

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date July 17, 2003 Time 4:00 p.m.

MEMBERS PRESENT

Marty Whalen, Chair
Rich Adams
Pat Esparza
Barbara Carpenter
Bob Saemisch

MEMBERS ABSENT

Mike Cowan, Vice-Chair, excused
Alex Finter, excused

OTHERS PRESENT

Michelle Dahlke
Ryan Heiland
Lois Underdah
Maria Salaiz
John Gendron
Tom Albright
Charlie Scully

Margie Frost
Deanna Villanueva Saucedo
Jennifer Urquhart
Jason Morris
Jamie Baca
Linda Fitchugh
John Standage

Lois Ann Hezsel
Deloris Ray
Elmer Magee
Nick Acquafredda
Urmila Patel
Ramesh Patel
Others

Chair Whalen declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated July 17, 2003. Before adjournment at 5:50 p.m., action was taken on the following items:

The minutes of the June 19, 2003 meeting and the minutes of the first public hearing for General Plan Amendment GPMInor03-02 held on July 15, 2003 were tabled until the August 21, 2003 meeting.

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

It was moved by Boardmember Carpenter, seconded by Boardmember Esparza that the consent items be approved. Vote 5-0.

Code Amendments:

Amending Sections 11-1-6, 11-18-4, 11-18-7, 11-18-8 of the Zoning Ordinance pertaining to the establishment of a zoning hearing officer and, Amending Section 11-1-6 of the Zoning Ordinance pertaining to special events.

General Plan Amendment: GPMInor03-02

Zoning Cases: Z03-29, *Z03-30, *Z03-31, *Z03-32, *Z03-33

Preliminary Plat: *Paloma Estates

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Item: Amending Sections 11-1-6, 11-18-4, 11-18-7, and 11-18-8 of the Zoning Ordinance pertaining to the establishment of a zoning hearing officer.

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

It was moved by Boardmember Carpenter, seconded by Boardmember Esparza

That: The Board recommend continuance of Amending Sections 11-1-6, 11-18-4, 11-18-7, 11-18-8 of the Zoning Ordinance pertaining to the establishment of a zoning hearing officer to the September 18, 2003 meeting.

Vote: Passed 5-0.

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

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Item: Amending Section 11-1-6 of the Zoning Ordinance pertaining to special events.

Comments: This item was on the consent agenda therefore it was not discussed individually. However, at the Study Session prior to the meeting modifications were suggested which would also amend Section 11-13-2.

This item to be presented at the August 21, 2003 meeting.

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Item: **GPMInor 03-02** The 1000 – 1100 block of McLellan Road, north side (Council District 1) (14.1 ac ±). Minor General Plan Amendment. This case involves amending the General Plan from Medium Density Residential 4-6 du/ac (MDR 4-6± du/ac) to High Density Residential 15+ du/ac (HDR 15± du/ac). Suggs Homes Inc., owner; Withey, Anderson & Morris PLC, applicant.

Comments: Chairperson Whalen recessed the Planning and Zoning Meeting to conduct the second public hearing on GPMInor 03-02.

Jason Morris, applicant gave an overview of the case on the General Plan Amendment.

Linda Fitchugh, 1713 N. Markdale, stated she and the majority of people in the neighborhood were strongly opposed to this development. She urged the Board to vote against this case.

Jamie Baca, 963 W. Inglewood, and Margie R. Frost, 907 W. Inglewood, spoke in support of the project.

Chairperson Whalen declared the public hearing closed and resumed the Planning and Zoning meeting.

Michelle Dahlke, Planner II, gave an overview of the project. She stated this site would be difficult to develop not because of the density issue but because of the proximity to the 202. She added staff is supporting the General Plan Amendment for a higher density residential project.

Boardmember Adams asked Mr. Morris to point out the area for the park. Mr. Morris commented that this is not a City park and that it was an item that was compromised with the neighborhood, which is about an acre in size. He also pointed out that as a result of the compromises the size and locations of the buildings have been set back to only impact commercial properties rather than residential.

Boardmember Adams also asked Mr. Morris to comment on what kind of luxury apartments these will be and what the anticipated average rent would be. Mr. Morris stated that luxuries are the amenities within the units and the rentals prices being competitive.

Boardmember Saemisch stated he had a problem supporting this project knowing that the hold out parcel is a definite problem with the rest of the plan. Mr. Morris stated there are opportunities that would allow for a residential office at that location. Unfortunately, they were not able to reach an agreement. However, their attempt to incorporate that parcel hasn't stopped and there may be an opportunity prior to coming forward to actually include that parcel.

Boardmember Saemisch addressed his concern about the access off of McLellan Road and suggested that a fire barrier or a no left turn action be used. He also asked Mr. Morris if the Board passed this General Plan Amendment what the possibilities would be to actually see the proposed site plan. Mr. Morris stated the odds were excellent because the same development team had been working on it for almost 30 months. He added that it would be helpful to have a General Plan Amendment and the idea was to move forward on the whole package.

Boardmember Saemisch asked the applicant why they couldn't wait and do the whole package

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at the same time. Mr. Morris explained that they were various parcels with different land sellers and unless they had at least the General Plan Amendment taken care of, there was very little hope for the case as a whole.

Boardmember Carpenter asked the applicant the status of the annexation and if a piece of County land would still be abutting if it were annexed. Mr. Morris responded that this is part of a larger County Island and they only have the authority of the property owners they represent to request annexation. The City can expand their municipal boundaries but they are not taking in the entire County Island because they don't have the ability to do that.

Chairperson Whalen asked Mr. Morris if the City were to expand over to Alma School Road, would their client have a use for it. Mr. Morris responded if they could get a hold of it they would be happy to include it in the overall parcel.

Boardmember Carpenter stated she was a little uncomfortable approving this case with such a high density and would be more in favor of the medium density residential, which is what the plan calls for.

Chairperson Whalen mentioned he would be willing to support this case once he saw something concrete but at the same time was not willing to abandon the neighbors.

Boardmember Adams motioned that the General Plan Amendment be continued until such time as it could be evaluated with the site plan. Seconded by Boardmember Esparza.

Mr. Morris asked the Board if the zoning case and the General Plan case will be acted upon at the same time or if it was the Board's direction that they file the zoning case. Chairperson Whalen responded that there is a well-designed plan, but as everyone has heard from the public today they have a lot of anticipation that goes far beyond the General Plan Amendment and the Board is not willing to abandon them.

Boardmember Adam added that his concern are the concerns heard from the public today and rather than simply pass the General Plan Amendment he wanted to make sure that the Board got what they were seeing or something similar to it.

Boardmember Saemisch stated it made sense if both the zoning case and the General Plan Amendment be brought together at the same time, that way the applicant knows where the Board stands with it and the Board's expectation.

Mr. Morris stated that the ownership of the property was not enthralled about the idea of coming into the City of Mesa and agreeing to the annexation unless they had a land use plan category. He noted assessments on General Plan areas outside of the municipal boundaries can be made, which is why this case is before the Board and added that City Council cannot take action on a zoning case until the annexation is final.

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board recommend continuance of GPMinor03-02 to the August 21, 2003 meeting.

Vote: Passed 5-0.

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Item: **Z03-29** 651 East Main Street (Council District 4) (2.16 ac. ±) Rezone from R-2 to C-2. This case involves the development of a hotel. Ramesh Patel, owner; Nick Acquafredda, Architects and Planner International, Inc., applicant.

Comments: Nick Acquafredda, applicant stated he has worked with staff and presented a plan with modifications to accommodate engineering and traffic concerns on the project. He agreed with staff's conditions of approval. Mr. Acquafredda gave a brief background stating the existing use has been in place since 1940, even before it was annexed into the City in 1949. He mentioned that his clients have owned the property since 1986. The current use is a hotel on the north and the back half is currently used as a trailer park. He stated he found out that the back half would need to be rezoned to comply with staff requirements. Mr. Acquafredda stated they are asking for the continued use of a hotel on the property, which would be a significant enhancement.

Mr. Acquafredda stated they conducted a neighborhood meeting on April 22nd, and offered the opportunity for neighbors to express their concerns. The neighborhoods primary concern was the relocation of the trailers. He added that his clients are working with the residents by allowing them more time to relocate. Mr. Acquafredda noted he has not received any calls but left the opportunity open to work with the neighbors.

Chairperson Whalen asked Mr. Acquafredda if they were pursuing a franchise with one of the national hotel chains. Mr. Acquafredda responded, Yes, but that the property needed to be zoned for it.

John Standage, 43 S. Olive, stated when they first heard about a development on the site they were a little excited. He mentioned that the hotel is an old, dilapidated, and a problematic site with a lot of crime. He also mentioned that the trailer park was a separate issue and hadn't heard of any problems there. He stated that the front half of the property was a concern, specifically the structure size, setbacks, privacy, and being two-stories high. Mr. Standage mentioned that if the City decides to go forward with this case that his letter be taken into consideration that addresses some of their concerns. He noted that he, his family and others are opposed to this project.

Lois Ann Hezsel, 28 S. Olive, stated she owns the property adjacent to this site and to get rid of the less desirable activities in the neighborhood she purchased the property and turned it into a guest house. She stated that the owners of the hotel make no attempt to clean up, fix up, upgrade or meet code in maintaining the buildings or the property. The applicant, by choice, attracts and rents to those less desirable. Ms. Hezsel stated that she and her neighbors are opposed to this project.

Deloris Ray, 713 N. Poplar, owns the property at 60 S. Ashland, which abuts the applicant's property and is concerned with the lack of privacy if the hotel is two-story. She commented that she didn't seem to have problems with the trailer park and if upgraded the trailer park might be a good idea rather than a hotel.

Boardmember Saemisch asked the applicant what the use would be for the rear property once the front half is developed. Mr. Acquafredda responded that the intent for the back half would be to mirror image the building on the front. Mr. Saemisch also asked what the use would it be in the mean time. Mr. Acquafredda stated originally the intent was to leave the trailers while they

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were building Phase 1. Staff recommended that the applicant remove the trailers as condition of approval.

Chairperson Whalen asked the applicant if they were planning to propose a two story building with a 10-foot setback across from residential. Mr. Acquafredda responded Yes, and pointed out that the property is on the boundary of the Downtown Center, which does allow and actually encourages two story development. It's within a block of the Mormon Temple and the applicant thinks it will be a quality facility for this area. He indicated that the existing project is old, run down and needs to be replaced. Mr. Acquafredda stated they couldn't address all of the concerns that were brought up about height and quality. He stated he understood that there is crime at this facility, which is another reason to get rid of the old hotel. He mentioned his client is preparing to put in overall 2 ½ million dollars into this development. He hoped the Board would support this project and again stated he wants to work with the neighborhood.

Boardmember Esparza asked the applicant who the target market would be, the price range, how they would advertise, and if the suites included kitchenettes. Mr. Acquafredda responded the average rate would be typical to most quality hotels at \$79-80 a night. The suites would be slightly higher because they would have a double room, kitchen facilities, as well as a living room.

Chairperson Whalen asked the applicant if his clients are the same people who own the Sun Valley at 144 E. Main Street. Ms. Patel, the owner responded Yes.

Chairperson Whalen asked Deanna Villanueva-Saucedo to comment on the relocation plan for the trailer park residents. Deanna Villanueva-Saucedo, City of Mesa Neighborhood Outreach Coordinator, stated while she hasn't worked directly with this group of residents their office would be available to work with residents and direct them to the appropriate agencies.

Boardmember Carpenter asked Mr. Acquafredda if he considered any kind of relocation assistance for the residents in the trailer homes. Mr. Acquafredda responded they would give adequate notice to all who reside in the trailers homes and thought a year to relocate was adequate time. He mentioned that the owner of the property has made himself available for additional time if needed.

Boardmember Adams asked Mr. Acquafredda if the second story windows would be looking directly into the back yards of the homes. Mr. Acquafredda responded Yes, and pointed out that people could not go out and sit on the balcony or patios. Mr. Adams also asked the applicant about the businesses or activities expected to draw tenants. He responded that being in close proximity to the downtown area and to the Temple that would certainly attract another facility. Boardmember Adams asked if the applicant had contacted any of the representatives of the Temple to determine whether they were in support. Ms. Patel responded that they did send a letter but hadn't talked to them directly.

John Standage, 43 S. Olive, stated he was not speaking for the Temple but as a member of the church commented that in prior years the Temple drew people from Mexico and Texas because it was the only site for miles. Over the last few years the church has started building a number of smaller Temples within the state and he wasn't sure if that would draw a big crowd.

Elmer Magee, 651 E. Main #30, agreed with the need for improvement and noted that the trailer park had been there since the 1940's. He stated that most of the trailers are going to have a difficult time being relocated because they have been there since the 1940's. He stated his

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concerns were being relocated and was unaware of any assistance to help with the relocation.

Boardmember Saemisch asked staff to clarify the setback requirements for a C-2 building, two-story high. Ms. Michelle Dahlke, Planner II, responded that it is 15' adjacent to commercial zoning districts. Mr. Saemisch read the Code and asked if this applied. Ms. Dahlke responded that the applicant has applied for a Development Incentive Permit (DIP) as a part of this process and as part of that process they would be able to get a variance from any normal setback requirements.

Boardmember Adams asked Ms. Dahlke to explain the Development Incentive Permit process, specifically what benefits the applicant receives and what the City gives up. Ms. Dahlke gave a brief explanation of both the Development Incentive Permit (DIP) and the Substantial Conformance Improvement Permit (SCIP). She stated as part of the pre-submittal conference for this particular site it was discussed with the applicant at the initial stages that the site plan could not conform to the City's normal design guidelines and encouraged them to seek a Development Incentive Permit. They also spoke to the Board of Adjustment staff, the group that reviews these requests, and they were in support of the Development Incentive Permit. Boardmember Adams also asked whether any revenues were generated when one of these permits are granted. Ms. Dahlke responded she didn't believe that was the case.

John Gendron, City of Mesa Zoning Administrator stated that the Development Incentive Process is a result of direction from the City Council. They asked staff to develop procedures that would encourage and allow for infill bypass parcels. One of things that Planning staff recognized early on, was that the disincentive for redevelopment of these small parcels are if one tries to apply current standards, particularly with the new Design Guidelines, it's virtually impossible to develop these parcels. In working with the Planning and Zoning Board, City Council last year adopted the Development Incentive Permit, which was a way of looking at how the City could relax some of the development standards to allow projects to develop while at the same time, look for some upgrade to the parcel to make sure it's compatible. Each parcel is looked at individually.

Boardmember Saemisch asked Mr. Gendron what his position was on a 10-foot versus a 50-foot building setback and the impact on the residents regardless of the incentives. Mr. Gendron responded that it would be inappropriate for him to comment on this case because it might go before the Board of Adjustment. He added that if this case is approved by City Council, the Board of Adjustment would look at this case very closely.

Chairperson Whalen agreed that it would be inappropriate for Mr. Gendron to comment on this case. He mentioned that this is a fairly new procedure that the Board approved within the past year, and commented that if this procedure allows a 10-foot setback on a two-story building, looking into residential backyards, then he would withdraw his support for it.

Michelle Dahlke gave a brief history of this case stating staff looked at this site as a revitalization opportunity for the area. She stated staff was concerned about the residents in the trailer park and did consult with Ms. Villanueva-Saucedo early in the process about programs in place and also talked to the applicant about these programs early on. The applicant informed staff that they had been talking to the residents and staff felt comfortable that the residents were aware of this zoning case. Ms. Dahlke stated staff understands the concerns the Board has and staff is working with the Development Incentive Permit process and other processes in an attempt to utilize this as a way to revitalize the property.

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Boardmember Adams stated he was having a hard time supporting this case. He stated he would have to review his line of thinking with respect to the DIP issues, if in fact it can be used to allow these kinds of setbacks particularly with a two-story building. He added he would not have as much concern if the Board were dealing with a one story because of its present situation. We would be removing something that's old and run down and replacing it with something that's new, however, which did not have much consideration for the residents living in the trailer park. Mr. Adams stated he was not entirely convinced with respect to the long-term viability and the potential clientele.

Boardmember Carpenter stated this has been a very difficult case and she has tried to be very fair and look at everything thoroughly. She pointed out that this is a rezoning case not an infill case and properly described as a potential revitalization opportunity. She stated that in her point of view this would not revitalize at all. It would just put new building materials on the same problem. She noted that on the relocation of the residents whatever State or Federal monies are out there would not be guaranteed by the time they would have to relocate. In order to make this a viable project you either have to upgrade the hotel model or go to some kind of ownership where the people who live there own it. She stated she is not at all in favor of this project as it is currently being proposed.

Boardmember Esparza stated she did not feel comfortable with this project and noted that she didn't like to sacrifice park residents and neighbors for revitalizing the Downtown. If it were one story property, she would probably give consideration based on the 10-foot setbacks and the possible DIP but stated she would not support this case.

Boardmember Saemisch stated he couldn't support two-story windows in a 10-foot setback.

Chairperson Whalen stated he concurred with other Boardmembers and although the landlord is perfectly within his rights to terminate the leases noted the disregard for the residents. He pointed out that the applicant has owned this place for 17 years and it hasn't been maintained. Mr. Whalen mentioned that the applicant does not have a good track record on these issues and stated that the last time the Board saw this was with the Sun Valley Motel at 144 East Main Street. It was the same sort of thing, very much deteriorated. Mr. Whalen stated if it were to come back as a single story and provisions made for the trailer park residents that would help but as it stands now he could not support it.

It was moved by Boardmember Carpenter, seconded by Boardmember Adams

That: The Board deny zoning case Z03-29.

Vote: Passed 5-0.

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Item: **Z03-30** 5404 East Southern Avenue (Council District 6) (1.19 ac. ±) Rezone from R1-7 to OS PAD. This case involves the development of an office. Allan Bulman, owner; Don Cramer, AIA, applicant.

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

It was moved by Boardmember Carpenter seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z03-30 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 coverage) except as noted below.
2. Compliance with all requirements of the Design Review Board, including landscaping, pedestrian connections and elevations.
3. Parking shall be calculated at 1 space per 200 square feet of G.F.A.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

Vote: Passed 5-0.

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Item: **Z03-31** 7255 East Hampton Avenue (Council District 6) (3.14 ac). Rezone from M-1 to M-1-PAD. This case involves the development of industrial offices. Sunridge Properties, Inc., owner; Les Partch, Partch & Assoc. Architecture, applicant. Also consider the preliminary plat of "Superstition Springs Professional Park."

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

It was moved by Boardmember Carpenter, seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z03-31 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 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 5-0.

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Item: **Z03-32** The southwest corner of Sossaman Road and Hampton Avenue (Council District 6) (36 ac. ±). Rezone from AG (Conceptual M-1 and PEP) DMP to M-1-PAD-DMP. This case involves the development of a mixture of industrial uses including auto dealerships. DMB Superstition Springs Investors, owner; Karrin Kunasek Taylor, Esq. (Biskind, Hunt, & Taylor, P.L.C.), applicant. Also consider the preliminary plat of "Superstition Springs Center Auto Loop."

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

It was moved by Boardmember Carpenter seconded by Boardmember Esparza

That: The Board recommend continuance of zoning case Z03-32 to the August 21, 2003 meeting.

Vote: Passed 5-0.

Reason for Recommendation: The Board felt a continuance was warranted to allow more dialog between staff and applicant.

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Item: **Z03-33** The 1000 – 1100 block of West Southern Avenue, south side (Council District 3) (2.04 ac). Rezone from C-2 (Conceptual BIZ) DMP to C-2 BIZ DMP and Site Plan Modification. This case involves the development of a bank. Keith Earnest, owner; Scott Prickett, applicant.

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

It was moved by Boardmember Carpenter, seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z03-33 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, lot coverage) except as noted below.
2. Review and approval by the Design Review Board and Development Services Department including Solid Waste Division of future development plans should there be a change of use, other than a bank and offices.
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 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. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
9. Provide additional foundation base landscaping (landscaped parking island/pedestrian walk equal to the width of two parking spaces) along the southern portion of the National Bank of Arizona building. Design to be reviewed and approved by the Design Review Board.
10. Eliminate all retaining walls and screen walls within the retention basin(s) along Southern Avenue or as approved by the Design Review Board.

Vote: Passed 5-0.

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Item: **3300 - 3400 S. Sossaman (eastside)** – (Council District 6). This project involves the development of a single residence subdivision (26.42+ ac). Peter Martens, owner; Ralph Pew, Pew and Lake, PLC, applicant. Consider the preliminary plat of “Paloma Estates.” **CONTINUED FROM THE FEBRUARY 20, 2003, MARCH 27, 2003, MAY 15, 2003 AND JUNE 19, 2003 MEETINGS. (TO BE CONTINUED TO AUGUST 21, 2003)**

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

It was moved by Boardmember Carpenter, seconded by Boardmember Esparza

That: The Board accept the applicant’s request for continuance to the August 21, 2003.

Vote: Passed 5-0.

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Respectfully submitted,

Michelle Dahlke, Secretary