

## CITY OF MESA

### MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date June 19, 2003 Time 4:00 p.m.

#### MEMBERS PRESENT

Marty Whalen, Chair  
Dan Brock, Vice-Chair  
Mike Cowan  
Pat Esparza  
Lynda Bailey  
Barbara Carpenter

#### MEMBERS ABSENT

Rich Adams (excused)

#### OTHERS PRESENT

Dorothy Chimel  
Michelle Dahlke  
Ryan Heiland  
Lois Underdah  
Maria Salaiz

Sean Lake  
Ralph Pew  
Glen Bevell  
Shane Ocell  
Kelsey Yamashita

Todd Skoro  
Bob Saemisch  
Alex Finter  
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 June 19, 2003. Before adjournment at 5:30 p.m., action was taken on the following items:

Chair Whalen thanked retiring Vice-Chair Dan Brock and Boardmember Lynda Bailey for their service and dedication to the Planning & Zoning Board.

A motion was made and seconded to nominate Mike Cowan as Vice-Chair to replace Mr. Brock.

Vote 5-0 (Cowan abstaining, Adams absent)

It was moved by Boardmember Cowan, seconded by Boardmember Brock that the minutes of the May 15, 2003 meeting be approved as submitted. The vote was 4-0. Esparza and Bailey abstained from the vote as they did not attend the May meeting.

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

It was moved by Boardmember Carpenter, seconded by Boardmember Brock that the consent items be approved. Vote 6-0

General Plan Amendment: \*GP03-01

Zoning Cases: \*Z03-12, \*Z03-17, \*Z03-20, \*Z03-25, \*Z03-26, \*Z03-27, Z03-28

Preliminary Plats: \*Paloma Estates, \*Mesquite Canyon Plaza.

MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: **GP03-01 – (District 4)** The 1300-1400 blocks of South Country Club Drive (36.63 ac.±). Proposed change to the General Plan Land Use Map from Community Commercial (CC) and High Density Residential (HDR) 10-15 dwelling units per acre to Medium Density Residential (MDR) 6-10 dwelling units per acre. American Land Lease, owner; Sean Lake, Pew and Lake, P.L.C., applicant. **CONTINUED FROM THE MAY 15, 2003 MEETING.**

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

It was moved by Boardmember Carpenter, seconded by Boardmember Brock

That: The Board continue zoning case GP03-01 to the August 21, 2003 meeting.

Vote: Passed 6-0

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MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: **Z03-12 – (District 5)** The 4400 block of East McLellan Road (south side), south to East Hannibal (2.02 ac.±). Rezone from R-3 to R-3 P.A.D. This case involves the development of an apartment complex. John Bellerose, owner/ applicant. Also consider the preliminary plat of “Bellerose Apartments.” **CONTINUED FROM THE MARCH 27, 2003, APRIL 17, 2003 AND THE MAY 15, 2003 MEETINGS.**

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

It was moved by Boardmember Carpenter seconded by Boardmember Brock

That: The Board continue zoning case Z03-12 to the August 21, 2003 meeting.

Vote: Passed 6-0

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MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: **Z03-17 – (District 6)** The southwest corner of Pueblo Avenue and Crismon Road (33 ac.±). Rezone from R1-43 to R1-6-PAD. This case involves the development of a 184-lot single residential subdivision. D. R. Horton, owner; Sean Lake, applicant. Also consider the preliminary plat of “La Fortina.” **CONTINUED FROM THE APRIL 17, 2003 AND THE MAY 15, 2003 MEETINGS.**

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

It was moved by Boardmember Carpenter seconded by Boardmember Brock

That: The Board recommends to the City Council approval of zoning case Z03-17 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 the Residential Development Guidelines including: on the arterial street, one-story product only; along the collector street, no more than 40% of the product to be two-story or provide thirty foot aggregate total landscaping within the right-of-way or tract.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Traffic calming devices to be approved by City staff prior to or concurrent with approval of the plat by the Subdivision Technical Review Committee.
9. Product is limited to one-story along the western property line except where immediately adjacent to the existing City of Mesa well site.
10. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
11. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0

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MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: **Z03-20 – (District 4)** The 1300-1400 blocks of South Country Club Drive (east of frontage properties, extending east to railroad) (36.63 ac ±). Rezone from R-2 PAD, C-3, M-1 and R-4 to R-2 PAD. This case involves the development of a residential development. American Land Lease/Del Mar Development, Inc., owner; Sean Lake, Pew and Lake, P.L.C., applicant. **CONTINUED FROM THE MAY 15, 2003 MEETING.**

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

It was moved by Boardmember Carpenter seconded by Boardmember Brock

That: The Board continue zoning case Z03-20 to the August 21, 2003 meeting.

Vote: Passed 6-0

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MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: **Z03-25 – (District 4)** 300 West Southern Avenue (4.46 ac. ±) Rezone from C-2 and C-3 to M-1. This case involves the development of a distribution warehouse facility for an existing Maytag appliance store. Russ Johnson, owner; William H. Hunse, Architectural Team Three, applicant.

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

It was moved by Boardmember Carpenter seconded by Boardmember Brock

That: The Board recommends to the City Council approval of zoning case Z03-25 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. Submittal of a photometric study for review by the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all conditions of a Substantial Conformance Improvement Permit.
7. Upon submittal of construction documents to Building Safety, the applicant shall submit a revised site plan and landscape plan to the Planning Division identifying the fire access alternative approved by the Fire Marshall.
8. Documents verifying the parcel combination will be required to be submitted with the construction documents to the Building Safety Division.

Vote: Passed 6-0

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MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: **Z03-26– (District 6)** North and east of the northeast corner of Crismon Road and Southern Avenue (18.9 ac. ±) Site Plan Modification. This case involves the development of an apartment complex. Glenn Walling, Coyote Landing Limited Partnership, owner; Denise Burton, Broadbent and Associates, Inc., applicant.

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

It was moved by Boardmember Carpenter seconded by Boardmember Brock

That: The Board recommends to the City Council approval of zoning case Z03-26 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
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.

Vote: Passed 6-0

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MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: **Z03-27 – (District 2)** 1933 East Brown Road (28,000 sq. ft. building area on a 5.31 ac. ± parcel) Council Use Permit. This case involves a request for a charter school to occupy a vacant building in an existing commercial shopping center. PFL Life Insurance Company, owner; Evelyn Taylor, applicant.

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

It was moved by Boardmember Carpenter seconded by Boardmember Brock

That: the Board recommend accepting the applicant's request for withdrawal.

Vote: Passed 6-0

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## MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: **Z03-28 – (District 3)** 310 North Dobson Road, Suites 1 and 2 (0.79 ac.). Council Use Permit. This case involves the development of a body piercing salon. Kenneth Louie, owner; Kelsey Yamashita, applicant.

Comments: Ralph Pew (10 W. Main), representing the applicant, advised that this application was for a piercing salon only, clarifying that there is not and never will be any tattooing done. He further explained that this is a business with a good reputation and will not be harmful to the area. Mr. Pew stated that 80% of the sales in this salon are jewelry sales and it will not attract transients nor encourage loitering, adding that transients could not afford to shop there. He also mentioned that there would not be excessive signage and the applicant would agree to an additional condition which would make the Council Use Permit applicable to the present owners only and which could be revoked in the event that the conditions of approval were violated.

Robert Meyers (1441 W. 4<sup>th</sup> Pl.) stated he had concerns with what procedures they had in force if anyone got “stuck” with a needle. Kelsey Yamashita (the applicant) stated that they had sterilization equipment, and all the staff is trained to deal with emergencies, including training in CPR. She added that there had been no case where that had happened.

Bob Parker (534 W. 1<sup>st</sup> St.) spokesperson for Mesa Grande, stated that it was not how the business is run that is the problem, but what the business is. He added that this would cause the area to decline and encouraged the applicant to look for another area. He informed Boardmembers that the Mesa Grande Board had voted 7-1 to deny this case. Chair Whalen asked if any of the members had attended the citizen participation meeting. Mr. Parker responded that he did not know. He added that the board had not really met on this issue but he had polled them by phone.

Anne Sandretto-Raio (933 W. Keating) spoke in favor of the case, stating that the applicant ran a very professional business. Darcy Skaggs (4335 E. Downing) also spoke in favor.

Dorothy Chimel, Acting Planning Director, explained the Council Use Permit process. She advised Boardmembers that this proposal was compatible with surrounding uses and with Mesa’s General Plan.

Boardmember Carpenter stated that they needed to focus on ADA accessibility adding that she would vote in favor of this proposal. She mentioned that this was an ideal location for this salon.

Boardmember Esparza stated that she had driven to Phoenix to see the salon operating there and was impressed with the entire business. She added that it was more like a jewelry display showroom with piercing services and although she did not have pierced ears she would not have a problem with this type of business. She had also spoken with neighboring businesses and found them to be in favor of this proposal. Ms. Esparza stated that she felt this was a good location for this business.

Boardmember Cowan stated that he had visited both the Tucson and Phoenix locations and he also was impressed with the operation of this business. He asked the applicant to explain their sterilization procedure. Glen Bevell (applicant) gave a brief explanation of the equipment used. Boardmember Cowan stated he felt this was an appropriate business and would vote in favor of this proposal.

## MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

It was moved by Boardmember Bailey seconded by Boardmember Carpenter

That: The Board recommends to the City Council approval of zoning case Z03-28, conditioned upon:

1. Compliance with the basic development as described in the project narrative 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. Perimeter landscaping to be installed along the street frontages at a minimum of one (1) tree and three (3) bushes per every 25 linear feet.
5. Council Use Permit is for a body piercing studio only.
6. The Council Use Permit granted hereby shall apply only to Units 1 and 2 at 310 North Dobson Road and a business entity in which Glen Bevell, Kelsey Yamashita or Shane Ocell individually or collectively own a majority/controlling interest. In accordance with Mesa City Code Section 11-18-8(R), the Council Use Permit granted herein may be suspended, revoked or modified, upon a finding at a public hearing, that any condition, stipulation or term of the approval of said Council Use Permit has been violated including a change in ownership in which Kelsey Yamashita, Glen Bevell or Shane Ocell collectively or individually do not own a majority/controlling interest.

Vote: Passed 6-0

Reason for Recommendation: The Board felt this proposal was for an appropriate use and compatible with the General Plan.

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MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: 3300 - 3400 S. Sossaman (eastside) – **(District 6)**. This project involves the development of a single residence subdivision (26.42± ac). Peter Martens, owner; Ralph Pew, Pew and Lake, PLC, applicant. Consider the preliminary plat of "Paloma Estates."

**CONTINUED FROM THE FEBRUARY 20, 2003, MARCH 27, 2003 AND MAY 15, 2003 MEETINGS.**

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

It was moved by Boardmember Carpenter seconded by Boardmember Brock

That: The Board continue zoning case 3300-3400 S. Sossaman to the July 17, 2003 meeting.

Vote: Passed 6-0

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MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Item: The southeast corner of Ellsworth Road and Guadalupe Road – **(District 6)**. This project involves an 8-lot commercial subdivision (14.99± ac). Evergreen Development Company owner/applicant. Consider the preliminary plat of “Mesquite Canyon Plaza”.  
**CONTINUED FROM THE MAY 15, 2003 MEETING.**

Comments: Although this case was on the consent agenda, and it was not discussed individually, Ms. Carpenter stated she would recommend a one-way traffic flow for the day care.

It was moved by Boardmember Carpenter seconded by Boardmember Brock

That: The Board recommends to the City Council approval of zoning case Mesquite Canyon Plaza conditioned upon:

1. Compliance with the basic development as described in the design guidelines and as shown on the preliminary plat submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Review and approval by the Design Review Board of future development plans including elevations, landscape plans and site plans.
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. All retention basins must meet the minimum requirements of Chapter 15, Section 11-15-3 of the Zoning Ordinance.
6. All parking lot lighting shall comply with Chapter 15 of the Zoning Ordinance.
7. Dedicate the easements 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Recordation of cross-access and reciprocal parking easements (reference the type, location and parcel number/s).

Vote: Passed 6-0

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MINUTES OF THE JUNE 19, 2003 PLANNING AND ZONING MEETING

Respectfully submitted,

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Dorothy Chimel, Secretary  
Acting Planning Director

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