

**CITY OF MESA**

**MINUTES OF THE PLANNING AND ZONING BOARD MEETING**

Held in the City of Mesa Council Chambers  
Date December 18, 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

John Wesley  
Ryan Heiland  
Lois Underdah  
Maria Salaiz  
Wahid Alam  
Lesley Davis

Ralph Pew  
Jeff Martin  
Marc Soronson  
Michelle Dahlke  
Wayne Balmer

Joe Padilla  
Jim Smith  
Theresa Brice-Heames  
Deanna Villanueva-Saucedo  
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 December 18, 2003. Before adjournment at 7:00 p.m., action was taken on the following items:

It was moved by Boardmember Adams, seconded by Boardmember Finter that the minutes of the November 20, 2003 Planning & Zoning Meeting and the Second Public Meeting for General Plan Amendment GPMinor03-04, held on November 20, 2003, be approved as submitted. The vote was 6-0-1 (Cowan abstaining due to having been absent from those meetings).

It was moved by Boardmember Adams, seconded by Boardmember Esparza that the minutes of the Special Meeting for case Z03-12, held on December 4, 2003, be approved as submitted. The vote was 6-0-1 (Finter abstaining).

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

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

Zoning Cases: Z03-29, \*Z03-67, \*Z03-49, \*Z03-58, Z03-64, \*Z03-65, Z03-66, Z03-68, Z03-69, \*Z03-70

Minor General Plan Amendments: GPMinor03-05, \*GPMinor03-06

## MINUTES OF THE DECEMBER 18, 2003 PLANNING AND ZONING MEETING

Item: **Z03-29 (District 4)** 651 East Main Street (2.16 ac. ±). East and west of Main and Horne. Rezone from R-2 to C-2 and Site Plan Review. This case involves the development of a hotel. Ramesh Patel, owner; Ralph Pew, applicant. **THIS CASE WAS REFERRED BACK TO THE PLANNING AND ZONING BOARD BY THE CITY COUNCIL ON SEPTEMBER 22, 2003. THIS CASE WAS CONTINUED FROM THE NOVEMBER 20, 2003 MEETING.**

Comments: Ralph Pew (10 W. Main St.), representing the applicant, gave an overview of the project. He explained that the project is in much different condition than when presented to the Board previously. At that time there was concern regarding a two-story hotel immediately adjacent to residential dwellings. The case has been revised and now is to rezone a small portion of the property to accommodate the building (only one structure), located on the far east side of the property, adjoining an existing paint store. Any 2-story windows overlook the paint store. Mr. Pew explained that the land at the southern boundary remain at R-2 zoning, adding that they are committed to removing the mobile homes and trailers that are there and providing new landscaping with a walking trail and lighting – an open area that hotel guests can walk through.

Mr. Pew advised Boardmembers that they have tried to design the new hotel in a way that will be compatible with the neighborhood. It will have a lobby with key entrance, all rooms are internal and accessed from an aisle in the middle of the structure. He added that they have provided relocation information and the difficulty is that most of the trailers in the area are of the 1950's generation which makes it hard to find a park which will accept them. Mr. Pew stated that they had found a park that would accept trailers of that vintage and that have spaces available. The owners have agreed that once the six month notice is given, the last two months there will be free rent for those individuals.

Wahid Alam, staff Planner, gave a brief overview of staff's recommendation.

Chair Whalen asked Deanna Villaneuva-Saucedo if the Neighborhood Services Dept. would be able to help people through the process of applying for State funds. She replied that they would coordinate meetings with the State representative who could walk them through the process.

Vice-Chair Cowan stated that he was pleased with the changes and felt staff had done a wonderful job in working with the applicant to address concerns that Boardmembers had. He added that he was especially pleased to see that the southern parcel will be landscaped, as well as the relocation plan for the people who currently reside there.

Boardmember Esparza stated that she concurred with Mr. Cowan's remarks, adding that she also was pleased and excited to see this type of change on Main Street.

Boardmember Saemisch asked what the resolution was regarding the R-2 portion which is currently the paint store. He stated it was obvious mis-zoning and wanted to know how to get the books cleared up on that. They had leveled the houses and put up a block fence and were using it for parking.

John Wesley, Planning Director, stated that he would check with Code Compliance and let Mr. Saemisch know.

Mr. Saemisch asked if they were approving a site plan that was contiguous and both had to be completed at the same time to get the Certificate of Occupancy on the hotel. Mr. Alam stated he believed that was the case because there is no phasing so the applicant would be required to

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deal with the entire site at one time as part of the approval process.

Boardmember Adams stated he would like to compliment the applicant, they had done a great job of making modifications and trying to improve that section of Main Street.

Chair Whalen stated that this would be positive for visitors to the Temple to have a nice moderate priced hotel in the vicinity.

It was moved by Boardmember Saemisch, seconded by Boardmember Cowan

That: The Board approve and recommend to the City Council approval of zoning case Z03-29 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. 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. Compliance with all conditions of a Development Incentive Permit.
6. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for the southern parcel.

Vote: Passed 7-0

Reason for Recommendation: The Board was pleased with changes that had been made and also with the relocation plan.

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Item: **GPMInor03-05 (District 5)** Northwest corner of University Drive and Red Mountain Freeway (13.44 ac.). Proposed change to the General Plan Land Use Map from Low Density Residential (LDR 1-2) 1-2 dwelling units per acre to Mixed Use/Employment. Mars Properties, owner; Ralph Pew, applicant

Comments: Chair Whalen declared a quorum present and the meeting was called to order at 4:40 p.m. The meeting was recorded on tape and dated December 18, 2003. Before adjournment of this special meeting at 4:45 p.m., the following action was taken:

Ralph Pew, the applicant, urged recommendation of approval. He stated that this is not a good location for low-density single family homes but ideally situated for mixed use employment for future development opportunities.

Wahid Alam, Staff Planner, stated that this will provide the opportunity for future job-oriented development. He added that ADOT is supporting this land use and staff is recommending approval.

Boardmember Saemisch stated that he had a conflict of interest and would abstain from discussion and voting on this case.

Vice-Chair Cowan stated that he agreed with Staff that this use would better serve the community as well as the transportation corridor of the Red Mountain Freeway.

It was moved by Boardmember Cowan seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of minor general plan amendment case GPMInor03-05.

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

Reason for Recommendation: The Board agreed that the requested change in land-use category would be more appropriate at this location.

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Item: **GPMInor03-06 (District 1)** Southwest corner of Dobson Road and Loop 202 (63.35 ac.). Proposed change to the General Plan Land Use Map from Mixed Use Employment and Public/Semi-public to Regional Commercial. Margaret Hurley, owner; KRS Acquisitions, applicant.  
– **Companion case Z03-67.**

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend tabling this item.

Vote: Passed 7-0.

Reason for Recommendation: The Board found tabling was warranted as the developer is not ready to move forward.

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Item: **Z03-67 (District 1)** Southwest corner of Dobson Road and Loop 202 (63.35 ac.).  
Rezone from PF, M-1, and R1-9 to C-2 PAD. This request is for the development of a  
commercial shopping center. Margaret Hurley, owner; KRS Acquisitions, applicant. –  
**Companion case GPMinor03-06**

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council tabling of zoning case Z03-67.

Vote: Passed 7-0.

Reason for Recommendation: The Board found a tabling was warranted as the developer is not  
ready to move forward.

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MINUTES OF THE DECEMBER 18, 2003 PLANNING AND ZONING MEETING

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 80<sup>th</sup> Street (east side) and the 3200 block to the 3400 block of South 80<sup>th</sup> Street (west side). 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. **CONTINUED FROM THE OCTOBER 16, AND NOVEMBER 20, 2003 MEETINGS.**

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z03-49 conditioned upon:

1. Compliance with all City development codes and regulations.
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. Site Plan Review and approval of future development plans through the Planning and Zoning Board and City Council.

Vote: Passed 7-0.

Reason for Recommendation: The Board agreed that this proposal was in keeping with the objectives of the General Plan.

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Item: **Z03-58 (District 5)** Southwest corner of Recker Road and McDowell Road. (1.56 ac. ±) Site Plan Modification. This request is for the development of a Quik Trip convenience store. Quik Trip Corporation; owner/applicant. **CONTINUED FROM THE NOVEMBER 20, 2003 MEETING.**

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z03-58 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. 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 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. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance outlined in the staff report.
6. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field 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.
9. Finished floor elevation not to exceed 2-foot variation in height measured from lowest point of the centerline of alley along the west property line.

Vote: Passed 7-0.

Reason for Recommendation: The Board concurred this proposal was well designed and landscaped and in conformance with the General Plan.

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Item: **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 ac.). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin, City of Mesa, applicant.

Comments: Mark Soronson, East Valley Light Rail Project Manager, gave a Power Point presentation which provided an overview and status of the light rail project and the proposed project development. He stated that a contract has been awarded for the manufacture of vehicles for approximately \$120 million dollars. The vehicle manufacturing process is underway. He showed an artist rendering of what the vehicle will look like and a rendering of a station, with the platform being approximately 16 ft. wide. Mr. Soronson explained that the Main & Sycamore location would be an interim "beginning of the line" or "end of the line", depending on where you are coming from. They are proposing approximately 750 parking spaces on the north side of the property, a bus interface location on the northeast corner of the property that would be tied in to the station.

Mr. Soronson mentioned that they are working closely with the Amerimar Corporation to maintain some street frontage for future transit-oriented development. He stated that security seemed to be the primary issue wherever they go and they had spoken with the school district and are working hard to address those concerns all along the 20 miles. There is a bus circulation plan, they would bring buses to the station but are not proposing any on Sycamore. They will only use small portions of Sycamore to bring buses in and out of the facility and off the frontage on Main.

Chair Whalen asked if buses come inside the building.

Mr. Soronson responded that the transfer station is really just a bus stop. It is at grade, will have landscaping, platforms and a room or building for operating or security personnel. He added they are trying to accommodate as few buses as possible off-site but will actually have buses on Main Street. There is room for 6 buses. It's really a turnaround location (end of the line location). Passengers can either get on or off the train to get on buses to go where they want to go.

Mr. Whalen asked if it were like a bus shelter. Mr. Soronson clarified that it is not like an enclosed building.

Mr. Whalen asked about looking at the adjacent EVIT site.

Jeff Martin responded that EVIT would have been good business decision yet the EVIT Board did not work. Mayor wanted clear and definitive votes, rather than split vote. More than one meeting with EVIT was held to discuss the opportunity to site the rail at the EVIT site.

Chair Whalen stated that a commuter corridor is needed in order to address long range planning needs. There is not an economic development opportunity on the 3.97 acres. There is an opportunity but not a commitment to develop transit oriented development.

Mr. Martin stated that a number of details and issues need to be worked out over time. Redevelopment will occur after activity begins. Neighbors are tired of the vacant JCPenney building and Amerimar is committed to the project. This will be the second busiest station planned. In other communities, a lot of development has occurred.

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Wahid Alam, Staff Planner, stated that this is a site plan and rezoning case. The site plan shows an area for 6 bus bays and a stop on Main. The BIZ overlay will allow for light rail and park n ride development.

Boardmember Finter stated he is not a fan of light rail, and likened it to buying a Studebaker for the price of a B1 bomber. He added that after looking at this objectively he has serious questions about the location. This facility is in a neighborhood with a school immediately adjacent with 700 to 800 cars which will travel along the path of least resistance, along Sycamore. The removal of the JC Penney building was the impetus to this location. The southwest side would have resulted in opportunities to tie into a commuter line along the railroad. There are no neighbors, and no school to be negatively impacted. This may not be economically feasible, yet the Target will be closed in 6 months and will be empty. If on the Southwest corner, then Dobson will not be improved and therefore there would not be negative impact to businesses.

It was moved by Boardmember Saemisch, seconded by Boardmember Whalen to recommend approval of case Z03-64.

The following discussion ensued prior to the vote:

Vice-Chair Cowan stated that as an administrator and superintendent, at a meeting held that day it was expressed that they are not opposed to development of this site yet he is compelled as an educator to see that concerns be expressed to Council. Appropriate security fencing between school and park n ride lot – this has been addressed. Concern with how park n ride will never fully accommodate the parking needed for this site. Therefore, there could be users of light rail who “park n hide” in neighborhood and on the school property. The City and developer should address this issue. As busses exit from Sycamore, there could be conflicts with school buses. As children walk from the neighborhood and cross Sycamore, there is a great concern for their safety. There is a very large population of school-aged children who walk to school.

Boardmember Saemisch stated that EVIT is a built in population group who will use light rail. There is also the benefit of removing the JC Penney building. Design opportunities with a mixture of uses designed with an urban context. Light rail system will preserve the future right of way for an aerial system.

Boardmember Adams stated that there were good arguments on both sides but the rest of the story is that there is not sufficient information to support this request. This is not the best and highest use of this particular parcel for reasons already voiced including “park n hide” issues. Potential enforcement problem and source of constant complaints with the negative impact due to the lack of sufficient parking. There is a rail right-of-way along the railroad. He added that he is not comfortable with this location and will not support this case.

Boardmember Saemisch stated that of the 750 spaces, the most critical will be at the US 101 loop with higher parking demand with the potential of providing a parking deck. Similar to the BART stations in the San Francisco area, there are urban solutions to urban problems. He added that the problems get solved with time and that he feels this location is suitable.

Chair Whalen stated that this is a bus terminal interface as well as ridership from vehicles. Enforcement is doable, similar to HoHokam Park. The intensity of use was greater as a mall site. The chair asked for confirmation that the site would be subject to compliance with the

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Zoning Ordinance and Design Guidelines and the site would be reviewed by the Design Review Board.

Boardmember Carpenter stated that she is finding that there is a lack of information which needs to be well rounded and thorough. The neighborhood participation is very thorough but the EVIT and business input needs to be provided and presented in a direct method. There may be better potential at a different site and there needs to be better information regarding the time frame. She asked if there were time available to look at this more closely.

Mr. Soronson stated that EVIT does not have concerns regarding the proximity of the site with regard to access for the student population.

Boardmember Carpenter stated that this type of information needs to be relayed directly from the parties rather than second hand. Otherwise, putting it through the Planning & Zoning Board is just an exercise that isn't taken very seriously and its being expected to be passed on to Council for them to decide. She added that she didn't find it a full picture.

Mr. Soronson stated that this project is in final design currently regarding the track work and platform. The full-funding grant will be considered in 2004. Amerimar is available to answer questions as a business partner. Every adjacent property owner and tenant has been contacted and that information is available for review through the Valley Metro spokesperson.

Boardmember Carpenter stated that rather than assume that all parties are satisfied, the information should be direct from those impacted.

Ralph Pew (on behalf of Amerimar, the sub-lessee of the space at Tri-City Pavilions) stated that Amerimar is satisfied, yet there has not been defined the uses and design for transit oriented development parcel, which is 3.67 acres along Main Street. The JC Penney building has been a problem but there has been no interest regarding the reuse of the building. He added that they are very supportive of the project and would like to see it happen. Mr. Pew also stated that they can deal with the parking issues.

Boardmember Finter asked if anyone had contacted the Target.

Mr. Martin stated that Target was contacted, they had expressed that they were purchasing additional land and should that be the parcel for the park n ride and bus transfer station, then there would be a need to condemn the businesses along Main Street. Therefore, it was preferable to go to the Sycamore and Main site on the north side of the street. An extensive search was conducted with three years of work done with EVIT prior to going to the Sycamore and Main Street site.

Boardmember Esparza stated that this is not a good site, given the amount of pedestrian activity of school-aged children attending the elementary school. Also, she had been made aware that there has not been full notification of all impacted businesses.

Boardmember Adams stated that this case has look and feel of a "done deal" and feels that there is more information that should be shared with the Board prior to garnering his approval.

Boardmember Carpenter asked for clarification regarding the Bonus Intensity overlay district. This was explained by Mr. Alam who also explained the difference of the urban versus the suburban fabric. She also asked for clarification that future modifications of the site design

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would be reviewed by the Board and Council, which was confirmed by Mr. Alam. She also asked for a definition of Transit Oriented Development, which was answered by Mr. Alam who also noted that a model ordinance had been provided to the board.

Vote: Failed 3 - 4 (Finter, Esparza, Adams, Carpenter voting nay)

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After consideration of and vote regarding case Z03-66, Planning Director John Wesley informed the Board that the applicant for case Z03-64, Mr. Martin, wished to address the Board considering the action taken for case Z03-64. A brief recess was held.

There was a motion made by Mr. Saemisch, seconded by Ms. Carpenter that case Z03-64 be reopened / reconsidered.

Vote: 6-1 (Finter, nay)

Mr. Pat Mulqueen, who operates the Singer Sewing Machine business, spoke to the board in support of the parking situation and light rail station at the proposed location.

Mr. Martin requested continuance of the case for one month in order to gather additional materials for consideration / presentation to the board.

There was a motion made by Boardmember Saemisch and seconded by Boardmember Carpenter to continue case Z03-64 to the January 15, 2004 Planning & Zoning Meeting.

Vote: 6-1 (Finter, nay)

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Item: **Z03-65 (District 2)** 345 South Shouse Street. Located north of Broadway Road and west of Gilbert Road (1.15 ac.). Rezone from C-2 to R-3. This request is for the development of a 12-unit, three-story apartment complex. Mark Gunning, Ron Bailly, owners; Dan Brock, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z03-65 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, 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 or at the time of the City's request for dedication whichever comes first.

Vote: Passed 7-0.

Reason for Recommendation: The Board agreed that this proposal was well designed and would be compatible with surrounding uses.

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Item: **Z03-66 (District 2)** The 2500 block of East Southern Avenue (north side) Located north and west of Southern and Lindsay (1.26 ac.). Rezone from R1-43 to O-S. This request is for the development of a medical office building. S.L.A.M. (Drs. Thomas Sulton, Cynthia Lowe, James Anderson, and Richard Merkley), owner; Marty Fifer, applicant

Comments: Boardmember Finter stated that he would not be participating in discussion or voting on this case.

It was moved by Boardmember Adams, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z03-66 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. 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, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Design Review Board.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
7. Convert one parking space at the end of the parking area on the west side of the site to be striped and signed for no parking to be reviewed and approved by Planning staff.

Vote: Passed 5-1-1 (Finter abstaining, Esparaza not present for the vote)

Reason for Recommendation: The Board decided that this proposal was consistent with the General Plan.

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Item: **Z03-68 (District 1)** Southwest corner of University Drive and Stapley Drive (2.46 ac.). Rezone from R-4 to C-2. This request is for the development of a retail pharmacy. Phillip Anderson, owner; Rick Froeb, applicant.

Comments: Philip Anderson, representing the developer, stated that they had assembled four parcels and were asking to have two parcels rezoned C-2 to be in compliance with the two remaining parcels to the east, in order to build an Eckerd Drugstore.

Ryan Heiland, Staff Planner, stated that Staff was recommending approval of this project. He added that the site qualifies for a **Development Incentive Permit (DIP)**, requesting modification of several setbacks for the site. Staff is supportive of all those. This development is in conformance with the Mesa 2025 General Plan. He informed Boardmembers that there had been a neighborhood meeting and there were some concerns regarding the alley to the south of the project.

Chair Whalen asked which setbacks would be affected by the DIP. Mr. Heiland responded that the setbacks along the arterial roadways would be most affected. There is a 30 ft. required setback. The applicant is proposing 10 ft. PUF on the arterial, which would mean a 15 ft. setback. Ultimately there would be a 25 ft landscape setback on both arterials.

There is a 20 ft. setback required adjacent to the R-4 on the western property line. the applicant is proposing 15 ft. Part of that western property line is also zoned O-S for which a 15 ft. setback is required. Only a small portion of the western property line would require a modification to the setback. Also, along the southern property line, there is a small setback encroachment, but there is a large landscape setback provided that is more than adequate for what is required.

Boardmember Carpenter asked if the neighboring property on the west had been notified. Mr. Anderson stated that the notifications had gone out for the neighborhood meeting but only two residents had attended. There have been no responses (positive or negative) either in writing or by phone.

Ms. Carpenter stated that she was concerned and a personal phone call to the property owner may not be a bad idea. She also asked whether the bus would stop in front of the driveway. Mr. Heiland responded that it would stop to the north of the driveway.

Boardmember Saemisch suggested that an investigation should be done into the ownership of the alley, and the abandonment of the alley.

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z03-68 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 not reviewed and approved through the Development Incentive Permit.
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

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request for dedication whichever comes first.

5. Compliance with all requirements of the Design Review Board.
6. Review and approval of a Development Incentive Permit by the Board of Adjustment.
7. 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 this proposal was in compliance with the Mesa 2025 General Plan, was well designed and would be compatible with surrounding uses.

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Item: **Z03-69 (District 3)** 500 West Southern Avenue, Suite 33. West of Country Club Drive and north of Southern Avenue (3.90 ac.). Council Use Permit. This request is for the development of a pawn shop. Stuart Schneider, owner; Mark Gonshak, applicant.

Comments: Larry Lazarus, representing Super Pawn, gave an overview of the company, and the types of merchandise they buy and sell. He explained that there are many types of businesses in that shopping center and stressed that they are committed to raising the bar on the pawn industry.

Mr. Lazarus stated that they had held a neighborhood meeting, one person showed up and was not in opposition.

Marge Carlson (owner of 2 lots in the shopping center) stated that she had heard they were going to revitalize the area and didn't think this was a suitable business. She added that she was concerned with property values going down.

Mercy Halen (Chandler), Debra Huff, Tony Orlando (Tempe), and Jim Miller (employees of Apollo College) all spoke in opposition to the project. The opposition included the types of people who may be attracted to the pawn shop, additional traffic through the shopping center, homeless people, additional landscaping that would allow people to "hide".

Mr. Miller stated that if the pawn shop is allowed to come into the area there is a very good chance that Apollo College will not expand.

Mr. Lazarus explained that many of the concerns were common conceptions of pawn shops and that they want to make sure that everyone understands that there is a good relationship with the Police Department, creating a safe condition. He added that there are items that are stolen and sometimes pawn shops are the means people go to. But they can create safety mechanisms whereby people cannot do that and that is what they have done, helping the police to track down those people. Mr. Lazarus also stated that they close at 6 pm, and would not affect any evening classes.

Chair Whalen asked if there were a code issue on proximity to the college.

Ryan Heiland (Staff Planner) stated that staff is recommending approval of this project. He added that the Mesa Zoning Ordinance requires a Council Use Permit and a location of more than 1200 feet from a school, that does not include a trade or vocational school. The applicant is enhancing landscaping and providing a screen wall. The elevations of the site will be in substantial conformance with the design guidelines. The applicant has conformed to all the requirements.

Boardmember Esparza stated that she was respectful of Apollo College but had gone to the Scottsdale location and was very impressed with the cleanliness and the business and their corporate responsibility.

Boardmember Saemisch stated that he didn't think the parking would be a problem because of the pawn shop but more with the expansion of the college, adding that this was a well run business, and a refreshing example for others to follow.

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Vice-Chair Cowan stated he also found it to be an exemplary business which sets a precedent.

Chair Whalen stated that he was impressed with the obvious pride the Apollo College speakers had but this must be treated as any other tenant. It a true cross-sectional tenancy in that center and there is no reason to bar a pawn shop. Pawn is a concept of banking that is older than the Banker's Association – a loan secured by a pledge of a valuable of some sort, dealing current assets with current debts. He added that he wished he could say the same for the payday loan stores, which probably is something that needs to be regulated.

Boardmember Adams stated that he had purchased computer monitors at a pawn shop and it was clean, professional and he could find nothing to decline, adding that from what he had seen this business was a cut above any other pawn shop he had seen. Mr. Adams also stated he would like to echo Mr. Whalen's statement regarding the payday loan stores being regulated.

Boardmember Finter asked if they had had any problems at the Scottsdale store. Mr. Gonshak replied that they had not. They had a police inspection in the last week and there were no problems at all. That store has been open for 8-9 months. Mr. Finter stated he was impressed to see the letters of recommendation from the Phoenix Police Chief, and he believed this would be a positive store.

Boardmember Carpenter stated she had done a lot of research, spoken with Detective Milburn and with another pawn shop owner in Mesa who is very active in the community. She added that she had also spoken with Economic Development and the consultants study regarding revitalization only goes to Extension and does not include this intersection. Super Pawn is a large corporation and it is a plus that they will need to protect their good reputation. Another plus is that they will produce badly needed sales tax. The bad news is their headquarters is out of state and some of that income will leave us. She stated that she had visited the store in Scottsdale and was impressed with the employees she had met there, adding that some of the Apollo students might find good employment. Ms. Carpenter stated that as a former adult educator and as a former loan officer she thought this was an excellent example of how to look out for your own money and it might be a good laboratory for the Apollo students. Her recommendation would be to approve.

It was moved by Boardmember Carpenter seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z03-69 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 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. Administrative review and approval of tenant space exterior building elevations and site landscaping improvements through Design Review Board Staff.

Vote: Passed 7-0

Reason for Recommendation: The Board agreed this project would be compatible with the center.

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Item: **Z03-70 (District 2)** 4150 East Main Street. East of Val Vista Drive and north of Main Street (15.95 ac.). Site Plan Modification. This request is for the development of an apartment complex. Roberto Ruiz, owner; Sean Lake, applicant.

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

Vote: Passed 7-0.

Reason for Recommendation: The Board agreed to grant the applicant's request for a continuance.

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Respectfully submitted,

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John D. Wesley, Secretary  
Planning Director

LU/MS:  
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