



COUNCIL MINUTES

October 4, 2004

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 4, 2004 at 5:45 p.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters

COUNCIL ABSENT

Mike Whalen*

OFFICERS PRESENT

Mike Hutchinson
Barbara Jones
Debbie Spinner

Mayor Hawker advised that Councilmember Whalen was en route to the meeting from Sky Harbor Airport and would join the Council shortly. * (Councilmember Whalen arrived at the Council meeting immediately prior to adjournment.)

Invocation by President Terry D. Turk, the Church of Jesus Christ of Latter Day Saints.

Pledge of Allegiance was led by Mayor Hawker.

Mayor's Welcome.

Mayor Hawker welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Presentation by City of Flagstaff representative regarding loaned Solid Waste vehicle.

Flagstaff Public Works Director Bill Menard reported that on February 3, 2004, his community's Environmental Services Division suffered a catastrophic fire in one of its equipment garages which resulted in a majority of its residential solid waste collection vehicles being rendered inoperable. He explained that upon notification of the fire, the City of Mesa and several other municipalities loaned collection vehicles to Flagstaff which allowed the regularly scheduled residential trash collection to continue uninterrupted.

Mr. Menard, on behalf of Flagstaff Mayor Joseph Donaldson and the entire City Council, presented a plaque to City Manager Mike Hutchinson in appreciation of Mesa's generosity during this difficult time. He also acknowledged the special efforts of Development Services Manager Jack Friedline, Solid Waste Management Director Christine Zielonka, Assistant Fleet Support Services Director Richard Skalitzky and Solid Waste Administration Supervisor Willy Black.

1. Consider all consent agenda items.

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

It was moved by Councilmember Rawles, seconded by Vice Mayor Walters, that the consent agenda items, including 3f and 7a and excluding 10h, be approved.

Mayor Hawker declared the motion carried unanimously by those present.

*1.1. Approval of minutes of previous meetings as written.

Minutes from the April 13, August 30, September 20 and 23, 2004 Council meetings.

2. Conduct a public hearing for the following proposed annexations:

- a. **A04-11** Annexing the northwest corners of Ray and South Mountain Roads. Initiated by the property owner.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing the northwest corners of Ray and South Mountain Roads.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

- b. **A04-12** Annexing the northeast corners of Ray and South Mountain Roads. Initiated by the property owner.

Mayor Hawker announced that this is the time and place for a public hearing regarding annexing the northeast corners of Ray and South Mountain Roads.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

2.1. Conduct a public hearing on the proposed establishment of an Enterprise Zone. (See item 6k)

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/consideration in this agenda item. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

Vice Mayor Walters announced that this is the time and place for a public hearing on the proposed establishment of an Enterprise Zone.

There being no citizens present wishing to speak on this issue, the Vice Mayor declared the public hearing closed.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

3. Consider the following liquor license applications:

*a. ELAINE S. O'TOOLE, PRESIDENT

Special event application of Elaine S. O'Toole, President, Christ Child Society of Phoenix, a one-day charitable event to be held Saturday, October 30, 2004, from 6:00 p.m. to 10:00 p.m. at 2017 N. Greenfield Road, Falcon Field Airport. District #5.

*b. DANIEL JOSEPH MARTIN, GENERAL MANAGER

Special event application of Daniel Joseph Martin, General Manager, Good Life MHC, LLC. A one-day civic event to be held Friday, December 31, 2004, from 5:30 p.m. to 1:00 a.m. at 3403 E. Main Street. District #2.

*c. DANIEL JOSEPH MARTIN, GENERAL MANAGER

Special event application of Daniel Joseph Martin, General Manager, Good Life MHC, LLC. A one-day civic event to be held Saturday, January 15, 2005, from 4:00 p.m. to 12:00 midnight at 3403 E. Main Street. District #2.

*d. DANIEL JOSEPH MARTIN, GENERAL MANAGER

Special event application of Daniel Joseph Martin, General Manager, Good Life MHC, LLC. A one-day civic event to be held Sunday, February 6, 2005, from 2:00 p.m. to 10:00 p.m. at 3403 E. Main Street. District #2.

*e. DANIEL JOSEPH MARTIN, GENERAL MANAGER

Special event application of Daniel Joseph Martin, General Manager, Good Life MHC, LLC. A one-day civic event to be held Thursday, March 17, 2005, from 11:00 a.m. to 3:00 p.m. at 3403 E. Main Street. District #2.

* f. STAN TROUTMAN, PRESIDENT

Special event application of Stan Troutman, President, Mesa Hohokams, a one-day civic event to be held Saturday, November 13, 2004, from 5:00 p.m. to 11:00 p.m. at 1235 N. Center Street. District #1.

*g. MICHAEL JOSEPH BASHA, AGENT

Person and location transfer Liquor Store for Bashas #155, 9925 E. Baseline Road. This is new construction. This is a person and location transfer from John S. Smirniotis, Jr. Agent, Sun Foods IGA #2 at 4410 W. Union Hills, Phoenix. This license will transfer to the applicant. District #6.

*h. DONALD WAYNE JAKUBOWSKI, AGENT

New Beer & Wine Store License for D.J.'s Beer and Wine, 2034 W. Southern Avenue, Suite 102. This is an existing business. The Liquor Store license previously held at this location by Donald Wayne Jakubowski, Etal, DJ's Liquor, will remain with previous licensee. District #3.

*i. RUSTIN HOWARD RANDALL, AGENT

New Restaurant License for Costa Azul Fresh Mexican Grill, 1744 S. Val Vista Drive, Suite #107. This is a new building. No previous liquor licenses at this location. District #2.

*j. GAYLEN DEE PIERCE, AGENT

New Restaurant License for Silke's American Grill, 2036 N. Gilbert Road, Suite #4. This is an existing business. The license previously held at this location by Robert F. Kelley, Agent, Sonora Food Concepts, LLC, will revert back to the State. District #1.

4. Consider the following contracts:

- *a. One replacement fire pumper truck, as requested by the Fire Department. (Quality of Life Capital Funds)

The Purchasing Division recommends accepting the proposal by Pierce Manufacturing, Inc. at \$476,247.55. (Sole Responding Bid)

- *b. CAD system upgrade (GPS receivers) for the Police Department, as requested by the Communications Division.

The Purchasing Division recommends accepting the bid by Trimble Mobile Solutions at \$153,763.42 (Sole Source)

- *c. Fire Station #206 Volunteer Center Parking Lot Lighting. City of Mesa Project No. 03-008-001. (Fire Bonds)

This project will add much needed lighting to the parking lot and its walkways creating a more secure environment for Mesa's volunteers and the public that uses the parking lot when visiting the adjacent park.

Recommend award to low bidder, AJP Electric, in the amount of \$26,100.00 plus an additional \$2,610.00 (10% allowance for change orders) for a total award of \$28,710.00.

- *d. Bleacher Replacement (Citywide). City of Mesa Project No. 02-423-001. (Park Bonds)

This project will replace a total of 26 existing bleacher assemblies at various pools throughout the City. The existing bleachers at these venues have reached the end of their useful life and do not meet the current safety standards.

Recommend award to low bidder, Hufcor, in the amount of \$100,470.00 plus an additional \$10,047.00 (10% allowance for change orders) for a total award of \$110,526.00.

5. Introduction of the following ordinances and setting October 18, 2004 as the date of public hearing on these ordinances:

- *a. **Z04-82 (District 1)** The northeast corner of North Dobson Road and 202 Red Mountain Freeway (17± acres). Rezone from County Rural-43 to R1-43. This request will establish City Zoning on recently annexed property. Robert Hurley, owner.

6. Consider the following resolutions:

- *a. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between AVB S&H, LLC and LH One LLC, and the City of Mesa for regional improvements that are being constructed in conjunction with the development of the Sprouts Center located at 5201 East Southern Avenue – Resolution No. 8334.
- b. Authorizing the City Manager to execute an Intergovernmental Agreement with Mesa Unified School District for an ongoing joint Planning Division staff position – Resolution No. 8343.

Vice Mayor Walters declared a potential conflict of interest and said she would refrain from discussion/participation in this agenda item.

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that Resolution No. 8343 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom
ABSTAIN - Walters
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present and voting and Resolution No. 8343 adopted.

- *c. Authorizing the City Manager to execute a Memorandum of Understanding between the City of Mesa and the United States Department of Justice related to the ATF's National Integrated Ballistic Information Network (NIBIN) Program at the Mesa Police Department – Resolution No. 8335.
- *d. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the City of Scottsdale for training of Scottsdale recruits by the Mesa Police Department Academy – Resolution No. 8336.
- *e. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Arizona Department of Economic Security/Child Protective

Services for collaborative work at the Center Against Family Violence – Resolution No. 8337.

- *f. Extinguishing a drainage easement located at 2721 South Ellsworth Road – Resolution No. 8338.

This easement is no longer required.

- *g. Granting a Power Distribution Easement to Salt River Project on City-owned property located at the Greenfield Water Reclamation Plant – Resolution No. 8339.

This easement is necessary for the installation of electrical service at the soccer fields in accordance with the Town of Gilbert’s plans.

- h. Stating the City’s intent to implement measures to reduce particulate pollution – Resolution No. 8344.

Councilmember Rawles expressed opposition to this agenda item. He stated that although he is supportive of implementing measures to reduce particulate pollution, he is opposed to the Federal government “dictating” to the State of Arizona the standards it must follow in order to meet that goal.

It was moved by Vice Mayor Walters, seconded by Councilmember Jones, that Resolution No. 8344 be adopted.

Upon tabulation of votes, it showed:

- AYES - Hawker-Griswold-Jones-Thom-Walters
- NAYS - Rawles
- ABSENT - Whalen

Mayor Hawker declared the motion carried by majority vote of those present and Resolution No. 8344 adopted.

- *i. Granting a Power Distribution Easement to Salt River Project at 9231 East Pecos Road – Resolution No. 8340.
- j. Approving and authorizing the City Manager to execute an agreement between the City of Mesa and Mesa Unified School District No. 4 for the disbursement of Indian gaming revenue received by the City of Mesa to assist Mesa Public Schools in providing after-school programs, educational activities and social services relating to school performances – Resolution No. 8345.

Vice Mayor Walters declared a potential conflict of interest and said she would refrain from discussion/participation in this agenda item.

It was moved by Councilmember Rawles, seconded by Councilmember Jones, that Resolution No. 8345 be adopted.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom
ABSTAIN - Walters
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present and voting and Resolution No. 8345 adopted.

- k. Designating that the Mesa City Council shall serve as the City's Enterprise Zone Commission, designating that the Mesa Economic Development Director shall serve as Zone Administrator, and approving and authorizing the Mesa Office of Economic Development to submit an application on behalf of the City of Mesa for a proposed zone generally bounded by the Cross Cut Canal, 10th Street, University Drive and Broadway Road on the North; Tempe Canal, Alma School Road and Country Club Drive on the West; 8th Street, Main Street, Broadway Road, 7th Drive, 8th Avenue and Southern Avenue on the South; Center Street, Pasadena, Mesa Drive, Horne and Stapley Drive on the East – Resolution No. 8346.

Mayor Hawker declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Vice Mayor Walters for action on this agenda item.

It was moved by Councilmember Jones, seconded by Councilmember Thom, that Resolution No. 8346 be adopted.

Upon tabulation of votes, it showed:

AYES - Griswold-Jones-Rawles-Thom-Walters
ABSTAIN - Hawker
ABSENT - Whalen

Vice Mayor Walters declared the motion carried unanimously by those present and voting and Resolution No. 8346 adopted.

Vice Mayor Walters yielded the gavel back to Mayor Hawker.

- *l. Approving and authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between QuikTrip Corporation and the City of Mesa for the development of Quick Trip located at 816 West University Drive – Resolution No. 8341.

7. Consider the following recommendation from the General Development Committee:

- *a. Approving staff's proposal relative to increased Planning Division Application fees.

*8. Consider an ordinance and resolution modifying the rate schedule for industrial wastewater utility service for customers outside the City limits. **CONTINUED TO THE NOVEMBER 1, 2004 REGULAR COUNCIL MEETING.**

9. Consider the following ordinances:

- *a. Amending various sections of the Mesa City Code regarding the following traffic modifications – Ordinance No. 4279.

Special Stops Required: 10-3-17 (Through Street Designation)

Pecos Road from Power Road to the east City limits (Williams Gateway Airport area, Council District 6)

No Parking: 10-3-24 (D) (Full Time No Parking)

On Ensenada Street from Power Road to a point 175 feet west of Power Road (between Adobe Road and Brown Road west of Power Road, Council District 5)

On Ivy Street from Greenfield Road to a point 330 feet east of Greenfield Road (between McLellan Road and McKellips Road east of Greenfield Road, Council District 5)

On Pecos Road from Power Road to the east City limits (Williams Gateway Airport area, Council District 6)

On 95th Street from Baseline Road to a point 93 feet north of Jacob Avenue (between Ellsworth Road and Signal Butte Road north of Baseline Road, Council District 6)

Speed Limits: 10-4-3 (45 mph) and 10-4-5 (35 mph)

Establish a speed limit of 45 mph on Pecos Road from Power Road to the east City limits (Williams Gateway Airport area, Council District 6)

Establish a speed limit of 45 mph on Sossaman Road from Pecos Road to the south City limits (Williams Gateway Airport area, Council District 6)

Establish a 35 mph speed limit on Sossaman Road from Tahoe Avenue to Pecos Road (Williams Gateway Airport area, Council District 6)

- *b. Consider a resolution and ordinance adopting the guidelines for office uses in the TCR-1, TCR-2 and TCR-3 zoning districts and amending Section 11-8-3 of the Mesa City Code relating to office uses in Town Center Residence Districts – Resolution No. 8342, Ordinance No. 4280.
- *c. **A04-13** Annexing the northeast corner of North Dobson Road and the West Brown Road alignment (17± acres). Initiated by the property owner – Ordinance No. 4281.

9.1 Consider amending the Parks and Recreation Master Plan 2025, by adding the South Canal Access Spur Trail to the master plan trails map.

It was moved by Vice Mayor Walters, seconded by Councilmember Thom, to amend the Parks and Recreation Master Plan 2025, by adding the South Canal Access Spur Trail to the master plan trails map.

Mayor Hawker stated that although he is supportive of adding the South Canal Access Spur Trail to the master plan trails map, his vote comes with a caveat. He commented that in order to proceed with the trail's development, in his opinion, it is imperative that all of the private landowners in the adjacent area grant easements to ensure that the trail is, in fact, an amenity that could be enjoyed by Mesa residents. Mayor Hawker stated that if the property owners do not grant the easements, he would expect this item to come back to the Council so that the trail could be deleted from the master plan trails map. He added that if the City begins to incur costs as a result of acquiring easements, he would direct staff to conduct a cost benefit analysis for developing the trail and paying for it versus supplying the impacted homeowners an alternative means of getting their horses to the trail so they can use it as a recreational amenity.

Councilmember Rawles stated that he would support the motion with Mayor Hawker's admonition. He acknowledged that the trail must be added to the master plan trails map in order for the process to proceed, but commented, however, "that lines tend to take on lives of their own and people base expectations and commitments on them." He expressed concern that the Council is committing itself to something that is not the case absent, as Mayor Hawker said, the donation of the easements.

Councilmember Griswold expressed support for the motion. He said that the South Canal Access Spur Trail would be a great asset to the community and provide outdoor enthusiasts with the opportunity to hike, mountain bike and ride horseback. Councilmember Griswold added that he looks forward to the connectivity of this trail with other trails throughout the system.

Vice Mayor Walters acknowledged Mayor Hawker's concerns, but stated that the City is faced with somewhat of a dilemma concerning this issue. She advised that the first step in the process is to amend the master plan trails map for the proposed location and commented that once that has been accomplished, staff would work with the Arizona Department of Transportation (ADOT) and the private landowners to ensure the necessary right-of-way and easement access. Vice Mayor Walters noted that a number of the surrounding property owners have already committed to work with the City relative to the multi-use path and acknowledged the proactive efforts of Mesa residents Brian Campbell, Michelle McCroskey and Councilmember Griswold in this regard. She also stated there is a strong commitment on the part of volunteer groups concerning the historic nature of a portion of the land that represents the original settlement crossing in Lehi. She commented that volunteers are interested in restoring monuments that were removed during construction of the Red Mountain Freeway, as well as developing the trail in that area.

Mayor Hawker declared the motion carried unanimously by those present.

10. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- *a. **Z04-60 (District 6)** Southwest corner of Southern Avenue and 24th Street. Located south and east of Southern Avenue and Gilbert Road (1.45 ac.). Rezone from R1-7 to O-S PAD and Site Plan Review. This request is for the development of offices. John Perkinson, Perkinson Investments, owner; Randy Carter, Dream Catchers Planning & Design, L.L.C., applicant – Ordinance No. 4282.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, 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, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review.

- *b. **Z04-61 (District 6)** 5555 East Broadway. Located south and east of Broadway Road and Higley Road (2.87 ac.). Rezone from F1-43 to R-2 PAD and Site Plan Review. This request is for the development of townhomes. John Bellerose, owner; Randy Carter, Dream Catchers Planning & Design, L.L.C., applicant – Ordinance No. 4283.

P&Z Recommendations: Approval with conditions (Vote: Passed 6-0, Adams absent)

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. 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
6. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
7. Compliance with all requirements of the Design Review Board.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *c. **Z04-62 (District 6)** The 6600 block of East Baseline Road (north side). Located north and west of Baseline Road and Power Road (7 ac.) Rezone from C-2 to O-S P.A.D. and Site Plan Review. This request is to allow for the development of a mixed-use commercial development. The Village at Superstition Springs Office Investors, LLC, (Steve Bauer) Shea Commercial, owner/applicant – Ordinance No. 4284.

P&Z Recommendations: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Medical uses only for the five office buildings designated on the approved site plan.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all requirements of the Town of Gilbert related to street improvements for Baseline Road frontage.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. Review and approval of the development plans by the Superstition Springs Community Master Association prior to consideration by the Design Review Board.
9. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
10. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
11. Written notice be provided to future tenants, and acknowledgment received that the project is within five miles of Williams Gateway Airport.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
13. Recordation of vehicular cross-access and reciprocal parking easements for the overall contiguous office park.

- *d. **Z04-63 (District 4)** The 900 block of South Stapley Drive (east side). Located north and east of Southern Avenue and Stapley Drive (0.38 ac \pm). Rezone from R1-6 to O-S and Site Plan Review. This request is to allow a two-story office building. Marie C. Moak, owner; Dorothy Shupe, applicant – Ordinance No. 4285.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

4. Medical office uses shall be prohibited on this site unless adequate parking spaces required by City Code are provided.
5. 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.
6. Obtainment of a Development Incentive Permit (DIP) from the Board of Adjustment or the Zoning Administrator for all code deviations.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*e. **Z04-64 (District 1)** The 1800 block of North Barkley (west side). Located south and east of McKellips Road and Stapley Drive (0.291 ac). Rezone from R1-9 PAD to R-2 PAD and Site Plan Review. This request is to allow four (4) new parcels for housing units. Neuman Petty, Nupetco Associates, owner; Shane M. Kobialka (Landev Engineers, LLC), applicant – Ordinance No. 4286.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan.
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. When a builder is selected for the project, complete housing product information will be submitted for review and possible administrative approval.
5. Subject to review and compliance with all requirements of the Subdivision Technical Review Committee.
6. Garage and driveway for Lot #3 shall be located along the north property line of this lot.

*f. **Z04-65 (District 6)** The 11000 block of East Apache Trail (south side). Located south and east of Apache Trail and Signal Butte Road (8.5 ac). Site Plan Review. This request is to allow for the development of a group commercial center. ALC- Apache Signal, AZ L.L.C. (Douglas O. Guffy), owner; Ilan Baldinger, applicant – Ordinance No. 4287.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
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. Compliance with all requirements of the Design Review Board.
5. Future site plan review and approval is required for Parcel 2 and 3 "Future Commercial Pad."

*g. **Z04-66 (District 5)** 1244 North Greenfield Road. Located north and west of Brown Road and Greenfield Road (1.02 ac). PAD Amendment and Site Plan Modification. This

request is to allow for the development of medical offices. J Daryl Bethea, Greenfield Medical Dental LLC, owner; Douglas D. Brimhall, applicant – Ordinance No. 4288.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
 2. Compliance with all requirements of the Design Review Board.
 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. Recordation of cross-access easements. 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 issuance of a building permit).
 6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
- h. **Z04-67 (District 6)** The 1700 block of South Greenfield Road (west side). Located south and west of US 60 and Greenfield Road (19.17 ac). Site Plan Modification. This request is to allow a mix of retail and restaurant uses. Jay M. Allen, Lumberjack Capital LLC. owner; Elizabeth Gaston, applicant – Ordinance No. 4291.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.
7. Any nonconforming and/or prohibited signs existing on any of the subject property shall be removed or brought into conformance prior to the issuance of a building permit.
8. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.
9. Provide copies of documents showing recordation of cross-access easements for all parcels within the commercial center at the time construction documents are submitted.

Charles Danielson, 4134 E. Valley Auto Drive, expressed concerns regarding a variety of design elements associated with the proposed project, which is located in close proximity to his

business. He highlighted the following issues that he hoped would be addressed by the applicant: uniform building height; appropriate placement of loading docks and alleyways; and adequate lighting. Mr. Danielson also stated that access on East Valley Auto Drive currently extends to Greenfield Road, but commented that the street is slated for abandonment and replacement by Juanita Street. He urged the City to complete construction of Juanita Street prior to the closure of the existing street to ensure continued access to his business. Mr. Danielson added that he would also encourage the installation of a traffic signal at Baseline Road and East Valley Auto Drive to accommodate increased traffic flow in the area.

In response to a question from Mayor Hawker, Planning Director John Wesley clarified that Mr. Danielson would have an opportunity to address the Design Review Board on Wednesday and express similar concerns regarding this case. He emphasized that staff is considering the specific design issues outlined by Mr. Danielson.

In response to a series of questions from Vice Mayor Walters, City Manager Mike Hutchinson assured the Council that staff has been working with Mr. Danielson to resolve his above-referenced concerns. He explained that the traffic signal is actually located in the Town of Gilbert, but noted that City staff is working with Gilbert to commence construction of the signal as soon as possible. Mr. Hutchinson added that the City is working on resolving the street removal/replacement issue as expeditiously as possible to ensure the least amount of disruption to Mr. Danielson's business.

It was moved by Vice Mayor Walters, seconded by Councilmember Rawles, that Zoning Case Z04-67 be approved.

Councilmember Griswold commented that "the lifeblood" of a small business is the ability of its customers to access the location and that without such access, it is difficult for a business to survive. He urged the City to provide Mr. Danielson with access to his company during the Juanita Street construction and suggested that at a minimum, it would be appropriate to provide temporary signage to direct patrons to the facility.

Mr. Hutchinson assured the Council that staff would work to minimize any inconveniences to Mr. Danielson during the street construction.

Councilmember Thom expressed appreciation to Mr. Danielson for attending tonight's meeting and providing his input to the Council.

Upon tabulation of votes, it showed:

AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present and Ordinance No. 4291 adopted.

- *i. **Z04-68 (District 6)** The 2800 block of South Signal Butte Road (east side). Located on the northeast corner of Signal Butte and Guadalupe (19.7 ac). Rezone from AG to C-2 and Site Plan Review. This request is to allow the development of a neighborhood

commercial center Signal Butte/Guadalupe Ltd. Partners Victor Riches, owner; Ralph Pew, applicant – Ordinance No. 4289.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. All pad buildings to be architecturally compatible with the center.
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, 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. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *j. **Z04-69 (District 5)** The 6000 – 6200 block of East McKellips Road (north side) and the 6200 – 6400 block of East Hermosa Vista Drive (south side). Located north of McKellips Road and east of Recker Road (47 ac ±). Modification of City Council approved Ordinance No. 4187. This request is to clarify Condition of Approval number 11c (regarding the height of homes) of Ordinance No. 4187. Shelby Futch, owner; Ray Mehan, Mehan Construction, applicant – Ordinance No. 4290.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Adams absent)

1. Compliance with the basic development as described in the project narrative and as shown on the revised 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.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.

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 (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 one mile of Falcon Field Airport.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
11. The applicant has further stipulated and agreed to the following terms and conditions:
 - a. Review and approval of product elevations and exterior color schemes, which are to be earth tones, by the Design Review Board.
 - b. The applicant shall enter into a deed restriction for the benefit of the property owners adjacent to the development reflecting the stipulations found in paragraphs 1, 2, 3, 6, 9, 11, 12, 13, 14, and 15 of the Neighborhood Agreement For Painted Mountain Townhome Project dated February 15, 2004.
 - c. The height of the architectural elevations of the homes not to exceed 22 feet from finish floor elevation for that portion of the subdivision located on the existing nine-hole golf course. Lots 1-44, adjacent to McKellips Road, may be two-story homes up to 30-feet in height.
 - d. For that portion of the subdivision located on the existing nine-hole golf course, all homes are to be one story only above finish floor elevation.
 - e. Walls and fences along the Golf Course shall be wrought iron over a masonry wall. Height of masonry wall portion not to exceed 1.5 feet and overall fence height not to exceed 6 feet.
 - f. For that portion of the subdivision located on the existing nine-hole golf course, provide no more than five standard product plans with multiple elevations.

- *k. **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. **CONTINUED FROM THE MAY 3, 2004, MAY 17, 2004, JUNE 7, 2004, JULY 6, 2004, AUGUST 16, 2004, AND SEPTEMBER 7, 2004 CITY COUNCIL MEETINGS. THE APPLICANT HAS REQUESTED THIS CASE BE CONTINUED TO THE DECEMBER 6, 2004 REGULAR COUNCIL MEETING.**

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Saemisch abstaining).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. All street improvements and perimeter landscaping to be installed in the first phase of construction.

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. 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 requirements of the Design Review Board.
7. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
8. Transit oriented development is encouraged for the 3.67-acre lot.

(Councilmember Whalen arrived at the meeting at 6:28 p.m.)

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 6:29 p.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 4th day of October 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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