and services to the City residents.

Pat Esparza, 207 N. Macdonald Street opposes the auto dealership at this location. Ms. Esparza stated she was Chair of the Planning and Zoning Board in 2008 when the case was last heard. Ms. Esparza stated that there was a promise that there would be no more auto dealerships at this location.

Jim Robson, 6060 E. Baseline Road, owner of the Rockin R Ranch and opposes the proposed auto dealership. Mr. Robson stated his objection comes from the promise made and feels it should not be changed.

Daniel Hamman, 6535 E. Superstition Springs Blvd., #201, spoke in opposition. Mr. Hamman feels he is most impacted by the current auto dealership by excessive noise and lighting. Mr. Hamman requests the Board to honor the request of the residents and not allow the auto dealership to locate there.

Ms. Wendy Riddell replied to the comments made by the public. Ms. Riddell confirmed that the neighbors do not want an auto dealership at this location. She stated that there have been many improvements to the application and they can no longer make any other changes. Ms. Riddell read an email she received from

stated that there have been many improvements to the application and they can no longer make any other changes. Ms. Riddell read an email she received from Bernadine Wright, the representative of the Master Association, confirming she has the authority to act as the representative of the Association and can sign as the owner.

Boardmember Allen stated that the applicant did attempt to listen and address the concerns of the neighbors. However, the residents feel that they have not been included in the discussions. Ms. Allen feels *there is a mistrust of government* ~~the distrust of the residents~~ and cannot *support the* vote to change a promise which was made in the past and wants the ordinance to remain in effect.

In response to the question by Boardmember Dahlke for an explanation to the procedure to amend stipulations, Deputy City Attorney MaryGrace McNear responded that a Zoning Ordinance is an amendment to a map as well as a written ordinance of development of property. As a legislative act, voted by City Council, the Zoning Board gives advice and only the City Council can amend the ordinance. The stipulations are designed to further clarify and establish specific development standards. In Ordinance 3889, in order to change the stipulations, another Legislative Act is required.

Vice Chair Clement stated he would like to see both sides work together to come up with a viable solution that would satisfy the residents and applicant. Mr. Clement stated he would like to see the Site Plan Review and Modification of an existing PAD heard together and is in favor of approving the request.

Chair Johnson stated her concern that the Homeowner's Association and Master's Association have such a great disconnect. Ms. Johnson would like to see more discussion between these groups.

A motion was made by Boardmember Allen to deny both Site Plan Review and Modification of an exsiting PAD for case #Z15-020 at the 6400 block of East Test Drive. The motion was seconded by Board member Ikeda.

Vote: 4-3 (Nay: Vice Chair Clement, Boardmember Dahlke, Boardmember Astle)

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Other Business:

None.

Adjournment

Boardmember Allen made a motion to adjourn the meeting at 5:48 pm. The motion was seconded by Boardmember Hudson.

Vote: 7-0

Respectfully submitted,

John D. Wesley AICP, Secretary
Planning Director