

## CITY OF MESA

### MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date March 22, 2007 Time 4:00 p.m.

#### MEMBERS PRESENT

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

#### MEMBERS ABSENT

#### OTHERS PRESENT

John Wesley  
Dorothy Chimel  
Tom Ellsworth  
Jennifer Gniffke  
Joe Welliver  
Maria Salaiz  
Kelly Arredondo

Krissa Lucas  
Mia Lozano-Helland  
Cory Whittaker  
Joy Spezeski  
Jim Smith  
Jeff Welker  
Paul Gilbert

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 March 22, 2007. Before adjournment at 5:15 p.m., action was taken on the following items:

It was moved by Boardmember Mizner seconded by Boardmember Salas that the minutes of the February 15, 2007 regular meeting and the study session minutes of the February 13, 2007 and February 15, 2007 meetings be approved. The vote was 6-0.

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

It was moved by Boardmember Langkilde, seconded by Boardmember Mizner that the consent items be approved. Vote 6-0.

Zoning Cases: GPMInor07-02, Z07-22, \*Z07-26, \*Z06-97, Z07-12, \*Z07-15, Z07-20, \*Z07-21, \*Z07-23, Z07-24, \*Z07-25

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Item: **GPMInor07-02 (District 6)** The 10400 block to 10700 block of East Southern Avenue (south side). Located at the southwest corner of Southern Avenue and Signal Butte Road (110± acres). Minor General Plan Amendment from Mixed Use Employment to Regional Commercial (RC) and High-Density Residential 15+ dwelling units/acre (HDR 15+). This request will allow the development of a regional commercial shopping center with associated residential, office, and hotel uses. Erin Nellis; Signal Butte 114, LLC by DeBartelo Development, owner; Paul Gilbert, Beus Gilbert, applicant. **COMPANION CASE Z07-22.**

Comments: The request for the land use plan amendment and the zoning case as companion cases were discussed together.

Paul Gilbert, 4800 N. Scottsdale Rd., applicant, stated that this is a wonderful case and that he is in full agreement with the staff report and the stipulations.

Boardmember Mizner asked Mr. Gilbert if the retail or apartment portion of this project would occur first. Mr. Gilbert responded that the multi-family and retail portions would be going simultaneously. Boardmember Mizner commented that it is a nice mixture of land uses but had a concern that the hotel seemed buried in the middle. Mr. Gilbert responded that they are very comfortable with the location.

Tom Ellsworth, Senior Planner, gave a brief overview of the case adding that the applicant had worked with staff to come up with a design that staff was comfortable with and that the Design Review Board had approved this project in February. He stated that there are no concerns and staff is recommending approval with conditions.

Boardmember Mizner asked Mr. Ellsworth to explain the discrepancy in the height of the hotel as reported in the staff report. Mr. Ellsworth explained that the report indicated that the BIZ for the hotel was for a five story building at one hundred sixty-four feet. The actual height is sixty-four feet.

It was moved by Boardmember Salas, seconded by Boardmember Finter

That: The Board recommend to the City Council approval of General Plan Amendment GPMInor07-02.

Vote: Passed 6-0.

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## MINUTES OF THE MARCH 22, 2007 PLANNING AND ZONING MEETING

Item: **Z07-22 (District 6)** The 10400 block to 10700 block of East Southern Avenue (south to the freeway). Located at the southwest corner of Southern Avenue and Signal Butte Road (110± acres). Rezone from R1-43 DMP (conceptual O-S, C-2, and M-1) to R-4, C-2 PAD and C-2 PAD BIZ and Site Plan Review. This request will allow the development of a regional commercial shopping center with associated residential, office, and hotel uses. Erin Nellis; Signal Butte 114, LLC by DeBartelo Development, owner; Paul Gilbert, Beus Gilbert, applicant. **COMPANION CASE GPMInor07-02.**

Comments: The request for the land use plan amendment and the zoning case as companion cases were discussed together.

Paul Gilbert, 4800 N. Scottsdale Rd., applicant, stated that this is a wonderful case and that he is in full agreement with the staff report and the stipulations.

Boardmember Mizner asked Mr. Gilbert if the retail or apartment portion of this project would occur first. Mr. Gilbert responded that the multi-family and retail portions would be going simultaneously. Boardmember Mizner commented that it is a nice mixture of land uses but had a concern that the hotel seemed buried in the middle. Mr. Gilbert responded that they are very comfortable with the location.

Tom Ellsworth, Senior Planner, gave a brief overview of the case adding that the applicant had worked with staff to come up with a design that staff was comfortable with and that the Design Review Board had approved this project in February. He stated that there are no concerns and staff is recommending approval with conditions.

Boardmember Mizner asked Mr. Ellsworth to explain the discrepancy in the height of the hotel as reported in the staff report. Mr. Ellsworth explained that the report indicated that the BIZ for the hotel was for a five story building at one hundred sixty-four feet. The actual height is sixty-four feet.

It was moved by Boardmember Langkilde, seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z07-22 conditioned upon:

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. All pad buildings to be architecturally compatible with the center.
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. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Recordation of cross-access easements between all lots proposed in the subdivision plat.
7. 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).
8. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan and outdoor nursery.
9. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: Passed 6-0.

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Item: **Z07-26 (District 6)** The 1700 to 1900 block of South Crismon Road (west side). Located south of US-60 and north of Baseline Road (14.1± acres). Site Plan Modification. This request will allow the development of a daycare facility. David Churuit, owner; David Cardenas, applicant.

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

It was moved by Boardmember Langkilde, seconded by Boardmember Mizner

That: The Board approve zoning case Z07-26 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 with adjoining lots.

Vote: Passed 6-0.

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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, JANUARY 18, 2007, AND FEBRUARY 15, 2007 MEETINGS.**

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

It was moved by Boardmember Langkilde, seconded by Boardmember Mizner

That: The Board continued zoning case Z06-97 to the April 19, 2007 meeting.

Vote: Passed 6-0.

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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 Porter, owner; Reese L. Anderson, Pew and Lake, P.L.C., applicant. **CONTINUED FROM THE FEBRUARY 15, 2007 MEETING.**

Comments: This item was withdrawn at the request of the applicant prior to the meeting.

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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. **CONTINUED FROM THE FEBRUARY 15, 2007 MEETING.**

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

It was moved by Boardmember Langkilde, seconded by Boardmember Mizner

That: The Board continued zoning case Z07-15 to the April 19, 2007 meeting.

Vote: Passed 6-0.

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Item: **Z07-20 (District 6)** The 3300 block of South Power Road (east side). Located east of Power Road and north of Elliot Road (8.43± ac). Rezone from R1-43 to M-1 PAD and Site Plan Review. This request will allow for the development of a self-storage facility. Mike McDaniel, owner; Jeff Welker, Welker Development Resources, L.L.C., applicant.

Comments: Jeff Welker, 3125 E Dover St., applicant, stated that this project is for individually owned, high quality, condominium storage units, with an association to ensure the long term stability and upkeep of the units. He added that they appreciate the supportive staff report and the recommendation of approval, however; there are two items they seek modifications to. These items are a modification to the standard 15-foot landscape setback along the south property line and the five-foot foundation base around each building interior to the project.

Boardmember Mizner echoed Mr. Welker's comments, as this project is unique, adding that he is supportive of the project as well as the conditions of approval in the staff report and suggested keeping conditions number four and five as part of the approval of this project. Boardmember Langkilde agreed and stated that he thought the stipulations are necessary in this particular case.

Tom Hardy, 2120 E. 6<sup>th</sup> St., Tempe, stated that he works for SAIA Enterprises and they are the general partner of the property to the south of the subject property. He added that they concur with the stipulations of the staff report and that the 15-foot setback at the south property line should be maintained. He added that they have concerns with the M-1 zoning and that it may be incongruous with the Power Road corridor and the future plans of their C-2 property to the south. Mr. Hardy continued that the previously approved site plan on his property was not what they intended to build and did not know where that site plan came from. Discussion ensued concerning the approved site plan for the property to the south of the proposed project.

Krissa Lucas, Planner I, gave an overview of the project adding that staff is recommending approval of the project with conditions. She pointed out the two modification requests that staff did not support, adding that staff is supportive of the M-1 zoning, and the applicant should meet code in respect to the 15-foot landscape setback and the five-foot foundation base around the interior buildings. She further explained that the approved site plan to the south was over 10 years old and probably would not be built; therefore the 15-foot landscape setback should be met. She also explained that the five-foot foundation base would delineate the drive aisles from the face of the buildings as well as provide a walkway.

Mr. Welker addressed the concerns of the neighbor to the south. Adding that this is a long-term invested project, the property owners association will work very diligently to keep the project looking great for the long term and the site could not be changed unless they came back through this Board.

Chairman Adams asked Mr. Welker to explain the net effect if they were required to comply with the 15-foot landscape buffer and the five-foot foundation base. Mr. Welker explained that it was simple economics. With the landscape buffer the units along the west half of the south property line would lose 10-feet and the units are sold by the square foot. As for the foundation base, it is to create a visual barrier and they already have created landscape areas that protrude out into the drive aisle that creates a visual drive aisle. He added that the concrete would create a great expense to the project.

Boardmember Mizner asked Mr. Welker if they could simply reduce the 60-foot drive aisles by 3 ½ feet each to allow for the 15-foot landscape setback with no loss to the building square

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footage. Mr. Welker responded that they have taken a look at that, however; the drive aisles are large to accommodate the turning movement of a class "A" motor coach with a toy hauler behind it. Discussion continued concerning the foundation base, striping, curbs and parking.

Boardmember Mizner moved to approve zoning case Z07-20 with the conditions outlined in the staff report adding that this project will be compatible to the area, an asset to Mesa and compliance with City Code requirements will make it a very attractive, safe and efficient project. Boardmember Langkilde seconded the motion.

Boardmember Finter stated that this was a great project, but he would not be supporting the motion because he did not support the need for Condition #5.

Chairman Adams asked staff to explain the reasons for the foundation base in the Code. Dorothy Chimel, Principal Planner, gave a brief history adding that the foundation base is a requirement on all projects in the City of Mesa, that it is to preserve the drivable surface as turns could "chew up" that surface, provides a clean building to surface transition and that the Design Review Board typically looks at it in more detail.

That: The Board recommend to the City Council approval of zoning case Z07-20 conditioned upon:

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, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. A minimum 15' building and landscape setback be maintained along the south property line.
5. A minimum 5' wide at-grade foundation base be provided along the exterior walls of Building "A" through "H", where adjacent to a drive aisle.
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 the 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).
9. Written notice be provided to future owners, and acknowledgment received that the project is within three (3) miles of the Williams Gateway Airport.

Vote: Passed 5-1 with Boardmember Finter nay.

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Item: **Z07-21 (District 6)** 457 South Higley Road. Located south of Broadway Road and north of Southern Ave (2.57 ac.). Rezone from C-2 PAD to C-2 and Site Plan Modification. This request will allow for the development of a medical office complex. Michael Hamberlin, owner; Lesley L. Partch, applicant.

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

It was moved by Boardmember Langkilde, seconded by Boardmember Mizner

That: The Board recommend to the City Council approval of zoning case Z07-21 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Retention basins to be 6:1 slopes maximum where adjacent to the public right of way.

Vote: Passed 6-0.

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Item: **Z07-23 (District 5)** 8000 to 8225 Blocks of East Thomas Road alignment and areas south to East Redberry Road. Located west of Hawes Road and south of Thomas Road (39± acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Frank / Sheri Allen, Jerry / Mary Barron, Deland Bentz, Joseph / Dorothy Coia, Desert Castle Inc, Dennis / Heather Duncan, G Brent Stolworthy LLC, Austin / Lynn Goodale, Jacob / Rebecca Hansen, Eunice Holaren, Michelle Holaren, James / Janae Jarnagin, JP Custom Home, Earl / Nancy Labovitz, Jason / Kaya Laos, Lawlor Construction, Timothy / Carmen Murphy, Nichole Shaffer, Schell Alla Tr, Southwest Commercial Real Estate, Ronald / Joni Trout, Calvin / Marilyn Uhl, City of Mesa, owners; City of Mesa, applicant.

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

It was moved by Boardmember Langkilde, seconded by Boardmember Mizner

That: The Board recommend to the City Council approval of zoning case Z07-23 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Vote: Passed 6-0.

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Item: **Z07-24 (District 5)** The 8000 to 8200 block of the East Thomas Road alignment (south side) and the 3400 to 3500 block of north 80<sup>th</sup> Street (east side). Located west of Hawes Road and south of Thomas Road (31± acres). Rezone from R1-35 to R1-35 PAD. This request will allow for the development of a single residence subdivision. Various (Robert Watson, Sim Nathan, James and Janae Jarnagin, Deland Bentz, Jason and Kala Laos, Ronald Trout, Christopher Haws, Brent Stolworthy, Heather Duncan, Timothy and Carmen Murphy, Austin and Lynn Goodale, Jake and Rebecca Hansen, Calvin and Marilyn Uhl, Ron and Cheryl Barron, Jerry and Mary Barron, Jason and Natalie Lawlor, Frank and Sheri Allen, Joe and Dorothy Coia, Nichole Schaffer, Darin Palmer, Clare Graves, Rick Palmer, Earl and Nancy Labovitz), owners; Nathan Palmer, applicant.

Comments: Nathan Palmer, 8807 E. Palm Lane, applicant, gave a brief history of this project. He added that this is an existing County project; minor land divisions have created all of the lots and they are trying to conform them to City regulations. He explained that the only changes are to the roads. He continued all of the lots meet the R1-35 zoning, however; to meet City standards they are required to dedicate a 24-foot wide tract for a private roadway. Adding that they will develop Redberry Road for emergency vehicle access and will have an exit only gate onto Redberry Road.

The following people presented blue cards in opposition to this project:

Linda Minch, 3360 N. 81<sup>st</sup> Street  
Glenn Wooden, 3415 N. 80<sup>th</sup> Place  
Jeannette Zerlli, 3439 N. 80<sup>th</sup> Place

Their concerns included:

- Loss in property value.
- Increased density of homes.
- Increased traffic.
- Loss of wide variety and abundance of wildlife.
- Smaller lots in this subdivision compared to the area.
- Residents not notified of all neighborhood meetings.
- This project is in the County jurisdiction.

Mr. Palmer responded to the concerns of the neighbors. He stated that there were five meetings, three with the neighborhood and one each with the Las Sendas Association and the Spook Hill Neighborhood Association. As for the increased density and traffic, all of the lots currently exist in the County. He explained that the average net lot size is well over 36,000 square feet, but with the dedication of the private road the size of some lots are reduced to less than 35,000 square feet. Mr. Palmer further explained that this project will be an asset to the area; it will clean up the desert with the enforcement of the Desert Uplands Ordinance and help maintain the natural ambiance and structure of the existing desert.

Tom Ellsworth, Senior Planner, responded to the concern of the neighbors regarding the property not yet being annexed adding that the annexation will be heard by Council on April 2<sup>nd</sup>. He explained that this is a recommendation and not an approval of the zoning. Mr. Ellsworth gave an overview of the case pointing out that this is a request for a PAD overlay that would allow for the private drive and slightly smaller lots. He addressed traffic concerns adding that the applicant will improve Redberry Road all the way to Hawes Road so City service vehicles can use this road and there will be a gate installed so Redberry Road will be an exit only from the subdivision. Mr. Ellsworth continued that there are eight home sites that are either under

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construction or built on. He explained that all future development to these and the other lots will require the standard R1-35 setbacks be met and compliance with the Desert Uplands Ordinance.

Boardmember Mizner asked Mr. Ellsworth to explain what the plans were for the City owned 10-acre parcel to the south of this project and to clarify that all of the lots had been approved in Maricopa County. Mr. Ellsworth responded that it is his understanding that the 10-acre parcel was purchased by the Parks and Recreation Department and was a possible future park location. He continued that each lot was approved in the County and existed.

Boardmember Mizner commented that the lots exist, he didn't see an increase in density or traffic beyond what is already approved in the County and continued that under the City of Mesa Development Standards there will be far more preservation of the natural desert so he would support the project as recommended by staff.

It was moved by Boardmember Langkilde, seconded by Boardmember Finter

That: The Board recommend to the City Council approval of zoning case Z07-24 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all City development codes and regulations, including the City of Mesa Subdivision Regulations and Desert Uplands Development Standards (including submittal of a Native Plant Preservation Plan and a grading permit).
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. All encroachments in the setbacks for existing buildings will be per drawing "Sheet 7 of 14" dated 03-08-07. All future development will meet standard setbacks for the R1-35 zoning district.
6. Maximum lot disturbance area will be 50% per the Desert Uplands Development Standards except for lots 2, 11, 14, and 20 per drawing "Sheet 1 of 14" dated 03-08-07 that have existing disturbance areas that exceed this maximum as shown on the site plan and in the staff report.

Vote: Passed 6-0.

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Item: **Z07-25 (District 5)** 2725, 2701 and 2661 North Ogden Road. Located south of McDowell Road and east of Greenfield Road (1.26± acres). Site Plan Review. This request will allow for the development of three office warehouse buildings. Charles Klees Jr., owner; Michael P. Monroe, applicant.

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

It was moved by Boardmember Langkilde, seconded by Boardmember Mizner

That: The Board recommend to the City Council approval of zoning case Z07-25 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. Compliance with all requirements of the Subdivision Technical Review Committee.
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. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
8. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

Vote: Passed 6-0.

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*Respectfully submitted,*

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John Wesley, Secretary  
Planning Director

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