

DRAFT

Until approved by the Planning & Zoning Board

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date October 16, 2003 Time 4:00 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

None

OTHERS PRESENT

Dorothy Chimel
Michelle Dahlke
Ryan Heiland
Lois Underdah
Maria Salaiz
Wahid Alam

Wayne Balmer
Lisa Gage
Kathleen Kelly
Mayor Hawker
Julie Rice
Nick Wood

Richard Lee
Mary Baldwin
Reese Anderson
Sean Lake
Ralph Pew
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 September 18, 2003. Before adjournment at 7:30 p.m., action was taken on the following items:

It was moved by Boardmember Cowan, seconded by Boardmember Adams that the minutes of the September 18, 2003 meeting be approved as submitted. The vote was 6-0-1 (Esparza abstaining – she was not present at the September 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 Cowan that the consent items be approved. Vote 7-0

Code Amendment: *Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance regarding "Vehicle Signs."

Zoning Cases: *Z03-49, *Z03-50, *Z03-51, Z03-52

Major General Plan Amendment: GPMajor03-01

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Item: Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance regarding "Vehicle Signs."
CONTINUED FROM THE SEPTEMBER 18, 2003 MEETING.

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

It was moved by Boardmember Carpenter, seconded by Boardmember Cowan

That: The Board continue Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance regarding "Vehicle Signs" to the November 20, 2003 meeting.

Vote: Passed 7-0

Reason for Recommendation: The Board agreed to a continuance to allow for input from business owners.

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Item: **Z03-49 (District 6)** The 7600 block to the 8100 block of East Paloma Avenue (south side) and the 8000 block to the 8100 block of East Elliot Road (north side) and the 3200 block to the 3600 block of South 80th Street (east side) and the 3200 block to the 3400 block of South 80th Street (west side). Generally located north and east of Sossaman Road and Elliot Road. 97± ac. Rezone from R1-43 to M-1 and C-1. This request is to bring City zoning into conformance with the General Plan. Multiple owners; Wayne Balmer, City of Mesa, applicant.

Comments: Wayne Balmer (applicant for the City of Mesa) stated that this case was initiated at the direction of the City Council. He explained that there are several properties in the area north of Williams Gateway Airport but south of the power lines that have R1-43 zoning (the comparable zoning given them when annexed from the County), which allows one home per acre and in some areas there are some mobile homes and larger lots that are vacant. The proposal is to rezone the property to M-1 and C-1 to bring the zoning into conformance with the General Plan for the area. Mr. Balmer mentioned that the neighborhoods were generally supportive of this. He added that there was a neighbor present who was interested in getting a building permit for an additional single-family home in the area before the zoning changes to M-1.

Becky Covarrubias (7805 E. Paloma) stated that they had purchased their land thinking they would be able to build a home. She added that they are in the process of trying to get all of their plans together and are asking for more time.

Dorothy Chimel (Acting Planning Director) stated that it was a difficult decision to move forward with this case, but City Council had voted and recommended that city staff begin initiation of rezoning approximately 800± acres south of the transmission corridor that are currently zoned R1-43 and a variety of other zoning designations, predominantly industrial. A number of cases have already been brought to the Board and have passed successfully through City Council. Staff is recommending that this case go forward with a favorable recommendation to change the zoning district to be in compliance with the General Plan.

Wayne Balmer stated that staff had talked with the Covarrubias' about the issues involved in putting homes in the area and the conversion of the area to industrial over time. He explained that they had indicated they would still like to put a home in that location. He added that one more home probably wouldn't make that much difference but how long do you wait for them to get a building permit and then someone else comes in and says "I'd like to do that too". The question will be – when is the deadline? Chair Whalen asked if they could except the Covarrubias' lot. Mr. Balmer stated they would then be surrounded on three sides by M-1 with the proposed zoning change the area would be non-conforming uses.

Boardmember Finter stated he would like to reduce the number of victims and would like to continue the case to give the family time to work the situation out.

Boardmember Adams asked if there were any other cases in the area (like the Covarrubias') that Mr. Balmer was aware of. Mr. Balmer responded that they were further along in the process than anyone they were aware of, adding that there were other property owners who were interested in splitting 2-1/2 acre lots to put a home next door but no one had gone as far as the Covarrubias' as far as getting a building permit. He advised that they had been made aware that the zoning case was coming which motivated them to move ahead.

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Mike Johnson (7911 E. Prairie Avenue) stated that he had applied for permits. Mr. Balmer informed him that those permits issued by the Building Safety Division before the zoning ordinance is effective would be honored.

Boardmember Saemisch asked what the City policy would be regarding notifying neighbors of the change and giving them time to work out their issues. Mr. Balmer responded they had already had two neighborhood meetings, contacted all property owners twice, told them of the P&Z meeting and the intent to rezone the property.

Mr. Saemisch asked if there were another vehicle that would allow them to move forward with their plans, other than postponing this case. Mr. Balmer responded that if the Council changed the zoning to M-1 and someone comes in for a building permit for a single family home that application would not be accepted because it is not in compliance with the existing zoning. He added that there is not a use permit, a Council permit, or a Special Use permit to allow the construction of single-family homes in an industrial, employment, or commercial area.

Boardmember Adams asked if someone walked into the office where building permits are applied for and they were a property owner in the subject area, would they be told there was a pending zoning change? Mr. Balmer responded yes. Mr. Adams asked when people were notified there was an impending zoning change. Mr. Balmer responded the first meeting was in May 8, with subsequent meetings July 10 and August 14. When asked if he knew the date of issuance of the building permit in question, Mr. Balmer stated that they had not made application yet but they are in the process of preparing to submit a permit.

Chair Whalen asked Mrs. Covarrubias how long she needed. She stated there was a lot to submit and would need to the December meeting at least.

Vice Chair Cowan asked Mrs. Covarrubias when they would be able to have the permit request submitted. She responded they would hope for the second week of February. Mr. Cowan then asked for the typical time line from submittal of the application until the permit is actually granted. Ms. Chimel responded that it depends on how complete the submittal is. She explained the screening process and the availability of development project coordinators who can assist the applicant in proceeding through the construction permit.

Robert Beaty (2349 N. Glenview) stated that he owned property in the area and had spent a great deal getting it split, having it surveyed and trying to get permits. He added that he was denied because of the General Plan. Because of that he tried to sell the property and is having trouble selling because of what is planned for the area. Mr. Beaty stated that he would like to see something happen one way or another – he asked the Board to make a decision, either leave it residential or re-zone it.

Carolyn Swyers stated problems and delays she had with the permitting process for a remodel.

Boardmember Saemisch reminded Boardmembers that remodels are not affected by the zoning change. Only new construction, new individual houses on individual lots, not remodels or additions to existing houses. Mr. Balmer stated some of the changes and added that there were some benefits to being in an employment area. There are small contractors who are looking for

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areas where they can have a home they can remodel to an office and have their equipment in the area. He added that if this case were continued to December and went to City Council in January then the ordinance would be adopted in February.

Chair Whalen asked if staff had any other suggestions. Ms. Chimel responded that the December date would be most appropriate for a continuance, as that would allow sufficient time to get coordinators in the Building Safety Division to assist the people in the audience.

Boardmember Adams stated that he had a great deal of sympathy for the Covarrubias' situation but was concerned that if this case is continued to December, what happens if we have three, four or more others with like situations in front of the Board at that time. He added that he is concerned about finding a way to accommodate their situation but is also concerned with setting a precedent not only with this case but also with other cases that have similar situations with land use south of the transmission corridor. He added that even though he is sympathetic to the situation he is hesitant to support a continuance because of the potential problems that the Board could face if in December they have three such issues.

Boardmember Carpenter stated that her thinking and to make sure the process is fair. The temptation is to make a single exception to this one family but they would have to be assured there is no one in the same situation or further in the process that they don't know about. She added that she is very reluctant to open that door. Ms. Carpenter mentioned that the Masterplan has been known since last November when all of the citizens voted for it.

Chair Whalen asked Ms. Chimel for staff's preference. Ms. Chimel responded that there had been a great deal of dialogue between the people in the area and staff. She added that Williams Gateway Area had had special meetings in order to get the information out, websites had been created and staff had been directed by Council to proceed, that would be her recommendation.

Boardmember Saemisch stated that there did not seem to be a vehicle to allow citizens to have a known end result far enough out in their future to make a decision. He added that there was either a miscommunication or misunderstanding and they need something more definitive up front to let people know there will be an end to it at a particular day. He further stated that citizen participation included a dead-end projected date that gave everybody enough time to make their decision and allow them at least six months after the decision is made, maybe even eight months or a year. He concluded that to give misinformation and not in a timely amount of time did not seem fair to him.

Boardmember Esparza stated that she agreed with Mr. Saemisch. She added that there had been another General Plan Amendment case that was similar and she felt that the city as well as the applicant had known about this since November and the city should have been working to get to the end result. Ms. Esparza stated she would support a continuance.

Boardmember Finter stated that in the process we are going through we ought to look for every opportunity, especially for every homeowner who has gone to considerable expense, to be able to find options to help them. He mentioned that he saw a communication breakdown. People are saying I didn't know or it's gone so fast. He added that he hoped staff would be able to see the opportunity to increase that communication process so we don't have these dire situations and would support a continuance.

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Boardmember Saemisch asked if the Board could get a staff report or a definitive policy statement that indicates how the citizen participation is working in a timely fashion, what promises are being made and see if there is a gap that is obvious to the Board that they might be able to help to make the process fairer to all people concerned.

Ms. Chimel stated that this was the fourth case for rezoning and staff would provide information regarding the Citizen Participation effort.

It was moved by Boardmember Finter seconded by Boardmember Esparza

That: The Board continue case Z03-49 for a status check at the November 20, 2003 meeting.

Vote: Passed 7-0

Reason for Recommendation: The Board wished to allow additional time to a property owner wishing to submit for building permits.

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Item: **Z03-50 (District 6)** The 9400 block to 9600 block of East Southern Avenue (south side). Generally located south and east of Southern Avenue and Ellsworth Road. 36.1± ac. Rezone from M-1 to R-2 PAD. This request is for the development of a residential subdivision. Will Cardon, owner; Sean Lake, Pew & Lake, P.L.C., applicant. Also consider the preliminary plat of "Muirfield Village"

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

It was moved by Boardmember Carpenter seconded by Boardmember Cowan

That: The Board approve and recommend to the City Council approval of zoning case Z03-50 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. 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. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 7-0

Reason for Recommendation: The Board agreed that this well-designed project would bring the subject site into conformance with the General Plan, and would be compatible with surrounding uses.

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Item: **Z03-51 (District 5)** The 6000 block of East Arbor Avenue (south side). Generally located south and east of Main Street and Recker Road. 1.6 ac. ± Rezone from C-3 to R-4 and Site Plan Modification. This request is for the expansion of an existing assisted living facility. Arbor Rose LLC, owner; Ron Genenbacher, Arbor Rose LLC, applicant.

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

It was moved by Boardmember Carpenter seconded by Boardmember Cowan

That: The Board approve and recommend to the City Council approval of zoning case Z03-51 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 City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

Vote: Passed 7-0

Reason for Recommendation: The Board agreed that the expansion was in keeping with the character of surrounding uses and consistent with the General Plan.

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Item: **Z03-52 (District 6)** The 6400 block of Superstition Springs Boulevard. Generally located south and west of Superstition Springs Boulevard and the U.S.-60 (Superstition Freeway). 3.79 ac. ± Modification of Council approved conditions for Lot F and Lot G of Auto Center at Superstition Springs. Superstition Springs Investors Limited Partnership, owner; Karrin Kunasek-Taylor, Biskind, Hunt and Taylor, applicant.

Comments: Chair Whalen announced that a letter had been received from the applicant requesting a continuance. However, several people had filled out blue slips and wished to speak -- they would be given that opportunity.

Dale Holland thanked the Boardmembers for their efforts, explaining that she knew of all the e-mails and letters they had received regarding this case. She stated that there were homeowners present who would like to be acknowledged. She clarified that since the case was being continued they would not speak at this time. (12 citizens responded to Ms. Holland's request)

Linda Storie (6535 E. Superstition Springs Blvd. #219) stated that they were assured upon purchase that the lots would be used for restaurants and shops that would be complimentary to a resort-style environment. She added they paid a premium price for that view. She stated these lots are in close proximity to their unit and the use of it for a car lot will adversely affect the value of their investment. She asked that Boardmembers consider what an impact this will have on their neighborhood and their quality of life.

Gladys Gogan (6535 E. Superstition Springs Blvd. #202) stated that her property is approximately 30 yds. away from the proposed development and she is opposed.

Gerald Storie (6535 E. Superstition Springs Blvd. #219) stated that approximately two years ago the attorney wrote a letter to the occupants of the complex. He quoted from the letter "The two commercial pads within our proposal are located closest to the Superstition Lakes Condominiums. In response to neighbor concerns, we have agreed to limit the uses on these pads to only C-2 (limited commercial) uses. The auto retail portions of the property are proposed to be located more than 900 feet from the closest residential until within your community. The majority of the residential units are located much further than 1,000 feet." He added that this letter was signed by DMB's law firm (Biskind, Hunt & Taylor). He asked where did these concerns go? The noise, traffic and light will lower the value of the property and the standard of living they now enjoy.

Doug Sonaty (6535 E. Superstition Springs Blvd. #138) stated his objection to changing the zoning. He added that when he comes home from work he is finding that people are test-driving their Nissan's and making u-turns right in front of the gate entrance.

Chair Whalen stated that there were blue slips from an additional five people who were opposed to the project but did not wish to speak.

It was moved by Boardmember Adams seconded by Boardmember Cowan

That: The Board continue case Z03-52 to the November 20, 2003 meeting.

Vote: Passed 7-0

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Reason for Recommendation: The Board agreed to grant the applicant's request for continuance.
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Item: **GPMajor03-01 (District 6)** Proposed General Plan Land Use Amendment: Medium Density Residential 2-4 (2-4 du/ac), Mixed Use/Residential (30% at 15+ du/ac) and Neighborhood Commercial for the area between Ellsworth and Signal Butte Roads, from Elliot Road north to the Power Transmission Lines (583± ac). Anna Lou Kelso, Trustee, et al; Augusto Meoli, Desert Properties Land Trust, William D. Ring, LKY Development Company, Inc., owners.

Comments: Ralph Pew (representing the applicant) stated that the request is to change the General Plan designation on approximately 583± acres from the current designation of Business Park to a combination of Medium-Density Residential, Mixed-Use Residential, and Neighborhood Commercial. Mr. Pew added it is a serious proposition, one that the applicant feels strongly about and one that has been considered and discussed by the Planning & Zoning Board, the Citizen's Committee, and General Plan Review. Issues relate to two things: the facts that are in play and the application of those facts to circumstances as it relates to economic development and to aviation issues.

Mr. Pew advised the Board that he understood the importance of the airport, adding that they were not suggesting creating residential land uses around Williams Gateway Airport to such an extent that it destroys the viability of that important community aspect. Nor do they want to build homes in an area where there would be over-flight and noise problems that would be a concern to the property owners. He remarked that it neither impacts the economic plan for the Gateway Airport and economic vitality in the community nor will flight patterns adversely impact those people who choose to buy homes there and live at that location.

With respect to Economic Development Mr. Pew stated that they want to protect and preserve long-range employment opportunities and want to promote high paying business employment jobs. He commented that this project has absolutely no impact on that and every one of those objectives can be accomplished if every square inch of the subject site were developed for residential purposes. He referred to several studies, which had been done and stated that the most recent study concludes that the Williams Gateway Airport area is expected to somehow capture between 8-12% of the jobs that will be created in Maricopa County over the coming years. He stated that they disagree with the simple calculations used to get to how many acres of land in that area must be preserved in order to maintain our economic vitality. He added that the focus should be "jobs to acres" not "jobs to population". He expressed that the city is being overzealous, overaggressive and overprotective of this asset and should focus efforts on developing economically viable sites within the Gateway area.

Mr. Pew advised that in the materials Boardmembers had received was a projected flight concentration area that goes over the applicant's property. He stated that they do not know and don't have the facts that demonstrate that that flight concentration area was either submitted to FAA as a unified approach from the committee that submitted it or that the FAA has been asked to approve it. He added that assuming for a moment that is true and that what the Williams Gateway staff is saying is that's indeed where all those passenger and future cargo flights are going to go – he did not believe that the noise levels there would be such that they will adversely impact the housing in that area and will fit within the noise contour levels.

Steve Allison (DMJM Aviation Consultants) stated they had met with City staff to discuss airport issues. Points in agreement:

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- 1) Agree with departure routes from Williams Gateway Airport which involve a right turn then turning in various directions
- 2) Agree that the FAA has accepted the proposed departure routes pending further studies.
- 3) Outer boundary for departing aircraft taking the right turn
- 4) There are different types of flights that would be expected to depart on various flights south of that outer boundary and
- 5) Many of the smaller planes and even some larger planes currently departing with visual departure have candidates who depart within the area shown between the three lower lines.

Points of disagreement or are waiting for additional information to clarify whether we can reach some common ground:

- 1) Has there been a recommendation of the Phoenix Airspace Users Working Group (PAUWG) Subcommittee to the FAA to specifically recommend that large commercial passenger and cargo aircraft will generally depart WGA within that flight concentration area? The applicant has been unable to obtain information that shows that this is in fact the case.
- 2) Is this specifically a recommendation to the FAA – there is a disagreement as to where in the future these large commercial jets, passenger and cargo planes will, in fact, be flying. Regardless of what they are capable of doing, the applicant feels that this is not what airlines typically do, and does not feel airlines will fly the large commercial jets within that yellow area given their consideration to flight safety, passenger comfort and also the standard operating practices and procedures.

Mr. Allison stated they had looked at a one-day sample of flight tracks from Phoenix traffic control and based on that sample there were about ten flights over the entire fly friendly area and five departures over the LKY area. He added they had met with a captain for America West Airlines, pilots from Southwest and other airlines to verify the facts. What was gathered was that scheduled flights would be within certain flight tracks. When asked, he clarified that there are no flight tracks per se proposed.

Chair Whalen stated there is one set of proposed departures that calls for a fairly tight turn far south of the freeway, and one that goes north of the freeway. He asked whether Mr. Allison was representing those northern tracks to be what the pilots want to do, versus what they can do? Mr. Allison responded that the northern tracks would be what they would do based upon passenger comfort, spacing and airlines procedures.

Mr. Allison spoke about noise contours and stated that even if a flight did in fact make sharp turns over the lower part of the flight tracks the LKY property would still be outside the 60 DNL noise contour lines. He stated they had seen some single-event noise contours prepared by Boeing that showed aircraft making a sharp right turn going over the LKY property, adding that the important consideration is what kind of noise level should be used as a criteria for a single event. Normally it is in the 75dba range that is the maximum noise you would hear with that over-flight and that is what the City of Mesa uses for a maximum allowable noise for automobiles. In fact, 75dba is typically what is used at Newport Beach. The criteria for single-event has not been developed and based on experience, no matter where these flights are going to be turning, the LKY property would still be outside the 75dba single event noise level. Therefore, he stated that even for one fly-by there would not be any significant impact.

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Ralph Pew reiterated that they did not believe that changing the General Plan on this property is going to create either a problem with Economic Development or a concern with aviation over-flights and noise. He urged Boardmembers to approve the General Plan Amendment.

Chair Whalen stated that a brochure was sent out misconstruing the General Plan designation of this property as industrial and implying that there could be hideous uses. Now there is an e-mail run on an issue that the citizens are calling "the field of dreams ballpark arrangement". He stated that he wanted to clarify for the record that Mr. Pew's client had represented that if they get this particular zoning they can make enough money and donate a large ball field but are not willing to do that if it stays a business park.

Mr. Pew responded that if their plan is built the baseball field is indicated, if not that baseball field will not go forward. Mr. Whalen stated there was nothing to preclude it from being developed other than the economics. Mr. Pew responded that they probably could figure out a way to put a baseball field in a business park.

Linda Rollins (3546 S. Opal) mentioned that she lived approximately ½ mi. east of the proposed development. She stated that they were aware of the airport, that they like their neighborhood and had no issue with airport noises. She stated that her objection was with industrial development.

Rosalie Darby (8012 E. 2nd Ave.) stated that she is President of Little League in the area, that she will live in the flight pattern and the planes don't make any noise. She added her concern is that she wants the Little League Park there; the City cannot provide enough parks and baseball fields.

Chair Whalen stated that Lisa Rodriguez was in favor of the request but did not wish to speak.

Wayne Balmer, Williams Gateway Area Manager, stated that the area north of Guadalupe Road was an area previously owned by the State of Arizona that the City intended to purchase for a regional park in southeast Mesa. There were bonds on the last election, unfortunately those bonds failed. What they have done is purchase a portion of the applicant's property (shown on the plan where it says "regional park"). It is 57 acres. The plans are for a lighted baseball field in that area. He added that what they have found at Riverview and the new baseball complex on Greenfield is that lighted baseball complexes with homes next door are not always a good fit. They try to put them where there are not homes nearby because they are used more hours of the day and more actively. Mr. Balmer explained that the intent of the City is to do a baseball complex there, and what the applicant is proposing would be a second complex. The city has talked with them about a way to consolidate the two parks, and it appears that may not work even if the project were to go ahead. The preference would be for the facilities to be in a non-residential area so there are no complaints about the lighting over the long term.

Chair Whalen asked if the applicant had been offered the opportunity to contribute to this particular City park which would solve the problem so he wouldn't have to give away property. Mr. Balmer responded that they had discussed that. He added that there had been several studies in the southeast area of Mesa regarding the appropriateness of areas – how much land

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is needed, when would it be absorbed, how would it be developed, etc. General Motors takes a large part of that property and they are not talking about staying. A big question is timing, when does land become available for development. Second – when do you have infrastructure available to support land for development and third – choices for people you would like to have come to your community. Some people want large pieces of property, some want smaller. We cannot tell a developer we only have one location for you in Mesa and it is right there. We always try to provide choices within the community.

Mr. Balmer commented that the city is here for the long term trying to provide a stable economic base. Southeast Mesa is probably where our economic develop future lies. He added that they are hopeful that 30 years from now there will be, on the low side, about 100,000 jobs in southeast Mesa around the airport, and on the high side up to 160,000 jobs. Somewhere from 6,000 to 10,000 acres will be needed to accommodate that space if every single acre is used.

Mr. Balmer provided maps showing the established fly-friendly procedure and explained the process of the evolution of the airport and preparing to make it a civilian airport. He spoke of a study that says most of the flights will come in from the southeast going to the southwest because of the prevailing wind year round. They will take off going to the northwest. The lighter planes will be making a left turn and loop around to the western runway. The larger planes will be using the eastern runway and will make a larger loop and turn to the right. He pointed out how the power lines are a clearly identifiable marker used in the fly friendly procedure. He explained that one of the reasons is that Sky Harbor runways go east and west and in order to avoid conflict, planes from Williams Gateway have to turn as quickly as they can. He explained that a flight track is not like a train track, it is a shaded area about a ½ mile on either side. What they have done is developed that line.

In response to Mr. Allison's question regarding whether or not there has been a recommendation regarding the lines, Mr. Balmer stated that, yes there has been. What Mr. Allison is saying is that there is no written documentation. The FAA has a group call the Phoenix Airspace Users Working Group (PAUWG) and it's made up of all the people who fly planes in that area. The PAUWG has responsibility for assisting the FAA on airspace issues. They set up a subcommittee to look at this issue. The subcommittee was made up of representatives of Southwest, America West, Mr. Traygars, a representative from the Air Traffic Controllers Union, the head of the Air Traffic control for the FAA, their environmental person, the Airline Pilot's Association, and various others who might be involved in the decision making process as to how best to establish departure procedures for this airport. He added that it was not the City of Mesa that came up with the graph, it was the consensus of all of the people in the aviation industry, including the FAA who has jurisdiction for those procedures and is familiar with what goes on around the United States, particularly in the southwest and also in the southern California area. The approach has been comprehensive and inclusive of all parties.

After last month's Planning & Zoning meeting Sky Harbor Airport tower was asked if they could run some additional tabulations of new information. He showed the actual MD80 flights that departed during this calendar year, compared with the flight concentration area. By far the majority of the flights stay south of the power lines. Given the sample they will remain in the same given area but the volumes will increase. There will be a significant number of flights going over the applicant's property and the property around it; the goal is to minimize negative impact by keeping turns as tight as they can.

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Boardmember Adams asked if there were any room for error or are the planes really flying as shown on the exhibit. Mr. Balmer responded that was where the planes flew. Regarding the noise impact, Mr. Balmer stated that there is that 60 decibel measure that Mr. Allison referred to. He explained that is a day-night average, a 100 decibels during the day, with 40 at night, averaged at 60 over 24 hours. He added that there is no place in Mesa that has a 65-decibel noise contour from Sky Harbor. There is a 63-decibel contour out by Riverview Park but a lot of people still complain about noise because of a single event noise. People are outside, a plane comes by and it is annoying. Of the 400 complaints per month received at Williams Gateway regarding noise none of them come from people who live within the 65-decibel noise contour. Most of them come from the area where the turn starts that goes out toward the LKY property. It is expected that number will significantly increase in the future as night air cargo and passenger flights increase and as the airport increases the activity over 24 hours. The subject site is outside the 60-decibel but is in an area that is extremely sensitive to single-event noise issues.

Mr. Balmer mentioned that this airport has only been open for 3-4 years and a lot of the earlier information was based on hopes and projections. They are now getting into hard data and no airport in the United States, if given a choice, would say what we really need more of around our airport is more houses. Most people would say we need more room for employment and more space for freeways, more room for development to take advantage of what could come to our community if we had more space available. Airports grow over time, they get more planes and activity, but they are constrained if you limit their economic development potential.

Chair Whalen asked if the group that came up with the profiles included Southwest. Mr. Balmer responded that both Southwest and America West were included. Mr. Whalen asked about pilots from Williams Gateway. Mr. Balmer responded there was a Boeing representative involved.

Richard Lee, (Chief Test Pilot, Boeing) stated that one of the reasons Boeing located in Mesa was noise problems they had in experienced in California. Mr. Lee mentioned that he felt Williams Gateway had done a great job of making the pilots and community aware of their fly friendly procedures, adding that he knows of no other airport in Arizona that works as hard to minimize the noise impacts to citizens as Williams Gateway Airport does. He has talked to concerned citizens and has fielded calls from them. He stated he talks to pilots frequently about noise and how to mitigate noise and fly friendly. Part of that is protecting the fly friendly corridor so that we have the least possible negative impact on residents. With that is compatible land use. He showed a chart with estimated noise levels that could be expected where this development is hoping to find a home. He explained that older aircraft generate a higher level of noise, and explained 60-knot tail winds. Pilots are so sensitive to noise they will do whatever they can to make the neighbors on the ground happy because it equates to continued employment for them. He stated he has 35 years of experience and has flown most categories of planes, that there will be noise complaints, and what they can do to mitigate this is to protect the buffer that has been so wisely put in place during the General Plan discussions. He urged the Board to follow the General Plan so they can maximize the potential of Williams Gateway.

Boardmember Adams asked if the decibels were averages. Mr. Lee stated that the numbers he had mentioned were single-event, but other numbers discussed previously were 24 hour averages taken during the night when it's very quiet, and day when it's very noisy. He added it

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is the single-event noise that gets your attention.

Reese Anderson (Snell & Wilmer), representing Williams Gateway Airport, stated that the airport is concerned regarding misinformation distributed about the property, that there is a misconception that the property is already zoned and ready for industrial uses. He mentioned letters from homeowner's associations and an erroneous mailer that was sent around to property owners. There were many references that this property would be used for industrial uses. He explained that this request is a General Plan Amendment, the subject site has a land use category approved as a Business Park and not Industrial. A Business Park designation is for professional and medical offices, research and development offices, light manufacturing, data processing centers, and ancillary restaurants, retail and other supportive uses – not industrial, as so frequently mentioned. The property is currently zoned Agriculture and R1-43. Industrial uses are prohibited in R1-43 so if one were to develop Industrial uses on the property they would first have to re-zone it , but that is also prohibited under the General Plan designation.

Nick Wood (Snell & Wilmer), representing Williams Gateway Airport, stated that 10 years ago the City of Mesa, as well as neighboring cities made a decision to create one of the economic engines in the region, that is the Williams Gateway Airport. They have committed tens of millions of dollars and if successful it could be a one billion dollar contributor to the local economy, which is very important. As a result it is critical that we do what is reasonable in order to protect that investment. He added that residential development in areas around any airport would be incompatible. With this specific airport those areas of incompatibility have already been identified by the Staff, the Board, the City Council and the Voters last November, when Mesa 2025 was approved. He stated that the applicant (Mr. Pew) had made an excellent presentation using the words "I believe" on numerous occasions and gave a good analysis of the job creation and absorption estimates. The problem with estimates and with the phrase "I believe" is that these are assumptions. Their estimates are made on opinions of assumptions of what pilots may or may not do under certain circumstances. We cannot risk the future of Williams Gateway based on assumptions of what may or may not occur when a pilot gets into that seat. What we can do is make decisions based upon facts. One fact we know is that there are airport procedures. The applicant is assuming that pilots won't follow those procedures. He explained that there has been an almost three times increase in the number of flights in a 30-day time period in one year. He stated that a year ago a decision was made and a line was drawn showing where residential is compatible and where it is not compatible. Unfortunately this property lies within the incompatibility area. He urged, on behalf of the airport, that the board deny this request.

Dorothy Chimel (Acting Planning Director) stated that the Board had heard information, misinformation, conjecture, and hard data and had seen flyover tracks and the rapid increase of flights over a years' time. They had heard about a "field of dreams" and the flier that has provided misinformation to the public regarding the fear factor of Industrial development and the impact of noise on this and surrounding developments in the area. She spoke about a presentation given to the Board previously from the Maricopa Association of Governments – where they identified the area of growth and the 2020 population projections, showing a tremendous increase in growth. She mentioned the SE Valley/Pinal County Study Area identifying Williams Gateway Area as one of the top four centers in Maricopa County by 2035.

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Ms. Chimel emphasized that this is the future regional job center that is going to be in and around Williams Gateway Airport. She stressed that the City of Mesa needs to be overzealous and over-protective, adding that this was an important component of the discussions for the Mesa 2025 General Plan and all four plans that were approved by Council. (Economic Development Plan, General Plan, Transportation Plan and Parks & Recreation Plan). She advised that success of Williams over the last 3-4 years has demonstrated the success of this job center and its importance to the City, and the region. Ms. Chimel acknowledged that they had heard about the Parks & Rec. memo and noted that it was issued in July, during the public review period.

Ms. Chimel explained that the request is to change from existing Business Park (not Industrial) to Residential and Commercial. Also, it is not a request to change it to Industrial. She explained the four employment land-use definitions in the General Plan – Office, Business Park, Light Industrial, and General Industrial, adding that they are sequentially more intense in the type of development that can occur on the site. There is a variety of that type of land use in the General Plan today. She pointed out that this particular area is identified for Business Park (areas where professional and medical office parks, research and development opportunities, light manufacturing and data processing centers are integrated into a campus setting), and emphasized that it is not an Industrial Center, but a Business Park.

Ms. Chimel noted that public input is part of the requirement established by the State in order to process Major Plan Amendments. The public input meeting was September 4th. At that time we heard from a number of citizens, not one spoke in support of this request.

She advised Boardmembers that in order to accomplish an amendment to the General Plan the burden is upon the applicant to prove that the change constitutes an improvement to the General Plan. She added that she felt there were enough facts to indicate this is not an improvement – the General Plan should remain as it is today, a Business Park. She urged the Board to follow the policy that had been set by City Council, reviewed by the Planning & Zoning Board and ratified by the majority of the voters. She stated that staff recommends denial of this request.

Ralph Pew (Pew & Lake) stated this case has received a lot of attention and focus which he could not understand. He stated that no one had mentioned the jobs-to-acre ratio, that the City has designated almost a square mile of all Business Park. Someone is dreaming that in the future there will be a square mile of campus-oriented businesses all integrated with small restaurants and walking areas and shaded places for people to sit and eat. He continued that there is not another square mile Business Park in the valley that's been successful to that magnitude, there needs to be a mix of land uses, not just Business Park. Mr. Pew said there is no question about growth in the area, Queen Creek in Pinal County, is growing. This area is going to be a regional job opportunity, but what needs to be taken into account is the acreage in Queen Creek and Gilbert that is set aside for economic development. All of those need to be put together.

Mr. Pew stated that being overprotective of the land for the benefit of the community is nice to say, unless you are Mr. and Mrs. Steffey or Anna Lou Kelso or LKY and you sit year after year hoping that something can happen. If Business Park develops, their view is the opportunities will develop along the new freeway corridor. The site is south of the 60 and east of the new

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freeway and is not going to be the prime land for a business park. Other parcels west of there will be more likely to develop for that purpose.

Mr. Pew stated that in regard to the map showing the MD-80 flights, and conveniently go right over the LKY property, represent .6 flights per day over a 6-7 month time period and further most of those flights are being by and large visually directed. When instrument departure systems are put in place our view is those patterns will not be that sharp and if we looked at them closely and analyzed them then they may not go all the way out to point Carmen before they make the turn. Some of those planes left almost at the end of the runway, so it's pretty much visual departures of US Justice flights going from here to El Paso predominantly.

With regard to the FAA letter, Mr. Pew stated the facts were not clear, adding that the biggest speculation is in the MAG & CAG Reports. There is room in those reports for speculation and error. Land use planning is not math, it's an art that takes time to evolve and it's not always black or white. To say that, just because a report is produced by the Government, then to say it is totally accurate is not the truth either. None of us can sit here and project what the needs for employment will be. What we are saying is that it will be less than 10,000 acres and we're saying this property will not bring down the Williams Gateway Airport.

Boardmember Carpenter stated her concern with whether or not changing the designation to Business Park would create a loss of value to residential properties that already exist, adding that there were no facts presented to support the argument. Ms. Carpenter stated that the project itself, which has not been proposed – this is just a General Plan Amendment for the land use designation – could be ideal but, in a different location as she did not believe it to be compatible in this area. She said she was impressed with all the information that's been generated by both sides. She added that the perception is the reality, the perception of the people who see airplanes, whether they can hear them or not, the residents will tell you that they can. She had gone door to door and talked to neighbors in different neighborhoods and confirmed that's what they say. She stated she would not be able to support this proposal and would be voting to deny.

Vice-Chair Cowan stated that it had been a compelling argument for both sides in regard to this case. He advised that he is a resident of District 6 and specifically of the proposed area and felt denial of this case would have the least restrictive impact on Williams Gateway Airport flights and on the existing and future citizenry of the area. He mentioned that he, too, had visited with numerous neighbors in the community, and that they express concerns about air flights and sound on a regular basis. Reality to them is that there are sound concerns. He added that he supports the General Plan, the impact of the General Plan and the long-term impact of the General Plan as it relates to the Williams Gateway Airport. He stated that he also appreciates the need for a park in the area and that he was glad to hear about the possibility of a community park being developed by the City and would commend that it be moved to a priority. He also stated that he is counting on the economic support of the Williams Gateway area and he wants to protect the development of that area and the citizenry that may negatively be impacted by residential development in the area. Mr. Cowan stated that he would be voting in opposition.

Boardmember Adams asked Mr. Barnard (Parks & Recreation) if there were any other private ball fields in Mesa of the magnitude being discussed. Mr. Barnard responded that to his knowledge there are others owned by churches or non-profit organizations. Mr. Adams asked

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how the city would view this type of proposal – would the City welcome something like this or would there be concerns. Mr. Barnard responded that it would depend on whether or not the City would be assuming responsibility of operations maintenance and security. He added that due to budget restrictions at this time, the private park would be something that the Parks & Recreation Division, as well as the City as a whole could not take on. If the applicant were providing all that at their own expense then it would be incumbent to provide it to whatever level City customers would require of them. Mr. Adams asked what is typically involved in maintaining a ball field, such as the one being described. Mr. Barnard responded that there is everything from the obvious condition of the grounds, proper dragging and lining, watering of the infield, maintenance of the turf areas, including watering, fertilizing, mowing, maintenance of the common areas if you have a control building with a restroom and concession stand you have to maintain the building and also if you have parking you have to maintain the parking lot. If it's a lighted facility you have to maintain the lights and pay the utility costs associated with the lights, as well as water and electricity used by the control building.

Mr. Pew stated that the City would have nothing to do with the private ballpark. The land would be donated to District 7 and it will be built by the applicant and maintained by the Little League.

Mr. Adams referred to a letter in the packet and asked if the US Navy is proposing to build the ballfield at government cost. Mr. Pew responded that the funds would be provided by the applicant and the physical construction work would be done by the US Navy as one of their training opportunities in onsite construction. Mr. Adams asked what happens if the Navy doesn't come through. Mr. Pew responded that it had been discussed in a private agreement with District 7 and in a letter agreement between the two that he was not that familiar with, so could not tell exactly what happens if the Navy does not do the work. He added that his guess is with the level of commitment that's been made on this ballpark it will happen one way or another.

Boardmember Saemisch mentioned that it seemed there were three issues being discussed: employment, noise and ball fields. He added that the ball fields have a lot of emotion to them, and the noise is also an emotional issue – of the people who attended the public hearing at Skyline 95% of the people there were really concerned about the noise. Mr. Saemisch commented that there was not the level of citizen participation at this hearing that there had been at Skyline. There were a lot of e-mails and commentary but not the level that was at Skyline that evening. He told Boardmembers that there are three areas that this seems to evolve around and those are time, price and dreams. The economy is everything to everybody – when is this going to develop? when are we going to have this employment? What is the dream? Are we going to have lots of people living and working and playing ball here in this wonderful environment? The price – that the Steffey's have to pay to wait for that to happen, or the people who have to live underneath the noise. He stated that he felt the quality of life was the issue again underneath that flight path. If you separate it all out that's what the Board needs to be concerned about. He added that he is going to stick with Mr. Balmer's leadership as he has come to the forefront time after time, gone to figure out what the issues are, he's been able to describe it to us, and I really appreciate his follow-through. Mr. Saemisch stated that he is proud to live in a community with the eloquence and sincerity of everyone involved, but it still comes down to the strip of land under that flight path that is very unique and for that we should maintain it as an employment area. He stated that he also felt planning is still missing from the General Plan, that there are chances for mixed uses beyond mixed-employment and someday this may be re-visited to look something like the Ocotillo development where employment areas

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and light manufacturing live next to golf courses and people at work. He stated that he is looking forward to more future planning. I think what we're missing as a City is planning. He added he thought the City had a great future and sticking with an employment center at this location is correct.

Boardmember Esparza stated that in order to keep the vital economic hub of Williams Gateway Airport we have to be concerned about the future planning for it and would be voting for denial. She stated that it is important for those who live and work and play in the surrounding areas in the City of Mesa and we need to keep that alive and going and we need to be proactive in doing that.

Boardmember Finter stated that he believes in property rights and what's good for Williams Gateway and the City of Mesa. He stated he had gone back and forth and challenged some of the facts. Referring to a prior case he added that this aggressive rezoning and how it's impacting people, seemed like a railroad then, hard, fast, staying with those power lines. Also look at the voter approved designation and look at the flight over paths then look at the GM Proving Grounds - we have a voter-approved designation for housing or residential and it doesn't make sense when you look at all those lines. There is a flaw there. If it's south of the power lines then why in the world has GM got a voter approved designation in that area? Something's wrong there and I know it will come up some day so I have a challenge with that.

Mr. Finter commented that he does believe in Williams Gateway and believes it is all about the noise. At the first public hearing the message came through clearly; it was not about the zoning it was all about the noise. Right now, my vote would be for denial but keeping an open mind about the future because it seems like in all these cases the rezonings and noise studies seem to keep changing or expanding and so I will vote against.

Boardmember Adams stated that he has come to the conclusion that this case should be denied. He stated he had conversations with people about such a complex and it isn't something that he takes lightly. Mr. Adams stated that his personal opinion is that he thinks it is a shame that this project has been made a pawn or bargaining chip in this matter. He does not think one should follow the other and if someone is going to support this ball field if this amendment went through, then I would look for that support to continue whether or not the amendment goes through. He stated he did not see one being connected to the other. Either you want to help kids play ball or you don't and to tie one to the other and to get people worked up about it to get behind the case for that reason, is not right. He expressed the he did not think that was an appropriate way to approach this and added that he believes in Williams Gateway as an economic engine for the future of Mesa, supports the 2025 Plan and will vote for denial.

Chair Whalen stated that he agrees with Mr. Finter. Time is a very critical thing. A year ago the General Plan designated this as Business Park. Since that time the only thing that's happened is that there's been some empirical proof of flight patterns being what they were projected when the General Plan was being discussed. That is a short time frame and there have been no changes. Pretty much the same stuff we heard during the General Plan process. The employment numbers, the per acre, per foot, etc. has been hashed out again and again. Even the baseball thing came up then. There is nothing new that I'm aware of and under those circumstances I am reluctant to disturb the vote of the people on this. I believe that Williams has an even greater future than even the City is willing to stake it to. Williams Field is going to be the

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O'Hare of this valley. The question is when is this going to happen? Probably 15-20 yrs. In the meantime I cannot see a basis for changing the General Plan so will concur with everyone and vote for denial.

It was moved by Boardmember Carpenter, seconded by Boardmember Finter

That: The Board recommend denial of this request to amend the Mesa 2025 General Plan.

Vote: Passed 7-0

Reason for Recommendation: Boardmembers agreed that this proposal was not in keeping with the Mesa 2025 General Plan approved by the voters.

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Presentation regarding the Housing Master Plan

Kathleen Kelly, Community Revitalization Director, gave a presentation of the final draft of the Housing Master Plan recently completed by the Community Housing Task Force.

Respectfully submitted,

Dorothy Chimel, Secretary
Acting Planning Director

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