

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date February 15, 2007 Time 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair
Alex Finter, Vice-Chair
Barbara Carpenter
Frank Mizner
Jared Langkilde
Ken Salas
Pat Esparza

MEMBERS ABSENT

None

OTHERS PRESENT

John Wesley
Dorothy Chimel
Jennifer Gniffke
Ryan Matthews
Maria Salaiz
Kelly Arredondo
Wahid Alam

Hector Tapia
Joe Welliver
Jeff McVay
Rob Dmohowski
Joy Spezeski
Shawn Murray
Reese Anderson

Vince DiBella
Allen Marsh
Doug Chapman
Roger Trinko
Ladell Call
Corinne Nystrom
Others

Chairperson Adams declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated February 15, 2007. Before adjournment at 6:30 p.m., action was taken on the following items:

Chairperson Adams acknowledged and thanked Ryan Matthews, Planner I, and Boardmember Carpenter for their service to the Board.

Boardmember Carpenter thanked everyone and commented that it has been a rewarding experience to serve on the Board and encouraged the public to serve.

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde that the revised minutes of the January 18, 2007 regular meeting and the study session minutes of the January 16, 2007, and January 18, 2007 meetings be approved. Vote: 6-0 with Boardmember Esparza abstaining.

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

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter that the consent items be approved. Vote 7-0

Code Amendment: Amending Sections 11-1-6 and 11-13-2 (H), adding requirements for "Corral Fences".

Zoning Cases: GPMinor07-01, *Z06-97, *Z07-12, Z07-15, *Z07-16, Z07-17.

Falcon Field Sub Area Plan

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Item: Consider amendments to the City of Mesa Zoning Ordinance, Sections 11-1-6 and 11-13-2 (H), adding requirements for "Corral Fences".

Comments: Jeff McVay, Senior Planner, stated that in January 2006, City Council approved the Lehi Sub Area Plan and one of the major recommendations of the plan was the keeping of livestock and the community semi-rural/agriculture. Staff is forwarding an amendment to the Zoning Ordinance, which would allow the use of corral fences in the front yards for lots that are zoned AG, R1-90 and R1-43. He stated that the amendment would allow the maximum height of fences from 3½', to a maximum height of 6', with 66% open fencing above the 3½' level. Mr. McVay mentioned that this complies with the requirements of (Community Policing Through Environmental Design) CPTED and staff is recommending approval in conjunction with the keeping of livestock.

Boardmember Mizner commented that this is a nice example of a local community based planning process adding that it started with the Mesa General Plan, it evolved into the Lehi Sub Area Plan and one of the recommendations of the Plan was for this type of fencing.

Boardmember Finter moved for approval of this amendment and recommended that the City Council look at a permitting process that addresses the installation of fences, so they are not installed within an easement area and meets the criteria so they are not a long-term code enforcement problem for the City.

Boardmember Mizner seconded the motion and pointed out that staff researched other cities in the valley, which have a review process with fees. He encouraged Council to direct staff to research the fee and review process further.

The Board recommends to City Council approval of this text amendment.

Vote: Passed 7-0.

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Item: **GPMInor07-01** Text Amendment to the Mesa 2025 General Plan. (All Council Districts). Minor General Plan Amendment to change the text in Chapter 14 titled Plan Administration of the Mesa 2025 General Plan adopted on June 24, 2002. In particular the text amendment deals with specific revisions to Section 14.2.1 for Major Amendment Definition and Section 14.2.2 for Major Amendment Process. City of Mesa is the applicant.

Comments: Wahid Alam, Senior Planner, stated that this text amendment deals with two specific revisions to Sections 14.2.1, Major Amendment Definition and 14.2.2, Major Amendment Administrative Process. He stated that staff had preliminary discussions with Council, this board, Economic Development, Town Center and other divisions and part of the discussion was that major amendments are somewhat restrictive because state law requires that they be heard once a year vs. minor amendments, which can be heard at anytime.

Mr. Alam stated that there are Economic Development areas, which require the protection of employment base vs. the non-economic employment areas. Based on those discussions, staff suggested that there be some kind of criteria for each economic area, which have been grouped into four categories. Mr. Alam showed a table of the four Areas and gave a brief description; adding that the table replaces the current General Plan definition. The other part of the text amendment revises the language in Section 14.2.2, Major Amendment Administrative Process, which addresses City Council hearing all major amendments in the same calendar year.

Chairperson Adams commented that this amendment has been simplified and still complies with state law.

Boardmember Mizner moved to approve GPMInor07-01 stating that this amendment provides additional flexibility to both the private sector, as well as to the Board and City Council. It protects the economic development future of the Williams Gateway area by making it more difficult to request residential land uses and reflects a strong policy direction from City Council. Boardmember Esparza seconded the motion.

The Board recommends to City Council approval of GPMInor07-01.

Vote: Passed 7-0.

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Item: **Z06-97 (District 6)** The 11000 to 11300 block of East Pecos Road (north side) and the 6700 to 6800 block of South Mountain Road (east side). Located at the northeast corner of Pecos and Mountain Roads (12.70± ac.). Rezone from AG to M-1-PAD and Site Plan Review. This request will allow for the development of industrial offices/warehouses. Jason Dupuy, owner; Randolph Carter, Dream Catchers Planning and Design, LLC, applicant. Consider the preliminary plat of "Dupuy Construction Office". **CONTINUED FROM THE DECEMBER 21, 2006, AND JANUARY 18, 2007, MEETINGS.**

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board continue zoning case Z06-97 to the March 22, 2007 meeting.

Vote: Passed 7-0.

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Item: **Z07-12 (District 6)** 2050 South Roslyn, Suite #1001-1011. Located south of Baseline Road and east of Power Road (19,113 square feet). Council Use Permit. This request is to allow a bar in a C-2 zoning district. Brandilyn Poerter, owner; Reese L. Anderson, Pew and Lake, P.L.C., applicant.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board continue zoning case Z07-12 to the March 22, 2007 meeting.

Vote: Passed 7-0

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Item: **Z07-15 (District 6)** 8743 East Pecos Road. Located west of Ellsworth Road on the south side of Pecos Road (10.5± ac.). Rezone from AG to M-1 and PEP and Site Plan Review. This request will allow the development of four new office/warehouse buildings. Allen Marsh, Pecos Gateway, LLC, owner; Michael P. Monroe, Archicon, L.C., applicant.

Comments: Reese Anderson, 1930 E. Brown Road, Ste 101, Mesa, applicant, stated this is a request to rezone from AG to M-1 and PEP. He mentioned they had good neighborhood participation, had several meetings and many individual meetings with residences in the area; noting he had no idea why they were being protested. He mentioned they have reached out to some of the neighborhood leaders and had not received any calls or emails. He stated they have read and are in agreement with the staff report.

Doug Chapman, 8915 E. Woodland Avenue, resident and spokesperson for the Queens Park subdivision, stated they protest any land use change to anything other than R1-43 or AG. He stated the proposed zoning constitutes an incompatible use of the established R1-43 designation, which does not conform to purpose, application or regulations as established by the Zoning Ordinance. He mentioned that the petition was signed by 100% of the residents and noted that there have been multiple proposals presented before and mentioned the two properties to the east that went un-protested and had no industrial abutting the subdivision. He stated that the building is an outrage and is a direct violation of the zoning designation, which should be protected against encroachment by commercial and industrial uses.

Mr. Chapman stated they had gone through this process before and thought they had set a pattern with the properties to the east and the mini storage. He compared that project with this proposal stating that the project to the east has a true buffer. The size and scale of the buildings are acceptable, are more of a residential character and does the job to satisfy the transitional zoning. He added that Mr. Call rezoned the first 200' of his property so that there would not be industrial touching the subdivision. He stated that the staff report was disappointing and deficient and states that the applicant worked with the City and residences on a successful plan; adding that they are 100% against it and have fought anything with that magnitude.

Boardmember Langkilde stated that there seems to be a difference in the report, what the applicant has submitted and Mr. Chapman's comments. He asked Mr. Chapman if he would be amenable to a 30-day continuance to work in good faith with the applicant. Mr. Chapman responded that these efforts have taken a tremendous amount of time away from him and other members; noting that he would welcome a continuance to work out a true solution. He mentioned that the applicant has not called him for over two months.

Boardmember Carpenter commented that there is a lot of M-1 zoning surrounding this subdivision. She asked if the Board would have to go through this process with each new project or is the neighborhood getting together and letting the City know what they are expecting for the entire area. Mr. Chapman responded that they had hoped they had established a pattern with the property to the east and thought they had set precedence by not opposing the properties mentioned earlier. He reiterated that this project is in direct conflict with the current zoning code and will be an ongoing problem unless they reach a solution.

Boardmember Carpenter also commented that it was an erroneous assumption by the neighborhood to assume that that pattern would set precedence on someone else's property; adding that those property owners have the right to develop according to what the land use and zoning ordinance directs; as they do to voice their input. Discussion ensued regarding the use

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of the other properties in the area.

Keith Mokry, 9224 W. Gold Dust, developer of the self-storage units, stated his concerns with the size and density of the buildings, adding that the proposal would be the “death of the area”. He stated they worked hard with the neighborhood on their project and noted that Mr. Call’s property set precedence for the area. He mention that this area could bring a good tax base for Mesa and, as a developer, did not want a substandard development.

Ladell Call, 8660 E. Waterford Circle, resident, stated he is opposed to this proposal and mentioned that they are not against development, but against ruining the value of their homes and lifestyle. He clarified that the letter sent by the applicant was misleading because they told the applicant what they wanted for the neighborhood.

Boardmember Finter asked Mr. Call how the O-S zoning designation was established. Mr. Call responded that the City was rezoning 320 acres adjacent to their subdivision; the owners allowed him to buy a 400’ wide strip to buffer the neighborhood. During the Council meetings they were told they could not rezone it to O-S, so it was rezoned to PEP and M-1. After he purchased the property he rezoned it to O-S.

Boardmember Mizner clarified that the proposal in front of City Council was to rezone to PEP and that is what Council had to act on. He added that the neighborhood supported the PEP zoning because they knew Mr. Call was coming forward with a rezoning request to O-S. Mr. Mizner asked if it was the expectation of the neighborhood that the O-S pattern would follow to the north and to the west, even though there were no proposals at this time and mentioned that residential zoning would no longer be allowed in the area. Mr. Call responded that they were told that if they established a pattern the City would follow it around the neighborhood; adding that they are willing to do whatever it takes so they don’t have to come before the Board each time there is a new proposal.

The following individuals spoke in opposition:

Roger Trinko	8626 E. Waterford Circle, resident
Kent McClure	8609 E. Woodland Avenue, resident
Bill Stevenson	20646 E. Ryan Road, business owner
Rosanne Casterten	8746 E. Waterford Circle, resident
Karla Chapman	8715 E. Woodland, resident
Kristi Howland	8659 E. Woodland, resident

Their main concerns were:

- The site plan was different than presented;
- PEP is not a compatible use next to residential zoning;
- Streets are too narrow and a buffer should be added;
- Impacts property values;
- Potential for lower-end rent type users
- Crime

The neighbors asked that:

- Their quality of life be preserved;
- The standards/guidelines put in place be followed.

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Discussion ensued regarding the building intent of Mr. Call's property, allowing PEP zoning in the area and coming before the Board with each new case.

The following individuals submitted "blue slips" in opposition and did not wish to speak:

Ann Call	8660 E. Waterford Circle, resident
Austin Call	8660 E. Waterford Circle, resident
Cristina Wickel	9224 West Gold Dust, resident
Mark Underwood	8625 E. Woodland Avenue, resident
Tere & David Rope	8611 E. Waterford, residents
Elaine McIntyre	8648 E. Winnston Circle, resident
Steve Casterter	8746 E. Waterford Circle, resident
Steve & Kathryn Plant	8663 E. Winnston Circle, residents
Craig Merkley	8559 E. Woodland Ave, resident
LeAnn Merkley	8559 E. Woodland Ave, resident
Lorin Merkley	8559 E. Woodland Ave, resident
John Buscaglin	8610 E. Waterford Circle, resident
Steve Vaughn	8744 E. Waterford Circle, resident
Bonnie Vaughn	8744 E. Waterford Circle, resident

Reese Anderson, applicant, noted his concerns with comments regarding their citizen participation efforts; adding that they reached out to the neighborhood and were unaware of any protest. He reaffirmed that they are willing to sit down and work out the issues mentioned. He stated that their project consist of four buildings and gave a brief description of the project; adding that they propose a 6' high view fence to help with cross traffic, and that Woodland Avenue would be improved to its full width. He explained that in 2004, staff was directed by City Council to rezone this area to stop residential encroachment. He referred to zoning case Z04-01, which provided a 200' buffer of PEP to the east, and also set precedence to the area. He acknowledged the efforts made by Mr. Call who bought and rezoned that buffer to O-S, but it didn't set precedence for the area.

Mr. Anderson further explained the height and density of their project and compared it to the others in the area; he noted that the neighbors want this area to remain AG, which is inconsistent with the General Plan. He added that PEP works and is sufficient as a buffer from residential. He showed elevations and noted that the buildings look as residential as possible. He addressed many of the neighbors concerns and reaffirmed his commitment to work with the neighbors to further screen anything the neighbors see as a concern.

Jennifer Gniffke, Planner II, mentioned that the applicant had been working with staff for several months, and as part of the neighborhood participation notified property owners within a 1000' and held two neighborhood meetings. Staff received the reports from those meeting and was under the impression that everything was going smoothly. She mentioned that the applicant explained several elements to buffer the neighborhood, which include an enhanced landscape setback with a recreational pathway along the south property line, and PEP zoning. Ms. Gniffke stated staff had not heard from the neighbors until after the staff report was completed and a legal protest filed on February 8, 2007. She added that staff would support a recommendation for continuance. Discussion ensued regarding continuing this case to the March meeting.

Boardmember Finter asked when staff had first heard concerns from the neighborhood. Ms. Gniffke responded that on February 8, 2007 a petition of protest was delivered to the office with

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a brief explanation and that a contact name or number was not provided with the petition.

Boardmember Mizner asked Mr. Marsh if a continuance would be appropriate or would the Board be wasting its time. Mr. Marsh responded that they are willing to consider a continuance as long as there is a commitment by both sides to work on a good plan. He noted that they met on several occasions with Mr. Vaughn, Mr. Call, and Mr. Chapman and did not believe that they had any conflicts; adding that the protest is a surprise to them.

Chairperson Adams stated that a continuance would be in order if both parties agreed, in good faith, to work out a compromise. He asked the citizens if a continuance would be of interest to them.

Roger Trinko stated he would like an opportunity to talk to the applicants and mentioned that he was misinformed with the kind of wall being proposed.

Boardmember Mizner moved to continue zoning case Z07-15 to the March 22, 2007 meeting with a strong admonition that both parties negotiate in good faith. Boardmember Salas seconded the motion.

Boardmember Langkilde stated this is a well designed project next to residential; adding that he was concerned with a 30-day continuance because the neighbors are focused on getting smaller buildings. He hoped that the neighbors would be flexible in their discussions with the applicant, and negotiate in good faith because the applicant has done a phenomenal job in trying to make this project as compatible as possible with the neighborhood.

Boardmember Finter stated he would support the motion and added that the Board has worked hard in getting the citizen participation process in place so that neighborhoods could have interaction. He also stated that the neighborhood is going to have a battle with other cases in the area and urged them to be involved early in the process because it costs people time and money.

Boardmember Carpenter commended Mr. Call's extraordinary efforts with the property to the east and trusts the Design Review Board to make sure that this is a quality project. She mentioned that all neighborhoods are equal and it doesn't matter how much someone's house cost, what matters is how this impacts their neighborhood and lifestyle. She stated that all the concerns could be worked out if the case moves forward and was not in favor of the continuance.

Chairperson Adams commented that the majority of the Board was going to support the continuance and trusted that discussions would move forward in good faith. He assured the neighborhood that in dealing with Mr. Anderson and his firm, he has not come before the Board and said something that he has not followed through with and encouraged the meeting to take place quickly. He also commented that each case that comes before the Board is considered on an individual basis.

The Board continued zoning case Z07-15 to the March 22, 2007 meeting.

Vote: Passed 6-1 with Boardmember Carpenter nay.

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Item: **Z07-16 (District 6)** 6846 East Warner Road. Located at the east of Power Road on the north side of Warner Road (.80± ac.). Site Plan Review. This request will allow the development of a credit union within the Gateway Norte Business Park. Harry Mateer, Altier Credit Union, owner; Chip Nix, applicant.

Comments: Chairperson Adams declared a potential conflict of interest and recused himself from any participation.

Boardmember Mizner moved for approval of zoning case Z07-16 stating that the applicant has agreed to all staff conditions and the project meets all City design and zoning requirements. Boardmember Carpenter seconded the motion.

Boardmember Langkilde noted that the Board had been briefed on this case.

The Board recommends to the City Council approval of zoning case Z07-16 conditioned upon:

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, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
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. Recordation of cross-access and reciprocal parking easements for the east and west parcels.
6. The owner shall grant an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City.
7. Written notice be provided to future tenants, and acknowledgement received, that the project is within 5 miles of Williams Gateway Airport, and will be subject to noise that may be objectionable.

Vote: Passed 6-0 with Boardmember Adams abstaining.

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Item: **Z07-17 (District 2)** 1744 South Val Vista Drive. Located south of the US 60 Freeway on the west side of Val Vista Drive (66± ac.). Council Use Permit. This request will allow the development of a Freeway Landmark Monument sign for Dana Park Village Square. Village Square Dana Park, LLC/Mike Clements, owner; Mike Clements/Vince Di Bella, applicant.

Comments: Jeff McVay, Senior Planner, stated this request is for a Council Use Permit to allow a Freeway Landmark Monument sign (FLM). He stated that the review of the FLM sign was based on the Guidelines adopted in 2006 by City Council; adding that the FLM sign is in compliance with the guidelines, with the exception of three criteria:

- 1) the General Plan designation – states that FLM signs should be in regional commercial or public facilities. Dana Park is designated as a mixed-use residential area. Staff's analysis is that the tenants and clientele that shop at Dana Park is indicative of a regional commercial development;
- 2) sign height –needs to be separated from existing residential property by 850' and is deficient to the north and east; and
- 3) sign area – sign area is based on the freeway frontage and this proposal is for over 850 sq.ft.

Mr. McVay stated that it's staffs opinion that the unique and superior architectural design meets the Guidelines and staff is recommending approval with conditions.

Boardmember Langkilde asked Mr. McVay to clarify the deficiency from the residential areas, if this is a static sign and what assurances the Board had that the sign would not change to electronic messaging. Mr. McVay responded that the deficiency from the north is 740' and 400' from the east. He also stated that this would be a static sign with no neon, exposed lighting or electronic messaging; noting that if the applicant wanted to change to electronic messaging he would have to come back to the Board.

Paul Gilbert, 4800 N. Scottsdale Road, applicant, reiterated Mr. McVay's comments.

Boardmember Mizner commented that he asked to have this item pulled from the consent agenda because this is a high profile project and the Board does not see a lot of FLM signs. He added that this is a quality proposal consistent with the guidelines, which were approved by City Council. He also mentioned that this project represents the characteristics of a regional center and has some natural buffers to the area.

Boardmember Mizner moved for approval of zoning case Z07-17, as recommended by staff. Boardmember Carpenter seconded the motion.

Boardmember Langkilde stated he would vote in favor of this project, adding that if the sign were illuminated he would not be in support. He noted that in the future he would not support these signs unless there is some kind of change to the area with respect to the multi-housing units.

Boardmember Esparza stated she was pleased with the superior quality of the sign and does not mind illumination when done appropriately. She stated she would be voting in support.

Mr. Gilbert clarified that the sign is illuminated with back light panels and noted that the applicant has worked closely with the neighborhood.

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Boardmember Carpenter stated that this is a beautiful sign and commented on the development of the Dana Park Village Square.

Chairperson Adams commented that Mr. Saemisch did a great job in designing this project, which is a "hallmark" for Mesa and an attractive project.

Mr. Gilbert thanked Ms. Carpenter for her work on the Board.

The Board recommends to the City Council approval of zoning case Z07-17 conditioned upon:

1. Compliance with the basic development of the Freeway Landmark Monument as described in the project narrative and as shown on the site plan and elevations except as noted below.
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 Building Safety Division with regards to the issuance of building and sign permits.

Vote: Passed 7-0

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Item: Consideration of the Falcon Field Sub-Area Plan, generally located in the north central portion of the City of Mesa. It is identified by its aviation driven focus, historic significance, and close proximity to the Salt River, which represents the City's corporate limits. The Red Mountain freeway pass through the Falcon Field Sub-Area.

Comments: Mr. Wahid Alam, Senior Planner, mentioned that the Board was presented the Falcon Field Sub-Area Plan in November 2006. He stated that Council heard a presentation in December and raised some issues. Based on those issues, staff modified the plan. He noted some of the changes, which included changing the word "should" to "shall". Council thought that the portion of the plan titled "Design Direction" could be interpreted as being prescriptive and suggested taking it out. He added that the pictures would not be part of the plan, but available as a separate document with the pictures changing from time to time.

Mr. Alam stated that the plan would keep the land use designation as "open space" to the areas south of McKellips and west of Greenfield and change all parcels owned by Sunshine Acres to public/semipublic. He commented that the changes are recommendations and Council will have the final decision. Mr. Alam noted that if an applicant requests any changes, this plan would be used as a guide to the vision of the area. He acknowledged Corinne Nystrom, Falcon Field Airport Director and member of the Planning Advisory Committee, who helped with this process.

Boardmember Langkilde stated he was excited to hear about keeping the designation of "open space" to the groves, which is important to this area. He asked if the Parks Division would look at how citizens could take advantage of the "open space" rather than just having the groves.

Corinne Nystrom, Falcon Field Airport Director, stated that the property is currently being managed by the City's Real Estate Division and currently under lease with an individual who farms and harvests the citrus crops. She noted that the Real Estate Division would probably turn the property over to the airport to manage and that the airport would look at whether the citrus grove is the most appropriate use for the area. She mentioned that the residents to the west have expressed that they would like to keep this area as citrus groves and discussions are continuing.

Chairperson Adams asked that Mr. Lew Lenz and his group be kept informed of any changes to the area.

Boardmember Mizner moved to approve the Falcon Field Sub-Area Plan, which is within the goals of the Mesa General Plan and illustrates the City's commitment to work with private property owners. He mentioned that this is the third Sub-Area Plan completed. Boardmember Finter seconded the motion.

Boardmember Carpenter stated as pointed out by Mr. Mizner this is one of the City's sub areas, which the Board has been advocating to get these plans in place. She stated she is pleased to see this come forward; adding that there is nothing better than the participation process. She noted that this area is an economic engine and very important to the City.

That: The Board recommends approval to the City Council of the Falcon Field Sub-Area Plan.

Vote: Passed 7-0.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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