

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date: November 15, 2007 Time: 4:00 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ken Salas

OTHERS PRESENT

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

Hector Tapia
Wahid Alam
Sabby Kapoor
Gordon Sheffield
Shelly Allen
Jim Smith
Mary Grace McNear
Tim Myers

Reese Anderson
Mike James
Tanya Collins
Greg Woods
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 November 15, 2007. Before adjournment at 9:18 p.m., action was taken on the following items:

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde that the minutes of the October 16, 2007 study session be approved as submitted. Vote: 5-0-1 with Boardmembers Adams abstaining and Salas absent.

It was moved by Boardmember Roberts, seconded by Boardmember Langkilde that the minutes of the October 18, 2007 study session and regular meeting be approved as submitted. Vote: 5-0-1 with Boardmembers Esparza abstaining and Salas absent.

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

It was moved by Boardmember Carter, seconded by Boardmember Esparza that the consent items be approved. Vote: 6-0 with Boardmember Salas absent.

Zoning Cases: *Z07-110, Z07-112, *Z07-91, *Z07-96, Z07-102, *Z07-111, Z07-113, *Z07-114, Z07-74, GPMInor07-11, Z07-74.

Code Amendment: Amending Sections 11-1-6, 11-5-3, and 11-6-3 regarding "Supervised Living Facilities (SLFs)" and "Transitional Correctional Facilities (TCFs)."

Area Plan: Consideration of the West Main Street Area Plan.

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Item: **Z07- 110 (District 6)** 7538 East Hampton Avenue. Located south of Southern Avenue and east of Power Road (2.2± acres). Site Plan Modification. This request will allow the development of a retail/office/warehouse building. Victor L. Shill, owner/applicant; Gregory L. Allen - Allen Consulting Engineers, Inc, engineer. Also consider the preliminary plat for "Hampton Building".

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

It was moved by Boardmember Carter, seconded by Boardmember Esparza

That: The Board **approve** the preliminary plat of "Hampton Building" and zoning case Z07-110 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and preliminary elevations as approved by the Design Review Board.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
6. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Recordation of cross-access easements at the entrances to the adjacent developments east and west of the proposed site.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
10. Written notice be provided to future owner/tenants, and acknowledgment received that the project is within 5 mile(s) of Phoenix-Mesa Gateway Airport.
11. Foundation base shall be provided in accordance with City Code
12. Each Tenant Improvement shall be evaluated for compliance with the maximum floor area threshold for retail uses in the M-1 District.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-112 (District 4)** 715 North Country Club Drive. Located north of University Drive on the east side of Country Club Drive (3.67± acres). Site Plan Modification. This request will allow the development of a high-density urban condominium project. Steve Villareal, South Vista Homes; owner/applicant; Steve Lewis – Ritoch-Powell & Associates, Inc., engineer. Also consider the Preliminary Plat for “Urban Oasis”.

Comments: Steve Villareal, 69 E Columbus Ave., Suite 1, Phoenix, applicant, provided a history of the site and an overview of the project stating that it is an infill housing project that has an urban design and is modern in nature. He stated that three of the four staff concerns have been addressed through modifications to the site plan and noted these concerns as the trash pickup, the garagescape and parking. He continued that the fourth concern relates to a design issue and will be addressed at the Design Review Board (DRB). He asked the Board for approval.

Tom Ellsworth, Senior Planner, gave an overview of the project stating that it is a Site Plan Modification for a 59 unit, high density, urban style condominium project. He stated that several modifications would be required for this project, which will be handled through the Board of Adjustment and a Development Incentive Permit (DIP). Mr. Ellsworth addressed the three staff concerns and how the applicant has proposed to mitigate the concerns and explained that the fourth concern relates to building materials, colors, use of texturing and the large blank walls on the ends of the buildings. He continued that 12 of the units face these walls across a narrow, 20-foot corridor and could be addressed at the DRB. He also stated that staff has concerns that the narrow corridors between the buildings are uninviting, the amount of glass on the buildings, the southern exposure of that glass and specifics in design to mitigate the southern exposures. Mr. Ellsworth concluded that though some concerns have been worked on and others worked out, there are still concerns that relate to detail and staff is not comfortable with this project and is recommending denial.

Mr. Villareal responded to staffs concerns stating that they did address the exposure issue by reducing the size of the windows and putting in shade structures. He continued that they have added green wire mesh that attaches to the buildings and becomes planters by allowing vines or other plant material to grow, which will break up the effect of the blank wall. He concluded that they are flexible and want this to be a winning project.

Boardmember Roberts asked Mr. Ellsworth if the modifications that have been made address staffs concerns and if not, would those concerns be addressed at the DRB. Mr. Ellsworth responded that currently staff is not convinced that there is enough detail to ensure that this architecture is a quality project and that the Board could continue this project to ensure that the design level met standards. If they were comfortable with the design, layout and preliminary elevations, it could be taken care of by the DRB.

Discussion ensued concerning the DRB process; the revisions to the site plan, meeting required parking and items that would be addressed through the Board of Adjustment.

Boardmember Carter commented that this is going to be a difficult project and asked the applicant what assurances would be provided that this project would be exemplary and if the project would be completed in phases. Mr. Villareal commented that the price point is an assurance because these are not affordable homes and people in this market are counting on a certain level of structural and design integrity. He also stated that they would be completed in phases starting with the western most buildings along Country Club.

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Discussion ensued concerning application guidelines, the drawings and if sealed drawings have been presented to the DRB for their review.

Chairman Adams commented that this is an outstanding project for this part of the City and hoped that the Board could come up with an action to keep this case moving forward.

Boardmember Langkilde commented that this is a fabulous project that the applicant has show flexibility and willingness to address staff concerns and has done a great job in solving the issues.

Chairman Adams asked Mr. Ellsworth if there are conditions or other modification to the recommendations that would take care of the concerns that still exist and allow the case to move forward. Mr. Ellsworth stated that staff has prepared some conditions of approval and provided these conditions to the Board and the applicant.

Boardmember Esparza moved to approve case Z07-112 with the nine conditions of approval stating that this is a great example of contemporary urban architecture and provides a contrast being next to the historic district, Seconded by Boardmember Langkilde.

The Board **approved** the preliminary plat of "Urban Oasis" and zoning case Z07-112 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of a Development Incentive Permit.
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 street frontage landscaping to be installed in the first phase of construction.
7. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
8. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
9. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-91 (District 4)** 905 West Broadway Road. Located east of Alma School on the south side of Broadway Road (1.12± acres). Site Plan Modification. This request will bring the site into compliance with current standards. Larry Stickler, D & L Concrete, owner; David Lind, Architechnology, applicant. **CONTINUED FROM THE AUGUST 16, 2007, SEPTEMBER 20, 2007, AND THE OCTOBER 18, 2007 MEETINGS.**

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

It was moved by Boardmember Carter, seconded by Boardmember Esparza

That: The Board recommend to the City Council **approval** of zoning case Z07-91 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan.
2. Review and approval of a Substantial Conformance Incentive Permit (SCIP) by the Board of Adjustment for modifications to City Code.

Vote: Passed 6-0 with Boardmember Salas absent.

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

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

It was moved by Boardmember Carter, seconded by Boardmember Esparza

That: The Board continue this case to the December 20, 2007 hearing.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-102 (District 1)** 1234 West University Drive. Located west of Alma School Road on the north side of University Drive (.17± ac.). Council Use Permit. This request will allow the development of a pawnshop. Michael Mugel, owner; Brad Shain, Pawn X-Change, applicant.
CONTINUED FROM THE OCTOBER 18, 2007, MEETING.

Comments: Discussion ensued regarding granting the applicant a continuance to the January, 2008 hearing. It was determined since there were citizens present, the Board would hear the case and make a recommendation at the end of their discussion.

The following individuals spoke in opposition of the proposed project.

Norman Johnson, 635 W. Camino Circle
Randy McIff, 707 N. Orange
Owen Layton, 744 N. Vineyard, representing Mesa Grande
Community Alliance Steering Committee
Charmaine McCleve, 445 N. Ash
Diane Woods, 1426 W. Pepper Pl.
Ki Ellertson, 1123 W. University Dr.
Dallin Williams, 831 W. 11th St.
Lynn Burnham, 1062 W. 4th Pl.

Their comments and concerns included:

- There are too many pawnshops in the area;
- A lot of effort and energy has gone into encouraging revitalization of the area;
- West Mesa residents have chosen to live in this older area of the community because of its history, maturity and stability;
- Wants quality to this side of town;
- Loss of neighbors due to crime in the area;
- Code Compliance issues due to blight;
- Area is saturated with pawnshops, bail bond companies and check cashing places;
- Don't grant a permit just because a business is better than no business;
- The neighbors have a vision for the area and the kinds of businesses they want to see; and,
- Concern with declining property values;

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

Jeffrey Dale, 649 N. Orange
Jenny Burnham, 1062 W. 4th Pl.
Douglas M. Smith, 1026 W. 4th Pl.
Carolyn Crandell, 1035 W. 4th Pl.
Lola May Smith, 433 N. Beverly
Stephanie Wright, 535 N. Orange St.
Tanya Collins, 864 W. 10th St.
A. Keith Crandell, 1035 W. 4th Pl.
Greg Woods, 1426 W. Pepper Pl.

Brad Shain, CEO of Maxit Financial LLC, applicant, gave an overview of their company and mentioned that they have worked closely with City and State law enforcement. He noted the tremendous opposition and stated they were asking for a continuance to further prepare.

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Joe Welliver, Planner I, stated that this request is for a Council Use Permit (CUP) to operate a pawnshop. The proposed pawnshop adheres to all state and local regulations and has policies against the sale of firearms and adult materials. He gave a brief explanation of the criteria used for allowing a CUP. He also stated that the applicant has proposed enhancing the landscape within the Westwood Village Plaza. Mr. Welliver gave an overview of the citizen participation efforts and added that staff also had concerns with the over saturation of pawnshops within West Mesa. He mentioned that the CUP runs with the property and not the owner; adding that there has been great effort to revitalize West Mesa and the neighbors feel that granting this CUP would hinder their efforts. Mr. Welliver reiterated that staff shares some of the same concerns that the neighbors have; adding that staff is recommending denial and wasn't sure if a continuance was in order due to the opposition from the neighbors and the Mesa Grande Community Alliance.

Discussion ensued regarding granting the applicant a continuance and what a continuance would accomplish. Mr. Shain stated that they have operated in the City of Mesa for seven (7) years successfully; adding that their landlord sees them as a viable business and their hope is to raise the standard for other pawnshops.

Boardmember Carter commented that a continuance would not be helpful and should be forwarded to City Council.

Boardmember Langkilde asked the applicant to elaborate on his request for a 60-day continuance and what he hoped to accomplish. Mr. Shain responded that in 60-days, he was hoping to work with the community and try to explain their operation; adding that they can provide a deed release that if they leave there would not be another pawnshop. Mr. Shain reiterated that they do not sell firearms or adult material, it's a place for families to come in and visit and buy used merchandise; adding that he understand the opposition. Discussion ensued regarding the need for more pawnshops in the area, citizen participation, opposition, and granting another continuance.

Boardmember Mizner commented that he didn't think much would change in 60 days and agreed with Mr. Carter that pawnshops have become something of a flashpoint for the City of Mesa; adding that it may be time for the City Attorney and City Council to revisit this issue

Boardmember Roberts commented that he was impressed with Mr. Shain's business model and perhaps it could be an asset in the right location; adding that he was also impressed with citizens who want to change their neighborhood. He stated he would support the motion for denial and encouraged Mr. Shain to work with the neighbors before it gets to Council.

John Wesley, Planning Director, clarified that the Board could add a stipulation that states the CUP only runs with this individual business.

Boardmember Langkilde stated that although the neighbors don't like pawnshops in their area, the applicant should be given a chance to see, if in fact by adding a pawnshop, others might be removed. He continued that this Board has often talked about private property rights and allowing businesses to operate in accordance with the law and this applicant is proposing to do that. He stated he would be voting against the denial and voting for a continuance.

Chairperson Adams stated he saw merit in Mr. Langkilde's argument but based on staff's recommendation of the saturation issue, it should be forwarded to City Council and let the debate happen there.

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Boardmember Carter commented that since they are just an advisory Board and don't make policies, this really needs to go before the elected officials to make the decision. Discussion ensued regarding the role of the Board.

Chairperson Adams stated that a lot of work has been put into coming up with a vision for West Mesa and although the applicant runs a good business, this is a wrong location.

Boardmember Langkilde explained that he voted against the denial, not necessarily because he was in favor of the pawnshop, but in favor of the neighbors and the applicant working together.

It was moved by Boardmember Carter, seconded by Boardmember Esparza

That: The Board recommend to the City Council **Denial** of zoning case Z07-102.

Vote: Passed 5-1 with Boardmembers Langkilde nay and Salas absent.

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Item: **Z07- 111 (District 5)** 6147 East Main Street. Located east of Recker Road and South of Main Street (10± acres). Site Plan Modification. This request will allow the expansion of an existing office development. Michael Hamberlin, Baywood Professional Plaza, LLC, owner; Lesley L Partch, Partch and Associates Architecture, applicant; John Gray, Evans, Kuhn, & Associates, Inc, engineer. Also consider the preliminary plat.

Comments: Lesley Partch, 3545 E. Menlo Circle, applicant, stated that this project is a new medical office condominium complex that will add to the exiting complex to the south. He added that there has been discussion with the neighbor to the west who has concerns with the proposed site wall, the building up of the site to be level with Main Street and storm water drainage.

Walter Schroeter, Jr., 6101 E. Main St., resident, stated that he had concerns that the raising of the grade level and adding the site wall would block the view of his building and sign for travelers going westbound on Main Street. He continued that he did not have a problem with the project but with the height of the wall his property would be blocked. Mr. Schroeter suggested that the site plan be modified and the site wall be removed.

Discussion ensued concerning the grade level of the site and the site wall.

Josh Mike, Planner I, gave a brief overview of the request, stated that staff is in support of the project and suggested that the screen wall concerns could be addressed through the Design Review Board process.

Mr. Parch addressed Mr. Schroeter's concerns and stated that the finished grade of his project is approximately 2.8 feet above the finished grade of Mr. Schroeter's building and that there is still a fair amount of visibility to Mr. Schroeter's property because of the width of Main Street.

Discussion ensued concerning visibility of the sites, the site wall, the current zoning of the sites and the possibility of cross access with the removal of the site wall.

It was moved by Boardmember Mizner, seconded by Boardmember Roberts

That: The Board recommend to the City Council **approval** of zoning case Z07-111 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board, including provisions of pedestrian connections
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Recordation of cross-access and reciprocal parking easements at 6147 East Main Street and 6116 East Arbor Avenue.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **Z07-113 (District 3)** The 1500 block of South Alma School Road. Located north of the US60 Freeway and west of Alma School Road (95± acres). Council Use Permit. This request will allow the development of a Freeway Landmark Monument sign. Macerich Fiesta Mall Adjacent, LLC – Garrett Newland, Vice President Development, Westcor, owner/applicant.

Comments: Garrett Newland, 11411 N Tatum Blvd, Phoenix, applicant, gave a brief history of Fiesta Mall, an update on the revitalization efforts and an overview of the proposed Freeway Landmark Monument Sign (FLM). He explained that when the Arizona Department of Transportation (ADOT) rebuilt the US 60 freeway, a large landscape berm was built which affects the visibility of the mall and is a concern. He continued that the Freeway Landmark Monument Guidelines state the need to be able to see the sign when approaching the exit, however, it is difficult to make this guideline fit this proposal with the freeway depressed and the FLM is a key component of existing anchor tenant success and the ability to attract new tenants.

Mr. Newland explained the design and material of the sign and that the initial comments from the Design Review Board (DRB) were positive. He continued that these tall signs are challenging and explained how they arrived at the requested height and addressed the height. He compared the sign to other tall structures in the area and stated that at 94 feet or 104 feet the sign would not be out of scale with other structures along the freeway and in the area.

Jennifer Gniffke, Planner II, stated that the request is for a Council Use Permit for a FLM as part of the redevelopment efforts at Fiesta Mall. She continued that the 94-foot tall proposed sign will be located near the southwest corner of the mall site, she explained criteria for a FLM, what is not being met with this proposal, and the criteria for allowing modifications to the FLM Guidelines. Ms. Gniffke stated that the applicant did notify surrounding property owners, homeowners associations and registered neighborhoods with their proposed sign at a height of 94 feet. She continued that she did receive an email in support and an email opposed to the sign and staff is recommending approval of the FLM at a maximum height of 80 feet to try to mitigate the height of the sign from all directions.

Chairman Adams asked Ms. Gniffke if, in her opinion, at 104 feet or 80 feet that it will not make a difference for the westbound driver but will make a lot of difference to the eastbound driver and that it is not going to be high enough for a westbound driver to be able to make a decision quickly enough to safely exit the freeway. Ms. Gniffke responded that that was correct.

Boardmember Mizner asked Ms. Gniffke if this sign would go to the DRB, what type of material would be used for the sign and if it would be illuminated. Ms. Gniffke responded that it would go to the DRB, explained the material that would be used and that it would have illuminated panels.

Discussion ensued concerning appropriate height and scale for the area, the FLM Guidelines, the reasoning for not placing a second sign on the site and the applicants preferred preference of height.

Boardmember Langkilde moved for **approval** of the FLM at a height of 104 feet, as opposed to 80 feet and the remaining conditions as recommended by staff, seconded by Boardmember Esparza.

Discussion ensued concerning the FLM Guidelines, the safety of persons on the freeway trying to exit after seeing the sign, the revitalization efforts of the mall and the importance of doing the sign "right" the first time.

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Chairman Adams asked Mr. Newland to explain how they came up with a height of 104 feet. Mr. Newland explained that the bottom of the lowest panel is at 48 feet and following the Study Session they asked the sign company to take a look at adding an additional 10 feet to the sign and with the additional 10 feet, the top of the sign can be seen as you exit the freeway to Alma School Road.

Further discussion ensued concerning the height of the sign, the importance of being able to see the sign, why the applicant did not submit originally for 104 feet and if one would truly be able to see the words "Fiesta Mall" and be able to make a safe lane change to exit the freeway.

The motion **failed** with a vote of 3-3 with Boardmembers Langkilde, Esparza and Carter yea and Adams, Mizner and Roberts nay with Boardmember Salas absent.

Chairman Adams stated that he would entertain another motion.

Boardmember Roberts moved to **approve** the FLM sign at a height of 94 feet and the remaining conditions as recommended by staff, seconded by Boardmember Mizner.

The motion **failed** with a vote of 2-4 with Boardmembers Roberts and Mizner yea and Langkilde, Esparza, Carter and Adams nay and Boardmember Salas absent.

That: The Board has **no** recommendation to the City Council for zoning case Z07-113.

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

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

It was moved by Boardmember Carter, seconded by Boardmember Esparza

That: The Board continue this case to the December 20, 2007 hearing.

Vote: Passed 6-0 with Boardmember Salas absent.

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Item: **GPMInor07-11 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road. District 5. General Plan Minor Amendment to change the General Plan Land Use Map from Business Park to Medium Density Residential 6-10 du/acre (25± ac.) and Neighborhood Commercial (14± acres). This request will allow the development of a mixture of multi-family, retail, and office uses within the Las Sendas Development Master Plan. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant; Julie S. Rayburn, RCC Design Group, LLC; engineer. **COMPANION CASE Z07-74. CONTINUED FROM THE JULY 19, 2007, SEPTEMBER 20, 2007, AND THE OCTOBER 18, 2007, MEETINGS.**

Comments: Reese Anderson, 1930 E. Brown Rd. #101, applicant, provided an overview of the proposal and a history of the parcel. He explained that staff would prefer to have all Planned Employment Park (PEP) uses on the site while the residents in the area would like to see all residential. He continued that the loop road and connections on the site are set, the offices are located on the west side of the parcel to buffer the 202 freeway, there is residential to the east and retail along McDowell Road. Mr. Anderson explained that the residents provided comments at their first neighborhood meeting that included:

- Delete the hotel from the site plan
- Increase the amount of residential
- Add a clubhouse, pool and other amenities for the residential condominiums
- Explore the possibility of relocating the internal street
- Decrease the amount of office

He continued that the site plan was revised and provided it to the neighbors. They had the following concerns:

- Traffic
- The internal street connections are in the same place
- Too much office

Mr. Anderson stated that the residents did like the increase of the residential; however, staff would like to have more office. Mr. Anderson concluded that that they have taken the 50 acres and split it to have 25 acres of residential with a request of R-2 zoning and 25 acres of business park and commercial with a request of PEP and C-2 zoning with a site plan that meets the needs of both the neighbors and staff and urged the Board to give their support of the site plan or their thoughts and direction as to how they would like to see this site developed.

The following individuals spoke in opposition of the proposed project.

Shirley Duclos, 3347 N. Boulder Canyon

Anthony "Mickey" Veich, 3055 N. Red Mountain #215

Greg Marek, 3060 N. Ridgecrest #182

Bill Hall, 3933 N. Arboles Circle

John E. Kressaty, 3758 N. Desert Oasis Circle, representing the Las Sendas Homeowners Association and Architectural Committee.

Carol Walters, 2909 N. Avoca Circle

Bryan Packham, 2838 N. Rowen Circle

John Duclos, 3347 N. Boulder Canyon

John Davenport, 2863 N. Rowen Circle

Chandra Packham, 2838 N. Rowen Circle

Their comments and concerns included:

- Opposed to the C-2 and Planned Employment Park zoning.
- This parcel is in danger of massive grading and the loss of natural drainage, vegetation and desert views.

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- Concerns of trailer parks, entertainment establishments and warehouses on this parcel.
- Concern with the large number of vacant offices in the area.
- Would support a mixed-use development on the parcel.
- Keeping this entire parcel as commercial is not realistic in this location.
- This is not a location for regional employment bases.
- The location of retail is inappropriate at the corner of a major arterial and a residential collector street.
- Requesting a neighborhood mixed-use project for the site.
- Concerns that with the increase in traffic there will be an increase in crime to the area.
- Loss of police presence in the area.
- Would like to see the parcel developed with retail shops and luxury villas.
- HOA is comfortable with the mixture of uses and the plan, but would like to have some changes.
- A Business Park is not needed in Las Sendas.
- Noise concerns.
- Would like to have all residential but will accept a mixed-use site plan.
- Would like a more family and pedestrian friendly plan.
- Would like to have more open space.
- Would like to have an ingress/egress that does not overburden North Ridgecrest.
- Concerns about the safety of children walking to school.
- Would like to have a buffer of townhomes along Ridgecrest to buffer the commercial and retail to the west.
- Concerns that the parcels will sell and residents will not have a “say” in how they develop.
- Traffic congestion.
- Want the residential densities to stay the same as the surrounding area.
- Not enough people to in the area to maintain the retail that is proposed.

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

John Davenport, 2863 N. Rowen Circle.

Charles Rustem, 3430 N. Mountain Ridge #79

Donald Pike, 4354 N. Sagewood Circle

Carol Hall, 3933 N. Arboles Circle

Roberta & Harvey Rothstein, 7625 E. Sayan St

B. A. Packham, 2906 N. Rowen Circle

Marie H. Krinks, 6925 E. Saddleback Circle

Jeff Emig, 3944 N. Arboles Circle

Carol Emig, 3944 N. Arboles Circle

Robert Smith, 7417 E. Sugarloaf

Milton W. Izenberg, 7740 E. Western Hills St.

Latsy Parker, 3055 N Red Mountain #161

Herman A. Walters, 2909 N. Avoca Circle

Martha Harrison, 3839 N. Red Sky Circle

Kevin Mahoney, 7030 E. Russell

Joseph Murray, 7742 E. Regina Circle

Karen Murphy, 3060 N. Ridgecrest Unit 153

Devon B. Westmore, 7736 E. Regina Circle

R. L. Murphy, 3060 N. Ridgecrest #153

Elaine Wiesner, 7024 Russell

Marilyn Veich, 3055 N. Red Mountain #215

Lana Taylor, 3820 N. Barron

Ken Wiesner, 7024 E. Russell St.

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Janet Patrick, 3934 N. Stone Gully Circle

E. Richard Packham, 2906 N. Rowen Circle

MINUTES OF THE NOVEMBER 15, 2007 PLANNING AND ZONING MEETING

Peter Vargas, 7465 E. Northridge Circle, resident, spoke in favor of the proposed project.

Tom Ellsworth, Senior Planner, explained that the General Plan Minor Amendment was to go from Business Park to Medium Density Residential and Neighborhood Commercial and explained that the associated zoning case is to rezone to R-2, C-2 and PEP. He continued that the PEP would facilitate offices, C-2 would facilitate retail and R-2 would allow for the 228 condominium units. Mr. Ellsworth stated that the applicant had completed a citizen participation plan that included meetings with the neighbors. He continued that he had received several emails and met with Mr. Packham. He explained that in meeting with several City departments, it came about that staffs recommendation for the land use would be to maintain as much economic development or employment based lands that are within the General Plan and that this is vital to the economic prosperity of the City. He continued that staff is recommending denial of the site plan at this time based on the land use plan and indicated that all of the proposed uses meet standards and could be supported if the land use change were also supported. He concluded that Alan Sanderson, City of Mesa Transportation Engineer, did not have any concerns with traffic and that the current infrastructure is sufficient in the area and that any development in this area would be subject to the Desert Uplands Guidelines and the Las Sendas Development Design Guidelines.

Chris Arnold, owner, gave a history of this parcel, the development of Las Sendas and stated that he currently owns the golf course. He explained that he has been working on this site for four years and asked the Board to approve or provide definitive direction on what to do. He continued that they have agreed to deed restrict the commercial and office to protect the neighbors and because he is trying to seal the luxury villas.

Boardmember Mlzner asked Mr. Ellsworth if the Spook Hill Homeowners Group had been notified, how much retail would be allowed in the General Plan designation of Business Park and if it would allow multi residential uses. Mr. Ellsworth responded that he was not sure if the Spook Hill Homeowners Group had been notified and the Business Park designation would not allow any residential and PEP is generally with the Business Park designation, which allows for a mixture and blend of commercial and office.

Discussion ensued concerning the General Plan, the new Economic Development Director's position on this proposal and if this proposal had been presented to the Economic Development Advisory Board.

Boardmember Langkilde commented on the neighbors concerns and suggested a possible 30 or 60 day continuance.

Boardmember Carter made comments about the site plan that included:

- Doesn't have the Desert Uplands "feel"
- Not a pedestrian friendly type of development
- Concerns with the two-story offices facing the backyards of the neighbors
- Does not convey a naturalist feel and is rigid and uninteresting

Mr. Anderson thanked Boardmember Carter for his comments and stated that they were well taken as constructive criticism.

Chairman Adams asked Mr. Anderson that after three years why they were not any closer to a site plan than they are now. Mr. Anderson responded that until November 8, the neighbors were

MINUTES OF THE NOVEMBER 15, 2007 PLANNING AND ZONING MEETING

supporting only residential and now they will support mixed use. Mr. Anderson further addressed the neighbor's comments and concerns concerning traffic, residential down Ridgecrest, the amount of retail and the entrances into this parcel. Discussion ensued concerning traffic and the curb cuts.

Boardmember Roberts commented that a mixed-use project may be viable in this area and stated that he would like the applicant to try again.

Boardmember Esparza stated that a lot of the neighbors are willing to talk with the developer and she felt that a viable project could be done and would support a continuance for 60 days.

Mr. Anderson addressed the letter that was addressed to Mr. Ellsworth on November 7th, stated that he was happy to go back and talk with the neighbors and the HOA Board but asked the Board for direction on what type of mixed use they would like to see.

Discussion ensued concerning the items listed in the letter from the HOA Board.

Boardmember Langkilde asked the neighbors and Mr. Anderson if a 60 day continuance would be in order. The neighbors and Mr. Anderson responded that it is, however, Mr. Anderson asked what the Board would like to see. Boardmember Langkilde responded, mixed use and the site plan layout.

Discussion ensued regarding concerns that if the neighbors and applicant reach an agreement and compromise on a site plan that the Planning and Economic Development staff may not support it.

Chairman Adams thanked the residents for their professional and polite actions in stating their positions.

It was moved by Boardmember Mizner, seconded by Boardmember Esparza

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

Vote: Passed 6-0 with Boardmember Salas absent.

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MINUTES OF THE NOVEMBER 15, 2007 PLANNING AND ZONING MEETING

Item: **Z07-74 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road (50± ac.). District 5. Rezone from R1-90 DMP to R-2, C-2 and PEP, all part of a P.A.D. overlay and a modification to the Las Sendas Development Master Plan. This request will allow the development of a mixture of multi-family, retail, and office uses. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant; Julie S. Rayburn, RCC Design Group, LLC; engineer. Also consider the preliminary plat. **COMPANION CASE GPMInor07-11. CONTINUED FROM THE JULY 19, 2007, SEPTEMBER 20, 2007, AND THE OCTOBER 18, 2007, MEETINGS.**

Comments: Reese Anderson, 1930 E. Brown Rd. #101, applicant, provided an overview of the proposal and a history of the parcel. He explained that staff would prefer to have all Planned Employment Park (PEP) uses on the site while the residents in the area would like to see all residential. He continued that the loop road and connections on the site are set, the offices are located on the west side of the parcel to buffer the 202 freeway, there is residential to the east and retail along McDowell Road. Mr. Anderson explained that the residents provided comments at their first neighborhood meeting that included:

- Delete the hotel from the site plan
- Increase the residential density
- Add a clubhouse, pool and other amenities for the residential condominiums
- Explore the possibility of relocating the internal street
- Decrease the amount of office

He continued that the site plan was revised and provided it to the neighbors. They had the following concerns:

- Traffic
- The internal street connections are in the same place
- Too much office

Mr. Anderson stated that the residents did like the increase of the residential; however, staff would like to have more office. Mr. Anderson concluded that that they have taken the 50 acres and split it to have 25 acres of residential with a request of R-2 zoning and 25 acres of business park and commercial with a request of PEP and C-2 zoning with a site plan that meets the needs of both the neighbors and staff and urged the Board to give their support of the site plan or their thoughts and direction as to how they would like to see this site developed.

The following individuals spoke in opposition of the proposed project.

Shirley Duclos, 3347 N. Boulder Canyon

Anthony "Mickey" Veich, 3055 N. Red Mountain #215

Greg Marek, 3060 N. Ridgecrest #182

Bill Hall, 3933 N. Arboles Circle

John E. Kressaty, 3758 N. Desert Oasis Circle, representing the Las Sendas Homeowners Association and Architectural Committee.

Carol Walters, 2909 N. Avoca Circle

Bryan Packham, 2838 N. Rowen Circle

John Duclos, 3347 N. Boulder Canyon

John Davenport, 2863 N. Rowen Circle

Chandra Packham, 2838 N. Rowen Circle

Their comments and concerns included:

- Opposed to the C-2 and Planned Employment Park zoning.
- This parcel is in danger of massive grading and the loss of natural drainage, vegetation and desert views.

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- Concerns of trailer parks, entertainment establishments and warehouses on this parcel.
- Concern with the large number of vacant offices in the area.
- Would support a mixed-use development on the parcel.
- Keeping this entire parcel as commercial is not realistic in this location.
- This is not a location for regional employment bases.
- The location of retail is inappropriate at the corner of a major arterial and a residential collector street.
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- Concerns that with the increase in traffic there will be an increase in crime to the area.
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MINUTES OF THE NOVEMBER 15, 2007 PLANNING AND ZONING MEETING

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Chairman Adams asked Mr. Anderson that after three years why they were not any closer to a site plan than they are now. Mr. Anderson responded that until November 8, the neighbors were supporting only residential and now they will support mixed use. Mr. Anderson further addressed the neighbor's comments and concerns concerning traffic, residential down Ridgecrest, the amount of retail and the entrances into this parcel. Discussion ensued concerning traffic and the curb cuts.

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MINUTES OF THE NOVEMBER 15, 2007 PLANNING AND ZONING MEETING

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Discussion ensued regarding concerns that if the neighbors and applicant reach an agreement and compromise on a site plan that the Planning and Economic Development staff may not support it.

Chairman Adams thanked the residents for their professional and polite actions in stating their positions.

It was moved by Boardmember Mizner, seconded by Boardmember Esparza

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

Vote: Passed 6-0 with Boardmember Salas absent.

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MINUTES OF THE NOVEMBER 15, 2007 PLANNING AND ZONING MEETING

Item: Amending Sections 11-1-6, 11-5-3, 11-6-3, 11-6-4 and 11-13-2. The amendment is proposing to revise, add or delete definitions in Section 11-1-6, including but not limited to deleting the existing definition of "Supervised Living Facility (SLFs)" and replacing it with a definition for "Correctional Transitional Housing Facility (CTHF)," as well as adding definitions for "group home," "halfway houses," and revising the definition of "boarding house." The amendment would revise Sections 11-5-3, and 11-6-3 with regard to permitted uses in the R-4 and all Commercial Zoning Districts, permitted locations of SLF/CTHFs and required spacing between similar SLF/CTHF land uses. The amendment would also reword and reformat existing language in Section 11-6-3 and 11-6-4 to clarify the intent of the existing requirements, and revise requirements found in Section 11-13-2(Q) with regard to group homes for the handicapped. **CONTINUED FROM THE JULY 19, 2007, SEPTEMBER 20, 2007, AND THE OCTOBER 18, 2007, MEETINGS.**

Comments: Gordon Sheffield, Zoning Administrator, explained that the related land use that has been called Supervised Living Facilities (SLFs) will now be called Correctional Transitional Housing Facilities (TCFs) and will attempt to bring the Mesa model more in line with what is being used in the City of Phoenix, adopt the Phoenix definition for Group Home for the Handicap and drop the definition for SLF. Mr. Sheffield stated that currently the City of Mesa does not have any SLFs and explained that the purpose of the SLF was to allow for transitional housing for people exiting from jail or prison who do not have a handicap. He continued that the City is required by federal law to allow group homes for the handicap in single residence districts and that the proposed TCFs would be allowed in the C-3, M-1 and M-2 zoning districts with a Council Use Permit and must meet spacing requirements from residential districts, churches, schools and other similar uses.

The following people presented blue cards:

Steve Collins, 1825 S. Cholla

Patty Henderson, 816 N. Center

Mr. Sheffield stated he spoke to both Mr. Collins and Ms. Henderson and explained this item.

Boardmember Roberts asked how he arrived at the separation of 500 feet. Mr. Sheffield responded that it was borrowed liberally from the City of Phoenix and commented that the City of Mesa typically uses 1,200 feet.

Discussion ensued concerning the review of this item by the City Attorney, the police department, fire department and the licensing office, the perception that the City of Mesa has an overabundance of this type of housing and the number and types of care homes that are within the City.

Boardmember Esparza asked Mr. Sheffield to explain the concerns of the two individuals who presented blue cards. Mr. Sheffield responded that they currently operate group homes for the handicap and were concerned that this change would affect their operation in a detrimental fashion. He continued that he showed them the proposed changes and explained that it would have very little impact on their operations should they be operating correctly and legally under the current code.

Boardmember Mizner moved to approve the proposed revision of the Mesa Zoning Ordinance with correction to page 5 of Exhibit 1, which should read "Title 5, Chapter 7", seconded by Boardmember Carter.

That: The Board recommend to the City Council approval of this Code Amendment.

Vote: Passed 6-0 with Boardmember Salas absent.

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MINUTES OF THE NOVEMBER 15, 2007 PLANNING AND ZONING MEETING

Item: Consideration of the West Main Street Area Plan. The Plan boundaries include University Drive to the north, Broadway Road to the south, Country Club Drive to the east, and the Mesa/Tempe city limits to the west. In the coming years, this area is expected to change due to Light Rail Transit (LRT) along Main Street (scheduled to start operating in December 2008). The purpose of this plan is to encourage residents' participation in providing ideas, comments, and input of local knowledge of the areas where they live, work, learn, play, and to take advantage of the planned "Light Rail Corridor".

Comments: Wahid Alam, Senior Planner, gave an overview of the Plan, he explained the boundaries of the Plan, adding that the Downtown Development Committee gave their recommendation of approval. Mr. Alam commented that there is a minimum building height of two and three stories and no maximum building height. He explained the light rail station areas, the future corridor areas, Transit Oriented Development (TOD) and commented that a future TOD ordinance will help develop station areas with mixed use, high density, pedestrian friendly developments. He stated that the General Plan will need to be amended so it will be compatible to this plan, that a TOD ordinance would be a strong tool to implement this plan and that capital and infrastructure improvements are needed along Main Street. Mr. Alam recommended a committee be formed to act as keepers of the vision of this plan and encouraged public and private partnership for successful implementation.

Michael Marino, 1007 W. Main St. Lot 40, resident stated that he had concerns with the alignment of light rail from the station to the downtown area. He continued that the business owners and residents along the corridor are against it coming down Main Street and would like to see BRT from Sycamore Street to downtown. He also stated that there have been studies concerning the light rail from Mesa Drive to Country Club but not any from Country Club to Sycamore.

Mike James, Deputy Transportation Director, stated that the City is looking at both BRT and Light Rail, they have not ruled out either technology and are currently studying both. He continued that in the future there will be an element of BRT on Main Street. He explained that the consultant team has focused on the alignments in the downtown area and have not done much detailed work between Country Club and Sycamore, but will in the future.

Boardmember Mizner asked Mr. James if the process would include neighborhood outreach and community meetings. Mr. James responded that the next meeting will be held in the spring with another series of meeting before summer.

Greg Woods, 1426 W. Pepper Place, thanked the City for the opportunity to work with staff and doing this plan. He commented on the plan stating that the existing zoning and land use designations do not provide for a mixed use, high-density environment and stated the need for a TOD ordinance. He further commented the need to update the General Plan, study, develop and implement an incentive program for development and redevelopment in accordance with TOD and encouraged the Board to support and recommend approval to City Council.

Boardmember Mizner asked Mr. Woods if he is a strong supporter of requiring minimum building heights in the corridor. Mr. Woods responded that he was and stated that with higher densities in the area it would be attractive to business and retail to build and redevelop in the area.

Discussion ensued concerning building heights, a TOD ordinance, and future development in the area.

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Sabby Kapoor, Planner II, clarified that the no maximum height limitation is for the station areas and the maximum limit of five stories is for the corridor areas.

Boardmember Mizner moved to approve the West Main Street Area Plan as drafted and commented that the graphics, maps and the high degree of citizen involvement make this a truly great plan and encouraged Mr. Alam to nominate it to the Arizona Planning Association Awards Program. Seconded by Mr. Langkilde.

That: The Board recommends **approval** of the West Main Street Area Plan to the City Council.

Vote: Passed 6-0 with Boardmember Salas absent.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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