

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date December 21, 2006 Time 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair
Alex Finter, Vice-Chair
Barbara Carpenter
Frank Mizner
Jared Langkilde
Ken Salas
Pat Esparza

MEMBERS ABSENT

None.

OTHERS PRESENT

John Wesley
Tom Ellsworth
Jennifer Gniffke
Ryan Matthews
Maria Salaiz
Kelly Arredondo
Lesley Davis
Veronica Gonzalez

Dan Brock
Lew Lenz
William Cummard
Trent Jones
Michael Scarbrough
Jessica Rosati
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 21, 2006. Before adjournment at 5:40 p.m., action was taken on the following items:

It was moved by Boardmember Mizner, seconded by Boardmember Esparza that the minutes of the November 16, 2006 meeting be approved as submitted. The vote was 7-0.

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

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

Code Amendment: Amending Section 11-18-8 of the Zoning Ordinance to provide for simplified site plan modifications

Zoning Cases: *Z06-94, *Z06-95, Z06-96, *Z06-97, Z06-98, Z06-99

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Item: Continue consideration of changing the criteria for administrative review of site plan modifications and/or amending Section 11-18-8 of the Zoning Ordinance to provide for simplified site plan modifications. **CONTINUED FROM THE NOVEMBER 16, 2006 MEETING.**

Comments: John Wesley, Planning Director, gave a brief history stating that the Board looked at the sliding fee scale and specific fees for rezoning and site plans last month and mentioned it has already been approved by City Council. The other issue was how to address Site Plan Modifications; adding that there is a procedure in place for administrative review, which addresses minor changes. Staff presented two options that the Board wanted to take more time to consider; one was to increase the type of cases considered through the administrative review procedure. The other was to create a category called "simplified" site plan review, which would involve minor cases, would still come to the Board and not involve a lot of staff time.

Mr. Wesley stated that the Board asked staff to look at some way to adjust the fee if the case got to be more work than anticipated. He stated that staff doesn't have the data to determine the breaking point when a case would move from a simple to a complex case and staff recommends that they hold on to this idea and revisit it after more data is collected. He stated that there are guidelines attached to the report that describe the steps staff would take to identify the "simplified" site plan modifications. One is the citizen participation component, which has been slightly modified to make it a requirement to complete the required citizen participation process prior to submitting a formal application. The applicant would continue to hold citizen meetings and submit the report prior to going to the Planning Hearing Officer (PHO) or this Board. He stated staff is recommending approval of this modification.

Boardmember Salas asked with the pre-citizen input, what determinant would staff make to bring it to the Board. Mr. Wesley responded that the criteria used would be whether or not the case would be simple and straight forward and not involve a lot of staff time.

Boardmember Mizner mentioned, as stated by Mr. Wesley, the Board has discussed this for the last couple of months with the idea of developing a process that "simplifies" the site plan modification process. He noted that this was continued from last month in order to incorporate stronger language about citizen participation and was pleased with the alternative. He mentioned that these cases will continue to go before the PHO and if either the applicant or the neighbors are not satisfied with the results, it could be appealed to this Board or to Council. He stated this is a good option for simplifying the process.

Boardmember Mizner moved to approve the "simplified" site plan modification process stating that it's consistent with direction that was received from City Council while still incorporating citizen participation and careful staff reviews of any proposed development plans. Seconded by Boardmember Esparza.

Chairperson Adams agreed with Boardmember Mizner's comments; adding that it would help keep the docket uncluttered and move things more efficiently through the process.

The Board recommends to the City Council approval of amending Section 11-18-8 of the Zoning Ordinance to provide for simplified site plan modifications.

Vote: Passed 7-0.

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MINUTES OF THE DECEMBER 21, 2006 PLANNING AND ZONING MEETING

Item: Z06-94 (District 6) The 7800 to 8000 block of East Pecos Road (south side). Located east of the southeast corner of Pecos and Sossaman Roads (19.11± ac.). Site Plan Review. This request will allow for the development of industrial offices/warehouses. Roger Buttrum, owner; Michael Hill, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of zoning case Z06-94 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted (without guarantee of lot yield, building count, or lot coverage).
2. Foundation base landscaping shall be installed along the building elevations adjacent to the drive aisles leading to the site's interior, to a minimum coverage of 25% of each elevation's length.
3. A minimum width of 5' of foundation base, which may be at-grade, shall be installed along each building's rear elevations.
4. Landscape islands in the parking fields shall have a minimum width of 8' between any solid waste enclosure and the nearest parking space.
5. An additional pedestrian linkage, comprising both a crosswalk and a sidewalk, shall be installed to link the northeast corner of the site with the nearest building.
6. A land split must be processed through the City of Mesa and recorded through Maricopa County to create the subject site's lot before the issuance of any building permits.
7. Compliance with all requirements of the Design Review Board.
8. Compliance with all City development codes and regulations.
9. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
10. 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.
11. The owner shall grant an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City prior to the issuance of a building permit.
12. Written notice be provided to future tenants, and acknowledgment received, that the project is within "Airport Overflight Area III" of Williams Gateway Airport, and that the site is subject to noise that may be objectionable.
13. Retention basins to be 6:1 slopes maximum.

Vote: Passed 7-0.

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Item: **Z06-95 (District 6)** The 1200 block of South Crismon Road (east side). Located south and east of Southern Avenue and Crismon Road (2.9± ac.). Site Plan Modification. This request will allow for the development of two commercial buildings. VJ Crismon, LLC – Vance Marshall, owner; Saemisch DiBella Architects, Inc. – Vince DiBella, applicant.

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

It was moved by Boardmember Salas, seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of zoning case Z06-95 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).
2. Compliance with all requirements of the Design Review Board.
3. Landscaping shall be provided within the interior pedestrian plaza located between Commercial 'B' and Commercial 'C'.
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. 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. Recordation of cross-access agreements at the drive aisles shown along the southern and northern boundaries of this property.
8. 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 or prior to the issuance of a building permit).
9. Written notice be provided to future residents, and acknowledgment received that the project is within five (5) miles of Williams Gateway Airport.
10. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 20 db.

Vote: Passed 7-0

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Item: **Z06-96 (District 5)** The 3550 block of East McDowell Road (north side). Located at the northwest corner of McDowell Road and Val Vista Drive (1.57± ac.). Rezone from R1-35 to O-S and Site Plan Review. This request will allow for the development office condominiums. ManCo Investments (Charles J. Mannino), owner; Daniel W. Brock, applicant. Also consider the preliminary plat "ManCo Office Complex".

Comments: Dan Brock, 145 E. University, Mesa, applicant, stated he agrees with staff's recommendation and mentioned that they are putting a wall along the front of the parking that is in keeping with the Citrus Sub Area Plan. He also mentioned that there are openings in the wall and staff has concerns with the landscaping in those openings. He stated that his landscape architect would be putting vegetation that will grow to the height of the wall, fairly rapidly, and grow thick. Mr. Brock mentioned the issue with the monument sign and has agreed to delete the appendage, which was negotiated between the owner and the Citrus Area Homeowners (CAH). He noted the opposition by the owner to the north, which constitutes a legal protest.

Boardmember Finter asked Mr. Brock about the letter from CPTED (Crime Prevention Through Environmental Design), which expressed concern about the six-foot wall in front of the building. Mr. Brock stated he is aware of the letter and noted that it is in conflict with the Citrus Sub Area Plan. He also stated that if people want to hide they'd find a place, which cannot be prevented.

Boardmember Mizner asked Mr. Brock which part of the sign he was deleting and noted that when the Citrus Sub Area Plan was developed the residents expressed desire not to have signage, he asked Mr. Brock to elaborate. Mr. Brock responded that they are deleting the tower, which shows the address and mentioned when the Citrus Sub Area Plan came to the Board there was a desire by the CAH not to have any signage, as a Boardmember at the time, he was opposed to that part of it. He referred to property at the southeast corner of McKellips Road and Val Vista Drive and mentioned that the approved ordinance by City Council did not address any sign restrictions and recognized that restrictions exists in the Plan. Mr. Brock mentioned that signage is handled through the Board of Adjustment and the Design Review Board and because signage was so critical with the CAH they wanted to have their intention known "up front".

William Cumnard, 7454 E. Nora, resident, spoke in opposition and stated he is opposed to anything other than residential on this site.

Boardmember Mizner asked Mr. Cumnard if he was aware that the Citrus Sub Area Plan identified certain corners for non-residential development and asked if they don't do Office on this corner what would he like to see. Mr. Cumnard responded that he was very sensitive to the Plan but he would still like to see residential.

Lew Lenz, 3717 E. Pomegranate Street, resident and Co-Chairman of the CAH, spoke in favor of this project stating that the CAH's goals were to keep residential zoning when they developed the Citrus Sub Area Plan but as pointed out by Mr. Mizner and comments received by Councilmembers and Boardmembers these are isolated corners that do not have access from within and allowing Offices on these corners was appropriate. He noted his concerns regarding Chapter 18, which addresses Minor and Major amendments to site plans and other uses allowed in O-S zoning.

Boardmember Mizner asked Mr. Lenz his thoughts of the breaks in the perimeter wall and signage. Mr. Lenz responded that they could live with a small monument sign and the way the wall is set up is a good compromise.

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Jennifer Gniffke, Planner I, gave an overview of the project and stated that Condition #3 was provided to minimize any detrimental effects that a sign would have on this property. She added that staff can limit the size of the sign but could not eliminate an allowable use in an O-S district. She noted that Condition #3 also states that the sign is to be non-illuminated. She mentioned that the landscaping and the design of the sign would be addressed through the Design Review Board and staff is recommending approval with Conditions.

Boardmember Carpenter stated that there has been nothing presented to substantiate the devaluation of the adjoining property and as long as it is appropriately landscaped and screened, she finds no objection to this project; adding that it would be an asset especially on a busy corner. Discussion ensued regarding retaining the citrus trees on the western boundary.

Boardmember Mizner stated that the General Plan designates this area for low density residential and also identifies it as a unique area of Mesa noting that Mr. Lenz and his group have been very dogged in meeting with applicants and making sure proposals are consistent with previous agreements.

Boardmember Mizner moved to approve zoning case Z06-96 stating that it's consistent with planning for this area, represents a high quality design and will be an asset to the neighborhood; adding that Mr. Cummar has a right to appeal to the City Council. Seconded by Boardmember Finter.

The Board approved the preliminary plat of "ManCo Office Complex" and recommend to the City Council approval of zoning case Z06-96 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan, elevations and preliminary plat submitted.
2. Provide berms and supplemental vegetation in the gaps between the screen walls to screen the parking areas.
3. Signage shall be limited to one per street frontage, and freestanding monument signs shall be non-illuminated, limited to six feet in height and 24 square feet in sign area, have a base of metal or masonry construction, incorporate design features associated with the buildings or structures and constitute an architectural component of the overall development.
4. The citrus tree rows shall follow the curved edge of the parking area rather than extending straight into the southeast corner of the property.
5. Compliance with all requirements of the Design Review Board.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
8. 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).

Vote: Passed 7-0.

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Item: **Z06-97 (District 6)** The 11000 to 11300 block of East Pecos Road (north side) and the 6700 to 6800 block of South Mountain Road (east side). Located at the northeast corner of Pecos and Mountain Roads (12.70± ac.). Rezone from AG to M-1-PAD and Site Plan Review. This request will allow for the development of industrial offices/warehouses. Jason Dupuy, owner; Randolph Carter, Dream Catchers Planning and Design, LLC, applicant. Consider the preliminary plat of "Dupuy Construction Office"

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

It was moved by Boardmember Salas, seconded by Boardmember Carpenter

That: The Board continue zoning case Z06-97 to the January 18, 2007 meeting.

Vote: Passed 7-0.

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Item: **Z06-98 (District 1)** The 900 to 1100 blocks of North Dobson Road (west side). Located at the southwest corner of the Loop 202 Red Mountain Freeway and Dobson Road. (32.4± ac.) Rezone from C-3 to C-3 PAD and Site Plan Review. This request will allow the development of three auto dealers and an auto body shop. Richard L. Nelson, Vice President, owner; Trenton Jones, applicant.

Comments: Trent Jones, Salt Lake City, UT, applicant, thanked staff for their help. He gave an overview of the project and added that it is part of the Riverview project and hoped to move forward.

Boardmember Mizner noted the discussion at the Tuesday study session regarding the 2-foot setback for the vehicle display and confirmed with the applicant that they are willing to go with a 12-foot setback. Mr. Jones responded that the original request was for a 2-foot setback based off the information they had regarding Parcel 7 of the Superstition Springs Auto Mall; however, the current design uses the 12-foot setback and they are okay with having the vehicle display setback at 12-feet.

Chairperson Adams asked Ms. Davis to show the Board where the 12-foot vehicle display setback vs. the 2-foot would be. Ms. Davis responded that the 12-foot vehicle display setback would be along Dobson Road and along the Auto Mall Drive, which is the internal loop drive for the project and the north side of the property, which abuts the freeway right-of-way would be the 2-foot vehicle display setback.

Ms. Lesley Davis, Planner II, gave an overview of the project and stated that the requested PAD is to accommodate some deviation from Code, staff has evaluated those deviations and they are consistent with other approvals for Auto Malls within Mesa, which staff supports. Ms. Davis stated that there is a Comprehensive Sign Package approved by the Board of Adjustment for the entire Riverview development. The only thing in question is defining the sizes, locations and design of the signs, which will be approved by the Design Review Board.

Boardmember Mizner asked if one of the freeway landmark signs was on this property. Ms. Davis responded that there are two signs on this property. Discussion ensued.

Boardmember Carpenter mentioned that this project has had a lot of discussion over many months and wanted to make sure that everyone including the viewing audience understands, that it was still a viable part of the whole Riverview package and added that it's an important component.

It was moved by Boardmember Finter, seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of zoning case Z06-98 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, 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.

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5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
9. Review and approval of a Special Use Permit by the Board of Adjustment for car wash and auto service.

Vote: Passed 7-0.

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MINUTES OF THE DECEMBER 21, 2006 PLANNING AND ZONING MEETING

Item: **Z06-99 (District 5)** The 200 to 300 block of North Power Road (east side). Located south of University Drive on the east side of Power Road (1.94± ac.). Site Plan Review. This request will allow for the development of a car wash. Michael E Scarbrough, Quick N Clean, owner/applicant.

Comments: Boardmember Esparza was excused at 4:55 p.m.

Michael E. Scarbrough, applicant, gave an overview of the project stating that they were presented an opportunity to buy this property and later found out that they were buying portions of three parcels and the remaining portion was bought by a different entity. He stated that he met with the property owners to the east and the vet clinic and they were in support and wanted to see the site developed. He also mentioned they met with Las Palmas residents who had concerns with traffic on Power Road. Mr. Scarbrough gave a brief overview of how "Quick N Clean" was started and the operations of the carwash. He addressed concerns regarding future ingress & egress to the remaining property stating that they have agreed to accommodate a 30-foot shared access drive. Discussion ensued regarding access to the abutting properties. Mr. Scarbrough gave examples of other developments that could go on the remaining parcel and stated that they have worked hard with staff to make this site plan work. He stated they are in agreement with the stipulations and urged the Board for approval.

Boardmember Carpenter asked the applicant to explain the two different "for sale" signs on the property. Mr. Scarbrough explained that the car wash and the franchise were not for sale and that the "for sale" signs are meant to generate some interest for the "out" parcel.

Ryan Matthews, Planner I, gave an overview of the project stating that the applicant had processed the lot line adjustment to City standards and that Condition #8 addresses shared access to the future parcel to the east. He stated staff has concerns with the functionality of the site, which the applicant has addressed but added that there are still some tight turns into some of the areas. He noted that the applicant has met the minimum requirements of the Zoning Ordinance and staff is recommending approval with conditions.

Boardmember Mizner stated that he would not be supporting this project stating that the site is too small for all the activities being proposed and that this use is not beneficial or safe to the public.

Boardmember Finter stated that is a great and novel concept and would be supporting the project.

Discussion ensued regarding entering and exiting the premises and maneuvering the tight turns between the washing and vacuuming areas.

Chairperson Adams stated he was struggling with this case and although it brings good value to the area his biggest concern was the tight turning radius.

Boardmember Langkilde asked if staff had looked at eliminating the corner bay to facilitate the transitions. Mr. Matthews responded that staff did not look at the option. Discussion continued regarding the turning radius.

Chairperson Adams asked why no one from Las Palmas community was present and asked if they were aware of this proposal.

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Jessica Rosati, 215 North Power Road, Community Manager for Las Palmas, stated that Mr. Scarbrough did a great job in addressing some of her concerns and the one concern Las Palmas residents had was traffic but were excited about the project.

Boardmember Langkilde moved to approve zoning case Z06-99 with conditions as outlined by staff. Seconded by Boardmember Carpenter.

Boardmember Mizner stated that if the motion were approved, he suggested that staff notify residents who submitted emails or letters of the upcoming Council hearing on this project.

Chairperson Adams stated that he would not be supporting this case adding that it is too much on too small a piece of ground.

Boardmember Carpenter stated that this case is not what she envisioned along Power Road, however, she can find no reason not to recommend approval. She stated that although it's not one of her favorite projects she would be supporting the case.

Boardmember Finter stated that the public has two more opportunities to voice its opinion before the Board of Adjustment and City Council. He also mentioned for the record his concerns with this process going before the Board of Adjustment, which is a repetitive step, when the Board is trying to streamline the process.

The Board recommends to the City Council approval of zoning case Z06-99 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
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. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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. Landscaping is to be installed in the first phase of construction, for both sides of the main access drive between the car wash and the future development parcel.
8. Recordation of cross-access and reciprocal parking easements between the two pad sites, and with the adjacent C-2 parcel to the east.
9. Review and approval of a Special Use Permit by the Board of Adjustment for a car wash in the C-2 zoning district.

Vote: Passed 4-2 with Boardmembers Mizner and Adams nay, Esparza absent.

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Regarding conditions for approval and enforcement and equal application, Boardmember Langkilde showed some street landscape pictures of the City and noted his concern with the lack of maintenance over time on City streets. He recommended that City Council look at this issue and what course of action could be taken to improve street landscaping in the City of Mesa.

Chairperson Adams pointed out that this item was not publicized and any discussion at this time was out of order and would not be acted on.

Mr. Wesley stated this item could be put on a future agenda for discussion or that the Board could direct staff to further investigate the process and procedures before it goes to Council.

Boardmember Mizner commented that he would like to see this issue put on the January agenda and have someone from the Streets Division give input to the Board.

Respectfully submitted,

John Wesley, Secretary
Planning Director

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