

CITY OF MESA

MINUTES OF THE PLANNING HEARING OFFICER

Held in the City of Mesa Planning Division Conference Room
20 East Main Street, Suite 130
Date June 7, 2007 Time 1:30 p.m.

HEARING OFFICER

William "Bill" Petrie

STAFF PRESENT

Veronica Gonzalez
Krissa Lucas
Joy Spezeski
Kelly Arredondo

OTHERS PRESENT

David Udall
Doug Himmelberger
Michael Monroe
Wayne Churchman

The Planning Hearing Officer (PHO) Bill Petrie welcomed everyone present and approved the minutes of the May 24, 2007, meeting as submitted.

Before adjournment at 2:05 p.m., action was taken on the following item(s):

Zoning Cases: Z07-55, Z07-53, Z07-56

The public hearing was recorded on Flash Card one and track titled PHO 6.7.07.

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Item: **Z07-55 (District 1)** The 1800-1900 block of West 8th Street (north side). Located north of 8th Street and east of Dobson Road (9.02± ac.). Site Plan Modification. This request will allow for the development of a retail building, a fitness center and a restaurant. DeRito/Kimco Riverview, LLC–Doug Himmelberger, owner; Saemisch DiBella Architects – Vince DiBella, applicant.

Comments: Veronica Gonzalez, Planner II, gave an overview stating that this request is for a Site Plan Modification for tract F-2 at Riverview. She continued that this request will reduce the amount of total square footage by 19,602. She added that staff does have a concern with parking, however, the applicant has provided an overall parking model so this concern has been adequately addressed.

David Udall, 30 West 1st Street, attorney representing the applicant, stated that they agree with the staff report and they think they do have adequate parking.

Hearing Officer Petrie asked Ms. Gonzalez about the requirement of an additional double trash enclosure as listed the staff report. Ms. Gonzalez stated that it was her understanding that the Solid Waste Division required a certain number of double enclosures based on the square footage of the building.

Discussion ensued concerning parking, solid waste requirements and the additional double trash enclosure.

Hearing Officer Petrie approved zoning case Z07-55 subject to the five conditions of approval as noted in the staff report dated June 7, 2007 with the clarification that condition number four, "Compliance with all City development codes and regulations," not include providing an additional two trash enclosures at this time. He continued that if the use of the building should change this requirement could be revisited at that time.

The Planning Hearing Officer **approved** zoning case Z07-55 conditioned upon:

1. Compliance with Ordinance #4496 (Z05-101) except as amended by the modification of Tract F-2.
2. Compliance with the Tract F-2 development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee building count, or lot coverage).
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
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.

Reason for Recommendation: The Hearing Officer felt this proposal adhered to the goals of the General Plan.

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Note: CD's of the Planning Hearing Officer Hearings are available in the Planning Division Office for review.

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Z07-53 (District 6) 9107 East Southern Avenue. Located west of Ellsworth Road on the south side Southern Avenue (1.8± ac.). Rezone the western portion of the site from AG (Conceptual C-2) to C-2 and Site Plan Modification. This request will allow for the development of a retail building. Scott Anderson, owner; William E. Canjura, Archicon, L.C., applicant. **CONTINUED FROM THE MAY 24, 2007 MEETING.**

Comments: Krissa Lucas, Planner I, gave an overview of the case stating that this is a rezone for the western 130 feet of the site as well as a site plan modification to allow a multi-tenant retail building with office space in the front and exterior bay doors in the rear. She added that staff has a concern regarding the bay doors along the south elevation that faces an existing residential subdivision, however, staff feels that this concern can be addressed through the Design Review Board.

Michael Monroe, 4041 N. Central Ave., Ste. C-100, Phoenix, applicant, disagreed with staff's concern regarding the bay doors and the residences to the south stating that they had worked diligently with the neighbors on the project to the east and have mimicked that project here. He continued that they had only one phone call concerning this project and that neighbor wanted to know if this was going to be similar to the project to the east and had no objections when they were told it would be the same.

Hearing Officer Petrie commented that it is part of the Design Review Board's purview to look at how the design of a building could impact adjacent uses and asked the applicant if the landscape setback was exactly the same as that on the project to the east. Mr. Monroe responded that the landscape setback is 24-inches less than the project to the east.

Discussion ensued concerning elevations, landscape setbacks, the project to the east and the requirements of the Design Review Board.

Hearing Officer Petrie then asked Mr. Monroe what the intended uses would be for this project. Mr. Monroe responded that they anticipate flex office space, but had no specific users at this time. Discussion ensued regarding types of uses allowed in the C-2 zoning district and how some uses may impact the neighbors to the south.

Wayne Churchman, 1452 S. Ellsworth Rd., neighbor, stated that he is the manager of the Valle Del Oro RV Resort, just to the west of the proposed project, and was here to listen to this case.

Discussion ensued concerning requirements of the Design Review Board, submittal dates and if construction documents could be submitted prior to Design Review Board approval.

Hearing Officer Petrie commented that one of the standard conditions of approval is "Compliance with all requirements of the Design Review Board" and that he does have a concern, depending on the types of uses that can go in, that there could be noise impacts on the residences to the south.

The Planning Hearing Officer recommends to the City Council **approval** of zoning case Z07-53 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.

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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. Recordation of a cross-access easement with the adjacent C-2 parcel to the east.
6. Owner granting an Avigation Easement and Release to the City, pertaining to the 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 owners, and acknowledgment received that the project is within five (5) miles of the Williams Gateway Airport.

Reason for Recommendation: The Hearing Officer felt this proposal adhered to the goals of the General Plan.

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Note: CD's of the Planning Hearing Officer Hearings are available in the Planning Division Office for review.

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Item: **Z07-56 (District 6)** The 2800 to 3200 blocks of North Sossaman Road (west side). Located north of McDowell Road on the west side of Sossaman Road (1.21± ac). Rezone from Maricopa County Rural 43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Las Sendas Community Association, represented by Michael Moore, City of Mesa, applicant.

Comments: Joy Spezeski, Planner I, stated that this case was advertised incorrectly, therefore, a continuance was need to correct the public notice.

The Planning Hearing Officer continued zoning case Z07-56 to the July 5, 2007 meeting.

Reason for Recommendation: The Hearing Officer felt a continuance was warranted.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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