

CITY OF MESA

MINUTES OF THE PLANNING HEARING OFFICER

Held in the City of Mesa Planning Division Conference Room
20 East Main Street, Suite 130
Date May 4, 2006 Time 1:30 p.m.

HEARING OFFICER

William "Bill" Petrie

STAFF PRESENT

Dorothy Chimel
Jennifer Gniffke
Tom Ellsworth
Maria Salaiz
Kelly Arredondo

OTHERS PRESENT

Mark Murray
Michael Jorgensen
Jinia Sarkar

The Planning Hearing Officer Bill Petrie welcomed everyone present and explained that the May 4th public hearing was the inaugural meeting of the Planning Hearing Officer.

Before adjournment, action was taken on the following items:

Preliminary Plats: "Falcon Commons"
"KBAD 22 Enterprises, L.L.C."

The public hearing was recorded on Flash Card one and track titled PHO 5/4/06.

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Item: The southwest corner of Higley Road and Ingram Street (McLellan Road is the southern boundary). **(District 5)**. Consider the preliminary plat for "Falcon Commons" to allow for the development of industrial condominiums, a 3-building condominium project on Lot 8 of an 18-lot industrial subdivision. Dave Sellers, owner; Jinia Sarkar, Cawley Architects, applicant.

Comments: Staff provided an overview of the project requested and the conditions recommended.

Michael Jorgensen, 730 N. 52nd Street, Phoenix, applicant, added that the three buildings would be divided into 8 units.

Hearing Officer Petrie asked what will happen with McLellan Road.

Jennifer Gniffke, Planner I, explained that McLellan Road stops west of the southwest corner of the site and in the future it would curve south at the southwest corner of the site and there would not be an access from McLellan Road to the site. There is a one-foot (1') non-vehicular access easement that will be recorded as part of the overall plat, therefore McLellan Road will not continue east.

Hearing Officer Petrie then questioned who was going to be responsible for the improvements to McLellan Road. Mr. Jorgensen responded that the developer would be responsible for the improvements.

Hearing Officer Petrie mentioned that one of the zoning requirements in M-1 is that all activities pertaining to manufacturing or processing of products be done within an enclosed building. He mentioned that the open yards are going to be for storage and warehousing. Mr. Petrie stated that the school site is zoned M-1 so the noise limits will be greater for this area, which is another reason to be concerned about what activities take place outside.

Dorothy Chimel, Principal Planner, explained that some of the concerns of this preliminary plat were the timing of the plat and the extent of improvements that will be supported by the city staff of McLellan Road. Because of the concerns of the residential subdivision and many of the neighbors there was a great deal of discussion with the department head, the transportation director and other city staff regarding what the most appropriate design of McLellan Road might be.

Hearing Office Petrie asked if the applicant was familiar with all the conditions of approval that were presented as part of the staff report and in agreement with all of these conditions.

Mr. Jorgensen stated that they were in agreement.

The Planning Hearing Officer **approved** the preliminary plat of "Falcon Commons" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the overall site plan submitted, "Falcon Commons".
2. Approval and recordation of the larger plat, "Falcon Commerce Park", within which this preliminary plat is located, prior to applying for building permits.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

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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. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field 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).
9. Written notice shall be provided to future owners, and acknowledgment received that the project is within two miles of Falcon Field Airport.

Reason for Recommendation: The Hearing Officer felt this proposal adhered to the goals of the General Plan and requirements of the Subdivision Regulations.

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Note: CD's of the Planning Hearing Officer Meetings are available in the Planning Division Office for review.

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Item: 5250 East Southern Avenue (**District 6**). Located east of the northeast corner of North Higley Road and East Southern Avenue. Consider the preliminary plat "KBAD 22 Enterprises, L.L.C" to allow development of general office condominiums. Robert Hershey, KBAD 22 Enterprises, LLC, owner; William Johns, Associated Architects, Inc.; applicant.

Comments: Staff provided an overview of the project request and conditions recommended.

Mark Murray, representing the applicant, 1356 E. McKellips Road, did not have anything to add to staff's comments but did explain the rationale behind the office condominium concept. He stated that one of the partners wanted the flexibility to sell his portion of the building, if needed, and added that the other partners had no plans to do so.

Hearing Officer Petrie stated that all of the right-of-way was dedicated apparently as part of the street improvements when they were done. He indicated that the dedication was not one of the conditions of approval. He asked if common area "A" had parking adjacent to the building to the east.

Mr. Murray responded that the same people own both properties. They created a cross access easement to get access to both properties and to utilize the two existing driveways.

Hearing Officer Petrie asked Mr. Murray if he knew if the adjacent parking was calculated as part of the required parking. Mr. Murray responded that it was not it was for the overflow parking.

Hearing Officer Petrie stated that if it was overflow parking, if the condominium suites did sell, they would have enough parking to have medical offices and with Banner building a hospital one-half a mile away there may be interest for medical offices in the future.

Hearing Officer Petrie asked if Mr. Murray if he had seen the conditions of approval listed in the staff report. Mr. Murray responded yes, and agreed with the conditions.

The Planning Hearing Officer **approved** the preliminary plat of "KBAD 22 Enterprises, L.L.C" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all requirements of the Subdivision Technical Review Committee.

Reason for Recommendation: The Hearing Officer felt this proposal met the goals of the General Plan and adhered to the Subdivision Regulations.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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