

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date February 17, 2005 Time 4:00 p.m.

MEMBERS PRESENT

Mike Cowan, Chair
Barbara Carpenter, Vice-Chair
Rich Adams
Pat Esparza
Alex Finter
Frank Mizner
Bob Saemisch

MEMBERS ABSENT

OTHERS PRESENT

John Wesley	Jennifer Gniffke	Mike Renshaw
Dorothy Chimel	William Puffer	Tom Noviski
Tom Ellsworth	Michael Gallegos	Janice & Robert Throckmorton
Ryan Heiland	John Johnston, Jr.	Kim Clarkson
Scott Langford	Maxine Steiner	Phyllis Hummer
Liz Zeller	JoAnn Moore	Oria Jeanne Cluff
Lois Underdah	Virginia Skousen	Alice Ford
Maria Salaiz	Rachelle Shumway Shuster	John Perkinson
Scott Gulli	Scott Greer	Mary Edwards
Marlene Hoffman	Evelyn Trokey	Ellis Falk
Linda Granzow	Robert Granzow	Dr. Brad Bryant

Chairperson 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 February 17, 2005. Before adjournment at 6:50p.m., action was taken on the following items:

It was moved by Boardmember Carpenter, seconded by Boardmember Esparza, that the minutes of the January 20, 2005 meeting be approved as submitted. The vote was 7-0..

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

There were four consent agendas due to potential conflicts of interest by different Boardmembers.

It was moved by Boardmember Adams, seconded by Boardmember Esparza, that the consent items be approved. Vote 7-0

Zoning Cases: *Z04-105, *Z05-03, *Z05-15, *Z05-16, *Z05-18, *Z05-20, *Z05-21, *Z05-22, *Z05-24, *Z05-26, Z05-27, *Z05-28, *Z05-29 and Pre-Plat "Anasazi Estates".

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It was moved by Boardmember Saemisch, seconded by Boardmember Carpenter, that the consent items be approved. Vote: 6-0-1 (Finter abstaining)

Zoning Case: *Z05-04

It was moved by Boardmember Adams, seconded by Boardmember Esparza, that the consent items be approved. Vote: 5-0-2 (Cowan, Saemisch abstaining)

Zoning Case: *Z05-19

It was moved by Boardmember Esparza, seconded by Boardmember Finter, that the consent items be approved. Vote: 6-0-1 (Carpenter abstaining)

Zoning Cases: *Z05-30(a), *Z05-30(b), *Z05-30(c)

MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **GPMInor05-01 (District 5)** 5702 East Main Street. Located south and west of Main Street and Recker Road (8.3 ac.). Minor General Plan Amendment to change existing land use designation from Community Commercial and High Density Residential 10-15 (10-15 du/ac) to Medium Density Residential 6-10 (6-10 du/ac). Dan Mikalacki, owner/applicant. **COMPANION CASE Z05-04.**

Comments: Boardmember Finter stated that due to a potential conflict of interest he would not participate in discussion or voting on this case.

Ryan Heiland, Planner II, gave an overview of the case, stating that the applicant wished to change the zoning to medium density residential to allow for development of 58 town homes. He added that the request is consistent with other land uses in the area and that staff is in support of this modification.

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of GPMInor05-01.

Vote: Passed 6-0-1 (Finter abstaining)

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-04 (District 5)** 5702 East Main Street. Located south and west of Main Street and Recker Road (8.3 ac.). Rezone from C-2 to R-2 PAD and site plan review. This request is for the development of a town home development. Dan Mikalacki, owner/applicant. Also consider the preliminary plat "Main Street Casitas". **CONTINUED FROM THE JANUARY 20, 2005 MEETING. COMPANION CASE GPMInor05-01.**

Comments: Boardmember Finter stated that due to a potential conflict of interest he would not participate in voting on this case. This item was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Saemisch, seconded by Boardmember Carpenter,

That: The Board approve the preliminary plat of "Main Street Casitas" and recommend to the City Council approval of zoning case Z05-04 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 the Residential Development Guidelines.
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. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report or on the site plan.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0-1 (Finter abstaining)

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z04-105 (District 6)** The 1600 block of South Signal Butte Road (west side). Located south of US 60 and west of Signal Butte Road (66.7 ac.). Requesting a Council Use Permit to allow the development of a Freeway Landmark Monument sign in conjunction with the construction of group commercial center. Bojer Land/Signal Butte, owner; Diversified Partners – Elizabeth Gaston, applicant. **CONTINUED FROM THE DECEMBER 16, 2004 MEETING.**

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board continue zoning case Z04-105 to the March 24th, 2005 Meeting.

Vote: Passed 7-0

Reason for Recommendation: Boardmembers agreed that a continuance was warranted at this time.

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-03 (District 1)** The 1300 block of East McKellips Road (south side). Located south and east of McKellips Road and Stapley Drive (8.7 ac.). Rezone from O-S to C-1 PAD and site plan review. This request is for the development of a medical office building and a restaurant. Nupetco Association (Albert Petty), owner; Paul Devers, Jr. – Cawley Architects, applicant. Also consider the preliminary plat “Mesa Family Medical Center” and “McKellips Restaurant”. **CONTINUED FROM THE JANUARY 20, 2005 MEETING.**

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board approve the preliminary plat of “Mesa Family Medical Center” and recommend to the City Council approval of zoning case Z05-03 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
8. Review and approval of a Special Use Permit by the Board of Adjustment for outdoor seating associated with a restaurant.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-15 (District 6)** 8320 E. Germann Road. Located on the northwest corner of Germann and Hawes Roads (6.93 ac.). Rezone from AG to M-1 and site plan review. This request is to allow for the operation of a Chas Roberts Air Conditioning business. Christopher Derken, owner; Michelle Dahlke, Pew & Lake, PLC, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board recommend to the City Council approval of zoning case Z05-15 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Recordation of a Lot split to match the area being rezoned to M-1.
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 lot split, 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. Compliance with all requirements of the Design Review Staff.
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 (prior to the issuance of a building permit).
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-16 (District 6)** The 2500 – 2700 block of South Signal Butte Road (east side). Located south and east of Baseline Road and Signal Butte Road (20± ac.). Rezone from R-2 PAD-DMP, R1-6 DMP, and AG to R1-6 PAD-DMP and R1-6 DMP and Site Plan Review and expansion of the Sunland Springs Village Development Master Plan. This request is for the development of a residential community and accessory RV storage. Craig Ahlstrom, owner; Tim Nielsen, applicant. Also consider the preliminary plat of “Sunland Springs Village Golf View Condominiums and RV Storage”.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board approve the preliminary plat of “Sunland Springs Village Golf View Condominiums and RV Storage” and recommend to the City Council approval of zoning case Z05-16 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 the Residential Development Guidelines.
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. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
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. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-17 (District 6)** The 10,100 - 10,300 blocks of East Southern Avenue (south side, south to Hampton Avenue) and the 1300 block of South Crismon Road (east side, east to the South Chesire alignment). Generally located south and east of the southeast corner of Crismon and Southern Roads (47± ac.). Rezone from C-2, PEP and M-1 to C-1 BIZ and Site Plan Review. This case is to allow development of a hospital. VJ Crismon LLC (Vance H Marshall) and IASIS Healthcare Holdings, Inc. (W Carl Whitmer), owners; Mike Withey of Withey, Anderson & Morris, applicant.

Comments: This item was on the consent agenda, therefore, it was not discussed individually. Prior to the vote Boardmembers Cowan and Saemisch stated that they would not participate in voting on this item due to potential conflicts of interest.

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board recommend to the City Council approval of zoning case Z05-17 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. Review and approval by the Planning and Zoning Board, Design Review 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. 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Recordation of cross-access easements at locations identified on the site plan.
9. Compliance with all requirements of the Design Review Board.
10. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.

Vote: Passed 5-0-2 (Cowan, Saemisch abstaining)

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-18 (District 5)** The 5600 block of East McKellips Road (south side). Located south of McKellips Road and east of Higley Road (3.24 ac.). Site Plan Review. This case is to allow development of two retail/restaurant buildings. Mark Gibbons, Property Reserve Arizona LLC, owner; Bill McDermott, LEADS, Inc., applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board recommend to the City Council approval of zoning case Z05-18 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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. Compliance with all requirements of the Design Review Board.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded with the City prior to the issuance of a building permit.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-19 (District 5)** The 5600 block of East McKellips Road (south side). Located south of McKellips Road and east of Higley Road (10.52 ac.). Site Plan Review. This case is to allow development of an assisted living facility. Mark Gibbons, Property Reserve Arizona, LLC, owner; Neal Pascoe, Beus Gilbert, PLC, applicant.

Comments: Paul Gilbert, Beus Gilbert, representing the applicant, stated that they were in agreement with the staff report.

Robert Throckmorton (5615 E. Encanto) stated that he was pleased with how the process works and felt this project would be a good fit for the community.

Janice Throckmorton (5615 E. Encanto) stated that there is no opposition in the community and they wished other developers would be as conscientious.

Liz Zeller, staff Planner, gave an overview of the project and stated that staff was recommending approval.

It was moved by Boardmember Saemisch, seconded by Boardmember Finter,

That: The Board recommend to the City Council approval of zoning case Z05-19 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Filed Airport Which will be prepared and recorded by the City prior to the issuance of a building permit.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-20 (District 3)** The 500 block of West Baseline Road (south side). Located south of Baseline Road and west of Country Club Drive (1.44 ac.). Site Plan Modification. This case is to allow for the development of a retail building. Steve Adams, owner; Darlene Moore, Cawley Architects, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board recommend to the City Council approval of zoning case Z05-20 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, as presented at the February 17, 2005 Study Session, 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, 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 cross-access and reciprocal parking easements for the shared drive aisle between parcels 302-04-008L & 302-04-008K.
6. Compliance with all requirements of the Design Review Board.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.

Vote: Passed 7-0

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Item: **Z05-21 (District 5)** The 200 block of North Power Road (west side). Located north of Main Street and west of Power Road (0.6 ac.). Rezone from R1-9 to O-S and Site Plan Review. This case is to allow for the development of an office building. Gene Gin, owner; Shawn M. Clow, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board recommend to the City Council approval of zoning case Z05-21 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. Review and approval of a Development Incentive Permit (D.I.P.) by the Board of Adjustment.

Vote: Passed 7-0

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Item: **Z05-22 (District 5)** 1725 N. Quail. Located south of McKellips Road and east of Greenfield Road (4.11 ac.). Rezone from M-1 to M-1 PAD and site plan review. This case is to allow development of industrial condominium buildings. Mark Hughes, owner; Todd Spencer, Cawley Architects, 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 Adams, seconded by Boardmember Esparza

That: The Board continue zoning case Z05-22 to the March 24, 2005 Meeting.

Vote: Passed 7-0

Reason for Recommendation: The Board agreed that a continuance was warranted.

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-23 (District 1)** 851 E. Main Street. Located south and west of Main Street and Stapley Road (1± ac.). Council Use Permit. This request is to allow a day labor business. Ron Walters, owner; David Naja (Able Body Labor), applicant.

Comments: David Naja, the applicant, stated that the community meetings held had gone very well, and with little opposition. He added that the major concern which had been brought to his attention was the question of whether they employed people who are not authorized to work legally in the U.S. Mr. Naja stated the answer to that question was no, that they must follow the same guidelines as any other company to hire people. Another concern was the possibility of a loitering problem. He explained that they don't tolerate the loitering issue, they have an area in the back of the building and an entrance to the facility in the rear so their applicants won't be near the road and create a safety issue. Regarding the concern of customers picking people up at the facility, that is not allowed.

Mr. Naja explained that Able Body has been around for 17 years and has 92 locations. They will generate 1 -1.5 million dollars that will go back into the local economy. He added that they are a good employer - they employ general laborers, but also employ \$14, \$15 and \$16/hr skilled tradesmen.

John Johnston, Jr. (243 N. Fraser) stated that he had observed a business in that area several years ago that was a day labor facility that was not conducive to the neighborhood. He added that with Able Body he had not seen the problems or any loitering, and has not had people camping out in the alleys or bushes. He said he thought people were confusing the two businesses. Mr. Johnston commented that this facility provides jobs for people that want to work and is helping families, getting people off the unemployment rolls. He added that he could see no reason they would not be welcomed in Mesa.

Kim Clarkson (1457 E. Pepper Place) stated that she felt she was fighting for the life of her downtown neighborhood. She added that she felt this was a good business for employing people who need jobs but she is not happy with what is happening along Main Street. She asked why it couldn't be located elsewhere and added that it would be worth the city's time and effort to keep that area open for businesses that are more consumer-friendly.

Maxine Steiner (426 N. Horne), Phyllis Hummer (657 E. Park Place), Oria Jean Cluff (729 E. 3rd), Virginia Skousen (723 E. 3rd), and Alice Ford (258 N. Horne) indicated they were not in favor of this project but did not wish to speak.

JoAnn Moore (649 E. 2nd St.) stated that this was a good business but she feared that because City Council wants a Day Labor service run by a private business that it would turn into a Day Labor. She added that the applicant had promised that the buses and the van would be kept in the back parking lot but that hadn't been done. She mentioned that it was a wonderful business and provides work for men who want to provide for their families but it needs to be kept away from a neighborhood.

Rachelle Shumway Schuster (727 E. Pepper Place) stated that they already have several transients, adding that she doesn't think this business will help their area. She commented that there would be a better use for that building that would improve that area.

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Mr. Naja stated that the bus is out front during the day for obvious reasons and placed in the back of the building overnight. He added that they are proud of what they do, they employ a lot of good people, not illegal folks. If their applicants are not legal and not able to work in the city or the country they will not work for Able Body. He stated that a lot of this is misunderstanding. Some of the people who spoke today were not at the neighborhood meetings. He asked for the opportunity for Able Body to prove themselves.

Mike Renshaw, City of Mesa Neighborhood Outreach Office, stated he had the opportunity to attend the applicant's first public meeting and he was very impressed. Attendance was good. He stated he had received e-mails and telephone communications that were in support of the applicant. He added that he felt the applicant had provided answers to some of their concerns during that first meeting and he was impressed with the manner in which the meeting had been conducted.

Ryan Heiland, staff Planner, stated that Staff is recommending denial. The first concern is pedestrian traffic, because of the nature of this business it has the potential to attract a lot of foot traffic. This is a small building (the site is 1,989 sq. feet) with a somewhat small lobby. If you get a large number of workers congregating, it is possible the lobby will fill up and applicants will spill out onto the street or into the rear of the building. With the existing site conditions (there is virtually no landscaping on the site) it doesn't provide much screening or buffering from adjacent land uses or from Main Street.

Mr. Heiland pointed out that staff feels this is not the most ideal location in terms of the type of pedestrian traffic that you will see. Also, there is the question of safety, with a 13 ft. building setback from Main Street to the face of the building there is concern that a large group of people could create a safety hazard for the pedestrians on the sidewalk, for the residents of the area, as well as for the traffic on Main Street. The final concern is with drive-by traffic. There is the possibility that an employer driving by, who needs to hire some temporary labor, and sees people congregating on the sidewalk would stop on Main Street to pick up a couple of workers for the day. Also the dead-end parking in the rear could be problematic. He informed Boardmembers that Staff is recommending denial of this Council Use Permit.

Boardmember Saemisch asked if parking required vs. parking provided for this site could be a contentious issue. Mr. Heiland responded that there were 11 spaces required and 8 provided on site, but there are on-street spaces provided.

Boardmember Finter asked the applicant what type of remodeling plans they had. Mr. Naja replied that the alleyway leads to ample parking for what they do. There are not that many people, there may be 5 or 10 people there at any given time. They have a rear entry. He added that they cannot landscape this site.

Boardmember Adams stated that from all he can determine Able Body Labor is a fine business and he was glad that they had chosen to bring that business to Mesa. However, he felt it was a good business in the wrong location. He emphasized that the issues bearing consideration are what staff has raised with respect to building setbacks, parking and just generally appropriate use of that particular building.

Boardmember Mizner asked about licensing and stated that he would like to reinforce comments made by Boardmember Adams. Mr. Mizner stated that this is a service provided in the

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community because it is needed. There is a demand for this type of labor, a ready labor supply, and this is the type of private enterprise business that has the potential for meeting the market demand. He added that he did not feel this was the proper location – the site is too small, too close to schools, parks, residential neighborhoods and would have a negative impact on this portion of Mesa as well as businesses up and down Main Street. He commented that he would support staffs' recommendation for denial.

Vice-Chair Carpenter stated that her understanding was that this was an employment agency that was applying to operate as a day labor center.

Mr. Naja assured Boardmembers that he disagreed with the idea that the building is not conducive to what they do. The office is larger than their 92 other offices. They don't have 200 people there in the morning. People come in, fill out applications and go to work. Most of the people don't have a vehicle, so parking is not an issue, and that is why they have invested in the buses.

Ms. Carpenter stated that she had noticed the hours of operation were different than those in the staff report. Mr. Naja responded that in Arizona the job sites will start earlier. Ms. Carpenter asked if their intent was to stay at this site or to establish the business here and then move on to a new location if they are very successful. Mr. Naja responded that they plan on having long range goals here and want to stay. They want to be here for 20 years as a vital part of the community.

Ms. Carpenter stated that the board had heard comments from citizens that the City Council wants a privately-operated day labor contractor, adding that she did not know if that were true or not but it certainly has an appeal. She stated that a Neighborhood Outreach staff member has commented positively about this business and many of the questions are really programmatic in nature. Ms. Carpenter informed that the Boards' job is to advise the City Council on zoning and land-use issues, however this is a Council Use Permit and that is very special. She asked if staff would explain what is different and why Council requires it.

John Wesley, Planning Director, explained that the Council Use Permit is for specific things that may or may not fit in given locations. They are used to review the impacts they may have in that given location – to see if it really will fit the neighborhood, fit the site, and to see if there is a negative land-use impact.

Ms. Carpenter stated that she thought this applicant had taken on a real challenge, however, even with the limitations of the building and the questions about traffic, landscaping, this is an in-fill project – they are working with a building that is right next to the sidewalk – the burden is going to be upon them to show that they can operate under these conditions. She added that she did not agree that it should be denied on that basis, and that she thought it would be an interesting discussion at City Council.

Boardmember Saemisch stated that he believed that in this case it was all about location and that's what a lot of Council Use Permits are about. What makes it a unique form of zoning ordinance is that the location has a lot to do with it being approved. He mentioned that, as the applicant had noticed, Pawn Shops have become an issue, have been addressed, now are required to be certain distances apart, and we are living with some of those issues that may have started off on the wrong foot in the past. Mr. Saemisch stated he was not sure whether this was a

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large enough site for a very successful business. He added that the applicant had indicated that most of the people who are going to be coming to the site are not going to have vehicles, and he thought that would make more of a chance for loitering. He remarked that it did not ring true yet that they had represented that inside the city limits everything was going to be fine and dandy with that company. He added that he had a feeling it probably is, but right now there is more doubt than reason to believe it true that they would be able to keep all their promises. He advised that any other street would be preferable and stated that he'd like to welcome the applicant to the community, if we could find the right niche for them.

Boardmember Esparza read into the record an e-mail received from Denise Traves of the Mesa Police Department. Officer Travis indicated that she had done a walk-through of the site with Mr. Naja, indicating some possible security needs. Included were a dusk-to-dawn light for better visibility, placing a security plate outside the back door on the deadbolt to help discourage break-ins. She had also discussed the Trespass Enforcement Program. Ms. Esparza agreed that it sounded like Able Body wanted to be a good neighbor. She added that, regarding concerns from the neighbors indicating transients and loitering, she lives in a historic district downtown and has had transients sleeping on her trampoline, inside her van, and it is one of those unfortunate things that she has to deal with appropriately. She stated the only problem for her was the location but she would hope and encourage Able Body to continue to look around.

Boardmember Finter stated that he had had the opportunity to meet at the site and hear the presentations, and that he was really impressed. As far as the business models and the service they provide throughout the United States, he thinks it's a great business if the right spot can be found in Mesa.

Chair Cowan stated the concept was a great idea but he was concerned with the use of that facility as far as its functionality for the intent of the program. Considering the land-use issue, Mr. Cowan remarked that there are probably some other very viable locations. He agreed that this was a great opportunity, but not a good fit. He reminded the applicant that this board is a recommending body and encouraged him to share his concerns with the City Council as well.

It was moved by Boardmember Adams, seconded by Boardmember Mizner,

That: The Board deny zoning case Z05-23.

Vote: Passed 6-1 (Carpenter voting nay)

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-24 (District 6)** The 6200 block of South Mountain Road (west side). Located south and west of Williams Field Road and Mountain Road (25± ac.). Rezone from AG to M-2. This request is to bring zoning into conformance with the Mesa 2025 General Plan. G M 50 LLC; El Dorado Holdings, Admin. Agent Debra Bricker, owner; Dasia Equities, LLC, James Cullumber, applicant.

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

It was moved by Boardmember Adams seconded by Boardmember Esparza,

That: The Board recommend to the City Council approval of zoning case Z05-24 conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board, and City Council of future development plans.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all City development codes and regulations.
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.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-25 (District 6)** The 1600 to 1900 block of South Signal Butte Road (both sides). Located on the northeast and northwest corners of Signal Butte and Baseline Roads (91 ac.). Rezone from R1-43 to C-2 DMP and C-2 to C-2 DMP and Site Plan Review. This request is to allow for a regional commercial center. John Perkinson, Bojer Land/Signal Butte Limited Partnership, owner; Elizabeth Gaston, Diversified Partners, applicant. Also consider the preliminary plat.

Comments: Jason Morris (Withey, Anderson & Morris), representing the applicant, stated that they were appreciative of staff support on this case, adding that one of the concepts brought forward in the staff report was the surrounding use. Mr. Morris explained that this property is a regional/commercial designation in the Mesa 2025 General Plan. It is not a typical neighborhood center but is reserved for those areas that have arterial access and proximity to a freeway. This site has that. There is almost direct access to the freeway and this is a fast growing area. He mentioned that it was significant that in site plans shown on the east and the west side there is not a maximization of the building coverage. There is a lot of open space, they are not asking for a lot of variations. It is a stronger land-use plan. Mr. Morris advised that there had been some neighborhood issues raised. One of those was with the uses proposed, a concern about the mix of a theater and health club. He explained that they have a synergistic relationship, that the primary use and peak demand of a health club is typically before and after work, during the week. The slowest time for a health club is the weekend period. The reverse is the theater, the weekend would be their most demanding time and obviously their busiest time.

Mr. Morris mentioned that at the neighborhood meeting it was noted that fast-food uses were not the desired use in this area – there was a demand for sit-down restaurants. He added that their site plan shows sit-down restaurants, placed in a landscaped setting. Traffic was another concern, however the reason for the regional/commercial designation is the fact that there is access to two major arterials and the freeway next to it. Given that, this use is certainly appropriate. He stated that the applicant had agreed to fund a traffic signal at the entrance to Springwood at Sunland Village.

Scott Gulli (10258 E. Javelina) stated that he is in support of the project, that it is within walking distance from his home.

Evelyn Trokey, Marlene Hoffman, Mary Edwards, and Scott Greer all indicated support for the project.

Ellis Falk (10832 E. Keats) stated he was not necessarily opposed to the project but that there were considerations that the corner needs to receive. There is a tremendous traffic problem on Friday, Saturday and Sunday, as a result of the Mesa Market. To widen Signal Butte to 3 lanes doesn't solve the problem, it increases it. There is no left turn at Signal Butte and Baseline and traffic stalls as far back as 34 cars. There are also a significant number of cars that make U-turns because they can't make a left turn. Sunland Village will be over 2800 units at build-out, the biggest development in the area. Mr. Falk also expressed concern with drainage problems from State lands that affect the proposed site.

Linda Granzow (11445 E. Neville Ave.) stated that she shared the concerns regarding traffic issues. She clarified that she was not in opposition to the project but with the placement of the theater.

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Robert Granzow (11445 E. Neville Ave.) stated concerns with the traffic study. He also stated he was not in opposition to the project but with how it is arranged regarding traffic. Mr. Granzow suggested that a Police Station be built in the neighborhood.

Dr. Brad Bryant (10849 E. Keats) stated that on behalf of the Sunland Village residents who had signed the petition he asked for assistance in enhancing the quality of life during the proposed Gateway development in their neighborhood. He explained that they are not opposed to plans to include a theater in the project, and they know they cannot oppose the zoning. The principal objection is the placement of the 14-screen multiplex theater proposed by Cinemark is ill-advised, misplaced and inappropriate for the site, just 300 feet from their front yards. This is an active senior community of over 1500 residents currently, with 2800 homes ultimately. Dr. Bryant commented that the increased traffic flow is a high-impact element.

Mr. Morris responded to neighbors comments. He stated that traffic is an issue in this area. What the applicant has done is work with City of Mesa staff regarding right-of-way improvements that need to be done. Regarding hydrology, they have engineers who have looked at the situation to determine how best to take care of the retention issue and also to review the washes in the area to be sure there is no "404" obligation.

He stated that the distance is approximately 460 feet to the nearest building in Sunland Village. Also in terms of land-use, there is a proposed commercial building before you get to the theater building. That property is not developed but it is proposed for commercial.

Scott Langford, staff Planner, gave an overview of the project. He reminded that this proposal included adding a DMP (Development Master Plan) overlay on the west portion of the site, essentially giving a linkage between the east and west portions of the development. In response to some of the concerns, he stated that city Traffic Engineers have reviewed the traffic studies, the site plan, and proposed uses and do not have any concerns with the traffic and the signalized intersections as shown on the site plan.

Mr. Langford stated that the hydrology issues had been reviewed and approved by the city Engineers and it was felt that this development might actually improve drainage. He explained that traffic and crime will increase with development but the Mesa Police Department has expressed that they do not have any concerns with the proposal as shown. He added that staff is in support of this project as it will benefit the entire community.

Boardmember Saemisch stated that he felt this was an exceptional project and he could not imagine a retirement community taking advantage of those things and hopefully that will be a busy crosswalk at the intersection with the signal. He added that he will be proud to support this.

Boardmember Finter stated that he thought it admirable of the applicant to step up and provide the additional signaling at Sunland Springs Village. He added that he felt this would be a quality project and he would be supportive of this project.

Vice-Chair Carpenter stated that a basic needs assessment was done (the community was asked what they wanted to see). She added that there is nothing more irritating than a newcomer coming into town and deciding what the community needs, without asking the community and just

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bulldozing right in and saying "I've decided this is good for you so this is the way its going to be". Usually the community lets them know differently. She stated that this has been in the works for a very long time that she had read all the citizen's input, drove out to the site. Ms. Carpenter remarked that she did not understand why a movie theater is a problem. Anything that is going in at that intersection is going to generate the things that cause concern – traffic, additional people, potential for perhaps some crime.

Boardmember Adams asked the applicant if most of the residents in the surrounding area were living in one of the Farnsworth developed communities and if they make it known to potential home buyers what is the proposed use of the land to the north.

Mr. Morris responded that Sunland Springs Village has a masterplan of their site which shows residential and non-residential uses and other properties. They also have a Tuesday meeting where they provide information for residents and a closed-circuit TV where they run informational segments and the zoning cases. He added that he felt they did a very good job of disseminating information over-all.

Boardmember Adams stated that it shouldn't be a surprise to anyone living in Sunland Springs what the intended use of this parcel would be. Mr. Morris responded that was correct.

Boardmember Adams commented that he thought this was a great project and a fine addition to this part of the community. He added that he was having a hard time determining from any of the comments heard today what the specific problem with the movie theater would be. He stated that the Board has not seen any evidence from the Police Department or from any other source that suggests a movie theater is going to develop any more or any less crime in the area than any other business that might be placed there. Mr. Adams noted that logically, it did not make sense that someone would decide to go see a movie and then decide to commit a crime thereafter. He said that he appreciated the concern but was having a hard time following the logic. He reminded that there is going to be growth in this part of the valley and in this part of town, that's a fact no one can deny. Additional traffic comes with growth. He noted that he would be in support of this project.

Chair Cowan stated that one year ago he lived within one mile of this development and recently moved. One of the reasons they moved was they had four children with no places to go and it was a 45-50 min. trip to take children to the movies and back. He stated that he understood the residents concerns, it was a wonderful place to live but in conjunction with that there are thousands and thousands of families that need amenities to support that area. Looking at trying to balance the needs of Sunland Village and the thousands of existing homes, not to mention the thousands of projected homes that are going to be developed just east of Meridian in Apache Junction, he felt this was a godsend blessing to that part of the community that provides resources and entertainment so families don't have to travel 25-30 minutes to Power Road. He stated that he will support the project and would encourage Council to strongly endorse it as it moves through their agenda as well.

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It was moved by Boardmember Saemisch, seconded by Boardmember Carpenter,

That: The Board approve the preliminary plat and recommend to the City Council approval of zoning case Z05-25 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. All pad buildings to be architecturally compatible with the center.
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, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and street frontage landscaping to be installed in the first phase of construction.
7. Recordation of cross-access easements between all lots proposed in the subdivision plat.
8. 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).
9. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
10. Review and approval of a Special Use Permit by the Board of Adjustment for the Car Wash and Gas Station.
11. Compliance with all requirements of the Subdivision Technical Review Committee.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-26 (District 5)** The 7800 block of East University (south side). Located south of University Drive and east of Sossaman Road. (23.5 ac.). Rezone from R1-43 to R1-6 PAD and preliminary plat. This case is to allow for development of a single-family residential subdivision. Tom Couey, owner; Michelle Dahlke, Pew and Lake, PLC, applicant. Also consider the preliminary plat of "Villas at Montana Vista".

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board approve the preliminary plat of "Villas at Montana Vista" and recommend to the City Council approval of zoning case Z05-26 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with the Residential Development Guidelines.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-27 (District 5)** The 1900 block of North Higley (west side). Located west of Higley Road and south of McKellips Road (8.87 ac.). Rezone from M-1 to M-1 PAD, M-2-PAD and Site Plan Review. This case is to allow for development of an office/industrial/commercial center. Corey Smith, DCSJ Ltd., owner/applicant. Also consider the preliminary plat for "Higley-McKellips Business Center."

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board approve the preliminary plat "Higley-McKellips Business Center" and recommend to the City Council approval of zoning case Z05-27 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. Owner granting an Avigation Easement and Release to the City pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-28 (District 6)** The northeast corner of Ray Road and South Mountain Road. (73.54 ac.) District 6. This case involves the establishment of City zoning on recently annexed property. Rezone from County R1-35 to City of Mesa R1-35. This case involves the establishment of City zoning on recently annexed property. John Poulsen, President of Providence Homes, Inc., owner/applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter,

That: The Board recommend to the City Council approval of zoning case Z05-28 conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-29 (District 6)** The 14000 to 15000 block of South Power Road (east side). Located south of Ray Road and east of Power Road (67.7 ac.). Rezone from Maricopa County Rural-43 PD, C-2 CUPD, C-2 PD and IND-2 IUPD to City of Mesa R1-43, C-2 and M-1. This case involves the establishment of City zoning on recently annexed property. Various owners; City of Mesa, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza,

That: The Board recommend to the City Council approval of zoning case Z05-29 conditioned upon:

1. Compliance with the County Zoning Case #Z2004034, which includes a site plan titled "PRECISE / CONCEPT SITE PLAN BUYDIRECT / QT COMPLEX" and all of the conditions of approval.
2. Compliance with the County Zoning Case #Z2002128, which includes a site plan titled "T-J RANCH" and all of the conditions of approval.
3. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of any other future development plans.
4. Compliance with all City development codes and regulations.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-30(a)** Parcel 2 at Las Sendas. Located north of Thomas Road and east of Power Road (39± ac.). Rezone from R1-90 DMP to R1-15 PAD-DMP and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Roger Steill, CRM Holding LLC, owner; Gary King, Early, Curley & Lagarde, P.C., applicant. Also consider the preliminary plat.

Comments: This item was on the consent agenda, therefore, it was not discussed individually. Prior to the vote, Vice-Chair Carpenter stated that due to a potential conflict of interest she would not participate in voting on this case.

It was moved by Boardmember Esparza, seconded by Boardmember Finter,

That: The Board approve the preliminary plat and recommend to the City Council approval of zoning case Z05-30(a) 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. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written notice to be given to future residents that this subdivision is within two (2) miles of Falcon Field Airport.
9. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
10. Compliance with Ordinance #3694 requiring a grading permit.

Vote: Passed 6-0-1 (Carpenter abstaining)

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-30(b)** Parcel 7 at Las Sendas. Located north of Thomas Road and east of Power Road (6± ac.). Rezone from C-2 DMP to R1-35 PAD-DMP and modification of the Las Sendas Development Master Plan. This case is for the development of a single residence subdivision. Roger Steill, CRM Holding LLC, owner; Gary King, Early, Curley & Lagarde, P.C., applicant. Also consider the preliminary plat.

Comments: This item was on the consent agenda, therefore, it was not discussed individually. Prior to the vote, Vice-Chair Carpenter stated that due to a potential conflict of interest she would not participate in voting on this case.

It was moved by Boardmember Esparza, seconded by Boardmember Finter,

That: The Board approve the preliminary plat and recommend to the City Council approval of zoning case Z05-30(b) 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. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written notice to be given to future residents that this subdivision is within two (2) miles of Falcon Field Airport.
9. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
10. Compliance with Ordinance #3694 requiring a grading permit.

Vote: Passed 6-0-1 (Carpenter abstaining)

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: **Z05-30(c)** Parcel 46 at Las Sendas. Located east of Power Road and south of McDowell Road (22± ac.). Rezone from R1-90, R1-35, R1-90 DMP, and R1-35 DMP to R1-7 PAD-DMP and modification to the Las Sendas Development Master Plan. This case is for the development of a single residence subdivision. Roger Steill, CRM Holding LLC, owner; Gary King, Early, Curley & Lagarde, P.C., applicant. Also consider the preliminary plat.

Comments: This item was on the consent agenda, therefore, it was not discussed individually. Prior to the vote, Vice-Chair Carpenter stated that due to a potential conflict of interest she would not participate in voting on this case.

It was moved by Boardmember Esparza, seconded by Boardmember Finter,

That: The Board approve the preliminary plat and recommend to the City Council approval of zoning case Z05-30(c) 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. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Written notice to be given to future residents that this subdivision is within two (2) miles of Falcon Field Airport.
9. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
10. Compliance with Ordinance #3694 requiring a grading permit.

Vote: Passed 6-0-1 (Carpenter abstaining)

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Item: The 8600 to 8700 Block of East Culver Street (north side) **(District 5)**. East of Hawes Road, south of McDowell Road (5.1± ac.). This request is to allow for the development of a 4-lot subdivision. Scott Lee, Anasazi Development, owner/ applicant. Consider the preliminary plat of "Anasazi Estates".

Comments: Michael Gallegos, representing the applicant, stated that the applicant had met with neighbors and addressed any concerns they may have had. He added that he was available to answer any questions.

William Puffer (8330 E. Thomas) representing the Spook Hill Neighborhood Action Association stated that the item of concern was building height and modification of stipulation number 6. had taken care of that concern. He added that the neighbors support this project.

Liz Zeller, staff Planner, gave a brief overview of the current zoning and the site plan.

It was moved by Boardmember Saemisch, seconded by Boardmember Adams,

That: The Board approve the preliminary plat of "Anasazi Estates" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with Subdivision Regulations, especially Chapter 5, "Desert Uplands Development Standards."
6. The overall dimension shall not exceed 19' in height as measured from natural grade, except that a maximum of one-third of the enclosed living area may exceed 19', but not exceed 24' as measured from natural grade at ridge, 22' as measured from natural grade at parapet. Second story elements should be set back from the property setback lines to create a stepped appearance and to avoid two-story uninterrupted surfaces.

Vote: Passed 7-0

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MINUTES OF THE FEBRUARY 17, 2005 PLANNING AND ZONING MEETING

Respectfully submitted,

John Wesley, Secretary
Planning Director