

**CITY OF MESA**

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

Held in the City of Mesa Council Chambers  
Date: December 20, 2007 Time: 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair  
Pat Esparza, Vice Chair  
Frank Mizner  
Jared Langkilde  
Ken Salas  
Randy Carter  
Chell Roberts

MEMBERS ABSENT

OTHERS PRESENT

John Wesley  
Dorothy Chimel  
Tom Ellsworth  
Jennifer Gniffke  
Josh Mike  
Maria Salaiz  
Kelly Arredondo

Krissa Lucas  
Rob Dmohowski  
Amy Morales  
Mary Grace McNear  
Donna Bronski  
Ralph Pew  
Reese Anderson

Tyler Wright  
Bill Petrie  
David Udall  
Others

Chairperson Adams 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 20, 2007. Before adjournment at 6:30 p.m., action was taken on the following items:

It was moved by Boardmember Mizner, seconded by Boardmember Carter that the minutes of the November 13, 2007, and November 15, 2007 study sessions and regular meeting be approved as submitted. Vote: 6-0 with Boardmember Salas abstaining.

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

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

Zoning Cases: Z07-96, \*Z07-114, \*Z07-119, \*Z07-120, \*Z07-121, Z07-122, \*Z07-124, GPMInor07-15, Z07-117, \*GPMInor07-16, Z07-118, GPMInor07-17, Z07-123

Discussion Item: Discuss and provide direction on fees for zoning applications for the Planned Community District and Development Unit Plans.

## MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-96 (District 5)** The 5600 block of East Thomas Road (south side). Located west of Recker Road on the south side of Thomas Road (25± acres). Rezone from R1-90 to PEP. This request will allow future the development of a business park. Van Bethancourt, Red Mountain Commerce Park, LLC, owner; Josh Hannon, EPS Group, Inc., applicant/engineer. Also consider the preliminary plat. **CONTINUED FROM THE SEPTEMBER 20, 2007, OCTOBER 18, 2007, AND THE NOVEMBER 15, 2007 MEETINGS.**

Comments: Chairman Adams stated that because of the recommendation of continuance the Boardmembers do not have any case materials and would not be considering the case at this time. He continued that there are a number of residents who presented blue cards in opposition to the project and the Board would take public comment from Mr. Glenn Pyle who is representing the neighborhood.

Glenn Pyle, 6164 E. Rochelle St., spoke on behalf of Red Mountain First Community. His comments and concerns included:

- Not opposed to economic development
- Opposed to incompatible development with surrounding community
- Plan conflicts with the Mesa 2025 General Plan and the Falcon Field Sub Area Plan
- Will destroy a unique area of Mesa and quality of life
- Failure of notification to the community of development
- No local resident committee during the development of the Falcon Field Sub Area Plan
- Lack of coordination between City officials and developers with respect to current proposed developments along Thomas Road
- Proposed development is not unique to the surrounding area
- Vacant and undeveloped business and industrial parks within a few miles of Red Mountain
- No major attractions in the area to warrant or attract visitors to proposed hotels
- The proposed Longbow Business Park will meet the demands of the local businesses in the area
- Inadequate buffering to protect neighborhoods from incompatible nonresidential and industrial land uses
- This land should be rezoned to prohibit incompatible uses
- There appears to be a double standard within the Falcon Field Sub Area Plan
- A buffer to the existing residential neighborhood is an arterial street and a block wall
- Current infrastructure will not be able to handle the increased traffic volume
- Views will be affected by the higher intensity land uses
- The area must be kept unique and upscale to grow
- Would like a development plan with community input to be created for the area to eliminate duplication of comparable developments in the area

The following individuals present blue cards in opposition and did not wish to speak.

Chris Alonzo, 6028 E. Virginia St.

David Glennon, 3562 N. Tirol Cir.

Michael Lucey, 6009 E. Sanford Cir.

Robert Markstrom, 6441 E. Rafriver St.

Mia Darling, 1920 E. Gary Way, Phoenix

Cathy Ryan-Cook, 6145 E. Rochelle St.

David Cook, 6145 E. Rochelle St.

Susan K. Hogge, 3404 N. Olympic

John Miller, 3427 N. Arabella

Donna Miller, 3427 N. Arabella

Richard M. Hogge, 3404 N. Olympic St.

Tony Christifulli, 3605 N. Santiago Circle

Betty Christifulli, 3605 N. Santiago Circle

Betty Day, 6107 E. Roland St.

Maryellen Glennon, 3562 n. Tirol Circle

Cynthia Giacchetti, 6009 E. Sanford Circle

Louis Tupen, 6061 E. Riverdale St.

Elaine Bordi, 3624 N. Santiago Circle

John F. Bordi, 3624 N. Santiago Circle

Annie VanGilder, 6120 E. Roland St.

Earle VanGilder, 6120 E. Roland St.

Mary Ann Bodine, 3458 N Olympic

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Todd Bodine, 3458 N Olympic  
Bradley Green, 3916 N. Sapphire

Barbara Fisher, 3648 N. Sapphire

Dr. Donese Worden, 3558 N. Olympic Circle, spoke in opposition to the project stating that the area in question is an area of possible environmental contamination and needs to be studied to determine the toxicity levels and a possible environmental cleanup before construction because the dust from the construction may cause inhalants to be released into the air. Ms. Worden presented the Board a urine toxic test on herself and stated that she lives a healthy lifestyle yet is environmentally toxic in lead and mercury. She concluded that there are a lot of unanswered questions that need to be looked at before the area starts developing.

Boardmember Carter requested staff to provide the Board with the Phase I environmental and other preconstruction testing documents from the developer if they have been completed.

It was moved by Boardmember Mizner, seconded by Boardmember Roberts

That: The Board continue this case to the January 17, 2008 hearing.

Vote: Passed 7-0

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**Note:** *Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at [www.cityofmesa.org](http://www.cityofmesa.org)*

## MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-114 (District 6)** The 2800 to 3600 block of South Ellsworth Road (east side) and the 9200 to 10000 block of East Elliot Road (north side). Located east of Ellsworth Road and North of Elliot Road (288± acres). Rezone from AG, C-2, and M-1 to C-2 DMP, PEP DMP, and M-1 DMP. This request will allow the development of an Industrial/Employment Park. Paul B. Matthews, owner, Ernest Amponsah, David Evans & Associates, Inc., applicant; Robert G. Byall - David Evans & Associates, Inc., engineer. Also consider the preliminary plat for "First Mesa Commerce Centre – Phase II." **CONTINUED FROM THE NOVEMBER 15, 2007 MEETING.**

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board approve the preliminary plat of "First Mesa Commerce Centre – Phase II" and recommend to the City Council approval of zoning case Z07-114 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, and preliminary (without guarantee of lot yield, building count, lot coverage).
2. Site Plan Review through the public hearing process of future development plans.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa 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).
10. Written notice be provided to future tenants and property owners, and acknowledgment received that the project is within 1 mile(s) of Phoenix-Mesa Gateway Airport.

Vote: Passed 7-0

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MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-119 (District 2)** 1615 East Main Street. Located west of Gilbert Road on the south side of Main Street (.69± acres). Site Plan Review. This request will allow the development of a retail building. Tom Hanna, owner; Grant Blunt, Cawley Architects, applicant; Jay E. Mihalek, JMA Engineering Corporation, engineer.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board continue this case to the January 17, 2008 hearing.

Vote: Passed 7-0

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

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MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-120 (District 6)** 423 South Signal Butte Road. Located on the south side of Broadway Road and the east side of Signal Butte Road (13.5± acres). Rezone from R1-6-PAD to R1-6 and C-2 and Site Plan Review for the development of a neighborhood commercial center for the western most 4.64 acres of the property. Tom Alford, DeRito Partners Development, Inc., owner; Michelle Santoro, Whithy Morris, P.L.C., applicant; Tom Meeks, Erickson & Meeks Engineering, L.L.C., engineer.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z07-120 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Site Plan Review through the public hearing process of future development plans.
4. Compliance with all requirements of the Design Review Board.
5. Compliance with all City development codes and regulations.
6. 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.
7. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
8. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
9. Recordation of cross-access and reciprocal parking easements between "Shops A" and "Pad A".
10. All pad buildings to be architecturally compatible with the center.

Vote: Passed 7-0

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Item: **Z07-121 (District 6)** 5404 East Southern Avenue. Located east of Higley Road on the north side of Southern Avenue (1.20± acres). Rezone from O-S PAD to O-S BIZ and Site Plan Modification. This request will allow for the development of a hospice facility. Robb Corwin, Great Days Investment, LLC, owner; Robert Briggs, TEBO, LLC, applicant; Michael Roberts, Del Rio Engineering, engineer.

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z07-121 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
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. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
6. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.

Vote: Passed 7-0

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MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-122 (District 5)** 7336 East Main Street, Suite 14. Located west of Sossaman Road on the north side of Main Street (23,106 square feet). Council Use Permit to allow for a nightclub in a C-2 zoning district. Michael A. Pollack, Pollack Investments, owner; Reese Anderson, Pew and Lake, PLC, applicant.

Comments: Ralph Pew, 1930 E Brown Rd., applicant, stated that they concur with staff's decision for a continuance to resolve items of concern. These include the burnout portion of the shopping center to the east, an outdoor smoking area for patrons and the concept of substantial conformance.

Boardmember Mizner asked Mr. Pew to explain the issue of an oversight in the legal notification that was brought up at the previous study session. Mr. Pew explained that there was an oversight in the mailing of a notification of a neighborhood meeting to the upper levels of the condominium project and that subsequent notices had been mailed out.

The following individuals presented blue cards in opposition and did not wish to speak.

Philip R. Platt, 7324 E. Arbor Ave.  
Patricia M. Logan, 7318 E. Arbor Ave.  
Jacqueline Card, 7240 Arbor  
Arline D. Michael, 7214 E. Arbor  
Florence Rasset, 145 Amulet Ave.  
Charles Lake, 145 Amulet Ave  
Gerald Monberg, 7220 E. Abilene Ave.  
Darrell Proechel, 7325 E. Azalea  
Jim Basala, 215 N. Power Rd. #194  
Judith Truax, 160 S. 72<sup>nd</sup> Place  
David Truax, 160 S. 72<sup>nd</sup> Place  
Joan Anderson, 7222 E. Baywood Ave.  
William Anderson, 7556 E. Arbor Ave.

Helen Cooper, 301 S. 72<sup>nd</sup> Circle  
Arnold C. Cooper, 301 S. 72<sup>nd</sup> Circle  
Corine Howarter, 7443 E. Balsam Circle  
Wendell Howarter, 7443 E. Balsam Circle  
Elida VanSlyke, 151 S. Amulet  
Dorothy Horne, 309 S. 72<sup>nd</sup> Circle  
Jim Horne, 309 S. 72<sup>nd</sup> Circle  
Maureen Monberg, 7220 E. Abilene Ave.  
Carol Lee Thomas, 116 S. 75<sup>th</sup> Place  
James L. Marvel, 7309 E. Bramble Ave.  
Dorothy Marvel, 7309 E. Bramble Ave.  
Lloyd E. Thomas, 116 S. 75<sup>th</sup> Place

Josh Mike, Planner I, gave a brief overview of the case stating that it is a request for a Council Use Permit to allow a nightclub within a C-2 zoning district and that staff is recommending a continuance.

Boardmember Mizner commented that he would support a continuance and would like to see adequate facilities for smoking patrons in accordance with state law.

It was moved by Boardmember Salas, seconded by Boardmember Langkilder

That: The Board continue this case to the January 17, 2008 hearing.

Vote: Passed 7-0

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Item: **Z07-124 (District 6)** The 3900 block of south Power Road (east side). Located south of Elliot Road on the east side of Power Road (40 ± acres). Rezone from M-1 and M-2 DMP to M-1 PAD and M-2 PAD with a modification to the Development Master Plan, and Site Plan Modification. This request will allow the development of an office/warehouse complex. Tim Chester, owner; Robert B. Winton, Winton Architects, Inc., applicant. Also consider the preliminary plat for "Mesa 40."

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

It was moved by Boardmember Salas, seconded by Boardmember Exparza

That: The Board approve the preliminary plat of "Mesa 40" and recommend to the City Council approval of zoning case Z07-124 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Subdivision Technical Review Committee.
4. Compliance with all City development codes and regulations.
5. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
6. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
7. 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.
8. The owner shall grant an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport, which will be prepared and recorded by the City.
9. Written notice be provided to future tenants, and acknowledgement received, that the project is within 5 miles of Phoenix-Mesa Gateway Airport, and will be subject to noise that may be objectionable.

Vote: Passed 7-0

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## MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **GPMInor07-15 (District 6)** The 3100 block of South Power Road (east side). Located south of Guadalupe Road on the east side of Power Road (15.6± acres). General Plan Minor Amendment to change the General Plan Land Use Map from Mixed Use/Employment to High Density Residential 15+ and Neighborhood Commercial. This request will allow for the development of multi-residential, office, and retail uses. Gabriel Saia, Jr., Saia Enterprises, Inc., owner; Jason Ottman, Trammell Crow Residential, applicant; Timothy Huval, Kland Consulting Civil Engineers, L.L.C., engineer. **COMPANION CASE Z07-117.**

Comments: Jason Ottman, 7373 N. Scottsdale Rd., applicant, gave an overview of the proposal stating that the request is for apartments, office and retail space. He stated that he met with Mr. Williams of the Phoenix Mesa Gateway Airport to discuss his concerns and the recommended conditions of approval. He expressed satisfaction that the conditions would help alleviate his concerns that this development would cause additional opposition to the airport's continued use. He continued by addressing the concerns of the Economic Development Director and the Town of Gilbert stating that the proposed use complements the City's vision for the Phoenix-Mesa Gateway Airport by providing necessary services and that they plan to adhere to the recommendations from the Town of Gilbert. Mr. Ottman concluded that the proposal is consistent with past recommendations and does carefully consider the importance of this area to the future of Mesa.

Krissa Lucas, Planner II, gave a brief overview of the project, stating that staff has done a considerable review of this case and researched the existing surrounding approved land uses. She concluded that considering the various land uses as well as the review, staff is recommending approval of the rezoning case and adoption of the general plan amendment.

Amy Morales, with the Economic Development Office and on behalf of the Mesa Gateway Office stated that they would like to rescind their previous recommendation of not supporting the project and continued that after further consideration they are in support of the project. She stated that they had further discussion and are in agreement with the conditions of approval however they would like to make an additional recommendation that the memo dated October 18, 2007 from the Airport be included into the stipulations of record.

Chairman Adams asked Ms. Morales what specifically caused the change in position. Ms. Morales responded that at first glance they were not supportive of any residential component in the area, however after further discussion and a closer look at the case, it is actually complementary to the area and the surrounding uses.

Discussion ensued concerning parking, refuse and recycle containers and the effect these would have on the site plan when the engineering requirements are met.

Boardmember Langkilded asked Mr. Ottman if they were in agreement with the additional conditions of approval. Mr. Ottman responded that they do concur with the conditions.

Boardmember Mizner asked Mr. Wesley to explain where this property was in relation to the Williams Gateway Study Area and the Williams Special Area identified in the Mesa 2025 Plan. Mr. Wesley responded that what is now being called the Mesa Gateway Strategic Development Plan has two major parts. The transportation plan portion goes north to Southern Ave. and as far west as Higley Rd. and the land use portion covers the area south of the power lines from Power Rd. east to Meridian Rd. and does not specifically include this property. And the power lines form the northern boundary of the Williams Sub Area Plan identified in the Mesa 2025 Plan.

Boardmember Carter commented that as the project works its way through building permits the

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engineering requirements are going to have to be met, but his concern is that the Board is on record approving this site plan which will change due to the refuse container and other technical issues. He continued that he feels that the elevations need work and will be addressed through the Design Review Board and that he doesn't feel any strength about the supposed corridor where the power lines are and why staff is so protective of the area.

Discussion ensued concerning the study area, overflight areas and a possible presentation of them and airport related issues with flight paths and noise areas.

It was moved by Boardmember Esparza, seconded by Boardmember Mizner

That: The Board recommend to the City Council adoption of zoning case GPMinor07-15.

Vote: Passed 7-0

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## MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-117 (District 6)** The 3100 block of South Power Road (east side). Located south of Guadalupe Road on the east side of Power Road (15.6± acres). Rezone from R1-43 to R-4 PAD and C-2 PAD, and Site Plan Review. This request will allow for the development of multi-residential, office, and retail uses. Gabriel Saia, Jr., Saia Enterprises, Inc., owner; Jason Ottman, Trammell Crow Residential, applicant; Timothy Huval, Kland Consulting Civil Engineers, L.L.C., engineer. **COMPANION CASE GPMInor07-15.**

Comments: Jason Ottman, 7373 N. Scottsdale Rd., applicant, gave an overview of the proposal stating that the request is for apartments, office and retail space. He stated that he met with Mr. Williams of the Phoenix Mesa Gateway Airport to discuss his concerns and the recommended conditions of approval. He expressed satisfaction that the conditions would help alleviate his concerns that this development would cause additional opposition to the airport's continued use. He continued by addressing the concerns of the Economic Development Director and the Town of Gilbert stating that the proposed use complements the City's vision for the Phoenix-Mesa Gateway Airport by providing necessary services and that they plan to adhere to the recommendations from the Town of Gilbert. Mr. Ottman concluded that the proposal is consistent with past recommendations and does carefully consider the importance of this area to the future of Mesa.

Krissa Lucas, Planner II, gave a brief overview of the project, stating that staff has done a considerable review of this case and researched the existing surrounding approved land uses. She concluded that considering the various land uses as well as the review, staff is recommending approval of the rezoning case and adoption of the general plan amendment.

Amy Morales, with the Economic Development Office and on behalf of the Mesa Gateway Office stated that they would like to rescind their previous recommendation of not supporting the project and continued that after further consideration they are in support of the project. She stated that they had further discussion and are in agreement with the conditions of approval however they would like to make an additional recommendation that the memo dated October 18, 2007 from the Airport be included into the stipulations of record.

Chairman Adams asked Ms. Morales what specifically caused the change in position. Ms. Morales responded that at first glance they were not supportive of any residential component in the area, however after further discussion and a closer look at the case, it is actually complementary to the area and the surrounding uses.

Discussion ensued concerning parking, refuse and recycle containers and the effect these would have on the site plan when the engineering requirements are met.

Boardmember Langkilded asked Mr. Ottman if they were in agreement with the additional conditions of approval. Mr. Ottman responded that they do concur with the conditions.

Boardmember Mizner asked Mr. Wesley to explain where this property was in relation to the Williams Gateway Study Area and the Williams Special Area identified in the Mesa 2025 Plan. Mr. Wesley responded that what is now being called the Mesa Gateway Strategic Development Plan has two major parts. The transportation plan portion goes north to Southern Ave. and as far west as Higley Rd. and the land use portion covers the area south of the power lines from Power Rd. east to Meridian Rd. and does not specifically include this property. And the power lines form the northern boundary of the Williams Sub Area Plan identified in the Mesa 2025 Plan.

Boardmember Carter commented that as the project works its way though building permits the engineering requirements are going to have to be met, but his concern is that the Board is on

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record approving this site plan which will change due to the refuse container and other technical issues. He continued that he feels that the elevations need work and will be addressed through the Design Review Board and that he doesn't feel any strength about the supposed corridor where the power lines are and why staff is so protective of the area.

Discussion ensued concerning the study area, overflight areas and a possible presentation of them and airport related issues with flight paths and noise areas.

Boardmember Esparza moved to approve zoning case Z07-117 with the additional conditions and information given by the Economic Development Office, seconded by Boardmember Mizner.

That: The Board recommend to the City Council approval of zoning case Z07-117 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary elevations to be approved by the Design Review Board, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All pad buildings to be architecturally compatible with the center.
7. Owner granting an Avigation Easement and Release to the City, pertaining to the Phoenix-Mesa 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. Written notice be provided to future residents, and acknowledgment received that the project is within three (3) miles of the Phoenix-Mesa Gateway Airport.
9. Noise attenuation measures be incorporated into the design and construction of the buildings to achieve a noise level reduction of 25 db.
10. An aircraft noise disclosure statement shall be provided to future owners and tenants.
11. Notification to be included on the title that "these properties, due to their proximity to the Phoenix-Mesa Gateway Airport, are likely to experience aircraft overflights which could generate noise levels that may be of concern to some individuals."
12. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
13. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.

Vote: Passed 7-0

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MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **GPMInor07-16 (District 5)** The 3300 block of north Recker Road (west side). Located south of Thomas Road on the west side of Recker Road (25± acres). General Plan Minor Amendment to change the General Plan Land Use Map from Business Park to Mixed Use Employment. This request will allow the development of a commercial/office development. Greg P. Troast, owner; Robert Lorenzana, RCAA, Inc., applicant; Leonard J. Swartz, Olsson Associates, engineer. **COMPANION CASE Z07-118.**

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

It was moved by Boardmember Salas, seconded by Boardmember Esparza

That: The Board accept the request to withdraw this item.

Vote: Passed 7-0

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Item: **Z07-118 (District 5)** The 3300 block of north Recker Road (west side). Located south of Thomas Road on the west side of Recker Road (25± acres). Rezone from M-1 to M-1-BIZ, and Site Plan Review. This request will allow the development of a commercial/office development. Greg P. Troast, owner; Robert Lorenzana, RCAA, Inc., applicant; Leonard J. Swartz, Olsson Associates, engineer. Also consider the preliminary plat for "New Commercial Development NWC Loop 202 and Recker Road." **COMPANION CASE GPMinor07-16.**

Comments: John Wesley, Planning Director, clarified for the public that the companion zoning case GPMinor07-16 has been withdrawn by the applicant and is no longer subject to any specific discussion.

Peter Valenzuela, 2425 E Camelback, Phoenix, applicant, gave an overview of the proposal stating that they are requesting a Bonus Intensity Zone overlay (BIZ) to allow the building heights of the office buildings to increase to 3-stories (45 feet maximum); a reduction to the landscape setbacks from 25 to 15 feet along the north and east property lines adjacent to the proposed hotel; and a reduction in building setback from 75 to 70 feet along the east property line. He continued that they have made revisions to the site plan and narrative due to residents concerns and that they withdrew the General Plan Minor Amendment to safeguard the neighborhood from any future increase of retail density. He explained that the proposed restaurant with a drive thru was replaced with a sit down restaurant to deter crime and they are working closely with the Mesa Convention and Visitors Bureau to meet their requirements for the proposed hotel.

Mr. Valenzuela explained that they have worked closely with the Mesa Fire Department concerning the Virginia Street access for both the project and the fire trucks and have the support of the Fire Department concerning this project. He also mentioned that the project has support from the Falcon Field Area Alliance, the Economic Development Department and the Mesa Convention and Visitors Bureau. He asked the Board to take action on this item and not continue it as some residents have requested.

The following individuals spoke in opposition of the proposed project.

Chris Alonzo, 6028 E. Virginia St.  
Maryellen Glennon, 3562 N. Tirol Circle  
Richard Hogge, 3404 N. Olympic  
Susan K. Hogge, 3404 N. Olympic  
Brian Sperling, 3412 N. Arabella  
Donna Miller, 3427 N. Arabella  
John Miller, 3427 N. Arabella

Their comments and concerns included:

- A hotel right off the freeway will bring crime and prostitution
- Deterioration of the community and property values
- Thefts and burglaries
- Duplication of development in the area
- The type of development is not consistent with the Falcon Field Sub Area Plan
- Site plan design concerns
- Increased noise and light pollution to the community
- There is not a need for a health club in the area
- The community would like to work with the developer to create something compatible with Red Mountain Ranch and the community
- Would like a continuance to have community input concerning the plans of this and additional projects in the area and a traffic study completed

## MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

- Concerns as to where Virginia Street goes as it dead ends on the plan
- The project is detrimental to the health, safety and general welfare of the community
- No recent traffic studies for the area
- This is a high-end community; don't want to live next to a mall
- The hotel over looks the residential community
- Concerns with the 24-hour access
- The project is unjustified with so many vacant developments in the area
- Do not need a fast food or sit down restaurant in the area
- Police cannot adequately service the area
- The structures will tax the small fire department substation
- Traffic jams on Recker Rd, not constructed to carry heavy truck traffic

The following individuals presented blue cards in opposition and did not wish to speak.

Gerry Fathauer, 5450 E. McLellan #222  
David Cook, 6145 E. Rochelle  
Cathy Ryan-Cook, 6145 E. Rochelle  
Dr. Donese Worden, 3558 N. Olympic Circle  
David Glennon, 3562 N. Tirol Circle  
Betty Day, 6107 E. Roland St.  
Vickie Tupen, 6061 E. Riverdale St.  
Barbara Watson, 6036 E. Virginia St.  
Louis Tupen, 6061 E. Riverdale St.  
Margaret Powers, 6329 E. Roland St.  
Michael J. Powers, 6329 E. Roland St.

Johnny Fisher, 3648 N. Sapphire  
Cynthia Sperling, 3412 N. Arabella  
Annie Van Gilder, 6120 E. Roland St.  
Earle Van Gilder, 6120 E. Roland St.  
Barbara Fisher, 3648 N. Sapphire  
Emily McIntyre, 6038 E. Riverdale St.  
Bradley Green, 3916 N. Sapphire  
Todd Bodine, 3458 N. Olympic  
Mary Ann Bodine, 3458 N. Olympic  
Loren Watson, 6036 E. Virginia St

Lois C. Yates, 120 N. Center St., executive director of the Falcon Field Area Alliance, spoke in favor of the project. Her comments included:

- The BIZ overlay will allow for a higher quality and better product
- This is not a shopping center, it is a business park and the right kind of development for the area
- The area sits midway between Sky Harbor and Phoenix-Mesa Gateway Airport and will attract higher-end office users

Jennifer Gniffke, Planner II, gave a brief overview of the proposal stating that the applicant has made some changes to address some of the neighbors concerns. She continued that in response to the numerous emails and phone calls from the neighbors to the east about crime as it relates to traffic and the fire station on Virginia Street, she verified with the police, fire and transportation staff and they have indicated no concerns about the project. She conclude that staff believes the project is well designed, meets the intent of the General Plan and the Zoning Ordinance and is recommending approval with conditions.

Mr. Valenzuela responded to the residents' comments stating that they are bringing responsible development to the area and setting the bar for future developments in this area. He continued that the zoning facilitates the amount of retail requested and they are not using the BIZ overlay to increase the density but rather to allow the increased height of the office space. He concluded by asking the Board to take action on this item.

Chairman Adams commented that he had a conversation with Mr. Robert Brinton of the Mesa Convention and Visitors Bureau and Mr. Brinton stated that he believes that the applicant has been very forthright and honest in his dealings with the Bureau, but wanted it made specifically clear that he is not endorsing the hotel because there has not been a brand identified.

## MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Boardmember Mizner asked Ms. Gniffke if there are any development proposals being considered by staff at this time for the property located to the north of this site. Ms. Gniffke responded that staff has seen some preliminary site plans and have had preliminary discussions with developers concerning the site.

Boardmember Salas asked Ms. Gniffke if the change in the restaurant to a sit down still included a drive thru and if it were a 24-hour operation. Ms. Gniffke responded that with the revised site plan, the drive thru has been removed and the hours of operation have not been defined. Mr. Wesley stated that staff does not have any controls over the hours of operation of an establishment.

Discussion ensued concerning what could be built on the property with the M-1 zoning district, what the BIZ overlay would allow, the parking calculations and if the project could be built with only a site plan review rather than a rezone. Discussion also ensued concerning the memo from the Economic Development Division and what they would like to see built on the property.

Boardmember Roberts asked Ms. Gniffke if the undeveloped property to the east, across Recker, is a retention basin or if it is zoned for something else. Ms. Gniffke responded that it is a 125 foot wide retention area.

Discussion ensued concerning access to the project, Virginia Street, the continuation of it to Thomas Road and the email from the fire department concerning their access on Virginia Street.

Boardmember Langkilde asked the applicant about the brand of hotel that would be placed on the site. Mr. Valenzuela responded that they do not have a specific hotel at this time, but are working with the Mesa Convention and Visitors Bureau and their current price point would include some flags under the Marriott chain.

Boardmember Langkilde asked Mr. Sperling, if he had an opportunity to research adjacent zoning districts before purchasing his home. Mr. Sperling responded that he did not and that he did not have an issue with business park but did have concerns with retail and the 24 hour access.

Discussion ensued concerning the layout of the site plan and the rationale behind where the uses were placed.

Boardmember Esparza commented that she had concerns with the retail being close to the residential neighborhood and only one entrance in and out of the project and would not be supporting the project.

Discussion ensued concerning the uses allowed by right in the M-1 zoning district.

Boardmember Roberts commented that he was sympathetic with the citizens; however, it is appropriate for the General Plan and the current zoning.

Boardmember Langkilde commented that the case is difficult to decide, however, there is pre-established zoning in the area that allow the uses.

Chairman Adams commented that there are far worse uses that could be put on the land currently and he is confident based on Mr. Brinton's comments that the applicant is looking at an upper end hotel.

## MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Boardmember Mizner moved for approval of case Z07-118 stating that it is consistent with the Mesa General Plan and the site plan conforms with the Mesa Zoning Ordinance with the modifications proposed under the BIZ overlay, seconded by Boardmember Salas.

That: The Board approve the preliminary plat of "New Commercial Development NWC Loop 202 and Recker Road" and recommend to the City Council approval of zoning case Z07-118 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan dated 12-17-07, preliminary plat and preliminary elevations to be approved by the Design Review Board (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. All perimeter street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Recordation of cross-access and reciprocal parking easements among all lots within the subdivision
10. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
11. Written notice be provided to future tenants/owners, and acknowledgment received that the project is located approximately 1 mile from Falcon Field Airport.

Vote: Passed 6-1 with Boardmember Esparza nay.

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MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **GPMInor07-17 (District 4)** The 200 block of West Vine Avenue (south side) and the 500 block of south Robson (west side). Located south of Broadway Road and east of Country Club Drive (6± acres). General Plan Minor Amendment to change the General Plan Land Use Map from Medium Density Residential 4-6 du/acre to Mixed Use Employment. This request will allow for the development of an auto storage yard. City of Mesa and Mark Vandevier, owners; Richard Thompson, applicant. **COMPANION CASE Z07-123.**

Comments: Bill Petrie, 2459 E. Laurel St., applicant, stated that this is an infill development within an area that the City has experienced a lot of changes over the years, he has met with neighbors and they are in agreement with the revised conditions.

Tom Ellsworth, Senior Planner, gave a brief overview of the case stating that the site has been undeveloped for quite some time and has been problematic in its development. He continued that the request is to change the land use category from Medium Density Residential 4-6 du/ac to Mixed-Use Employment and staff is recommending adoption which will allow for the rezone of the property to M-1 to allow the use of a proposed auto impound yard. He stated that the use requires a Special Use Permit that will be heard by the Board of Adjustment. Mr. Ellsworth addressed the neighbors' concerns about wall height and visibility factors regarding razor and barbed wire. He continued that the area on the Site Plan designated as "Site 2" is owned by Mr. Vandevier. He explained that during neighborhood discussions Mr. Vandevier expressed interest in changing his zoning and piggybacked onto this request. He stated that this site would have some R-2 uses within M-1 zoning; if this were approved, and would create some non-conforming uses on the site that the stipulations address. He concluded that staff is recommending adoption of the general plan amendment and approval of the zoning case with conditions.

Discussion ensued concerning landscaping and explanation of what an auto impound yard is compared to an auto salvage or parts yard.

It was moved by Boardmember Esparza, seconded by Boardmember Salas

That: The Board recommend to the City Council adoption of zoning case GPMInor07-17.

Vote: Passed 7-0

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## MINUTES OF THE DECEMBER 20, 2007 PLANNING AND ZONING MEETING

Item: **Z07-123 (District 4)** The 200 block of West Vine Avenue (south side) and the 500 block of south Robson (west side). Located south of Broadway Road and east of Country Club Drive (6± acres). Rezone from R-2 to M-1 and Site Plan Review. This request will allow for the development of an auto storage yard. City of Mesa and Mark Vandevier, owners; Richard Thompson, applicant. **COMPANION CASE GPMInor07-17.**

Comments: Bill Petrie, 2459 E. Laurel St., applicant, stated that this is an infill development within an area that the City has experienced a lot of changes over the years, he has met with neighbors and they are in agreement with the revised conditions.

Tom Ellsworth, Senior Planner, gave a brief overview of the case stating that the site has been undeveloped for quite some time and has been problematic in its development. He continued that the request is to change the land use category from Medium Density Residential 4-6 du/ac to Mixed-Use Employment and staff is recommending adoption which will allow for the rezone of the property to M-1 to allow the use of a proposed auto impound yard. He stated that the use requires a Special Use Permit that will be heard by the Board of Adjustment. Mr. Ellsworth addressed the neighbors' concerns about wall height and visibility factors regarding razor and barbed wire. He continued that the area on the Site Plan designated as "Site 2" is owned by Mr. Vandevier. He explained that during neighborhood discussions Mr. Vandevier expressed interest in changing his zoning and piggybacked onto this request. He stated that this site would have some R-2 uses within M-1 zoning; if this were approved, and would create some non-conforming uses on the site that the stipulations address. He concluded that staff is recommending adoption of the general plan amendment and approval of the zoning case with conditions.

Discussion ensued concerning landscaping and explanation of what an auto impound yard is compared to an auto salvage or parts yard.

It was moved by Boardmember Carter, seconded by Boardmember Salas

That: The Board recommend to the City Council approval of zoning case Z07-123 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted.
2. Site Plan Review through the public hearing process of future development plans for the area labeled Site 2 on the site plan.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. The perimeter wall will be raised to a maximum of 8' and barbed wire or razor wire will not be installed in the following locations:
  - a. From the northwest corner south along the west property line a distance of 270'
  - b. From the southwest corner north along the west property line a distance of 106'.
  - c. From the southwest corner of the site east along the south property line a distance of 20'.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.

Vote: Passed 7-0

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**Division Office for review. They are also "live broadcasted" through the City of Mesa's website at [www.cityofmesa.org](http://www.cityofmesa.org)**

Item: Discuss and provide direction on fees for zoning applications for the Planned Community District and Development Unit Plans.

Comments: John Wesley, Planning Director, gave an update concerning the Planned Community District (PCD) stating that it is a district that is different than any other zoning district that the City has and allows the developer a lot of flexibility in how they develop property as part of a zoning case. He continued that rather than using the standard rezoning fee staff felt that it was important to look at what other cities charge for these types of applications and see if there may be a more appropriate fee schedule to apply to this type of application.

Mr. Wesley further explained the steps for development of a PCD and that staff, though there has not been one of these applications, has tried to determine the staff costs in reviewing a PCD and estimated the total to be around 100 to 110 thousand dollars for a property of 3,200 acres. He continued that there have been preliminary discussions with the Council Audit and Finance Committee and they have recommended recovering at least 50% up to 80% of staff costs with the fee. He explained the options for consideration and asked the Board for their thoughts and direction so staff could bring back a resolution to the Board in January.

Chairman Adams commented that the market would bear whatever the fee is and with the City's current budget situation it should go beyond the 50 to 80% and be a minimum of 100% cost recovery.

Boardmember Carter commented that some of these cases will cover 25 to 30 years worth of work, the developer will have a great opportunity to use creativity without constraint, staff and the City should be compensated in a way that would help them to review the submissions without constraint and that he could not see how the fee could be anything less than 108 to 110 thousand dollars.

Chairman Adams agreed with Boardmember Carter and stated that if the fee were 250 thousand dollars it would be a minimal amount of money compared to the overall project costs.

Boardmember Mizner asked Mr. Wesley if there has been any thought given to the number of applications that staff may see. Mr. Wesley responded that it would be a fairly limited number because there is not a lot of vacant 160 acre or larger parcels, however, there is a possibility for maybe a half dozen. Mr. Wesley then explained the reasoning behind the Council Audit and Finance Committee's recommendation of less than 100% cost recovery.

Boardmember Roberts commented that it appears that the City of Phoenix makes money on these types of applications, that he wouldn't mind a 100% cost recovery and if fees in other areas are not appropriate, then they should be reviewed.

Boardmember Langkilde commented that he would encourage staff to look at something more reasonable to today's market and would look at something in terms of at least 85 to 100% cost recovery, if not something more.

Boardmember Esparza stated that while she was on the Financing the Future Committee there were specific discussions about the Planning Division being at 100% cost recovery and that the fee should be as close to that 100% as it can get.

Boardmember Mizner stated that the Board is looking at the high end or beyond the charts that

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were presented for review.

Boardmember Carter asked Mr. Wesley why the Finance Committee wanted to cap the amount recovered at 50 to 80% and if they took into account the number of years that an application may spread across. Mr. Wesley explained the reasoning behind the Finance Committee's recommendation is that the current overall cost recovery in the Planning Division is between 40 and 50%, the community at a whole should have some stake and pay for some of the process and that staff would receive fees for the Development Unit Plans and individual site plans as they come in for review.

Boardmember Salas stated that staff should have a minimum of 100% cost recovery.

Chairman Adams summarized the Boards opinion and stated that a bolder look at this item may be in order and the Board recommends at 100% plus cost recovery.

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director

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