

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

Held in the City of Mesa Council Chambers
Date October 21, 2004 Time 4:00 p.m.

MEMBERS PRESENT

Mike Cowan, Chair	Barbara Carpenter, Vice Chair
Rich Adam	Pat Esparza
Bob Saemisch	Alex Finter
Frank Mizner (excused at 6:35 p.m.)	

OTHERS PRESENT

John Wesley	Scott Langford	Wahid Alam
Dorothy Chimel	Tom Ellsworth	Jennifer Gniffke
Ryan Heiland	Liz Zeller	Wayne Balmer
Maria Salaiz	Lois Underdah	Ralph Pew
Jim Smith	Michelle Dahlke	Blake Herzog
Sean Lake	Dan Brock	Lew Lentz
Paul Gilbert	Nick Wood	Others

Chair Cowan declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated October 21, 2004.

Before adjournment at 8:45 p.m., action was taken on the following items:

Consider the minutes of the September 16, 2004 meeting:

It was moved by Boardmember Mizner, seconded by Boardmember Finter that the minutes of the September 16, 2004 meeting be approved as corrected. The vote was 7-0

It was moved by Boardmember Esparza, seconded by Boardmember Adams that the minutes of the September 16, 2004 Public Meeting for General Plan Amendments GPMajor04-01, GPMajor04-02, and GPMajor04-03 be approved as written. The vote was 6-0-1 (Mizner abstaining, he was absent for that portion of the September 16th Public Meeting).

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter that the following items be approved on consent:

Zoning Cases: *Z04-54, *Z04-80, *Z04-89, *Z04-91, *Z04-93, *Z04-96, *Z04-98, *Z04-100
Vote 7-0

Boardmember Saemisch stated that he had a conflict of interest and he would not participate in discussions or voting relating to Case Z04-90.

It was moved by Boardmember Esparza, seconded by Boardmember Finter that Case Z04-90 be approved on consent.

Vote: 6-0-1 (Saemisch abstaining due to conflict of interest)

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GPMInor04-08 (District 6) The 3600 to 4200 Blocks of South Signal Butte Road (east side) and 10800 to 11200 Blocks of East Elliot Road (south side). Located at the southeast corner of Signal Butte Road and Elliot Road (240 ac). Proposed change to the General Plan Land Use Map from Medium Density Residential 2-4 dwelling units per acre (MDR 2-4) to Medium Density Residential 4-6 dwelling units per acre (MDR 4-6).

Comments: Chair Cowan stated that there were no citizens present wishing to speak on this case.

It was moved by Boardmember Mizner, seconded by Boardmember Carpenter, to continue Case GPMInor04-08 to the November 18, 2004 meeting of the Planning and Zoning Board.

Vote: 7-0

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Discussion on the following case was combined with that for the companion case, Z04-99. Separate motions and voting actions were taken.

GPMInor04-09 (District 6) The 7600 to 7800 Blocks of East Baseline Road (north side). Located north of Baseline Road and east of Sossaman Road (8.7 ac). Proposed change to the General Plan Land Use Map from Neighborhood Commercial (NC) to High Density Residential 10-15 dwelling units per acre (HDR 10-15). Baseline Sossaman II Partnership, Charles Clausen, owner; Del Pueblo Homes, Elizabeth Ross, applicant.

COMPANION CASE – Z04-99.

Sean Lake, the applicant, asked to defer his comments until after the neighbors had spoken.

Beverly Selvage (2627 E. Hibiscus) stated that she is Public Awareness Chairman for Sunland Village East. Most of the residents want to see the land developed. She added that they had a few concerns, Mr. Lake had answered some of them already. They included the number of children that would be living in the area, traffic will be a big problem on Baseline, and the density is very high. She voiced concern that they may become rental properties. Ms. Selvage asked if there was any code or policy about the guard gates.

Sean Lake, Pew & Lake, the applicant, stated that they had held several well-attended meetings on this project. He responded to the neighborhood concerns, stating that there were restrictions on the number of "institutional investors" they could sell to. Regarding the guard gate he explained that once the properties were all sold the homeowner's association could decide to change the gate but there is nothing they or the City can do to prevent a homeowner's association from making changes within their community. He explained that this was an oddly shaped parcel and had been difficult to develop, adding that they were in agreement with all of the conditions staff has suggested for approval.

Tom Ellsworth, Senior Planner, stated that staff is supportive of both the land use change and the rezoning request. He added that staff is in concurrence with the proposed density as it blends well with the surrounding context. Mr. Ellsworth assured Boardmembers that staff is happy with the site plan and the quality of this development.

Boardmember Saemisch asked if the Code allows for any differentiation between an owned town home or condominium or a rented one. Mr. Ellsworth explained that the Code does not designate ownership.

Mr. Lake explained that the issue of rental on the properties was brought up by the neighbors. The restriction is a private policy that Del Pueblo has adopted. Many of the homebuilders in the community are adopting it as well because they don't find it productive as they build out a community to have people come in and buy units and throw up a rental sign. It is a private thing. They want people who are going to live there.

Boardmember Mizner stated that he felt this project would raise the bar for residential development in this area. He added that it would probably generate less traffic than it would under the C-2 zoning. He mentioned the design challenge and commended the developer on a high-quality project, adding that he would support both this request, and the General Plan Amendment.

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Boardmember Adams stated he understood it was Del Pueblo's policy to not sell many units to institutional investors. He asked if it were true someone could buy a home, reside there for a year and then decide to sell it to an investor.

Mr. Lake responded that, as with any community, anybody can build a home, live there for a year and put it up for rent. That is something that is not restricted by any state, city or county policy. He added that they are doing everything they can to discourage that.

Boardmember Saemisch stated that it was his understanding that once you have a gated community that you have private streets and even the garbage pickup is not by the city any more. He asked if the gates could come down some day.

Mr. Ellsworth responded that garbage pickup would be provided by the City of Mesa.

Regarding the gates, Mr. Lake stated his opinion that because it's set forth in the CC&R's they would have to make changes and probably have to have a unanimous approval of all the people within the community to take down the gates. This would be a substantial change in what they had bought into.

Mr. Saemisch suggested that perhaps this could be considered a site plan modification and a policy set that if you put a gate in it's part of the design and if you take the gate out then you have to come back.

It was moved by Boardmember Adams, seconded by Boardmember Carpenter to recommend to the City Council approval of GPMinor04-09.

Vote: 7-0

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Discussion on the following case was combined with that for the companion case, GPMInor04-09. Separate motions and voting actions were taken.

Z04-99 (District 6) The 7600 to 7800 Blocks of East Baseline Road (north side). Located north of Baseline Road and east of Sossaman Road (8.7 ac). Rezone from C-2 to R-3-PAD and Site Plan Review. This request is to allow for a townhouse/ condominium development. Baseline Sossaman II Partnership, Charles Clausen, owner; Del Pueblo Homes, Elizabeth Ross, applicant. Also consider the preliminary plat of "Villa Rialto".
COMPANION CASE – GPMInor04-09.

Sean Lake, the applicant, asked to defer his comments until after the neighbors had spoken.

Beverly Selvage (2627 E. Hibiscus) stated that she is Public Awareness Chairman for Sunland Village East. Most of the residents want to see the land developed. She added that they had a few concerns, Mr. Lake had answered some of them already. They included the number of children that would be living in the area, traffic will be a big problem on Baseline, and the density is very high. She voiced concern that they may become rental properties. Ms. Selvage asked if there was any code or policy about the guard gates.

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Tom Ellsworth, Senior Planner, stated that staff is supportive of both the land use change and the rezoning request. He added that staff is in concurrence with the proposed density as it blends well with the surrounding context. Mr. Ellsworth assured Boardmembers that staff is happy with the site plan and the quality of this development.

Boardmember Saemisch asked if the Code allows for any differentiation between an owned town home or condominium or a rented one. Mr. Ellsworth explained that the Code does not designate ownership.

Mr. Lake explained that the issue of rental on the properties was brought up by the neighbors. The restriction is a private policy that Del Pueblo has adopted. Many of the homebuilders in the community are adopting it as well because they don't find it productive as they build out a community to have people come in and buy units and throw up a rental sign. It is a private thing. They want people who are going to live there.

Boardmember Mizner stated that he felt this project would raise the bar for residential development in this area. He added that it would probably generate less traffic than it would under the C-2 zoning. He mentioned the design challenge and commended the developer on a high-quality project, adding that he would support both this request, and the General Plan Amendment.

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Boardmember Adams stated he understood it was Del Pueblo's policy to not sell many units to institutional investors. He asked if it were true someone could buy a home, reside there for a year and then decide to sell it to an investor.

Mr. Lake responded that, as with any community, anybody can build a home, live there for a year and put it up for rent. That is something that is not restricted by any state, city or county policy. He added that they are doing everything they can to discourage that.

Boardmember Saemisch stated that it was his understanding that once you have a gated community that you have private streets and even the garbage pickup is not by the city any more. He asked if the gates could come down some day.

Mr. Ellsworth responded that garbage pickup would be provided by the City of Mesa.

Regarding the gates, Mr. Lake stated his opinion that because it's set forth in the CC&R's they would have to make changes and probably have to have a unanimous approval of all the people within the community to take down the gates. This would be a substantial change in what they had bought into.

Mr. Saemisch suggested that perhaps this could be considered a site plan modification and a policy set that if you put a gate in it's part of the design and if you take the gate out then you have to come back. He commended the applicant and his design team for a good project.

Chair Cowan stated his agreement with Mr. Saemisch and stated that he was comfortable with this project.

It was moved by Boardmember Adams, seconded by Boardmember Esparza to recommend to the City Council approval of zoning case Z04-99 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 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with the Residential Development Guidelines.
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. 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).

Vote: 7-0

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Z04-54 (District 6) 10550 East Baseline Road. Located north of Baseline Road and west of Signal Butte Road (56± ac.). Site Plan Modification. This request is to allow for the realignment of an existing driveway at Mesa Market Place. Frank Buonauro, owner; W. Ralph Pew, applicant. **CONTINUED FROM THE JULY 15, AUGUST 19, 2004 AND SEPTEMBER 16, 2004 MEETINGS.**

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board allow the applicant to withdraw zoning case Z04-54, as requested.

Vote: 7-0

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Z04- 80 (District 6) Southwest corner of Southern Road and Crismon Road (1.15 ac). Site Plan Review. This request is to allow for the development of a bank. Southern & Crismon Road Property II, owner (J. White); Paul Gilbert, Applicant. **CONTINUED FROM THE SEPTEMBER 16, 2004 MEETING.**

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of zoning case Z04-80, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all 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 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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.
7. Materials and design of the solid waste enclosure to be complimentary to the building.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: 7-0

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Z04-89 (District 6) The 4300 Block of East Southern Avenue (south side). Located south and west of Southern Avenue and Greenfield Road (1.86 ac.). Site Plan Modification. This request is for the development of a neighborhood commercial building. Paul Mathews, Lexon Developer Services, LLC, owner; Mark Bowker, K&I Architects, applicant.

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of zoning case Z04-89, conditioned upon:

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. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Recordation of cross-access easements between all lots shown to have cross access.

Vote: 7-0

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Z04-90 (District 3) The 450 Block of West Holmes Avenue. Located west of Country Club Road and north of US 60 (2.4). Rezone from C-2 BIZ to C-2 and Site Plan Modification. This request is to allow the development of a church. Rajeshwar Sharma, owner; Vincent P. DiBella, applicant.

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

It was moved by Boardmember Esparza, seconded by Boardmember Finter

That: The Board recommend to the City Council approval of zoning case Z04-90, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all 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 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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: 6-0-1 (Saemisch abstaining due to conflict)

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Z04-91 (District 6) The 1200 Block of South Greenfield Road (west side). Located south and west of Southern Avenue and Greenfield Road (1.72 ac.). Site Plan Modification. This request is for the development of a neighborhood commercial building. Paul Mathews, Lexon Developer Services, LLC, owner; Mark Bowker, K&I Architects, applicant

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of zoning case Z04-91, conditioned upon:

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. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Recordation of cross-access easements between all lots shown to have cross access.

Vote: 7-0

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Z04-92 (District 6) 4704 East Southern Avenue. Located north and east of Southern Avenue and Greenfield Road (2.2 ac.). Rezone from AG to O-S PAD and Site Plan Review. This request is for the development of office buildings. James Hold, owner; Daniel Brock, applicant. Also consider the preliminary plat.

Comments: Wallace Haws, HEC Engineering, stated they had tried to be responsive to future neighbors by making significant changes to the site plan they had started with. They set the building back 94 feet, rather than 50 feet. Parking is 8 ft, they will construct an 8-foot wall at the north and east property lines as requested by the neighbors. They have increased the number of trees and the size of the trees and reduced the size of the office to only 24,000 s.f. Mr. Haws stated that they had intended to plan their building, parking, etc. around the existing pecan trees, but were alerted by the property owner, the architect, the landscape architect and verified with two nurseries that mature pecan trees have the nasty habit of dripping profusely, this does not wash off cars. It would be undesirable to potential clients and they will have to demolish those trees. He addressed neighbors concerns regarding traffic.

Robert Johnson (4762 E. Harmony Circle) President of the Sunny Mesa Homeowner's Association, stated they had attended two meetings. He added that they have problems already with traffic in the morning and children walking to school. Mr. Johnson stated that the added traffic would create more problems.

Two additional citizens present were opposed to the project, but did not wish to speak.

Jennifer Gniffke, Planner, gave an overview of the project. She stated that this project is in conformance with the Mesa 2025 General Plan. Ms. Gniffke added that although it was not accessible from the adjoining neighborhoods it does offer additional opportunities for employment within walking distance of surrounding residences. She advised Boardmembers that the Development Impact Summary does not indicate any issues with traffic.

Boardmember Adams stated he could not see why this would cause traffic problems for kids going to and from school.

Boardmember Mizner mentioned that some of the citizens in the area had concerns regarding this project. He added that we would be seeing more and more infill office projects. There are a lot of properties around Mesa that have been zoned in past years or that may be rezoned that are appropriate for non-residential development. He stated that he thought this was one of those projects. The applicant is intending to do a number of things to address concerns of the neighbors in terms of setbacks, increasing the wall height, increasing the size and numbers of trees. He mentioned that he had lived and worked around pecan trees and there is a reason that people don't plant them anymore – they are incredibly messy, not native to the area, use a lot of water and are susceptible to disease. You wouldn't want to park a car, or have a swimming pool anywhere near a pecan tree.

Mr. Mizner stated that condominium-type offices have, over the years, proven to be good neighbors to residential neighborhoods. They are generally not open at night, they're well designed buildings, they're quiet and security-conscious. They don't generate the kind of impact one would see from a retail development or an apartment project. He remarked that this is the kind of development we will see in Mesa as we better utilize our land instead of expanding out at the fringes. There are a lot of advantages. People can live and work in their own neighborhood. They can use transit and existing utilities. In the case of residential, they can use existing schools instead of building more and more infrastructure, at higher and higher public costs, out on the fringes of the community.

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Boardmember Saemisch asked when it would be required that there be potential driveways connecting adjacent unused parking. Tom Ellsworth, Sr. Planner, responded that at this point the adjacent parcel is already developed into single-family residences and there was no point of access to discuss.

Dan Brock, the applicant, stated that they had a discussion with the client and with minor modification the driveway could be tied in to the driveway to the west, should that property be developed into office space.

Robert Johnson (4762 E. Harmony Circle) stated that the corner of Greenfield and Southern has been allocated for other commercial sites. He added that will bring an extra amount of traffic into the area, however, Greenfield and Southern area is more accessible. He mentioned a concern regarding traffic from the Charter School and that added safety concerns. Mr. Johnson stated they are not so much opposed to the project but they are opposed to the size of the complex closer to the schools and homes, and the additional traffic it will bring to the community.

Chair Cowan asked John Wesley (Planning Director) to explain the process when there is a letter of protest filed. Mr. Wesley explained that it would require six affirmative votes at Council level to approve the case.

It was moved by Boardmember Mizner, seconded by Boardmember Esparza

That the Board recommend to City Council approval of Case Z04-92, 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.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Subdivision Technical Review Committee.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all City development codes and regulations.
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. All street improvements and perimeter landscaping to be installed in the first phase of construction.

Vote: 7-0

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Z04-93 (District 4) The 100 – 400 Block of West Baseline Road (north side). Located north of Baseline Road and east of Country Club Drive (32.82 ac). Site Plan Modification. This request is to allow for the development of a commercial shopping center. John E. Clarke / Wal-Mart Stores, Inc., owner; Sean B. Lake, Pew & Lake, applicant. Also consider the preliminary plat of “NEC Country Club Dr. & Baseline Road”.

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board recommend to City Council approval of Case Z04-93, conditioned upon:

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 street frontage landscaping to be installed in the first phase of construction.
7. Recordation of cross-access easements between all lots proposed in the subdivision plat.
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan and gas station.
9. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: 7-0

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Z04-94 (District 4) 1511 South Mesa Drive. Located north of the Superstition Freeway and east of Mesa Drive (2.39 ac). Rezone from R1-6 to C-1 and Site Plan Review. This case is to allow for the development of a retail center. Venancio Macias, owner; Robert Gomez, applicant.

Comments: Deanna Villanueva-Saucedo (1513 S. Kay Circle), complimented the applicant on the concept and the use of what's being encouraged in the General Plan. She stated that this was very good in theory, but there were practical issues with this particular location. One is the location – Mesa Drive now merges from three lanes to two directly at Holmes. This causes a backlog when exiting off the freeway and into that neighborhood. The area also serves as a DPS stopping point for traffic and any other concerns. There are also concerns about cut-through traffic and commercial zoning and its long-term use. She added that an office use would be much more compatible in terms of hours, usage, and vehicular access in and out.

Gary Kieft (436 E. Holmes), stated that he could see nothing good about adding this project to their neighborhood. He questioned who the ultimate tenants would be, that he did not think they could support a furniture store. Should the original tenant fail, who is going to move in there? Mr. Kieft stated he did not want a drive-thru liquor store, or day workers waiting for pick-up. He added that retail is not always the best mix with residential, either more residential or office space would be a better choice.

Robert Gomez, the applicant, stated that they are aware of the problem at Mesa Drive and have been meeting with ADOT. They are working with a family furniture store that has other stores in the valley. They are very successful and are not going to move in then move out. They do not open until 10 a.m., after the 8 o'clock traffic and they close at 8 p.m., after the 6 o'clock traffic. This should not bring any added traffic that some people are concerned about. The owners don't want day worker pick-up either.

Tom Ellsworth, Sr. Planner, stated that staff had met with the applicant and discussed types of uses. Staff indicated that office would be the preferable use for the site, however, in discussion with the applicant staff agreed that if access were limited to Mesa Drive only that retail could be supported. He added that staff has tried to stipulate conditions to mitigate as many negative impacts as they could with the Code.

Boardmember Adams stated that he did not necessarily feel they are creating a problem by allowing the project to go forward, adding that these are difficult pieces to develop something on and if there were a market there people would be able to walk from home to pick up milk or ice. Mr. Adams stated that he appreciated the concerns from the nearby residents but he feels this project is an improvement to the area as it is designed and he will be in support.

Boardmember Mizner stated this property has been a challenge for many years. It is zoned R-1-6, is a relatively small property, zoned residential and it is unlikely anyone is going to build single family homes on it. The challenge is to determine if this proposal is the best possible use of this property because if we support and the Council ultimately approves C-1 zoning, there are a lot of uses that can go on a C-1 property that we have no control over. Some of those may be an advantage to a neighborhood, some may be a detriment. This is going to be a difficult proposal. He expressed that he is not convinced that retail uses are the best for this neighborhood.

Boardmember Saemisch stated that it is very difficult to decide when a neighborhood has the right to tell a property owner what he can put on his property when it is zoned for the use he is applying for. He added that he needed to see more neighborhood organization that solidifies exactly what they are looking for. Mr. Saemisch stated he saw neighbors who are not content but at the same time not seeing a huge impact. The potential of a furniture store that's going to take over half of the

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space, if

we take it on good faith that they will have a long-term lease, that much of an anchor will keep a development healthy and keep it up. The site is very well located and has high visibility, which should make it more successful.

Boardmember Esparza stated that she also felt this retail use was not the most viable for this neighborhood and agreed that office uses would be much better.

Boardmember Finter stated that he was concerned about the traffic flow.

Vice-Chair Carpenter stated that she appreciated the neighbors concerns. She added that there were others in the audience who had stricken private agreements with another developer. Perhaps this developer might be willing to compromise on hours of operation or some of the other concerns that were brought up at the neighborhood meeting.

Boardmember Adams asked Mr. Gomez if there was anything in his proposal or literature that suggested they may put in a liquor store. Mr. Gomez responded that the only thing they have on the drawing board is the furniture store. The property owner has various stores throughout the valley. This store will not be used for delivery or pick-up but only as a showroom. The owner has a central warehouse where all the deliveries will come from so there will not be any added traffic. Mr. Adams added that in evaluating this case it would not be fair to assume that a liquor store or pawnshop is somewhere in the plans.

Boardmember Saemisch asked staff to list some of the uses that require Use Permits. Mr. Ellsworth responded that a Pawn Shop, Day Labor Center, Plasma Center, Charity Dining Services, Homeless Centers, Substance Abuse Treatment. It was clarified that liquor licenses are recommended by City Council but granted by the State.

It was moved by Boardmember Mizner, seconded by Boardmember Esparza

That: The Board recommend to City Council denial of zoning case Z04-94

Vote: Failed 3-4 (Saemisch, Adams, Carpenter, Finter voting nay)

It was moved by Boardmember Adams, seconded by Boardmember Finter

That: The Board recommend to City Council approval of zoning case Z04-94 contingent 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.
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. No vehicular access to East Holmes Avenue from the subject property.

Vote: Passed 4-3 (Mizner, Cowan, Esparza voting nay)

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Z04-95 (District 4) The 1100 block of West Birchwood Avenue. Located east of Alma School Road and north of Broadway Road (0.79 ac). Council Use Permit and Site Plan Review. This request is to allow for the development of a recycling center. E.W. Buehner, Jonathon Buehner, owners; Ralph Pew, Pew and Lake, PLC, applicant.

Ralph Pew, the applicant, stated that the area entirely surrounding the site is zoned M-2. This is a heavy-industrial area. This is not a salvage yard or junkyard. It is not an auto wrecking facility. It is a recycling center. Mr. Pew added that he questioned the definition in the City Code as to whether or not these uses really require a Use Permit. He quoted Section 11-7-4(f) "Recycling centers that have on-site processing require a Council Use Permit". He clarified that this is a location that collects and packages recyclable materials – non-ferrous materials. Since that packaging involves compressing, baling and some wire stripping it is a question as to whether it's really processing. It is not processing as in taking a non-ferrous material (aluminum, brass, copper, etc.) and processing it into something else.

What happens is that predominantly residential consumers and small contractors come to the site with aluminum cans which are disposed of in a self-processing container. They are weighed, measured, and are paid for. Or, contractors or others come to the site with non-ferrous materials, predominantly copper and aluminum and there is a wire stripper piece of equipment and some magnetic equipment and all of the material that needs to be reprocessed is packaged, bundled, and stored in on-site enclosed containers. When the containers are full they are picked up and removed from the site. There is a small cash register site on the premises where the people who bring the goods to the site take their receipt to receive payment. It is a very clean operation for this area. On the site today is open storage of everything you can imagine. This request will bring with it landscaping, walls around the property, paved parking, decomposed granite for truck turn-arounds. It is really designed to meet the city's standards.

Liz Zeller, Planner, stated that the area is very unkempt, adding that this proposal will be a step in the right direction as far as revitalizing the property and some of the surrounding area. They are also required to go before the Board of Adjustment for the Development Incentive Permit for the minor deviations from Code that they are requesting. Staff is recommending approval with conditions.

Boardmember Finter stated that this was so much better than what's out there now. He thanked the applicant.

Boardmember Saemisch stated that he was in support of the project.

Boardmember Carpenter stated that in the project description it said it would be all non-ferrous, a fact Mr. Pew had emphasized, but then it says "this site will also accept scrap, steel, and paper products".

Mr. Pew responded that from time to time those products will come in mixed with the others. That's why they have magnets and separators and other things that separate it out. When there is occasional ferrous material that comes in it is put someplace and then shipped out, but there is no good market for it. They don't encourage it and don't want it, but occasionally someone brings it in and they have to deal with it.

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It was moved by Boardmember Saemisch, seconded by Boardmember Adams

That: The Board recommend to City Council approval of zoning case Z04-95 conditioned upon:

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. Review and approval of a DIP through the Board of Adjustment for the Deviations from Code.

Vote: 7-0

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Z04-96 (District 5) The 3600 Block of North Power Road (west side). Located north of Thomas Road and west of Power Road (5.5 ac). Rezone from C-2-DMP to C-2-PAD-DMP and Site Plan Modification. This case is to allow for the development of an office condominium complex. Brendan Lundy / SPB Commercial, LLP, owner; Erik Peterson / Peterson Architecture, applicant. Also consider the Preliminary Plat for "Zahara at Las Sendas".

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of zoning case Z04-96, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all 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 Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.

Vote: 7-0

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Z04-97 (District 5) The 4200 Block of East Brown Road (north side). Located west of Greenfield Road and north of Brown Road (1.17 ac). Site Plan Modification. This request is to allow development of an office building. David Gillette, FCF UTAH, LLC, owner; Allen Willis, Amberwood Homes, applicant. Also consider the preliminary plat.

Comments: Liz Zeller (Planner) stated that this item had been removed from the consent agenda in case neighboring homeowners attended and wished to speak. She added that the applicant had been aware of the recent case on the adjoining parcel to the north and the opposition to that proposal. The Planning and Zoning Board had made recommendations regarding the trees and landscaping and mitigation to ease the neighbors concerns. This applicant has done similar type mitigation with ficus trees. She added that it will have very low impact, and staff is recommending approval.

Boardmember Saemisch stated his perception of the process is that there is a master plan that they need to modify, even though there may be separate ownerships involved. He asked if that were correct or is it three separate zoning cases.

Ms. Zeller responded that it was originally zoned with one case for the entire corner. Staff reviews each case and its impact on adjacent properties. Staff has not seen a site plan for the corner piece but has made sure that they will have reciprocal parking, cross-access agreements, and they will not be walling off their property to prohibit development on that adjacent piece.

Boardmember Saemisch asked if, even though they have separate ownership, it looks like they have a property line that runs right down the driveway. He asked if they were going to be putting in parking spaces on somebody else's property. If so, shouldn't that tie into an existing site plan.

Allen Willis, the applicant, responded that there wouldn't be any parking there. They will develop the half street going in and they have an agreement with that property owner to be reimbursed for those improvements. He assured Boardmembers that there would not be parking to the east of their property line. Mr. Saemisch asked if there were going to be a temporary landscape barrier to keep people from driving into the dirt area. Mr. Willis responded that they have joint access and will put ABC, or whatever staff recommends, down until someone develops that property.

John Wesley, Planning Director, advised Boardmembers that the Design Review Board will address that in more detail. Boardmember Saemisch responded that he understood in the past that the Board had a full idea of what the development area was, where it started and ended, and that's when the case becomes a Site Plan Modification. He added that he didn't know what they were modifying and what they were approving as he couldn't see an "edge".

Ms. Zeller responded that there is no "edge" or landscape buffer that has been provided. She stated that she did not know if staff wanted to add stipulations that they do that until the corner piece comes in for development.

Mr. Saemisch asked for clarification regarding the power of the Design Review Board vs. that of the Planning & Zoning Board in terms of a Site Plan Modification.

Mr. Wesley advised that edge treatments have been required on other cases. Most recently on the cases at Dobson and Loop 202. There it is all one piece of property, this one has separate owners so that could be stipulated.

Mr. Saemisch stated that he did not believe it was the power of the Design Review Board to modify site plans and he believed that this Board had to agree that the next stamped drawing, if it changes again, has to come back to the Board.

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Boardmember Mizner stated that he was happy to see that the applicant had followed the landscaping theme of the previous case and used ficus trees and retained some citrus toward the back.

Boardmember Adams stated that he did not feel he had enough information on this particular issue and had the feeling they may be setting some kind of a precedent he was not comfortable with. He added that he is not prepared to vote in favor of the case. It seems that the proposed plan works just fine if the same person owns all three pieces of property, or the adjacent property at least. It appears to be an undone piece of business that allows for assumptions based on private agreements that the Board doesn't know much about.

Ms. Zeller stated that staff does want to see an overall proposal and to see what is going to be on the adjacent property to make sure they are going to be compatible and that all three pieces are going to work together. Mr. Ellsworth stated that when they brought this forward they were modifying the site plan for the Tutor Time and that's where the confusion starts. The parcel on the corner is shown in the previously approved site plan and shows the parking layout. What you are seeing from the applicant is how his process blends into that parking. What was missing in the packet was the overall site plan.

Mr. Adams stated that this was a nice project, but he would not be supporting it, as he thought it was an un-done loose end in his opinion. He added that there was no documentation stating that there are clear agreements between owners.

Mr. Ellsworth stated that this particular layout and site plan has been previously approved, including the same layout that is shown.

Mr. Saemisch stated that the driveway has been moved. He asked why they were not seeing the whole thing rather than one case, then another.

Mr. Willis stated that they were not under contract to purchase the adjacent property. It is not in escrow. He added that he did not know what they wanted to do or what plan they wanted to present. The applicant came in for a site plan modification and they looked at what the future was for the property. They came up with an agreement to have the property line in the center of the entrance rather than all three entrances on that side of the property.

Jim Smith, City Attorney, stated that he shares many of Mr. Adams' concerns. It appears that a site plan regarding adjacent property may be being modified or at least being relied upon in this particular case, based on agreements that don't exist. It may be appropriate to continue this case to allow the developer to actually obtain those agreements in writing or at least a consent to the modification.

Mr. Wesley stated that this had come to staff as a modification to the requirement for the fence, because of the previous approval in 2002. A continuance may be warranted.

Mr. Adams stated that this was a good project and he would like to see it move forward but he had concerns about the adjacent property and hoped a continuance would give time to everyone who needed to come to the table and get it worked out.

Vice Chair Carpenter stated that this concerns her regarding the adjacent property on the other side that was approved previously. She questioned whether Design Review would be looking at all three pieces together or are they going to look like three little pieces of Disneyland or like the whole corner has been coordinated. All three pieces should be coordinated.

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Ms. Zeller assured Ms. Carpenter and Boardmembers that the Design Review Board has required the applicant to come forward to the Design Review Board meetings where his case is not being heard, but the adjacent dentist office property is being heard so they can look at at least two pieces together and make sure that there is consistency between landscape palettes and some of the other aesthetics.

It was moved by Boardmember Mizner, seconded by Boardmember Carpenter

That: The Board continue zoning case Z04-97 to the November 18, 2004 Planning & Zoning Board Meeting.

Vote: 7-0

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Z04-98 (District 6) The 10700 Block of East Pecos Road (north side). Located north and west of Pecos Road and the Signal Butte Road alignment (40 ac.). Rezone from R1-43 to M-1. This request is to bring the existing zoning into conformance with the General Plan. Dave Jarvis, owner; Wayne Balmer, applicant.

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of zoning case Z04-98, conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of all future development plans.
2. Compliance with all City development codes and regulations.

Vote: 7-0

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Z04-100 (District 6) 6136 East Auto Loop Avenue. Located south and west of Southern Avenue and Superstition Springs Boulevard (5.7 ac.). Rezone from M-1 to M-1 BIZ. This request is for the development of a four story parking facility. Kent C. Earle, owner; Richard Cartell, applicant.

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: Case Z04-100 be continued to the November 18, 2004 Planning & Zoning Meeting.

Vote: 7-0

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Z04-101 (District 4) 1152 East Broadway Road. Located at the northwest corner of Broadway Road and Stapley Drive (0.5 ac ±). Rezone from C-1 and R-2 to C-1 and Site Plan Review. This request is to allow for the development of a retail building. Ken Crane, owner; Tim Rasnake (Archicon), applicant. Also consider the preliminary plat "Preliminary Plat for Retail Building"

Vince Dahlke, Archicon, representing the applicant, stated that it is a difficult site and they had worked with staff for many months. He gave an overview of the proposal.

Ryan Heiland, Planner II, stated that the applicant is requesting a rezoning of approximately ½ acre from R-2 to C-1 and also a site plan review to develop a 1900± sq. ft. single story retail building. The subject site is 2 parcels. The parcel on the west is zoned R-2 and the other C-1. This site is very small and very difficult to develop. The applicant has gone to the Development Incentive Permit process and the site plan presented has been approved by the Board of Adjustment. He added that it is important to note that the General Plan designation is Neighborhood Commercial. Staff has no concerns with this proposal.

Boardmember Saemisch stated that the reason this was pulled from the consent agenda was because a letter provided in the packet indicated a check cashing use as a possibility. How many more check cashing corners are going to pop up, how close to each other, and at what point does it become a detriment to the neighborhood, the community? Mr. Saemisch stated that the Board was sending a letter stating the concern to be passed on to the City Council.

Vice-Chair Carpenter stated that she remembers being concerned with the scale of the Quik Trip that had been proposed for the opposite corner. She commented that the applicant has a site that was difficult to develop and hoped they found a unique product.

It was moved by Boardmember Saemisch, seconded by Boardmember Esparza that: The Board recommend to the City Council approval of zoning case Z04-101 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. 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 Design Review Board.
5. Review and approval of a Development Incentive Permit (D.I.P.) by the Board of Adjustment.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: 7-0

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GPMajor04-01 Proposed General Plan Land Use Amendment: From Mixed Use/ Residential (30 % at 15+ du/ac) to Medium Density Residential 2-4 (2-4 du/ac), Medium Density Residential 6-10 (6-10 du/ac), High Density Residential 10-15 (10-15 du/ac), Office and Community Commercial for approximately 314.5 ± acres generally located south of Thomas Road between Val Vista Drive and Lehi Road. Various owners; Paul Gilbert; Beus Gilbert PLLC, applicant. **CONTINUED FROM THE SEPTEMBER 16, 2004 MEETING.**

Paul Gilbert, the applicant, gave the following presentation:

“The admonition we were given in conjunction with the continuance was to get with the neighborhood and try to work something out. We’re not here with all of the neighbors in agreement but have the majority in support of the application, as modified. I will discuss the modifications in the course of my presentation. The property is located in Maricopa County, not in Mesa and Mesa has no control over this property. Currently there is a General Plan designation for mixed-use residential. This is confusing as it is not generally residential. The City’s General Plan defines this as a mix of employment uses including high-density residential (30% maximum) that complements and supports office, community commercial and business park uses. Basically these uses constitute 70% of what could be developed under the General Plan for this property. The other 30% is designated for high-density residential, and it is the highest category allowed in the City of Mesa. The current designation does not support any development of single-family homes, basically it’s industrial park or its high density multi-family. We are seeking to change that density, have filed a plan and will go forward with that plan. “

Mr. Gilbert re-stated the changes applied for: From Mixed Use/ Residential (30 % at 15+ du/ac) to Medium Density Residential 2-4 (2-4 du/ac), Medium Density Residential 6-10 (6-10 du/ac), High Density Residential 10-15 (10-15 du/ac), Office and Community Commercial for approximately 314.5 ± acres

Mr. Gilbert said “since September we have specifically looked at a reduction in density. We had two additional neighborhood meetings and many one-on-one meetings with neighbors and have undertaken an extensive lot layout study for the property. The result was a new General Plan graphic, which you (Boardmembers) have not seen, but which eliminates the high-density residential, increased medium-density (2-4) by 215%, and increased the medium-density (6-10) by 121%. This decreases the allowable density almost 40%. In the original plan we could build approximately 1,885-3,015 units. In the graphic we are currently proposing, we could build 1,128-1,984 units, assuming we got the zoning to go with it.

We’ve presented this plan to the neighbors and come away with strong neighborhood support for this plan. We recently met with the Pleasant Grove Subdivision homeowners, the only adjacent neighborhood group and four of the five Boardmembers have signed a petition in support of the application. We met with the Lehi Community Improvement Association and they support the revised request (not the original one).

We have met with staff to discuss the revised application. There have been concerns with the legal notice and review requirements associated with the proposed attempt to amend the General Plan. Staff is not comfortable revising the request mid-stream, even though they are moving toward lower density. For the record it is our opinion that since no new land categories are being presented we are eliminating the highest density land category, but since no new land categories are being presented we are of the opinion that we could proceed because we are lowering the density. That is not the opinion of the staff or your City Attorney and I must respect that opinion as they are the ones empowered to advise you (the Board). Therefore, we are not proposing an official amendment to our original application. There are several options available so we can proceed forward with the original request but, we believe, offers protection that addressed the lowering of the density. We also

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suggested lowering of the density cap where we agreed to a certain number of units, even though we had the various categories. Staff was also not comfortable with that. I must add we do that routinely in other jurisdictions but again that is your Attorney's position. Given the fact that this has not been done before in this city and that the Planning staff and your City Attorney are not comfortable attaching stipulations to this request we need to play with the hand we dealt.

We do feel, however, that we made a strong commitment to the neighbors that we would lower the density and we intend to do what we say. We have worked very hard to gain the neighborhood support and want to make it clear for the record that we fully intend to stand behind the revised plan. Under the circumstances we have two choices: 1) We can start all over. If we start over, because of the constraints of the Growing Smarter legislation, there is a one-year waiting period. We do not feel comfortable with that option, particularly when we worked so hard and so long with the neighborhood groups. Starting over is not, we believe, a viable option. 2) The second option is to go forward but to offer protections to the City to guarantee that we will abide by the reduced density which has the strong neighborhood support.

I am offering the following protection to the City: I am giving you the commitment and word of the property owner, William Lyon Homes, and myself, that we will do what we say. If we tell you we are going to do the following things, we will do it. This hopefully will not be the last case I present to the City of Mesa and all I have to do is not honor what I am telling you I will do and my career is finished in this City and maybe the entire valley. I've been doing this for 34 years and I have never made a commitment to do something that I have not done and have not followed up on. We are offering the following to ensure that the revised lower density will come to fruition.

We are in agreement with recording a deed restriction against the property that if the property is annexed then the deed restriction will become effective and we will not develop the property at densities higher than what we have proposed in our attempted amendment to the General Plan. 2) We are willing to file immediately upon the conclusion of this General Plan process, a Minor General Plan Amendment. We are permitted to file a Minor General Plan Amendment that reduces the density. There is not the one-year waiting requirement or other constrictions of a Major General Plan Amendment so we can file a Minor General Plan Amendment immediately upon this approval.

Now you may say, that's all well and good Mr. Gilbert, but how do we know you'll do it? I'm committing to you unequivocally that we will do it. But there is another backstop that is equally efficacious to ensure that what we are talking about will happen. And that is the City Council has the right to file a General Plan Amendment. So, even if we were scoundrels and didn't honor our word to come in with a Minor General Plan Amendment to reduce that density, the City Council has the full power to ask the staff to do so. It is a backstop and that is the 3rd protection that you have. I submit that there is one other protection that you have. General Plan Amendments are categories – 2-4,

5-10, 6-15 – when we come in for rezoning you have the right to give us zoning in connection with any of those categories. When we come in for zoning in the 2-4 category, you have every right to give us 2 units per acre because that's what the category says. No question that legally you must follow your General Plan but the General Plan is a category and if you desire when we come in for zoning you can give us the minimum amount in each of the categories. We are proposing a plan of approximately 1700 units. If you gave us the minimum categories in each of the zones I'm talking about under the General Plan Amendment the most we could get on the property is about 1800 units. So, there's the 4th additional protection. We are here because we've earnestly tried to reduce the density. We're caught in a technical bind, requiring us to either wait one year or go forward. Because of the immense amount of work that all of us have put in, not just the applicants but the neighborhood groups, we wish to go forward and give the City of Mesa the protection so you can hold our feet to the fire so we will honor the commitments we are making to you that we will abide by this reduction.

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To summarize the point then, we are moving forward with the original plan but we fully intend to abide by the revised plan which lowers the density. We are also working with the neighborhood and spend a lot of time on some other issues, some of which you asked us to look into at the last hearing. We are working with the neighborhoods to develop a plan to maintain some of the citrus on the property. We are working with the neighborhoods to contribute to neighborhood-wide efforts to restore the historical markers and monuments related to the original Lehi pioneer crossings which occurred north of the property. We have agreed to support the City's trail plans in the area and we have designed our lot layout to have a complementary relationship with our closest neighbors in the Pleasant Grove subdivision. Your Planning staff has indicated they do not like and have advised you not to put stipulations on this General Plan Amendment but we will put on the record that we will do those things. You have a record and when we come back for rezoning you can hold our feet to the fire because we have committed to do all of those additional things as requested by some of you and more importantly in more detail by the neighbors themselves.

I would like to briefly spend some time on the viability of the current General Plan designation. The underlying thesis of our presentation today is simply this: we are stuck with a current General Plan designation, albeit not annexed to the City of Mesa. But we are stuck with the current General Plan designation that is not viable. Furthermore, for the most part it is a General Plan designation that is not acceptable to the majority of the neighbors with whom we have worked with in connection with this application. The staff, along with the sand and gravel interests, are supporting keeping the existing General Plan designations. That's mixed-use residential. Again, our basic premise is that this is not a viable designation for the property.

The current designation allows Business Parks, Office, Commercial, Light Manufacturing and the highest density residential allowed in Mesa. The Planning staff has suggested that there has not been sufficient time for the property to develop under this designation because, in fairness, after all, it was only placed on the property two years ago. But, we pointed out that the property previously had the designation for Commerce Park. It didn't allow the apartments but it allowed Commerce Park, and that Commerce Park designation was on the property as a General Plan designation for the City of Mesa from 1988 to 1996 and nothing happened in those eight years. There was not one attempt to develop the property as Commerce Park. And indeed, as the Staff Report points out, the north central area already has a lot of area designated for employment uses. But that, we submit, underscores why this is not a viable use for our property. Consistent with the General Plan designation these property owners attempted to develop it under the existing classification and brought in Westcor, that is an experienced and in my judgment very sagacious developer of not only regional malls which they're known for but also they do industrial parks. And they concluded that the most this property could handle of a commercial nature of any type was a 10-15 acre area, which, incidentally is part of our application here.

There is likely never to be significant development across the 202 on the Indian Reservation and additionally the immediate area does not have the population to support large-scale commercial development. The General Plan request includes the 15-acre Community Commercial component and an 8-acre office component. We submit we will be fortunate if we can develop that much commercial under the current constraints under which the property operates. We submit that is the maximum amount viable for this site. It is also important to note that the freeway, while only recently completed, has been planned for years. So if there was a chance for a Commerce Park to develop one of the arguments is -- well the freeway's just recently been put in -- but that freeway's been planned to go there for a long period of time, even back at the time it was designated as Commerce Park under your General Plan. Here again, not one nibble, no interest ever, whatsoever, in developing this property under the current Plan designation. So there has been no activity with

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regard to Commerce Park or commercial uses at this location. Lastly there is another important reason why it is very problematic for us to develop this property under the current General Plan designation, and that is the proximity of the Falcon Field Airport. This, a prime example of where

these uses should go and are being encouraged to go by the City of Mesa. Falcon Field area is a direct competitor for the types of uses allowed under the mixed use residential designation for this property. The Falcon Field Employment Center covers approximately 6,900 acres. The employment center includes the airport and some existing industrial parks. Within the Falcon Field area there are currently seven major industrial parks that are already developed. Three of these existing parks are within one mile of the site.

You may say – well, that shows that there's a need because you've got seven parks under development in the approximate area of your property – the fact is, if we look carefully at the existing seven industrial parks only as they constitute a very small percentage of the total 6,900 acres available and within these existing industrial parks they are currently 60% vacant. The General Plan is asking us then to use the same use at an inferior site that doesn't have the same access, that doesn't have the same attractions of the airfield and use that we have never had any inquiries or opportunities to develop. Furthermore the Falcon Field Alliance is an industry-led non-profit economic development organization that was recently organized to promote Falcon Field. We have no bone with that, we think that's a wonderful thing. But we're not part of it so when people come in and say we have an industrial park we want to build, where's the City going to send them. They're not going to send them to our site, which has no utilities, which is somewhat isolated and doesn't have all the facilities and the economic engine as it has under the area within the Falcon Field general area. In fact, the City Council is presently reviewing for approval the Falcon Field Employment Center strategy plan, so it is a major goal of the City to invite and encourage industrial parks at this other location. We simply cannot compete with this level of economic support.

A couple of quick comments on density and then I'll try to wrap this up. Density is another issue that has been touched on by many staff and neighborhood spokesmen. As I indicated we've gone back and re-visited this and we've had five major neighborhood meetings plus ongoing conversations with numerous other neighborhood leaders. Many of these we have worked with are here tonight and I would of course let them speak for themselves. We again point out that the current General Plan allows 30% of the site to be developed with high-density residential units at a minimum of 15 units per acre. This is the highest density allowed by the City of Mesa. At these densities non-ownership products, such as apartments, would most likely be developed. At a fairly conservative density of 18 units per acre, over 1700 apartment units could be constructed on this site. This would take approximately one-third of the property. An additional 220 acres would then be available for business office or industrial uses which could be developed on the balance of the property. We're putting through a land use change to use primarily single-family residential uses.

Under our new proposal we have committed to the neighborhood that we will build a maximum of 1700 residential units. That, interestingly enough, is the exact number of residential units that could be build under the existing General Plan designation, so we are not increasing the residential units over what could be built under the existing General Plan designation. This is the equivalent then to the number of multi-family units that could be developed on the property under the mixed-use residency category.

A quick comment on traffic. I do not believe that's an issue and I support that premise with two quick observations. Your own staff report stated that the traffic impact of the proposed land use patterns should not be substantially different than the current designation. In addition we've had our

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own traffic study done which shows a significant decrease in traffic over the proposed uses that would be permitted under the existing General Plan.

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In conclusion, let me just state that the owners of this property have choices. One of the choices is not to continue the property for citrus farming. He has not made money for some time. While the trees are not old enough that I'm going to submit to you that they're ready to die in the next year or two, but basically it's not a profitable operation, has not been for some while. The owners of the property and there are several of them, have made a decision to sell the property. As noted, the property is located in the County. The owners have the right to completely abandon the citrus farming, they have that unilateral right and to develop the property in the County. Obviously the most viable option under this scenario would be to develop the property industrial as a sand and gravel operation. I needn't remind you that the fact of the property being in the County means that no approvals from the City of Mesa are required for sand and gravel operations and indeed no approval from the County are needed.

This entire property could be used for sand and gravel operations as a matter of right in the County. There is only one requirement and that is that they obtain an air quality permit, which I believe one of the sand and gravel operations has acquired and another is in the process of acquiring. In fact there has been continued and active interest in this property by the sand and gravel operations as this is a profitable operation for them. That's clearly a viable option, it is not the option the landowners wish to pursue. In fact, candidly, from a purely economic point of view, the sand and gravel operation might be more profitable, but we do not wish to do that. These neighbors have not felt good about the sand and gravel operation in the area and do not want to see it perpetuated. We must acknowledge the fact that we have sand and gravel for a neighbor and are actively exploring ways to provide appropriate buffers between our development and the existing mine. Adjacent to the New West Mine to our east, we are proposing and planning a significant buffer in excess of 300 feet. We will have a 300-ft. buffer away from the mine, adjacent to the New West Mine and the Cemex Mine located on the western edge of our property we are also considering a similar buffer.

Our sound results indicate that if we observe this setback we will be within the 65 LDN noise line which is the noise criteria that is used in connection with airports, but there are some other things that we can do. We are willing to put a very high wall there to help mitigate the sound, we are also willing to do sound attenuation in the homes, which is a very common thing that's done in homes that are in the vicinity of airports. We're very willing to do that and we are also willing to leave the trees to help absorb the sound within the 300-ft. buffer. All those are details and mitigation efforts which can be worked out at the time we come forward with the rezoning. The bottom line is that the vast majority of the neighbors do not want any expansion of the sand and gravel interests. Neither do we. We hope, then, that we can work together to support the expansion and change in this General Plan to present a viable and realistic development opportunity for this property. We feel that we can develop a plan that is sensitive to both the desires of the neighbors and acknowledges and deals with the significant constraints of this site. The existing General Plan designation is mixed-use residential, it's, simply put, not viable. It is a poor location for business and employment uses due in large part to the competition from Falcon Field. We have gained significant neighborhood support for the plan and approval of this request will guarantee that we have been able to limit the expansion of the sand and gravel operation in the area. We therefore request approval of this General Plan Amendment with, again, the caveat and protections we have gone on record as telling you we will do. We are people of our word, we will file the deed restrictions, we will file the Minor General Plan Amendment and we believe the City can be fully protected. We only intend to go forward with the reduction in density as we have outlined for you. That concludes my presentation."

The following citizens spoke in support of the applicants proposal:

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Christi Worsley (3514 E Presidio) stated she was in favor of the project. She mentioned concerns regarding traffic, pollution and hours of operation at the current mining operation.

Ray Burden (3325 N Val Vista) stated the trees in the groves are over 90 years old and take a lot of care.

Michelle McCrosky (3021 N Chestnut Circle) stated they would have loved one-acre lots but this proposal is safer than mining. Her concerns included quality of life.

Rulon Anderson (665 N Roanoke) spoke in support of the project. Concerns – mining

Eddie Strong (2505 E Lehi Rd. #15) Vice President, Pleasant Grove Homeowners, presented a petition with signatures from his neighbors in favor.

Keith Skouson (2505 E Lehi Rd. #7) spoke in favor of the project and against mining operations.

Rodney Engel (3001 E Lehi Rd.) spoke in favor of the project and said citrus not viable.

Hal Frederickson (2505 E Lehi Rd, #13) spoke in favor of annexing property into Mesa.

George Merrifield (2324 E. Virginia St.) stated that the owners and representatives of the developers have indicated that there are only two viable options for the future use of the 315 acres. 1) acceptance of the proposed General Plan Amendment, annexation into the City and development, or 2) non-acceptance of this proposed Plan Amendment and aggregate mining and associated industries. He added that he is concerned the plan will be rejected and that 315 acres will be added to the existing sand and gravel operations in the area. (New West, Cemex, and Chandler Ready Mix).

Mark Freeman (1118 E. Lockwood) stated that the development will have access to the trails. The developer committed to put in an area for the historic marker. He is in support of the project.

There were an additional seven citizens present in favor who did not wish to speak.

The following citizens spoke in opposition of the applicants proposal:

Patrice Velasco (3037 N. Val Vista) stated opposition to the proposed amendment to the General Plan. She stated they have acre+ lots and are rural in nature.

Julee Brady (3044 N. 38th Circle) stated that they did not want the gravel pit but want to preserve the rural acre lots.

Rick Dale (2113 N. Maple St.) sympathetic to the neighbors but thinks there are other uses. He doesn't buy "either it's this development - or it's mining".

Dina Higgins (2341 N. Lemon Circle) stated that the proposed plan is not compatible with the current plan. She showed a plan which she said affords employment, housing and a viable community where some could actually live and work in the same neighborhood.

Lew Lenz (3717 E. Pomegranate) stated he lives right over the hill and the only acreage he sees assigned on the plan is for houses, nothing for trails, parks & open space. Mr. Lenz stated with the

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General Plan the area would gain 3300 jobs. With 91% being residential, 2900 jobs would be lost. He added that he felt that the General Plan was a part of the future of Mesa.

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Steve Glass (2813 E. Camelback, Phoenix) Mr. Glass stated allowable pollutant levels, noise decibels, and added that where there is a mining facility next to single-family residences, the people end up complaining about the impacts that are permitted by law. The land use and its impact is incompatible with high density housing.

Lyle Richardson (400 E. Van Buren) representing Cemex, stated they are opposed to the proposed plan, This proposal is not compatible with mining operations. He added that he would advise that they listen to the people who are saying there is a better way to do this.

Nick Wood (400 E. Van Buren) representing Vulcan Materials stated that it is about compatibility. He added that everyone who has come to the podium has stated unequivocally that mining and single family housing is incompatible. You cannot allow single family homes to be built near an industrial use, such as an open-pit mine. The Joint Masterplanning Committee spent two years looking at this area trying to decide what is compatible because our mine was operating at the time. They decided this is the perfect site for employment and mixed use.

Mr. Wood continued that the rules are simple, the applicant must prove that the proposed change constitutes an improvement to the General Plan. You cannot have an approval unless you show that the proposed change is an improvement. They have to show that something has changed in the past two years. Although people say it's incompatible they want to subject 1700 more people to live next door. As it is now there are only 3 or 4 homes within a quarter mile. One is Dr. Engle who is suing New West. On the other side are the Burdens who are suing. The answer is not to succumb to the threat that the people he represents are going to expand uncontrolled. They don't own the land nor do they have right to the land. Dr. Engle who is the owner has not made a move to sell it to them. He urged the Board to not place 1700 people next to this incompatible use.

There were an additional five citizens present in opposition who did not wish to speak.

Mr. Gilbert said: " The professional consultant Mr. Woods had hired has testified that this shouldn't be adjacent to high density residential. You have the highest density residential now permitted in your General Plan right on this property. Mr. Woods suggests that the committee worked very hard and spent a lot of time in formulating the current General Plan. Dr. Engle was there when that General Plan was discussed and they didn't know what to do with this property, it was almost an afterthought according to Dr. Engle that they went ahead and put this designation on it because they really didn't know what else to do with it. Mr. Wood would suggest well, you can't change the General Plan and what's changed? We submit to you that several things have changed. 1) the citrus is no longer profitable, that's a very major change. 2) Mr. Woods knows very well what's changed because the mines are interested in this property. They're running out of materials in this area so they're the ones who have helped effectuate the change. They're the ones who are interested in purchasing this property for more mining interests.

Mr. Woods seems to suggest that the reward for being a bad neighbor is to not allow other zoning on the property, and lastly he said this is promise zoning. It is not promise zoning. There are so many checks and balances and I have given you a full program that fully protects the City and I won't reiterate that again, but I will answer questions on that in much more detail. I've been at hearings too when Mr. Wood has stood up and also made promises that weren't legally enforceable. We do it all the time. People stand here at the podium and agree to hours of operation, to do several things that are not legally enforceable, but because of confidence in people who are presenting the case you often allow promises to be made which may not be legally enforceable but here I want to repeat this, this is the only thing I'll repeat – you have a wonderful backstop. That is, if I don't file the Minor General Plan Amendment, the City Council can instruct the staff to do so. I'm going to file it, so that won't be necessary, but you've got that bottom line protection here.

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I think it's very significant that the people who are potentially most affected by the development of this property, Pleasant Grove, and we almost have unanimous support from these people for this application here this evening. I'm scratching my head because we've heard at least three, maybe four speakers get up and say this project is incompatible with our rural life style. If we're incompatible with the rural life style, they for sure are. The current General Plan designation with 1700 apartment units, the highest density allowed in Mesa, and Industrial Park, Commercial and Commerce Park, is far more incompatible by a long shot than what we're proposing for this property.

I've grown to like Mrs. Higgins. She's good and a worthy opponent, but I want to point out one thing. In the yellow map that she showed you, the yellow is comprised of four units per acre, just a minor correction. The plan she presented to you is an interesting theory where we have a combination of several uses. First of all that plan couldn't be done under the existing General Plan but more importantly one of the things that really makes this property a challenge to develop is the very, very high infrastructure cost. I failed to mention that in my presentation. I just mention it by way of rebuttal. We have an engineer here who will tell you that the infrastructure cost to develop this property are well in excess of \$35 million. The plan proposed by Mrs. Higgins just simply is economically not feasible. It's interesting when one talks about loss of jobs. There are no loss of jobs if the property can't be developed for Commerce Park or Industrial Park and that we submit to you has been well demonstrated this evening.

Next, it was interesting because we were told that we're not a master planned community because, among other things, we don't show parks on our plan. There are no parks to be shown on a General Plan Amendment. We're not here to discuss those kind of details, but there again maybe I'm being pedantic. You probably fully understand that. A lot of the complaints about this not being a master planned community are obviously things that must be discussed when we come in for the rezoning.

I was asked one question which I cheerfully want to answer and that is, what happens to this buffer that you set aside, the 300 ft. buffer that we're proposing, does that reduce the number of units. Yes, it does. It reduces the number of units by almost 405 units. That buffer all along the New West Mining operation we intend to leave as citrus and that will not be built on until the mining operation has either ceased or we've determined that the buffer is no longer necessary. But that buffer will be there as a major hedge against noise and any other accoutrements that emanate from the mining operation and it does reduce by 405 from the 1700 units we were talking about. So as long as that buffer is there there's even less units that we will be developing. I agree with Mr. Glass' comment that you can't build a home without a mine. You also can't drive a car without automobile factories but we don't put automobile factories in various locations where they can do harm to people and what we're proposing here is buffering the existing mining uses and ceasing the mining uses that could occur without any further approval right now under the existing zoning.

If there is a better way to do things, we don't know about it. I will just say in conclusion that we've spent five months working with these neighbors. You charged us in conjunction with the last hearing we had before you when we asked for a continuance to work with the neighbors. We have demonstrated that we have been able to do that. We have petitions of almost 130 people in the area who have signed their support for this General Plan Amendment with the reduced density. For that we submit that we have met that burden and we hope that you would concur and recommend approval.

I would just say in closing too, that I realize there may be a partial trust factor here. The neighbors have trusted us, we believe you can with equal confidence trust us as well."

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Wahid Alam, Senior Planner, explained that the purpose of this case is not to discuss whether the General Plan designations are right or wrong. That opportunity is gone, the people voted two years ago. He clarified that the question here is whether or not the proposed amendment is an improvement, or not. He advised Boardmembers that the staff report defined the four points that need to be tested before a Major General Plan Amendment. With the Growing Smarter legislation it is not like a zoning case where we focus on nearby neighbors. The General Plan is for the whole city and that is why Major General Plan Amendments are heard several times so the whole city knows about it because it is in the interest of the whole city and not just one particular parcel.

Boardmember Saemisch stated that the mines got in somehow, it is totally out of the city's control. It may or may not have had an impact on the way the General Plan was born. He added that what we don't need to do is feel that we should be making a decision on a threat – real or veiled. We need to be making decisions on what we know and what we can control. He expressed concern about what the County can do and not do and said we should be working closer with them. Mr. Saemisch stated he would not support this Amendment and hoped that in the next year they could come up with a better plan. He mentioned he felt staff should become proactive and not reactive, an integral planner of what this could be, because it's our General Plan that put us in this situation.

He advised those present that he did not believe that putting houses next to mining in any situation, high-density or low-density, is very good planning. He added that we need to do something to stop that. Either mitigate or land-swap. He posed the following questions: How long are they going to be there? What's going to happen once the mines are completed? What do we have as a plan to bring those lands into conformance? and be pushing the County or the State, or both to regulate mining so it is not just a right for the miner, but a right of the citizens to say where they do their mining.

Boardmember Adams asked if Mr. Gilbert could tell, in a nutshell, how this proposal constitutes an overall improvement to the General Plan.

Mr. Gilbert stated that "first of all the General Plan calls for high-density residential and industrial parks, and commercial. We are improving the existing General Plan by swapping that out by providing for single-family owner occupied homes. I submit that is a significant improvement over the existing General Plan. It's what the majority of the neighbors would prefer, it also provides a viable opportunity for the property to develop. The existing General Plan is not viable. As Dr. Engle and other speakers have indicated, there has been no opportunity to develop the property under the existing General Plan, so the existing General Plan is virtually non-existent as a viable option for the property. The fact that there is, and I don't want to be perceived as threatening – that's not my intent, Mr. Saemisch – but also you have to look at the fact that something's got to happen with the land, it doesn't work under the existing category as growing citrus. So what are the options? Since it can't be developed under the existing General Plan, mining is clearly a viable option, there's no question you haven't heard one speaker tonight say they wouldn't want to have this property to mine it. If nothing is done, we face a significant loss of a real opportunity for development of something other than mines. I submit those coalesce very nicely into making a substantial improvement over the existing General Plan."

Boardmember Adams asked about an earlier statement regarding Westcor. He asked what they were in terms of commercial viability of parts of this property.

Mr. Gilbert said that a portion of the property owners as part of the assemblage here, wanted to do something with their property so they looked at the existing General Plan designation and invited several people to come and give them a proposal to develop it under the existing General Plan designation. The only one that really responded that I know of was Westcor. Westcor looked at the property and indicated that it was not viable under the existing General Plan designation for industrial parks or for commercial.

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Boardmember Carpenter stated that a lot was made of the fact that we have a planning process and a planning area but we have no control where the County is. Mesa's municipal planning area covers areas that Mesa does not have within the City Limits. She asked staff to explain to the audience what planning control the city has in the municipal planning area that would encompass areas that are governed by other governments or owned by other entities and what is that relationship?

John Wesley, Planning Director, stated that the Mesa General Plan covers the planning area and areas that are not within the city limits of the City of Mesa, that are in Maricopa County. The city has the responsibility to set the plan for those areas. When it comes to actual development, if it's not within the City of Mesa when development occurs, they do still operate through the County and go through their process for zoning, subdivision and site plan review. The City of Mesa has a close relationship with the planning staff at Maricopa County. They send us referrals when those things happen and we have an opportunity to comment on those, but it does go through the County for actual approval.

Ms. Carpenter asked if the County pays attention to the city's desires and how do they regard our recommendations?

Mr. Wesley responded that we have a good working relationship.

Ms. Carpenter thanked Mr. Wesley and stated that this is not an either/or situation, its not black or white, or right or wrong. She added there are some things the Board should not be considering. One of those things is we should not be considering how to enhance the marketability of this property. What we are concerned about is not private profit, but what's best for the community at large. Annexation – someone asked us to be concerned about the annexation. Annexation is not our decision. It is a City Council decision. Only they have the power to annex. I have disagreed with staff before, but you cannot lose jobs that you don't have. You can have jobs that you're hopeful for, but you can't count them as a loss until you actually have something in hand. That doesn't mean you can't consider it in your planning. Adjacency – I don't believe immediate adjacency is the only way to identify community impact, that's what makes it so messy in public policy. It's that you impact a lot of interested parties, vested parties who are not just immediately adjacent which is why I've had disagreements with the 300-ft public notice. I think it should be to interested parties, not just geographic distance. I would suggest to mining companies that they could sound less like a military/industrial complex. I'm disappointed that we had a 2-year planning process, it was very highly publicized, it went before the people for a vote and for anyone to come in for a Major Amendment, you're going to have to really show me a major reason to make a change. I don't think this plan has made the case. Single family homes are not always the best residential option or alternative. It's desirable to everyone but it's not always what works the best, it depends on the location and a lot of factors. No car manufacturer is going to encroach on a rural, historic area to build its factory. Its going to build its factory where its going to have the least problems and the best access. Our pioneers happened to cross over and settle on top of the natural resource that has become very valuable today. It could be a diamond mine, an archaeological find, it could be just about anything. It involves something that makes a profit and that's what's going to make this more interesting. There's a lot more compromise and work to do and I'm just about blown away by some of the research that has been done by citizens and the work and bright ideas they've come up with. It may be seen for a future better plan.

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Boardmember Finter stated that the Board works for the future thousands of residents that are going to impact this area. He added that looking back he remembers what Ms. Brady and her neighbors went through when the "Commons" went in and started a Waste Transfer Station, smoke, dust, noise impacting half-million and million dollar homes. He also spoke of the development south of Williams Gateway when it was proposed to put industrial uses right next to their homes and the homes proposed to be built in flight paths. All those cases have the same earmarks as this case. Would you ask the future hundreds or thousands of residents that may be living in this area to be pawns in your battle against the mining companies. I have no respect for the mining companies. I am on the side of the future residents. There is a legitimate argument to say that in this battle we're going to try and infuse hundreds or thousands of people living in that area in order to try to force out those mines. It's a tactic. It's unfair to those people who we work for in the future. It is truly a matter of compatibility. I cannot make a recommendation to put so many people in that area and have them all impacted. He added that he would not be supporting the proposal.

Boardmember Adams stated that Council should use the following guideline to evaluate a Major General Plan Amendment:

1. A Major General Plan Amendment constitutes an overall improvement to the General Plan. (I believe this does.)
2. A Major General Plan Amendment is consistent with the intent of the General Plan and other adopted Plans, Policies, and Ordinances. (I think the whole purpose of the General Plan is to improve the community and I don't think that what could happen there today is consistent with what we're trying to achieve. I think that document needs to be fluid and you need to have the opportunity to look at it from time to time)
3. The Major Amendment will not adversely impact the community as a whole or a portion of the community by significantly altering existing land-use patterns, causing significantly increased traffic on existing roadway network, and degrading the health and safety of the residents (I don't think we improve the health and safety of the residents by allowing the whole thing to turn into a gravel pit and I think if it does turn into a gravel pit you are going to have more trucks on the road).

Mr. Adams stated that he did not see where this proposal is inconsistent with these guidelines. He added that he did not have any trust issues with what Mr. Gilbert is proposing. If you're going to go down there and buy a house, you can't hide the gravel pits, they're there. He stressed that he thought it was a market issue, an individual buyer's issue and certainly there are people who are willing to put up a tremendous amount of money to develop this area who have taken a risk that people are either going to buy there or not. Homebuyer's are smart enough to realize – there's a gravel pit here and it's going to be dusty.

Boardmember Esparza stated that she respects and believes Mr. Gilbert's word and she would go along with Mr. Adams, for the same reasons.

Chair Cowan stated that the current plan designation of high-density residential and industrial park while it may blend better, does not blend with the rural characteristic as you come off the mesa coming down toward the freeway going north on Val Vista. He also mentioned implied threats or feeling of threats while listening to the applicant and both counsels, adding that it was an awkward and difficult situation.

No mines – he does not have a preference for mines butting up against quality areas of our community and would prefer that in other industrial areas of the community, perhaps further away from where they currently are.

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No to one-acre properties – he does not see that as an economic viability for use in this part of our community.

No to high density – because he does not see it as a fit with the flow of the community as we go north.

No to the industrial park – because he does not see a fit there, especially with what's going on with Falcon Field and what we eventually would like to have happen down in the southeast portion of our community.

No to homes right next to a pit – which puts us in another difficult situation.

Mr. Cowan expressed his respect for both legal counsels, but stated he was going to lean with agreement of a Major Plan Amendment with the stipulation that he does not agree with the current General Plan Amendment and feels this is the best fit for the community.

Boardmember Adams stated that his support is contingent on the caveats that Mr. Gilbert just talked about. He clarified that he was supporting the General Plan Amendment provided the Minor Plan Amendment comes along, the Minor Amendment and the things Mr. Gilbert committed to are what make it work for him.

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board recommend to the City Council, approval of GPMajor04-01 as originally submitted.

Vote: 3-3-1 (Saemisch, Carpenter, Finter nay - Mizner, absent)

P&Z Recommendation: 3 Approval (Cowan, Adams and Esparza), 3 Denial (Saemisch, Carpenter and Finter, 1 absent (Mizner)

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Respectfully submitted,

John Wesley, Secretary
Planning Director