

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date: May 15, 2013 Time: 4:00 p.m.

MEMBERS PRESENT

Randy Carter, Chair
Lisa Hudson
Suzanne Johnson
Michael Clement

MEMBERS ABSENT

Beth Coons, Vice-Chair
Vince DiBella
Brad Arnett

OTHERS PRESENT

John Wesley
Gordon Sheffield
Tom Ellsworth
Lesley Davis
Angelica Guevara
Wahid Alam
Jason Sanks
Debbie Archuleta
Margaret Robertson
Julia Kerran

Ralph Pew
Reese Anderson
Richard Dyer
Floyd Moore
Mark Franklin
Jennifer Cleveland
Cliff Mattise
Gary McCleve
Norman Ortega
Others

Chairperson Carter declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated May 15, 2013. Before adjournment at 5:23 p.m., action was taken on the following:

It was moved by Boardmember Lisa Hudson, seconded by Boardmember Suzanne Johnson that the minutes of the April 16, 2013, and April 17, 2013 study sessions and regular meeting be approved as submitted. Vote: 4 – 0.

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

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson that the consent items be approved. Vote: 4 – 0

Code Amendment: Housekeeping

Zoning Cases: Z13-18, Z13-20, Z13-22, Z13-17, Z13-19, Z13-21, Z13-23, GPMinor13-02, Z13-14

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Item: **Z13-18 (District 2)** 3800 block of East Main Street (south side). Located on the south side of Main Street, just east of Val Vista Drive (.99± acres). District 2. Site Plan Review. This request will allow the development of a commercial building in the GC zoning district. Mark Bergquist, O'Reilly Automotive Stores, Inc. owner/applicant. PLN2013-00061

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z13-18 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. Provide the City of Mesa with a copy of a recorded Cross Access Agreement with the property owner to the east.
4. Compliance with all City development codes and regulations.

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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Item: **Z13-20 (District 3)** 1326 South Alma School Road. Located west of Alma School Road, south of Southern Avenue (0.08± acres). District 3. Site Plan Modification. This request will allow the development of a drive-thru coffee shop in the LC zoning district. Macerick, Fiesta Mall LLC, owner; Bill Cantieri, Piazza Restaurant Construction Consultants, applicant. PLN2013-00090

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z13-20 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the revised site plan submitted dated April 10, 2013.
2. Compliance with all requirements of the Design Review case # DR13-06.
3. Compliance with all City development codes and regulations.
4. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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Item: **Z13-22 (District 1)** 1726 North Country Club Drive (west side). Located on the west side of Country Club Drive, south of McKellips Road (0.9± acres). District 1. Site Plan Review. This request will allow the redevelopment of an existing car wash in the LC zoning district. Mission Equity – Luke Bathel, owner, Larson Architects – Scott Wahola, applicant. PLN2013-00091

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Suzanne Johnsaon, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z13-22 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan, and building elevations dated April 30, 2013.
2. Compliance with all requirements of both future Design Review Board and Board of Adjustment approvals.
3. Compliance with all City development codes and regulations.
4. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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Item: **Z13-17 (District 5)** 8840 East Sunland Avenue. Located north of Southern Avenue and west of Ellsworth Road (35.79± acres). District 5. Rezone from Maricopa County R1-6 to City of Mesa RM-4 for an existing manufactured home park. This request will establish City of Mesa zoning on recently annexed property. George McGavin owner/applicant. PLN2012-00530

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z13-17 conditioned upon:

1. Compliance with the Zoning Ordinance and all applicable City development codes and regulations for the development.

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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Item: **Z13-19 (District 6)** 7013 East Warner Road. Located on the south side of Warner Road, just east of Power Road (1.56± acres). District 6. Rezone from AG to LI and Site Plan Review. This request will allow the development of a boat and RV storage facility. PLN2012-00014

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board Continue case Z13-19 to the June 19, 2013 meeting

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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Item: **Z13-21 (District 6)** 1350 and 1408 South Ellsworth Road. Located west of Ellsworth Road, south of Southern Avenue (14.3± acres). District 6. Rezone from AG and RM-3-PAD to RM-3-PAD and Site Plan Review. This request will allow the development of a condominium project. Ellsworth & US 60, LLC, owner; Reese Anderson, applicant. PLN2013-00093

Comments: This case was removed from the consent agenda by adjacent neighbors.

Staffmember Angelica Guevara explained the case. Reese Anderson, 1744 South Val Vista, represented the case. He stated they were aware of the legal protest.

Floyd Moore of Cal Am, 1452 South Ellsworth spoke in opposition to the project. He stated the applicant was redefining the property line where the wall is so the 10' setback would really be 8'. Reese Anderson then explained that the perimeter wall for Valle Del Oro was 6" to 2' on Valle Del Oro's property. Because the wall was solely on Valle Del Oro's property they had to work with them to replace it which they had been trying to do. He further explained that the 10' setback was from the property line, not from the wall.

Mark Franklin of Cal Am, 1942 Port Altman, New Port Beach, California stated they owned 9 resorts in Mesa. Valle Del Oro was around 30 years old. He stated they were excited to see something being built on this property, but not this dense. They were concerned with the variances. The setback should be 30' for a 2-story building and they wanted the 30' setback. They were also concerned with traffic on Ellsworth. They also thought the buildings were too close together. They wanted a view corridor.

Jennifer Cleveland of 1326 South Loomis, in the Amador subdivision spoke. She was concerned with the 10' setback. She stated their wall was in very bad shape. She was afraid the vibration from the construction would destroy the wall. She didn't want the trees to over grow into the Amador properties. She was also concerned with traffic on Ellsworth.

Cliff Mattise 2901 North Central Suite 200 stated the property at Valle Del Oro was a well-manicured over 55 community. The proposed buildings would be too close. He then quoted sections of the Mesa Zoning Ordinance regarding residential subdivision design and PAD overlay requirements. He thought this project missed 5 of the 7 requirements for a PAD overlay. He stated they were concerned about the stepping, the drive aisles, and the density. He stated Amador had put the open space along the perimeter, this project put the open space in the center.

Mr. Anderson then explained that the northern 10 acres of this project already had infrastructure in place for a previously approved project that was never completed. The southern 5 acres was being added to that project. 16.7 dwelling units per acre meets the General Plan for this site. He stated they had many several changes to the project since the first submittal to meet requests from Planning staff, Fire staff, and input from neighbors. He stated there was a single entrance off of Ellsworth. The amenities were placed in the center of the project, in part, to keep the sound away from the neighbors. Condition 2 asked them to move two of the building types farther from the property lines which they were going to do. He stated the project had been to the Design Review Board twice. The sides of the buildings adjacent to the neighbors would not be able to look into neighboring properties because they were using clerestory and faux windows. The buildings were stepped so that only a small portion of the building elevation would be at the 10' setback. Only 17% of the site would be 10' from the property line. Regarding

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traffic, he stated Ellsworth Road was planned for three lanes in each direction and they would be dedicating right-of-way for that as well as providing a deceleration lane.

Chair Randy Carter asked if the 40' height was to the mid-point or the ridge. Mr. Anderson stated the 40' was to the top of the ridge. Chair Carter confirmed that 17% of the southern perimeter would be at the 10' setback.

Boardmember Mike Clement asked what the setback was for the previous project. Mr. Anderson stated it was 25' and was also a 2-story project. Boardmember Clement confirmed they would be looking at the book ends, and the windows would be clerestory or faux. He confirmed they would continue to work with Cal Am to replace the wall.

Boardmember Suzanne Johnson stated she was focusing on the fact the General Plan had always been planned for high density.

Boardmember Lisa Hudson confirmed the large buildings were at the 10' setback and the smaller buildings were being pulled back to 20'.

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z13-21 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as modified by the conditions below.
2. Provision of a minimum fifteen-foot (15') setback for Buildings 2, 7, 8, 17, 18, and 23.
3. Provision of a minimum five-foot (5') wide apron measured from the face of the garage door to the edge of the drive aisle for Buildings 25-42.
4. Retention basins to be maximum 6:1 slopes when adjacent to public rights-of-way or pedestrian walkways.
5. All Ellsworth Road improvements and landscaping, including site wall to be installed in the first phase of construction.
6. Compliance with all requirements of Design Review approval.
7. Compliance with all requirements of Subdivision Technical Review.
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 (concurrently with the recordation of the final subdivision map, prior to issuance of a building permit).
9. Compliance with all City development codes and regulations.

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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Item: **Z13-23 (District 6)** The 11500 block of East Pecos Road (north side) and 6700 block of South Mountain Road (west side). Located on the northwest corner of Pecos and Mountain Roads (10± acres). District 6. Rezone from GI-AF to GI-AF-BIZ and Site Plan Review. This request will allow the development of a manufacturing facility. PM Industrial Holdings, owner; Tom Larson, Matheson Tri-Gas, applicant. PLN2013-00135

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z13-23 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan, landscape plan, preliminary grading and drainage plans, and elevations.
2. Compliance with all requirements of Land Split approval (LS13-02).
3. Compliance with all requirements of Design Review approval (DR13-16).
4. Compliance with all City development codes and regulations.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and street frontage landscaping to be installed in the first phase of construction.
7. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required screening and landscaping are constructed.
8. Owner shall grant an Avigation Easement and Release to the City, pertaining to the Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City (prior to the issuance of a building permit).

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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Item: **GPMInor13-02** The 40 to 100 block of South Val Vista Drive (east side) (10.9± acres) (north side). Located south of Main Street on the east side of Val Vista Drive. District 2. Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use designation from Mixed Use Residential (MUR) to Medium Density Residential 4-6 du/acre (MDR 4-6). This request will allow future single residence development on the site. The Estate of Angela K. Coleman, owner; Ralph Pew, applicant. (PLN2013-00048)

Comments: Staffmember Jason Sanks explained the case. He stated the site was an 11.25 acre in-fill project. The land use to the north is large-lot single-family homes built approximately 40 years ago. The property to the south, east and west were all manufactured home parks. The shape of the parcel was unusual, and there was a canal long the eastern edge of the site. He stated there was no connection to the street stub to the north. Staff wanted an emergency crash gate as well as a pedestrian connection to that street stub; however, the applicant and neighbors to the north did not want the pedestrian connection.

Ralph Pew, 1744 South Val Vista, Suite 217 represented the case. Mr. Pew stated this is an unusual site with a difficult configuration. He stated Mixed Use Residential won't work on this site. He thought this would be one of the first RSL projects to come through the Planning process. He stated they had been working with the neighbors to the north to address their concerns. He stated the citrus on-site was mature in 1939. They had committed to transition to the northern boundary. They had agreed to single-story heights at the northern perimeter, and they would be planting 2 new citrus trees in the back yards of those northern most homes. The existing citrus was too old to retain. He stated they could not build in a way that would hurt the existing irrigation to the houses to the north. They had also agreed to treat the ground to try to stop mice, scorpions, etc. from going from the citrus to the homes to the north. There would be no construction traffic through the neighborhood to the north. He stated they were willing to put in the crash gate, but they did not want to put in the pedestrian gate.

Gary McCleve, 3656 east Arcadia, spoke regarding the case. Mr. McCleve stated he was in support of the project as described by Mr. Pew, with all of the agreements made with the neighbors.

Norman Ortega 3625 East Arcadia stated he was concerned with houses backing up to the homes to the north. He stated 15' was not enough. He wanted an alley between the subdivisions with the PUE in the alley. Some utilities are on the adjacent properties.

Mr. Pew stated all the setbacks comply with Ordinance requirements between RSL and RS-9 properties. Regarding the alley, it would serve no purpose. The City doesn't want alleys. He stated the existing utilities were old.

Boardmember Mike Clement did not understand the resistance to the pedestrian gate. Mr. Pew stated the neighbors did not want children, teenagers and young people in their neighborhood.

Boardmember Lisa Hudson asked why the applicant did not want the pedestrian gate. Mr. Pew stated it was because the homeowners to the north didn't want it and they had told the neighbors they would not put it in.

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It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council adoption of zoning case GPMInor13-02:

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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Item: **Z13-14 (District 2)** The 40 to 100 block of South Val Vista Drive (east side). Located south of Main Street on the east side of Val Vista Drive (10.9± acres). District 2. Rezone from RS-9 to RSL4.5. This request will allow the development of single-residence lots. The Estate of Angela K. Coleman, owner; Ralph Pew, applicant. (PLN2013-00048)

Comments: Staffmember Jason Sanks explained the case. He stated the site was an 11.25 acre in-fill project. The land use to the north is large-lot single-family homes built approximately 40 years ago. The property to the south, east and west were all manufactured home parks. The shape of the parcel was unusual, and there was a canal long the eastern edge of the site. He stated there was no connection to the street stub to the north. Staff wanted an emergency crash gate as well as a pedestrian connection to that street stub; however, the applicant and neighbors to the north did not want the pedestrian connection.

Ralph Pew, 1744 South Val Vista, Suite 217 represented the case. Mr. Pew stated this is an unusual site with a difficult configuration. He stated Mixed Use Residential won't work on this site. He thought this would be one of the first RSL projects to come through the Planning process. He stated they had been working with the neighbors to the north to address their concerns. He stated the citrus on-site was mature in 1939. They had committed to transition to the northern boundary. They had agreed to single-story heights at the northern perimeter, and they would be planting 2 new citrus trees in the back yards of those northern most homes. The existing citrus was too old to retain. He stated they could not build in a way that would hurt the existing irrigation to the houses to the north. They had also agreed to treat the ground to try to stop mice, scorpions, etc. from going from the citrus to the homes to the north. There would be no construction traffic through the neighborhood to the north. He stated they were willing to put in the crash gate, but they did not want to put in the pedestrian gate.

Gary McCleve, 3656 east Arcadia, spoke regarding the case. Mr. McCleve stated he was in support of the project as described by Mr. Pew, with all of the agreements made with the neighbors.

Norman Ortega 3625 East Arcadia stated he was concerned with houses backing up to the homes to the north. He stated 15' was not enough. He wanted an alley between the subdivisions with the PUE in the alley. Some utilities are on the adjacent properties.

Mr. Pew stated all the setbacks comply with Ordinance requirements between RSL and RS-9 properties. Regarding the alley, it would serve no purpose. The City doesn't want alleys. He stated the existing utilities were old.

Boardmember Mike Clement did not understand the resistance to the pedestrian gate. Mr. Pew stated the neighbors did not want children, teenagers and young people in their neighborhood.

Boardmember Lisa Hudson asked why the applicant did not want the pedestrian gate. Mr. Pew stated it was because the homeowners to the north didn't want it and they had told the neighbors they would not put it in.

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z13-14 conditioned upon:

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1. Compliance with the basic development as described in the project narrative, site plan, landscape plan, Preliminary Plat, Entry Feature and Wall Elevation exhibit, and other related exhibits attached.
2. Full compliance with all City development codes and regulations.
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. All offsite street improvements and street frontage landscaping to be installed in the first phase of construction unless otherwise approved by the City of Mesa.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with the Residential Development Design Guidelines.
7. View fencing, as illustrated on the attached Entry Feature and Wall Elevation exhibit, shall be constructed from the solid rear lot line wall on Lot 27 and extend to the side yard return wall of Lot 26. A pedestrian access gate shall be placed at the cul-de-sac end with sidewalk to the cul-de-sac allowing residents to freely access the future paved bike path on the Eastern Canal.
8. View fences shall comply with the City of Mesa pool fence barrier regulations.
9. Lots 32, 33, 39, 49, and 50 shall be limited to single story in height.
10. The builder shall plant two (2) 24" box citrus trees in the rear portion of lots 32, 33, 39, 40, 49 and 50.

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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D. DISCUSS AND MAKE RECOMMENDATION TO CITY COUNCIL ON THE FOLLOWING CODE AMENDMENT:

Item: House keeping update for the Zoning Ordinance

Comments: Gordon Sheffield explained several proposed revisions to the Zoning Ordinance. Two of the changes would allow recycling centers in the Downtown to be up to 5,000 sq. ft. another would allow community gardens in the Downtown Core. Another change would allow Homeowners Association operated RV storage lots in RS-PAD subdivisions, and authorize them to be open to the general public with approval of a Special Use Permit. Another would allow the use of modular buildings during remodeling of existing buildings. Some of the design standards would change to allow homes that back up to a canal to incur 10' of the width of the canal toward their rear yard setback. In the RM districts the change would allow building articulation related to balconies and patios for multi-residence projects to move forward toward the street to allow designers more creativity by using the landscape setback adjacent to the street up to 10'.

As part of the zoning code update most of the commercial districts arterial setbacks were reduced from 30' to 15', this change did not apply to industrial districts, and one proposal would extend that policy to the industrial sites, another would revise parking regulations where properties are close to a transit site, by increasing the distance of sites eligible for parking reductions from 1/8 mile to ¼ mile. Another change would be to allow the substitution of Ocotillo plants for trees at a 2 to 1 basis. This would be allowed for up to 10% of the minimum number of required trees. In the Desert Uplands that could be increased up to 30%. In order to encourage unique building design, staff would propose to allow buildings and patios to encroach into the corner landscape radius, but keep parking lots back at the current setback radius. As for technical revisions, proposed revisions include how to measure "buffer" separation requirements, to clarifying the language to make sure to measure separation requirements from the campus edge of the protected use to the wall of the proposed use. Currently there are two sections of the Ordinance related to attached accessory buildings, one found in residential districts another in agricultural districts. Both mimic each other word for word, so staff proposes to consolidate both into a common section of the Codes. With the adoption of the Form Based Code there is a need to list the Form Based Code transects formally as the base districts in Chapter 3 of the Zoning Code. This is a technical issue. Form Based Coding has been adopted by the City as an option but this will incorporate it formally into the Zoning Code. There is a typographic error in the RSL district in Table 11-5-4-B that currently reads 2.0, it should read 2.5. Staff is trying to keep the Code up to date and current.

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council adoption of housekeeping update for the Zoning Ordinance:

Vote: Passed 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

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E. DISCUSS AND TAKE ACTION ON THE FOLLOWING PRELIMINARY PLAT(S):

*1. Valencia Heights. 40 to 100 block of South Val Vista Drive (east side)

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board Approve The preliminary plat of Valencia Heights

Vote: 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

*2. Bella Victoria at 1350 and 1408 South Ellsworth Road.

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson

That: The Board Approve The preliminary plat of Valencia Heights

Vote: 4 – 0 (Boardmembers Coons, DiBella and Arnett absent)

Respectfully submitted,

John Wesley, Secretary
Planning Director