

## **CITY COUNCIL AGENDA**

### **COUNCIL CHAMBERS – 57 EAST FIRST STREET**

Monday, June 21, 2004

5:45 P.M.

Invocation by Reverend Jack D. O'Brien, Grace Fellowship Bible Church.

Pledge of Allegiance.

Mayor's Welcome.

1. Consider all consent agenda items.

### **CONSENT AGENDA**

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and considered as a separate item.

- \*2. Approval of minutes of previous meetings as written.
3. Conduct a public hearing on the proposed Fiscal Year 2004-05 Budget Plan (See Item No. 9a for budget information).
4. Conduct a public hearing concerning the Five-year Capital Improvement Program for Fiscal Years ending 2004-2009 (See Item No. 9b for program information).

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5. Conduct a public hearing concerning, water & irrigation, wastewater, natural gas, and solid waste rates, rate components, fees and/or service charge increases (See Item No. 10 for rate information).

6. Consider the following liquor license applications:

\*a. Kimberly Sue Kolacek, Agent

Person Transfer Bar License for G Bar G Lounge, 5324 E. Main Street. This is an existing business. This is a Person Transfer from Gary Martinson, Agent, G Bar G Lounges, Inc. This license will transfer to the applicant. District #5.

\*b. Michael Joseph Basha, Agent

Person and Location Transfer Beer and Wine Bar License for AJ's 61, 1836 S. Val Vista Drive. This is new construction. This is a Person and Location Transfer from Joel Stephen Soltis, Individual, Garden Café, 13634 N. 99<sup>th</sup> Avenue, Sun City. This license will transfer to the applicant. District #2.

c. Randy D. Nations, Agent

Person Transfer Beer and Wine Bar License for Viewpoint Golf Course/Terrace Green, 650 N. Hawes Road. This is an existing business. This is a Person Transfer from Randy D. Nations, Agent, Travelers Management Co. Inc. This license will transfer to the applicant. District #5.

\*d. Michael Joseph Basha, Agent

Location Transfer Liquor Store License for AJ's 61, 1836 S. Val Vista Drive. This is new construction. This is a Location Transfer from Bashas' #9, 1517 E. Bethany Home Rd, Phoenix. This license will transfer to the applicant. District #2.

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\*e. Robert Joseph Pomykala, Agent

New Beer and Wine Store License for Beerworld, 1530 N. Country Club Drive Ste. 20. This is an existing business. The license previously held at this location by Neil S. Patros, Individual, Beer World, will revert back to the State. District #1.

\*f. Ali Akbar Bipar, Agent

New Restaurant License for Bellagio Pizzeria, An Italian & Mediterranean Restaurant, 4545 E. McKellips Road, Ste. 103-104. This is an existing building. No previous liquor licenses at this location. District #5.

g. Randy D. Nations, Agent

New Restaurant License for Viewpoint Golf Course/Terrace Green, 650 N. Hawes Road. This is an existing business. The license previously held at this location by Randy D. Nations, Agent, Travelers Management Co. Inc., will revert back to the State. District #5.

7. Consider the following contracts:

\*a. 15kV metalclad switchgear for Robson Substation as requested by the Electric Division.

The Purchasing Division recommends accepting the low bid meeting specification by Powercon Corporation at \$174,688.80 including options and applicable use tax.

\*b. One box blade laser level as requested by the Parks & Recreation Division.

The Purchasing Division recommends accepting the bid by Hamlin Turf Equipment Inc. at \$13,840.44 including applicable sales tax. (Sole Source)

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- \*c. One replacement 85' aerial platform fire apparatus as requested by the Fire Department.

The Purchasing Division recommends accepting the proposal by Pierce Manufacturing, Inc. at \$818,355.65 including applicable use tax. (Sole responding bid).

- \*d. Additional Software Licenses for Microsoft Products as requested by the Information Services Division (ISD).

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with ASAP Software for a cost of \$58,327.87, including applicable sales tax.

- \*e. Three-year supply contract for PE2406 pipe and fittings for warehouse inventory to be used by the Utility Construction Division.

The Purchasing Division recommends accepting the second lowest bid by Performance Pipe for annual purchases estimated at \$304,144.29.

- \*f. Three-year supply contract for pad mounted switchgear as requested by the Electric Division.

The Purchasing Division recommends accepting the low bid by G & W Electric Company c/o Clark Power Products for annual purchases estimated at \$39,465.16.

- \*g. Robson Substation transformers as requested by the Electric Division.

The Purchasing Division recommends accepting the low bid by Virginia Transformer Corp. (base bid) at \$271,392.00 including options and applicable use tax.

- \*h. Variable frequency drives for flocculation equipment at the CAP Water Plant as requested by the Utilities Department.

The Purchasing Division recommends accepting the bid by Border States Electric Supply at \$73,531.78 including applicable sales tax. (**Sole Source**).

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- \*i. Self-contained breathing apparatus as requested by the Fire Department.

The Purchasing Division recommends accepting the alternate bid by First In Inc. at \$126,096.61 including applicable use tax.

- \*j. Rehabilitate Sewer in Main Street, West of Greenfield City of Mesa Project No. 02-376-001.

This project will replace a section of sewer line that is in poor condition and has been a source of repeated operational problems. The project will install approximately 323 lineal feet of new sewer.

Recommend award to low bidder, Pierson Construction, in the amount of \$55,410.50 plus an additional \$5,541.00 (10% allowance for change orders) for a total award of \$60,951.50.

- k. Wastewater Manhole Rehabilitation. City of Mesa Project No. 01-476-002.

This project will rehabilitate 47 wastewater manholes that have deteriorated to below acceptable condition by repairing damaged concrete walls and removing and replacing corrosion resistant linings that have worn out.

Recommend award to low bidder, Joseph Painting company, Inc., in the amount of \$377,235.22 plus an additional \$37,723.00 (10% allowance for change orders) for a total award of \$414,958.22.

- l. 16-inch Water Line; Sossaman Road, Hermosa Vista to McDowell. City of Mesa Project No. 01-586-001.

This project will create a more reliable water distribution system by completing a gap in the distribution mains in the county Line Water Zone. Filling the gap will include installing approximately 2800 lineal feet of 16-inch water line.

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Recommend award to low bidder, Atlantis Construction, in the amount of \$206,468.32 plus an additional \$20,648.00 (10% allowance for change orders) for a total award of \$227,116.32.

- m. Water Line Replacement, Main Street and Sunaire Area. City of Mesa Project No. 01-639-001.

This project will replace existing water lines in the area of Power Road and Main Street. These water lines are near forty years old and have reached the end of their useful life. This project will create a more reliable water distribution system by replacing approximately 2,150 lineal feet of water line.

Recommend award to low bidder, Atlantis Construction, in the amount of \$121,045.42 plus an additional \$12,104.00 (10% allowance for change orders) for a total award of \$133,149.42.

- n. City Well No. 7 Storm Drain Connection, 262 North Pomeroy. City of Mesa Project No. 03-052-001.

This project will provide and install three new manholes and approximately 400 LF of storm drain piping connecting the City Well No 7 discharge line to an existing storm drain. This discharge line is necessary, as the city's potable water wells must bypass the potable water system for a short time each time the well is started. The current discharge line flows into a flood irrigation line, which has insufficient capacity.

Recommend award to low bidder, Talis Construction, in the amount of \$76,300.00 plus an additional \$7,630.00 (10% allowance for change orders) for a total award of \$83,930.00.

- \*o. Airport liability insurance for Falcon Field and aircraft hull and liability coverage for Police Department aircraft as requested by the City Attorney's Office.

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Recommend accepting the proposal by Arthur J. Gallagher & Co. for airport liability at Falcon Field for \$35,640.00. This includes war risk coverage, but does not include coverage for foreign terrorism coverage under the Federal TRIA Act. This can be purchased for an additional \$5,122.00.

It is also recommended that Council accept the proposal by Arthur J. Gallagher & Co. for aircraft hull and liability coverage at a premium of \$213,371.00. This includes war risk coverage.

8. Introduction of the following ordinances and setting July 6, 2004 as the date of public hearing on these ordinances:
  - \*a. Approving Title 4, Chapter 9 of the Mesa City Code be amended to provide the City Manager or his designee specific discretionary authority to waive, reduce, or provide credits of certain permit fees.
  - \*b. Relating to City purchase of tangible personal property; adding a new Chapter 21 to Title 1 of the Mesa City Code.
  - \*c. **Z04-32 (District 6)** Northwest corner of Baseline Road and East Valley Auto Drive. Located north and west of Baseline Road and Greenfield Road (4.04± ac). Rezone from AG to M-1 and M-1 PAD. This case involves the development of an office building. Michael Reidy, owner and applicant.
  - \*d. **Z04-35 (District 1)** 2158 North Gilbert Road. Located north of Gilbert Road and west of McKellips Road (3.13± ac.). Rezone from O-S to O-S PAD and site plan review. This request is for the development of office condominiums. Ron Buchholz, owner; Jason Allen, applicant.
  - \*e. **Z04-36 (District 2)** The 4200 and 4300 block of East University Drive (north side) and the 400 block of North Greenfield Road (east side). Located on the northwest corner of University Drive and Greenfield Road (6.06± ac.). Site Plan Modification. This request is for the development

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of medical office buildings and a self-storage facility. Kambiz Zonorroch, owner; Dave Lindquist, applicant.

- \*f. **Z04-37 (District 5)** Parcel 39 at Las Sendas. Located south of Thomas Road and east of Power Road (10.10± ac.). Rezone from R1-90 DMP (Conceptual R-2 PAD) to R1-7 PAD DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Robert N. Proehl, Sonoran Desert Holdings LLC, owner and applicant.
- \*g. **Z04- 38 (District 5)** Parcel 20 and 21 at Las Sendas. Located north of Thomas Road and east of Hawes Road (71.71± ac.). Rezone from R1-90 DMP to R1-90 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant.
- \*h. **Z04-39 (District 5)** Parcel 41 at Las Sendas. Located south of Thomas Road and east of Power Road (12.70± ac.). Rezone from R-2 PAD DMP to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Robert N. Proehl, Sonoran Desert Holdings LLC, owner and applicant.
- \*i. **Z04-40 (District 5)** Parcels 24 and 25 at Las Sendas. Located east of Power Road and north of Thomas Road. (9.24± ac.). Rezone from R1-90 DMP (conceptual C-1 and R-3) to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant.

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- \*j. **Z04-41 (District 5)** Parcel 23 at Las Sendas. Located east of Power Road and north of Thomas Road. (14.8± ac.). Rezone from R1-90 DMP (conceptual R-2 PAD) to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant.
- \*k. **Z04-42 (District 5)** Parcel 22 at Las Sendas. Located east of Power Road and north of Thomas Road (12.6± ac.). Rezone from R1-90 DMP (conceptual R-2 PAD) to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant.
- \*l. **Z04-44 (District 3)** Northeast corner of Alma School Road and Guadalupe Road (1.55± ac.). Site Plan Modification. This request involves the development of a Walgreen's. Hugh Bancroft III, owner; Kristjan Sigurdson, K&I Architects, applicant.
- \*m. **Z04-45 (District 6)** The 7300 to 7500 block of East Southern Avenue (south side). Parcel 2 and a portion of Tract C at Superstition Springs Business Park. Located south of East Southern Avenue and west of South Sossaman Road (14.33± ac.). Rezone from M-1-PAD-DMP & PEP-PAD-DMP to C-2-CUP-BIZ-DMP and R-4 DMP, site plan review, and modification to the Superstition Springs DMP. This request is to allow for a mixed-use residential/commercial development. Superstition Springs Investors Limited Partnership, owner; Shelly McTee, Esq., applicant.
- \*n. **Z04-46 (District 5)** Located south and east of Signal Butte and Main Street (67.2± ac.). Rezone from Maricopa County C-2, C-3, C-3 P.D. R-2 R.U.P.D., and R-5 to City of Mesa C-2, C-3, R1-6 P.A.D. and R-4. This request involves the establishment of city zoning on recently annexed property. Various owners; City of Mesa, applicant.

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- \*o. **Z04-47 (District 6)** 1955 South Val Vista Drive. Located north and east of East Baseline Road and South Val Vista Drive (7.4± ac.). Rezone from C-2 to C-2-PAD. This request is to allow individual sale of office suites. Christopher W. Warren, SB&W Development –Mesa LLC, owner; Brian Moore, BCMA Architecture, applicant.
  - \*p. **Z04-48 (District 6)** The 3900 and 3800 block of South Power Road (east side). Located south and east of Elliot and Power Roads (13.8± ac.). Rezone from M-1 to PEP PAD, M-1 PAD and M-1 and Site Plan Review. This request involves the development of a commercial, office and light industrial development. Franklin D. Richards Jr., owner; Dean Sulzer, applicant.
  - \*q. Amending Title 2, Chapter 21 of the Mesa City Code modifying the creation, membership and duties of the Economic Development Advisory Board.
  - \*r. Amending Title 5, Chapter 12 of the Mesa City Code relating to massage therapists and establishments
9. Consider the following resolutions:
- a. Approving a budget for Fiscal Year ending June 30, 2005.
  - b. Approving a Five-Year Capital Improvement Program for Fiscal Years 2004-2009.
  - \*c. Authorizing the City Manager or his designee to amend an Intergovernmental Agreement between the State of Arizona through the Department of Economic Security and the City of Mesa to accept \$186,991.00 in funding for the East Valley Men's Center.
  - \*d. Authorizing the City Manager or his designee to execute an Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa to receive \$4,750.00 in funding that will allow Mesa Community Action Network (MesaCan) to provide

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weatherization services for low-income households in the Mesa service area.

- \*e. Authorizing the City Manager or his designee to execute an Intergovernmental Agreement between the State of Arizona through the Department of Commerce and the City of Mesa to receive \$76,426.00 in funding that will allow Mesa Community Action Network (MesaCan) to provide weatherization services for low-income households in the Mesa service area.
- \*f. Authorizing the City Manager or his designee to execute an amendment to the Intergovernmental Agreement between the State of Arizona through the Department of Economic Security and the City of Mesa to receive \$620,494.00 to support a portion of the operating costs for Mesa Community Action Network (MesaCan).
- g. Authorizing the City Manager to execute an agreement between the City of Mesa and the State of Arizona acting through the Arizona Department of Transportation to fund 90% of project costs for Airport Fencing as part of the Runway Incursion Prevention Safety & Security Program at Falcon Field Airport.
- h. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the Town of Gilbert and the City of Mesa for utility service.
- \*i. Approving and authorizing the City manager to execute an Intergovernmental Agreement among the Arizona municipal corporations of Gilbert, Queen Creek and Mesa concerning the construction and operation of a Greenfield Water Reclamation Plant.
- j. Approving and authorizing the City Manager to execute the Design and Construction Agreement between the City of Mesa and Valley Metro Rail, Corporation.

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- \*k. Supporting the grant application to receive Transportation Enhancement Funds under the Transportation Equity Act for the 21<sup>st</sup> Century for the South Canal Multiuse Path from the Consolidated Canal to Horne.
- 10. Consider resolutions and ordinances modifying rate schedules for the following utility services:
  - 1. Water & Irrigation
  - 2. Wastewater
  - 3. Natural Gas
  - 4. Solid Waste
- 11. Consider a resolution and ordinance modifying the terms and conditions for the sale of utilities.
- 12. Consider a resolution and ordinance modifying rate schedules for electric utility service to designate an Electric Energy Cost Adjustment Factor (EECAF) and designating October as a summer month for seasonally differentiated electrical utility rates.
- 12.1. Consider authorizing the City Manager to enter into an agreement with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.
- 12.2. Consider authorizing the execution of a new professional services contract between the City of Mesa and the Greater Phoenix Economic Council (GPEC) in the amount of \$166,633.00 for Fiscal Year 2004-05.
- 13. Consider the following ordinances:
  - \*a. Amending Title 9, Chapter 10 of the Mesa City Code modifying the Abandonment Fees charged for extinguishing public easements and vacating public rights of way.
  - b. Modifying the Court User Fee.
  - \*c. Modifying the Court Default Fee.

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- \*d. Amending Title 5, Chapter 17, Section 5 and Section 6, including impact fee tables 6 and 7, of the Mesa City Code, relating to development impact fees.
- \*e. Repealing Chapter 11 of Title 2 Board of Appeals in its entirety, and adopting a new Chapter 11 of Title 2 entitled Building Board of Appeals.
- \*f. Repealing Chapter 13 of Title 2, Electrical Advisory Board in its entirety.
- \*g. Repealing Chapter 10 of Title 2, Plumbing, Mechanical and Solar Energy Advisory Board in it's entirety.
- \*h. **Z04-01 (District 6)** Northeast and Northwest corners of Ellsworth Road and Germann Road (320 ac.). Rezone from R1-43 to M-1 and M-1 (conceptual C-2). (Options A and B) or. Rezone from R1-43 to M-1 and PEP and M-1 (conceptual C-2) (Option E) This request is to bring zoning into conformance with Mesa 2025 General Plan. Various owners; Wayne Balmer, Project Manager WGAA, applicant.  
**CONTINUED FROM THE MAY 3, 2004, MAY 17, 2004, AND JUNE 7, 2004 CITY COUNCIL MEETINGS.**

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2, Finter and Adams absent)

**OPTION A**

1. Compliance with all requirements of the Mesa Zoning Ordinance and land development regulations. This includes (but is not limited to) the following:
  - a. Provision of all required infrastructure including, but not limited to, street, water, sewer, fire protection and other improvements at the time of development.
  - b. Recordation of avigation easements, overflight easements and overflight disclosure statements with all subdivision plats approved and/or building permits issued.

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- c. Recordation of Covenants, Conditions and Restrictions (CC&R's) to address land use, property maintenance, landscaping, etc., with any new subdivision plats approved.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of the development plans for all uses proposed for the property. Site Plan Review documentation may include, but is not limited to, presentation of a citizen participation plan, exhibits detailing the proposed land use(s), site plans, design guidelines, landscape plans, and building elevations.

**Note:** Items 1 and 2 apply to both the properties on the east and west sides of Ellsworth Road. Conditions 3 through 10 apply to the 160 acres on the west side of Ellsworth Road only.

3. No vehicular access to South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) from the property to either the north or east.
4. Completion of the pavement of the east half of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) in conjunction with of the development of the property to the east. In addition to the right-of-way needed to complete south 88<sup>th</sup> Street, a fifteen-foot (15') Public Utilities and Facilities Easement (PUFE), to enhance the area to be landscaped, will also be required.
5. Installation of an eight-foot decorative masonry wall on the east side of the future PUFE on the east side of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) as part of the development of the property to the east. Landscaping shall be installed in the South 88<sup>th</sup> Street right-of-way and the public utilities and facilities easement, east of the completed street and west of the wall, per City

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Code at the time of development. The City of Mesa will maintain the landscaping in both the dedicated right-of-way and public utilities and facilities easement, once completed. The designs for both the decorative masonry wall and landscaping in the right-of-way and PUFÉ will be reviewed and approved by the Design Review Board prior to construction.

6. All buildings constructed within 200 feet of the east side of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to Queens Park subdivision) to be limited to 30 feet in height. In addition, a 40-foot building setback would be required for all future buildings from the new property line on South 88<sup>th</sup> Street.
7. No open storage of construction or other materials, heavy equipment or commercial vehicles (other than standard passenger vehicles) will be allowed on the western 200 feet of those properties on the east side of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) nor on those properties on the north side of Germann Road to a depth of 200 feet between South 88<sup>th</sup> Street and Ellsworth Road.
8. Buildings constructed within 200 feet of Germann Road between South 88<sup>th</sup> Street and Ellsworth Road to be limited to 30 feet in height. In addition, a 30-foot building setback would be required for all future buildings from the new property line on Germann Road.
9. Site Plan Review requests, rezoning requests and/or subdivision plats located west of Ellsworth Road should, if possible, be at least 10 acres in size, pursuant to Resolution 7838.
10. When development is proposed on the area identified in conditions 6, 7 and 8 above, the applicants will be asked to consider the proximity of the homes to the west and the south in the project design process in order to

identify and incorporate proposed compatibility measures. Examples of compatibility measures might include: locating future storm water retention basins on the west and south sides of the property, no bay doors facing west adjacent to 88<sup>th</sup> Street and south adjacent to Germann Road, placing loading docks on the east or north sides rather than the west or south sides of the buildings, locating compressors and air conditioning units in noise attenuated surroundings, etc.

P&Z Recommendation: Approval with conditions (Vote: Passed 5-0-2, Finter and Adams absent).

**OPTION B (CHANGES ARE IN BOLD)**

1. Compliance with all requirements of the Mesa Zoning Ordinance and land development regulations. This includes (but is not limited to) the following:
  - a. Provision of all required infrastructure including, but not limited to, street, water, sewer, fire protection and other improvements at the time of development.
  - b. Recordation of avigation easements, overflight easements and overflight disclosure statements with all subdivision plats approved and/or building permits issued.
  - c. Recordation of Covenants, Conditions and Restrictions (CC&R's) to address land use, property maintenance, landscaping, etc., with any new subdivision plats approved.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of the development plans for all uses proposed for the property. Site Plan Review documentation may include, but is not limited to, presentation of a citizen participation plan, exhibits detailing the proposed land use(s), site plans, design guidelines, landscape plans, and building elevations.

- Note:** Items 1 and 2 apply to both the properties on the east and west sides of Ellsworth Road. Conditions 3 through 10 apply to the 160 acres on the west side of Ellsworth Road only.
3. No vehicular access to South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) from the property to either the north or east.
  4. Completion of the pavement of the east half of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) in conjunction with of the development of the property to the east. In addition to the right-of-way needed to complete south 88<sup>th</sup> Street, a fifteen-foot (15') **privately owned tract**, to enhance the area to be landscaped, will also be required.
  5. Installation of an eight-foot decorative masonry wall on the east side of the future **privately owned tract**, on the east side of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) as part of the development of the property to the east. Landscaping shall be installed in the South 88<sup>th</sup> Street right-of-way and the **privately owned tract**, east of the completed street and west of the wall, per City Code at the time of development. **The property owner to the east** will maintain the landscaping in both the dedicated right-of-way and **privately owned tract**, once completed. The designs for both the decorative masonry wall and landscaping in the right-of-way and **the tract** will be reviewed and approved by the Design Review Board prior to construction.
  6. All buildings constructed within 200 feet of the east side of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to Queens Park subdivision) to be limited to 30 feet in height. In addition, a 40-foot building setback would be required for all

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- future buildings from the new property line on South 88<sup>th</sup> Street.
7. No open storage of construction or other materials, heavy equipment or commercial vehicles (other than standard passenger vehicles) will be allowed on the western 200 feet of those properties on the east side of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) nor on those properties on the north side of Germann Road to a depth of 200 feet between South 88<sup>th</sup> Street and Ellsworth Road.
  8. Buildings constructed within 200 feet of Germann Road between South 88<sup>th</sup> Street and Ellsworth Road to be limited to 30 feet in height. In addition, a 30-foot building setback would be required for all future buildings from the new property line on Germann Road.
  9. Site Plan Review requests, rezoning requests and/or subdivision plats located west of Ellsworth Road should, if possible, be at least 10 acres in size, pursuant to Resolution 7838.
  10. When development is proposed on the area identified in conditions 6, 7 and 8 above, the applicants will be asked to consider the proximity of the homes to the west and the south in the project design process in order to identify and incorporate proposed compatibility measures. Examples of compatibility measures might include: locating future storm water retention basins on the west and south sides of the property, no bay doors facing west adjacent to 88<sup>th</sup> Street and south adjacent to Germann Road, placing loading docks on the east or north sides rather than the west or south sides of the buildings, locating compressors and air conditioning units in noise attenuated surroundings, etc.

**OPTION E**

1. Compliance with all requirements of the Mesa Zoning Ordinance and land development regulations. This includes (but is not limited to) the following:
  - a. Provision of all required infrastructure including, but not limited to, street, water, sewer, fire protection and other improvements at the time of development.
  - b. Recordation of avigation easements, overflight easements and overflight disclosure statements with all subdivision plats approved and/or building permits issued.
  - c. Recordation of Covenants, Conditions and Restrictions (CC&R's) to address land use, property maintenance, landscaping, etc., with any new subdivision plats approved.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of the development plans for all uses proposed for the property. Site Plan Review documentation may include, but is not limited to, presentation of a citizen participation plan, exhibits detailing the proposed land use(s), site plans, design guidelines, landscape plans, and building elevations.

**Note:** Items 1 and 2 apply to both the properties on the east and west sides of Ellsworth Road. Conditions 3 through 10 apply to the 160 acres on the west side of Ellsworth Road only.

3. No vehicular access to South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) from the property to either the north or east.
4. Completion of the pavement of the east half of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) in conjunction with development of the property to the east. In addition to the right-of-way needed to complete south 88<sup>th</sup> Street, a fifteen-foot

- (15') **privately owned tract**, to enhance the area to be landscaped, will also be required.
5. Installation of an eight-foot decorative masonry wall on the east side of the future **privately owned tract** on the east side of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) as part of the development of the property to the east. Landscaping shall be installed in the South 88<sup>th</sup> Street right-of-way and the **privately owned tract**, east of the completed street and west of the wall, per City Code at the time of development. **The property owner to the east** will maintain the landscaping in both the dedicated right-of-way and **privately owned tract**, once completed. The designs for both the decorative masonry wall and landscaping in the right-of-way and **the tract** will be reviewed and approved by the Design Review Board prior to construction.
  6. All buildings constructed within 200 feet of the east side of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to Queens Park subdivision) to be limited to 30 feet in height. In addition, a 40-foot building setback would be required for all future buildings from the new property line on South 88<sup>th</sup> Street.
  7. No open storage of construction or other materials, heavy equipment or commercial vehicles (other than standard passenger vehicles) will be allowed on the western 200 feet of those properties on the east side of South 88<sup>th</sup> Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) nor on those properties on the north side of Germann Road to a depth of 200 feet between South 88<sup>th</sup> Street and Ellsworth Road.
  8. Buildings constructed within 200 feet of Germann Road between South 88<sup>th</sup> Street and Ellsworth Road to be limited to 30 feet in height. In addition, a 30-foot building setback would be required for all future buildings from the new property line on Germann Road.

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9. Site Plan Review requests, rezoning requests and/or subdivision plats located west of Ellsworth Road should, if possible, be at least 10 acres in size, pursuant to Resolution 7838.
  10. When development is proposed on the area identified in conditions 6, 7 and 8 above, the applicants will be asked to consider the proximity of the homes to the west and the south in the project design process in order to identify and incorporate proposed compatibility measures. Examples of compatibility measures might include: locating future storm water retention basins on the west and south sides of the property, no bay doors facing west adjacent to 88<sup>th</sup> Street and south adjacent to Germann Road, placing loading docks on the east or north sides rather than the west or south sides of the buildings, locating compressors and air conditioning units in noise attenuated surroundings, etc.
14. Consider the following subdivision plats:
- \*a. “GILA RIVER RANCHES, UNIT 2”, – (Council District 6) – 4500-4600 blocks of South Meridian Drive (west side) located south and west of Warner Road and Meridian Drive. 106 R1-6 PAD DMP single residence lots (32.14 ac) Lancelot Gila, LLC, Randall L. Kirsch, Trustee, owner; CMX, LLC, engineer.
  - \*b. “GILA RIVER RANCHES, UNIT 3”, – (Council District 6) – 4700-4800 blocks of South Meridian Drive (west side) located south and west of Warner Road and Meridian Drive. 132 R1-9 PAD DMP single residence lots (57.20 ac) Lancelot Gila, LLC, Randall L. Kirsch, Trustee, owner; CMX, LLC, engineer.
15. Items from citizens present. (Maximum of three speakers for three minutes per speaker).