

CITY OF MESA  
MINUTES OF THE PLANNING AND ZONING BOARD  
SPECIAL MEETING

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

MEMBERS PRESENT

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

MEMBERS ABSENT

Alex Finter, excused

OTHERS PRESENT

John Wesley  
Ryan Heiland  
Lois Underdah  
Maria Salaiz

John Bellrose  
Randy Carter  
Jim Demarbiex  
Paula Dermarbiex

Neva Coester  
Inez Wortman  
Jeff Register  
A. Keith Crandell

Debbie Spinner  
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 4, 2003. Before adjournment at 5:00 p.m., action was taken on the following item:

A. CONSIDER THE FOLLOWING ZONING CASE:

1. **Z03-12 – (District 5)** The 4400 block of East McLellan Road (south side), south to East Hannibal, north and east of Greenfield and Brown Roads (2.02 ac±). Rezone from R-3 to R-3 P.A.D. This case involves the development of an apartment complex and one single residence lot. John Bellerose, owner/applicant. **THIS CASE WAS REFERRED BACK TO THE PLANNING AND ZONING BOARD BY THE CITY COUNCIL ON NOVEMBER 17, 2003.**

Chairperson Whalen noted that this is a Special Meeting to hear zoning case Z03-12. He stated that this case was heard by the City Council and referred back to the Zoning Board and our direction to staff was if there was no further need for staff work, the Board would be willing to have a special meeting to avoid protracting the time for the developer.

Mr. John Bellrose, the applicant, gave an overview of the project. He thanked the Board for holding a special meeting. He stated that he has worked diligently to remediate any concerns from the Planning & Zoning Board and was pleased with the project. He noted that this project has been presented before on several occasions and has been met with some neighborhood resistance. It is for this reason that he has gone to great lengths to present a great project that all neighbors and citizens may be proud of. He stated that he has found some supporters as well as some opposed to the project. Supporters to the project feel that the development will enhance property value in a declining neighborhood as well as offer quality housing on the rental market. Those opposed to the project have concerns with density, setback issues and the potential impact of crime that apartments may bring.

Mr. Bellrose stated the last project seen by the Planning & Zoning Board showed a total of six buildings equaling 24 units. Since then he has reduced the site by one building equaling a new total of 20 units. He reiterated that the economic impact of losing one building has been a major impact on the feasibility of the project. He also noted that the setback issue has been greatly reduced by going below grade. The project before the Board has five basement style apartment buildings that are of a single level elevation. We still maintained our 3 bedrooms, 2 baths configuration. Mr. Bellrose again noted that he is pleased with this project and not only are the units less visible in the neighborhoods and less impacting on setbacks, the new elevations lend an appeal of a custom home subdivision. He noted that although there is no true verifiable data that renters' breed crime in any neighborhood, there are ways that owners and landlords can reduce the impact by screening tenants. Mr. Bellrose also stated that his concern with doing office condos was that he did not want to develop and invest into something that might present a potential problem in the future with vacancy.

Chairperson Whalen asked Mr. Bellrose if there were any exterior lighting for the lower bedrooms. Mr. Bellrose stated there is an exterior lighting plan. Mr. Bellrose also mentioned that the subdivision would have a Homeowners Association to enforce that the properties and amenities are maintained.

Jim Demarbiex, 4425 E. Halifax St., stated that he just moved in the neighborhood from Phoenix and noted that this is a good neighborhood. He also stated he opposes the apartment project.

Paula Demarbiex, 4450 E. Hobart St, stated they were here to voice their opposition against the proposed four-plex subdivision and its individual ownership. She stated that after the September 18, 2003 Planning & Zoning meeting there has been no communication between the applicant and the neighborhood until November 15, 2003. She mentioned that Mr. Bellrose came to her house two days prior to the City Council meeting and asked what she would like to see done with the property. Her first choice is and continues to be office buildings. Her second choice is to sell the property and Mr. Bellrose made it clear that that wasn't an option. My third choice was for him to build something other than individually owned fourplexes. That has been the problem all along and was communicated back at the February 21<sup>st</sup> neighborhood meeting. Ms. Demarbiex stated that this is the first time she gets to see the revised plans and finds it extremely hard to understand what makes this site plan special that it justifies a PAD overlay when similar zoning cases have been shot down in the past. Ultimately, we the homeowners of this neighborhood, will have to live with the consequences of the decisions that are made. As these buildings begin to deteriorate so will the clientele that will live there thus resulting into a slum, gang-bang drug arena that would undoubtedly impact this neighborhood. She appreciated the opportunity to voice her concerns and hope the Board understands why this proposal is wrong for the neighborhood.

Neva M. Coester, 4429 E. Hobart Street, spoke in opposition to the case stating that attempted development of this parcel has been ongoing and the reason for this proposed difficulty is that Mr. Bellrose and previous developers have all presented similar plan that are inappropriate for the property. She mentioned that the present proposal is better than previous ones but still requires variances. She also mentioned that from experience, where buildings are individually owned, whether or not there is a Homeowners Association there would be problems. Ms. Coester thanked the Board for their time and consideration.

Inex Wortman, 4464 E. Halifax St. spoke in opposition to the case stating that 20 more families on a two-acre parcel will entail a lot of traffic and a lot of extra people on that one corner.

Chairperson Whalen stated he had blue slips indicating opposition to the case from citizens whom did not wish to speak.

Jeff Register, 4550 E. Hannibal St. stated that he has a triplex on one side and a fourplex on the other side of his home. He stated that it would be an asset for the neighborhood to improve this property because there are semi trucks parking there, kids jumping their motorcycles stirring up dust, and

weeds that are a fire hazard. He stated that the applicant has bent over backwards and deserves a fair shake. He mentioned that there are two story houses throughout the neighborhood and reiterated that he did not have any problems with multiple dwellings on either side and this project would be an asset to the neighborhood.

A. Keith Crandell, 1035 W. 4<sup>th</sup> Place stated that he has been on both sides of this issue and one has to look at each set of circumstances uniquely. This is not an upscale neighborhood and these apartments would be equal to or better than anything in the area. He stated he did not accept the notion that renters deteriorate a neighborhood. I have been in the rental business for many years and I can assure you that I have great respect for renters. This is a declining neighborhood and I commend Mr. Bellrose for being willing to invest and revitalize the neighborhood. Mr. Crandell also noted that the apartments would be better maintained because of the Homeowners Association. He urged the Board to give their approval.

Ryan Heiland, Planner I, gave an overview stating that this case has had a long journey. City Council heard the case on November 17, 2003 and referred it back to the Planning & Zoning Board due to significant design changes that were made as a result of additional neighborhood input. Some of the revisions made were reduced height of the buildings from two-story to one story, reduced number of buildings from six to five and revisions to Condition #9 of the staff report. Condition #9, restricts the single residence lot on the southern portion to only single residential development. That came up as a concern from the neighborhood about the possibility of another duplex. The applicant is requesting a PAD overlay to give relief from the required setbacks as well as to allow individual ownership. Mr. Heiland noted that the required modifications between this plan and the previous plan are a bit less than what was originally proposed. The applicant has been very responsive to neighborhood concerns and has provided a Homeowner Association to help address any future concerns. Mr. Heiland mentioned that there is a legal protest still in effect and staff is recommending approval of this case.

Boardmember Carpenter asked if the single family home would be designed to blend in with the project or be designed as a home in the neighborhood separate from the project and asked if there is potential for an on-site manager living in the single-family home. Mr. Heiland responded that it would be restricted to just allow a single residence home. Boardmember Carpenter also asked if the zoning would remain R-3. Mr. Heiland responded that it would be an R-3-PAD, if approved. Boardmember Carpenter asked since the single family home was not on the plan then it was not part of the site plan being considered. Mr. Bellrose responded that was correct.

Chairperson Whalen asked Mr. Bellrose if he was comfortable with having the property zoned with restrictions on the use to a single-family residence. Mr. Bellrose stated he was not comfortable and had spoken with the neighbors about the potential of putting a duplex on that location to help offset some of the expenses of developing this site, but hadn't addressed that with the City Planners or agreed to a single-family home on that location. He stated he hasn't decided if he plans to develop that parcel in conjunction with this site.

Boardmember Adams asked Mr. Bellrose how big, in terms of acres, was the piece of property that he did not plan to develop. Mr. Bellrose stated he believed approximately 4/10 of an acre and was thinking of putting a Gemini home – a duplex where you have ownership interest on each half. He also answered Ms. Carpenter's questions stating No, this property is not incorporated in this project and No, a property manager would not be living on site. It will be apart from the project.

Boardmember Adams also asked Mr. Bellrose if it made sense to cut 20-25% off of the property or if he was doing it strictly as a means of compromise. Mr. Bellrose stated he was doing it strictly as a means of compromise but would have preferred his initial proposal.

Boardmember Carpenter expressed her concerns with the lot being undeveloped and asked if that piece of property would be salable with the kind of zoning that it would have. Mr. Heiland stated that it would remain vacant until it was sold or developed.

Boardmember Cowan stated he was in favor of denying this project last time. His concerns at that time were the density issues and the two-story height that would cause some privacy issues with the neighbors. He noted that the applicant has gone above and beyond on this project. He has reduced his financial potential for the area to establish five buildings, single story, no traffic onto Hannibal and has maintained the homeowner's privacy in that area. He stated he did not see any dramatic concerns with the vacancy of the residential property and considered it a nice addition to a very difficult site to develop.

Chairperson Whalen asked Mr. Heiland if the R-3 zoning designate rental vs. ownership. Mr. Heiland responded, No. He agreed with Mr. Cowan that the applicant has gone more than the extra mile on this case.

Boardmember Saemisch complimented the applicant and his architect for persisting and coming up with a design that addressed the Board's major issues. The single story building has much less impact and therefore is going to be acceptable with these setbacks considering the adjacent uses. The scale of the building fits with the neighborhood and the architecture will be a part of the design review package. He mentioned that he did not see a landscape plan but is convinced with the addition of landscaping that it's going to work out. The traffic issues are much mitigated by this new plan and the density has been reduced.

Boardmember Adams stated the last time this case came before the Board he was in favor of approval. The applicant has gone through some tremendous steps to be accommodating. He stated that because there will be renters in these buildings does not necessarily equal problems. The traffic issues have been addressed. Mr. Adams expressed his concerns about the weird shape piece of property that will continue to be a dirt and weed field. He stated those were his reasons for having made the motion and supporting the case.

Boardmember Esparaza congratulated the neighbors for their persistency in keeping on top of their neighborhood and also congratulated Mr. Bellrose on creating a better plan. She echoed Mr. Adams comments about renters and stated she would be in favor of this project.

Boardmember Carpenter addressed the neighbor's concerns and their desire for an office park stating that the Board only had two choices, to leave it the way it is zoned or to do an overlay, an office park was never an option.

It was moved by Boardmember Adams, seconded by Boardmember Cowan

That: The Board approve and recommend to the City Council approval of zoning case Z03-12 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all requirements of the Subdivision Technical Review Committee.
4. Full compliance with all current Zoning Ordinance requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.

5. 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).
6. Written notice be provided to future residents, and acknowledgment received that the project is within two miles of Falcon Field Airport.
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
9. As shown on the site plan, the lot fronting East Hannibal Street is to be a single residence building.

There being no additional citizens present wishing to speak, the Chair declared the public hearing closed.

Respectfully submitted,

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John Wesley, Secretary  
Planning Director