

Planning and Zoning Board

Meeting Minutes

Held in the City of Mesa Council Chambers – Upper Level

Date: June 17, 2015 Time: 4:00 p.m.

MEMBERS PRESENT:

Chair Vince DiBella
Vice-Chair Suzanne Johnson
Lisa Hudson
Shelly Allen
Michael Clement
Michelle Dahlke
Steve Ikeda

MEMBERS ABSENT:

STAFF PRESENT:

John Wesley
Tom Ellsworth
Margaret Robertson
Kaelee Wilson
Kim Steadman
Wahid Alam
Lisa Davis
Gordon Sheffield
Rebecca Gorton
Angelica Guevara
Lesley Davis
Kevin Myers

OTHERS PRESENT:

Fran Corson
Johnette Davison
Layne Wilson
David Peterson
Pat Esparza
Joann DeSa
Joe Nucitoro
Larry Nucitoro
Otis Shill
Joshua Meyer
Timothy Wright
Donna Elliott
Ted Marek
Others

Call Meeting to Order.

Chair DiBella declared a quorum present and the meeting was called to order at 4:00 p.m. before adjournment at 5:25 PM, action was taken on the following:

- 1 Take action on all consent agenda items.

Items on the Consent Agenda

- 2 **Approval of minutes:** Consider the minutes from the May 19 and May 20, 2015 study sessions and regular hearing.

*2-a It was moved by Boardmember Allen and seconded by Vice Chair Johnson to approve the minutes as written. **Vote: 7-0**

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

It was moved by Boardmember Allen and seconded by Vice Chair Johnson that the following consent items be approved.

Vote: 7-0

Zoning Cases: Z15-011, Z15-017, Z15-018, Z15-021, Z15-019

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

- *3-a **Z15-011 (District 2)** 4418 East University Drive. Located east of the northeast corner of University Drive and Greenfield Road (0.38± acres). Site Plan Review. This request will allow for the development of a two-tenant retail building. Nicole Posten-Thompson, Associated Architects, applicant; LFLP Greenfield, LLC, owner. (PLN2015-00046)

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Vice Chair Johnson

Board Decision: Table

Vote: 7-0

Note: Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov.

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

- *3-b. Z15-017 (District 6) 10025 East Southern Avenue.** Located east of Crismon Road on the south side of Southern Avenue (2± acres). Site Plan Review. This case will allow the development of a restaurant with a drive-thru. Mark Abel, Mark Abel Architects, applicant; Ron Broatch, KRAF, Inc., owner. (PLN2015-00136)

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Vice Chair Johnson

That: The Board recommends approval of zoning case Z15-017 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted.
2. Compliance with all Design Review requirements
3. Compliance with all requirements of the Development and Sustainability, Engineering, Transportation, and Solid Waste Departments.
4. Compliance with all City development codes and regulations.
5. Add a feature design element at the northwest corner of the site to help brand this area. Planning Director shall review and approve this element prior to building permit submittal.
6. Provide the City of Mesa with a copy of a recorded Cross Access Agreement with the property owners to the south with the building permit submittal.
7. The foundation base on the west side of the building shall be at least 15 feet wide.
8. The pedestrian connection from Crismon Road shall be shifted to the north and placed on an angle which avoids the refuse enclosure.
9. Add a pedestrian connection to the lot to the east across the drive-thru lane.
10. Ten percent of the parking lot trees and the Evergreen Elms planted in the tree grates shall be 36-inch box.
11. The tree grates in the patio area shall be a minimum of 5 feet by 5 feet.
12. Temporary curbing shall be installed along the drive aisle from Southern Avenue as shown on the site plan.

Vote: 7-0

Note: *Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov*

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

- *3-c. Z15-018 (District 6)** 6807 East Baseline Road. Located east of Power Road on the south side of Baseline Road (1± acres). Site Plan Review. This request will allow the development of a retail/restaurant building with a drive-thru. Cam Miller, Evergreen Devo, applicant; Iron Springs Shell, LLC, owner. (PLN2015-00137)

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Vice Chair Johnson

- That:** The Board recommends approval of zoning case Z15-018 conditioned upon
1. Compliance with the development as described in the project narrative and as shown on the site plan, and landscape plan.
 2. Compliance with all City development codes and regulations.
 3. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.
 4. Compliance with all conditions of Design Review approval DR15-021 for architectural and landscaping design.
 5. Compliance with all conditions of Development Incentive Permit (DIP) approval ZA15-004 by the Zoning Administration Officer.
 6. Monument Sign design shall be compatible with the proposed architecture of the building in material, color and texture.
 7. Prior to submission for a building permit, amend site plan to provide a pedestrian connection to the adjacent retail stores/bank to the east along Baseline Road, or submit a letter from the adjacent property owner stating they are unwilling to participate in the installation of this connection.
 8. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City prior to the issuance of a building permit.
 9. Submit for Planning Staff approval all revised and coordinated exhibits in compliance with P&Z, DR and DIP approval process prior to submitting for building permit.

Vote: 7-0

Note: Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

- *3-d. **Z15-021 (District 3)** 1665 South Stapley Drive. Located north of Baseline Road on the east side of Stapley Drive (1± acre). Site Plan Review. This request will allow for the development of a restaurant in an existing retail center. Tim Rasnake, applicant; Jay Beskind, owner. (PLN2015-00138)

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Vice Chair Johnson

That: The Board recommends approval of zoning case Z15-021 conditioned upon

1. Compliance with the development as described in the project narrative and as shown on the site plan, and landscape plan.
2. Compliance with all City development codes and regulations
3. Compliance with all conditions of Design Review approval: DR15-023.
4. Modification of the Comprehensive Sign Plan through the Board of Adjustment to allow the proposed "Mellow and Dude" sculpture.
5. Wall art must either be determined to be art, not signage, by the Zoning Administrator or receive approval as an amendment to the Comprehensive Sign Plan by the Board of Adjustment before issuance of a building permit.

Vote: 7-0

Note: *Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov*

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

- *4-a.** **Z15-019 (District 5)** 4702 and 4706 East Virginia Street. Located north of McDowell Road and east of Greenfield Road (2.2± acres). Rezone from GI to HI and Site Plan Review. This request will allow for the expansion of an existing industrial development. Joann M. DeSa, JPCI Services, applicant; Joseph Nuciforo Sr., Trustee Nuciforo Family Trust, owner. (PLN2015-00135)

Summary: This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Vice Chair Johnson

- That:** The Board recommends approval of zoning case Z15-019 conditioned upon
1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary elevations submitted except as modified by following stipulations.
 2. Compliance with all City development codes and regulations.
 3. The building elevations shall be revised to meet the building form standards that can include masonry at the southwest corner of the building and awnings or canopies above the three windows at the south elevation. Review and approval through the Planning Director will be required prior to issuance of a building permit.
 4. Owner shall grant an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (prior to the issuance of a building permit).
 5. Due to the proximity to Falcon Field Airport, any proposed structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77.9, (form 7460), to determine any effect to navigable airspace, air navigation facilities.

Vote: 7-0

Note: *Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov.*

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

- 5-a **Z15-020 (District 6)** The 6400 block of East Test Drive. Located west of Power Road and south of the Superstition Freeway (3.2± acres). Modification of an existing PAD overlay in an LI zoning district and Site Plan Review. This request will allow for the development of auto sales on the site. Wendy Riddell, Riddell & Rosensteel, applicant; Cardinale Way, owner. (PLN2015-00076)

Summary: Staff member Lisa Davis presented case Z15-020 to the Board. Wendy Riddell, of Riddell and Rosensteel at 6750 E. Camelback Road, Suite 100, Scottsdale is the applicant and presented an overview of the proposed project.

Vice Chair Johnson inquired about the type of dealership proposed and Ms. Riddell responded that the specific type has not yet been decided. Ms. Johnson stated without a paging system, how would the employees communicate and Ms. Riddell responded that phones would be used. Boardmember Ikeda requested clarification that there were 100 letters of support when the Board had been presented two. Ms. Riddell stated the letters of support are available for review by the Board.

Boardmember Clement inquired what efforts have been made to market the property. Ms. Riddell responded by deferring the question to Ted Marek, broker for the property owner. Mr. Marek described how he has marketed the property for the last four years.

David Peterson, 6535 E. Superstition Spring Blvd, #217 spoke in opposition of removing stipulation #16. Mr. Peterson referenced the stipulation has been in place for many years and asked that the Board continue the stipulation. Boardmember Clement asked Mr. Peterson what he would like for the use of the property. Mr. Peterson stated that he would like to see a broker promote the property as a medical office.

Ted Marek, 12210 N. 76th Place, Scottsdale, spoke as the broker for the property. He stated there has been no interest in the property.

Donna Elliott, 6535 E. Superstition Springs Blvd., #134 spoke in opposition. Ms. Elliott stated that last year she purchased the property in good faith that the property would not be developed as an auto dealership.

Fran Corson, 6535 E. Superstition Springs Blvd., #203 spoke in opposition. Ms. Corson stated that she was the second owner of the Superstition Lakes Condominiums. Within a few years conflict over the property began and has continued.

Chair DiBella stated that Pat Esparza, 207 N. Macdonald Street opposes the project and did not wish to speak.

Johnette Davidson, 6535 E. Superstition Springs Blvd., #205 spoke in opposition of the case. She represented herself and as the President of the Homeowner's

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

Association. Ms. Davidson stated that she received emails from 24 homeowners that have asked her to speak in opposition in their behalf.

Timothy Wright, 6535 E. Superstition Springs Blvd., #218 spoke in opposition. Mr. Wright stated his property has a direct view of the proposed development and he is concerned of the expansion of the auto dealership. Mr. Wright stated the development would detract from enjoyment of his home.

Joshua Meyer, 3220 Lakeside Village Drive, Prescott represents Tierra Partners 7 which owns the office building directly across the street from the property. Mr. Meyer stated that he neither opposed nor supported the project. His concern is of the emissions and fumes that are emitted from the auto dealership. He has received complaints from the tenants of his property. Mr. Meyer is asking the Board to include a condition addressing the exhaust fans. He stated that occupancy is over 85%.

Otto Shill of the Mesa Chamber of Commerce, 40 N. Center Street spoke in support of the applicant. Mr. Shill stated this issue is a difficult issue and supports this proposal as the surrounding area has developed as a commercial area. Mr. Shill stated he is sensitive to the needs of the residents and suggested installing screens.

Wendy Riddell stated this is a land use issue. Ms. Riddell understands the community concerns, however, an auto dealership is the only viable idea for this property.

Lisa Davis stated that staff recommendation is for approval of the amendment of stipulation #16, amending the language to allow only the auto dealership. Staff is in support of the elimination of stipulation #14F and not in support of the PAD modifications of set backs. She stated staff recommends continuance of the Site Plan.

Boardmember Clement stated he visited the property for 30 minutes, observing traffic and noticed the subdivision is not directly impacted by the parcel as the golf course is a buffer. Mr. Clement stated that one home faces the project as well as the other commercial area. Mr. Clement suggested an office building would be 2 to 3 stories and would require adequate parking. Boardmember Clement advised the neighbors not to diminish the project and to work closely with the developer. Boardmember Clement stated he is in support of the project with some guidance to address the concerns of the residents.

Boardmember Dahlke stated she does not support the elimination of stipulation #16. Ms. Dahlke feels it is not right to eliminate it and hopes the property can be developed with a different use.

Boardmember Ikeda stated that he agrees with several of the statements of Boardmember Clement. Mr. Ikeda feels if there had been an agreement between the homeowners and Cardinale Way he would be supportive. He stated he is not

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

in support of this case.

Boardmember Allen stated that she cannot support the case because of the original agreement. The property owners purchased their condos in good faith because of the agreement. Ms. Allen feels it is hard to go back on the agreement which should be upheld.

Vice Chair Johnson stated that she feels that the property was purchased with the knowledge that the agreement was in place. She does not support the elimination of stipulation #16.

Chair DiBella stated concern the applicant has not worked hard enough to resolve the concerns and suggests the case be continued. Mr. DiBella suggested the applicant work with the residents to resolve the concerns of the residents. He stated this is an opportunity for the both parties to come to a conclusion which benefits both sides. Chair DiBella suggests continuance of both the zoning change and Site Plan.

Ms. Riddell agreed to the continuance and to work with the residents. Mr. Peterson stated he found no basis for an agreement with the developer and does not believe they can work toward any compromise with an auto dealership. Mr. Peterson believes the case should go to City Council for decision. Boardmember Ikeda asked Mr. Peterson if he would be agreeable to a 3-4 story office building on the site. Mr. Peterson stated he would be open to a proposal for an office building.

A motion was made by Boardmember Allen to continue case #Z15-020 until the July 15, 2015 hearing. The motion was seconded by Boardmember Clement.

Vote: 7-0

Note: Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov.

MINUTES OF THE JUNE 17, 2015 PLANNING & ZONING MEETING

Other Business:

None.

Adjournment

Respectfully submitted,

A handwritten signature in cursive script that reads "John D. Wesley". The signature is written in black ink and is positioned above a horizontal line.

John D. Wesley AICP, Secretary
Planning Director