

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, June 7, 2004

5:45 P.M.

Invocation by Guru Roop Kaur Khalsa, Sikh Religious Leader.

Pledge of Allegiance.

Mayor's Welcome.

1. Remarks by Vice Mayor Dennis Kavanaugh.
2. Swearing in and seating of Mayor Keno Hawker and Councilmembers:

Mayor Hawker sworn in by Genella Hawker
Councilmember Walters sworn in by Steven Walters
Councilmember Whalen sworn in by Kelly Whalen
Councilmember Rawles sworn in by Linda Rawles

3. Remarks and introductions by the Mayor and Councilmembers.
4. Inaugural remarks by Mayor Hawker.
5. Election of Vice Mayor.
6. 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

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Councilmember so requests, in which event the item will be removed from the Consent Agenda and considered as a separate item.

- *7. Approval of minutes of previous meetings as written.
8. Conduct a public hearing for the following annexation:
 - a. **A04-03** The Thunder Mountain Subdivision, located on the Northeast corner of Hawes and McDowell Roads. (154.86± ac.) Initiated by the property owners. Note: a subdivision with numerous owners.
9. Conduct a public hearing on adjustments of the current development impact fees and adoption of new stormwater and general government development impact fees (see item no. 14i).
10. Conduct a public hearing on the proposed Fiscal Year 2004-05 Budget Plan.
11. Consider tentative adoption of the proposed Fiscal Year 2004-05 Budget Plan.
12. Consider the following liquor license applications:
 - *a. JORGE CESAR DUARTE, AGENT

Person Transfer Beer & Wine Bar License for Desert Sands Golf Course, Inc., 1922 S. 74th Street. This is an existing business. This is a Person Transfer from Jorge Cesar Duarte, Agent for Desert Sands of Arizona Inc., 1922 S. 74th Street, Mesa. This license will transfer to the applicant. District #6.
 - b. CHRISTINE LOUISE BLANK, AGENT

New Restaurant License for Nick-N-Willy's Pizza Restaurant, 1940 S. Val Vista Drive, -Suite 106. This is an existing business. No previous liquor licenses at this location. District #2.

*c. TINA ROBERTS, INDIVIDUAL

New Restaurant License for Tio Chiles, 1155 S. Power Road, Suite 121. This is an existing business. No previous liquor license at this location. District #6.

13. Consider the following contracts:

*a. Two-year renewal of the supply contract for automotive brake parts as requested by Fleet Support Services.

The Purchasing Division recommends exercising the two-year renewal as follows:

Section I, primary contract, to be awarded to the original lowest overall bidder, Hall Brake Supply, for annual purchases estimated at \$115,000.00. To ensure continuity of supply a secondary contract is recommended to the second lowest bidder to Fleet Pride for annual purchases estimated at \$15,000.00.

Section II to the original lowest overall bidder, Fleet Pride for annual purchases estimated at \$17,500.00. The combined award is then \$147,500.00 based on estimated annual purchases.

*b. Scanning Hardware for Development Services as requested by Information Services.

The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Transource Computers for a total of \$15,350.20.

*c. One easement cleaning machine and trailer as requested by the Utilities Department.

The Purchasing Division recommends accepting the low bid by Terex Utilities West at \$21,996.99 including applicable sales tax.

*d. Excess Workers' Compensation Insurance as requested by the Human Resource Division

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The Purchasing Division recommends accepting the proposal from Marsh, USA for -Excess Workers' Compensation coverage through Wexford Insurance at a first year premium of \$1,262,645 based on a self-insured retention of \$500,000 per claim.

- *e. One replacement ion chromatograph for the Utilities Compliance Lab as requested by the Utilities Department.

The Purchasing Division recommends accepting the bid by Dionex Corp. at \$59,521.70 including the premiere care service program option and Use tax. **(Sole Source)**.

- *f. Two vehicle mounted message boards as requested by Transportation.

The Purchasing Division recommends authorizing purchase from State Contract with Ver-Mac, Inc. at \$14,097.60 including applicable use tax.

- *g. Document Management Hardware (Scanner and Server) for the Mesa Police Department as requested by Information Services.

The Purchasing Division recommends approving:
\$94,776.00 for server hardware from Hewlett Packard using the City's Intergovernmental Agreement with the State of Arizona to utilize the Western States Contracting Alliance contracts; and,
\$26,079.13 for a scanner, first year maintenance and support from the State of Arizona contract with Transource Computers.

The combined award for the recommended purchases is \$120,855.13.

- *h. Three-year supply contract for police motorcycle maintenance and repair services as requested by the Police Department and Fleet Support Services.

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The Purchasing Division recommends accepting the only proposal by Probity Cycle, Inc. at \$115,000.00 based on estimated annual purchases. (Single Response)

- *i. Three-year supply contract for portable radio batteries as requested by the Communications Division.

The Purchasing Division recommends accepting the low bids as following:

Groups B and C to Battery Zone, Inc. at \$58,685.88; and

Group A and D to Jan Comm. & Electronics Company at \$54,403.00.

The combined award is \$113,088.88 based on estimated annual purchases.

- *j. Three-year supply contract for slurry seal sand as requested by the Transportation Division.

The Purchasing Division recommends accepting the low bid by Mesa Materials, Inc. for Zones A and B at \$176,161.30 based on estimated annual requirements.

- k. 8th Street Pavement Rehabilitation (101 Freeway to Dobson Road) City of Mesa Project No. 01-841-005.

This project proposes to rehabilitate approximately one-mile of asphalt pavement and install approximately 452 lineal feet of water line.

Recommend award to low bidder, Nesbitt Contracting Co., Inc, in the amount of \$381,670.05 plus an additional \$38,167.00 (10% allowance for change orders) for a total award of \$419,837.05.

- l. East Mesa Service Center Pump Test Pit and Hazmat Trailer Site. City of Mesa Project No. 01-32.

This project proposes to provide a fire pump test facility, adjacent to the vehicle maintenance facility to fully test all

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fire truck pumps. In addition, this project will provide a permanent parking location for the City's hazardous material emergency response trailer, currently stored at Fire Station 216.

Recommend award to low bidder, Weber Group, LC, in the amount of \$221,940.00 plus an additional \$22,194.00 (10% allowance for change orders) for a total award of \$244,134.00.

- m. South Center Scene Shop, 200 South Center Street. City of Mesa Project No. 01-925-001.

This project will convert an existing vacant building at the South Center Street Complex into work areas to perform all forms of construction in support of the Mesa Arts Center programs.

Recommend award to low bidder, Layton Interior Specialist, in the amount of \$185,784.00 plus an additional \$18,578.00 (10% allowance for change orders) for a total award of \$204,362.00.

- 14. Introduction of the following ordinances and setting June 21, 2004 as the date of public hearing on these ordinances:

- *a. Modifying the terms and conditions for the sale of utilities.
- *b. 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.
- c. Amending Sections of the Mesa City Code regarding adjustments to the required fees for Planning Services and for subdivision plats and land splits.
- d. Modifying rates for the following utility services:
 - 1. Water & Irrigation
 - 2. Wastewater
 - 3. Natural Gas
 - 4. Solid Waste

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- *e. 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.
 - *f. Deleted
 - *g. Modifying the Court User Fee.
 - *h. Modifying the Court Default Fee.
 - i. 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.
 - *j. 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.
15. Consider the following resolutions:
- *a. Authorizing the City Manager to execute an agreement between the City of Mesa and the Arizona Department of Transportation for a Grant Match Offer to fund 4.47% of the eligible project costs up to a maximum of \$17,917.00, for the design of a Runway Incursion Action Team (RIAT) project at Falcon Field Airport.
 - *b. Adopting fees for the Speed Hump Program and implementing a fee for loaning City owned traffic signal and streetlight equipment to contractors.
 - *c. Modifying fees and charges for the Airport Division.
 - *d. Modifying fees and charges for the Building Safety Division relating to the Building Board of Appeals.
 - *e. Modifying fees and charges for the Building Safety Division relating to the Temporary Residential Fence Permits.
 - *f. Modifying fees and charges for the Arts and Cultural Division and the Mesa Arts Center.

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- *g. Modifying fees and charges for the Arts and Cultural Division and the Mesa Southwest Museum.
- *h. Authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between KW School LLC, an Arizona Limited Liability Company, and the City of Mesa for regional improvements that are being constructed in conjunction with the development of Noah Webster Basic School located at 7301 East Baseline Road.
- *i. Granting a Power Distribution Easement to Salt River Project at 4930 East Falcon Drive (Falcon Field).

Due to remodeling at this location, this easement is necessary for the continuation of electrical service.
- *j. Extinguishing of a Temporary Drainage Easement at 6855 East Madero Avenue on Tract B, Superstition Point.

Due to the new development on this property, a new drainage easement has been dedicated. The Temporary Drainage Easement is no longer required.
- *k. Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Maricopa County Superior Court, on behalf of the Maricopa County Adult Probation Department, to allow the City of Mesa to participate in the Community Work Service Program.
- *l. Deleted.
- *m. Executing Amendment No. 6 of the agreement between the City of Mesa and ATC for the operation of transit services.
- *n. Authorizing an Intergovernmental Agreement between the City of Mesa and Maricopa County for the FY 2004-05 operation of the Special Transportation Services Program (STS).

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- o. Authorizing an Intergovernmental Agreement between the City of Mesa and the City of Phoenix for receipt of Federal Transit Administration funds (FTA).
- *p. Granting a Power Distribution Easement to Salt River Project at 761 South Val Vista Drive.

This easement is necessary for new electrical service at this location to service the transformer and switching equipment.

- 16. Deleted.
- 17. Consider the following recommendation from the General Development Committee:
 - *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.
- 18. Consider the following ordinances:
 - *a. Deleted.
 - *b. Item moved to 14j.
 - *c. Deleted.
 - *d. Deleted.
 - e. **Z03-12 (District 5)** The 4400 block of East McLellan Road (south side). Located south and east of Greenfield Road and McKellips Road (1.76 ac ±). Rezone from R-3 to R-3 PAD. This case involves the development of an apartment complex. John Bellerose, owner; Randy Carter, Dreamcatchers Planning & Design, applicant. **COMPANION ZONING CASE Z04-34.**

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Cowan absent).

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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. Compliance with all requirements of the Design Review Board.
 4. Compliance with all requirements of the Subdivision Technical Review Committee.
 5. 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).
 6. Written notice be provided to future residents, and acknowledgment received that the project is within two miles of Falcon Field Airport.
 7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
 8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
- f. **Z04-34 (District 5)** The 4400 block of East Hannibal Street (north side). Located south and east of Greenfield Road and McKellips Road (0.26± ac). Rezone from R-3 to R1-9. This case involves the development of a single-residence lot. John Bellerose, owner; Randy Carter, Dreamcatchers Planning & Design, applicant. **COMPANION ZONING CASE Z03-12.**

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Cowan absent).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot

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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 or at the time of the City's request for dedication whichever comes first.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance's outlined in the staff report.
6. 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).
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*g. **Z03-59 (District 1)** The 400 block of North Dobson Road (west side). Located north and west of University Drive and Dobson Road (2.18 ac ±). Site Plan Modification. The case involves the development of office buildings. Bryan Faith, owner; John Eden, Eden Architects, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Cowan absent).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan 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.).

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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. Compliance with all requirements of the Design Review Board.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *h. **Z03-64 (District 3)** Northwest corner of Sycamore and Main Street (14.46 ac.). Rezone from C-2 and C-3 to C-2 BIZ and C-3 BIZ and Site Plan Modification. This request is for the development of a bus/light rail transfer lot and park-and-ride facility to serve the Mesa light rail station and to reserve a site for future Transit Oriented Development (TOD). Judith A. Klein, Rising Sun, LLC., owner; Jeff Martin, City of Mesa, applicant. **CONTINUED FROM THE MAY 3, 2004 AND MAY 17, 2004 CITY COUNCIL MEETINGS. (CONTINUED TO THE JULY 6 COUNCIL MEETING).**

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Saemisch abstaining).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. All street improvements and perimeter landscaping to be installed in the first phase of construction.
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 City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all requirements of the Design Review Board.

7. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
8. Transit oriented development is encouraged for the 3.67 acre lot.

*i. **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 AND MAY 17, 2004 CITY COUNCIL MEETINGS. (CONTINUED TO THE JUNE 21, 2004 COUNCIL MEETING).**

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.
 - 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 88th 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 88th 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 88th 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 88th 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 88th Street right-of-way and the public utilities and facilities easement, east of the completed street and west of the wall, per City 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 PUFE will be reviewed and approved by the Design Review Board prior to construction.

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6. All buildings constructed within 200 feet of the east side of South 88th 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 88th 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 88th 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 88th Street and Ellsworth Road.
8. Buildings constructed within 200 feet of Germann Road between South 88th 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 88th 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 88th Street between Germann Road and East Woodland Avenue (adjacent to the Queens Park subdivision) from the property to either the north or east.

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4. Completion of the pavement of the east half of South 88th 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 88th 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 88th 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 88th 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 88th 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 88th 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 88th 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 88th Street and Ellsworth Road.
8. Buildings constructed within 200 feet of Germann Road between South 88th 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 88th 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

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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 88th 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 88th 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 88th 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 88th 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 88th 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 88th 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 88th 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 88th 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 88th Street and Ellsworth Road.
8. Buildings constructed within 200 feet of Germann Road between South 88th 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

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88th 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.

- *j. **Z04-28 (District 5)** 4646 East Main Street. Located north and east of Greenfield Road and Main Street (3.5 ac. ±). Rezone from C-2 to C-3. This request is to allow for outdoor sales/display associated with an existing business. Lisa Kazan, owner; David Skogebo, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Cowan absent).

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. Obtainment of either a Variance or Substantial Conformance Improvement Permit (SCIP) from the Board of Adjustment or the Zoning Administrator for all code deviations.
5. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

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- *k. **Z04-29 (District 5)** 3941 North Higley Road.
Located north and east of Thomas Road and Higley Road (2.88 ac. ±). Site Plan Modification. This request is for the expansion of an existing building. Gary & Roger Understiller, owners; John Manross, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Cowan absent).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, (without guarantee of lot yield, building count, lot coverage) 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. Obtainment of either a Variance or Substantial Conformance Improvement Permit (SCIP) from the Board of Adjustment or the Zoning Administrator for all code deviations.
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. Review and approval by the Planning and Zoning Board, City Council, and Design Review Board of future development plans.
7. All street improvements and landscaping to be installed in the first phase of construction.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *l. **Z04-30 (District 6)** 2941 South Ellsworth Road.
Located south and east of Guadalupe Road and Ellsworth Road (6.64 ac. ±). Rezone from C-2 DMP to C-2 PAD – DMP. This request is for the development of office buildings. Kelly Hogart, owner; Craig Cote, UTAZ Development, applicant.

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P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Cowan absent).

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 Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
6. 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).
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

- *m. **Z04-31 (District 6)** The 7200 block of East Southern Avenue (north side). Located north of Southern Avenue and west of Sossaman Road (2.4 ac ±). Site Plan Review. This case involves the development of an Arizona Federal Credit Union. Ann Burns, owner; David Jaeckels, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Cowan absent).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted except as noted below.
2. Compliance with all City development codes and regulations.

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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. Compliance with all requirements of the Design Review Board.
6. Review and approval of a Special Use Permit by the Board of Adjustment for drive-through windows and outdoor teller facilities.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

*n. **Z04-33 (District 6)** Northeast corner and northwest corner of Baseline Road and Crismon Road (45± ac.). Rezone from R1-43 to C-2. This case involves the development of a multi-use commercial development. Stuart L Rider, Rider Land & Development LLC, applicant.

P&Z Recommendation: Approval with conditions (Vote: Passed 6-0, Cowan absent).

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. All street improvements and perimeter landscaping to be installed in the first phase of construction for any development located within the property located

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northeast of the Crismon Road and Baseline Road intersection. The property northeast of Crismon Road is to be considered independently of the property northwest of Crismon Road.

6. All street improvements and perimeter landscaping to be installed in the first phase of construction for any development located within the property located northwest of the Crismon Road and Baseline Road intersection. The property northwest of Crismon Road is to be considered independently of the property northeast of Crismon Road.
 7. Compliance with all requirements of the Subdivision Technical Review Committee.
 8. Compliance with all requirements of the Design Review Board, including the review and approval of the design and location of a decorative, 8-foot high perimeter wall or barrier along the eastern property line of the northeast portion of the proposed development. Perimeter wall should not extend over 250 linear feet without an appropriate degree of horizontal variation (minimum 3' variation from linear orientation).
 9. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps and the Farmer's Market Event area (outdoor activity accessory to a commercial use).
 10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
19. Consider the following subdivision plats:
- *a. "LA FORTINA", – (Council District 6) – 900 block of South Crismon Road (west side) located north and west of Southern Avenue and Crismon Road. 182 R1-6 PAD single residence lots (33.24 ac) D.R. Horton, Inc., a Delaware Corporation, owner; Infinity Engineering Services, Ltd., engineer.

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- *b. "SUMMERLIN VILLAGE", – (Council District 5) – 1300 block of South 58th Street (east side) located south and west of Southern Avenue and Superstition Springs Boulevard. 136 R1-6 PAD single residence lots (19.60 ac) KB Home Phoenix Inc., an Arizona Corporation, owner; Hoskin Ryan Consultants, Inc., engineer.
 - *c. "GILA RIVER RANCHES UNIT 1", – (Council District 6) – 4600-4900 blocks of South Mountain Road (east side) located south and east of Warner Road and Mountain Road. 327 R1-6 PAD DMP, R1-6 DMP and R1-7 DMP single residence lots (109.29 ac) Lancelot Gila, LLC, Randall L. Kirsch, trustee; CMX, LLC, engineer.
 - *d. "REPLAT OF LOTS 1 & 2 OF CRISMON BUSINESS PARK", – (Council District 6) – 1300-1400 blocks of South Crismon Road (east side) located south and east of Southern Avenue and Crismon Road. 2 C-2 commercial lots (83.82 ac) V.J. Crismon, L.L.C., Vance H. Marshall, Member, and Signal Butte 114 LLC, Michael Johnson, Managing Member, owners; AMEC Infrastructure, Inc., engineer.
20. Items from citizens present. (Maximum of three speakers for three minutes per speaker).