# CITY OF MESA

## MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date March 18, 2004 Time 4:00 p.m.

| MEMBERS PRESENT | MEMBERS ABSENT |
|---|---|
| Marty Whalen, Chair | Alex Finter, excused |
| Mike Cowan, Vice-Chair | Rich Adams, excused |
| Barbara Carpenter | |
| Pat Esparza | |
| Bob Saemisch | |

OTHERS PRESENT

| | | |
|---|---|---|
| John Wesley | Michelle Dahlke | Ladell Call |
| Dorothy Chimel | Wayne Balmer | Doug Chapman |
| Ryan Heiland | Greg Marek | Others |
| Scott Langford | Councilmember Griswold | |
| Lois Underdah | Ralph Pew | |
| Maria Salaiz | Jim Smith | |
| Tom Ellsworth | John Butcher | |
| Charlie Scully | Chanel Garner | |

Chair Whalen 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 18, 2004. Before adjournment at 6:30 p.m., action was taken on the following items:

It was moved by Boardmember Cowan, seconded by Boardmember Carpenter that the minutes of the February 19, 2004 meeting be approved as amended. The vote was 4-1-2 (Esparza abstaining, Finter and Adams absent).

It was moved by Boardmember Carpenter, seconded by Boardmember Cowan that the minutes of the February 17, 2004 Public Meeting and the February 19, 2004 Public Hearing for GPMinor04-02 be approved as submitted. The vote was 5-0-2 (Finter and Adams absent).

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

It was moved by Boardmember Carpenter, seconded by Boardmember Cowan that the consent items be approved. Vote: 5-0-2 (Finter and Adams absent).

Zoning Cases: *Z04-23, *Z04-24, *Z04-25, *Z04-26, Z04-27, Z04-01

Preliminary Plat: Cris Crossing

MINUTES OF THE MARCH 18, 2004 PLANNING AND ZONING MEETING

Item: **Z04-23 (District 4)** 809 West Main Street. Southwest corner of Main Street and Extension Road (0.58 ac. ±). Rezone from C-3 to C-3HL. This request is for the Historical designation of the Landmark restaurant. Don and Candy Ellis, owners and applicants.

Comments: This case was on the consent agenda, therefore, it was not discussed individually. Chairperson Whalen asked Mr. Marek to give a brief overview of the history overlay on this proposal.

Mr. Greg Marek, Historic Preservation Officer, gave an overview and stated that the proposed designation is to recognize and preserve Mesa's historical and architectural heritage. He noted that the original building was built in 1911 as a Mormon Church and stayed that way until 1937 and in 1954 the church actually moved out. Mr. Marek also noted that the Landmark Restaurant was the original location for Mesa Community College before they moved to Dobson and Southern in 1966. The buildings and the property have a significant historical connection, not only to Mesa's religious development but also the educational development. In 1972, the building was purchased and turned into a restaurant. Mr. Marek mentioned that this property is on the City's historic property register. The Ellis', who now own the property, are in the process of hiring a consultant and having the property nominated to the national register of historic places.

Don and Candy Ellis, 3241 E. Jager Circle, stated they bought the property in 1981 and called it the Landmark Restaurant because they knew the historical significant of the property. He stated they are proud that the City has taken the steps to designate this property with a historic overlay.

It was moved by Boardmember Carpenter, seconded by Boardmember Cowan that the consent items be approved.

That: The Board approve and recommend to the City Council approval of zoning case Z04-23.

Vote: Passed 5-0-2 (Finter and Adams absent).

* * * * *

MINUTES OF THE MARCH 18, 2004 PLANNING AND ZONING MEETING

Item: **Z04-24 (District 5)** The 6300 to 6400 block of East Main Street (south side) and the 200 to 300 block of 63rd Street (east side) through to 64th Street (west side). Located south and east of Main Street and Recker Road (1.64 ac. ±). Rezone from C-2 to C-2 PAD. This request is for the development of office condominiums. Michael Hamberlin, owner; Steven Nevala, applicant. Also consider the preliminary plat "63rd Professional Center".

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

It was moved by Boardmember Carpenter, seconded by Boardmember Cowan

That: The Board approve and recommend to the City Council approval of zoning case Z04-24 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and landscaping to be installed in the first phase of construction.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 5-0-2 (Finter and Adams absent).

* * * * *

MINUTES OF THE MARCH 18, 2004 PLANNING AND ZONING MEETING

Item: **Z04-25 (District 1)** 2310 and 2320 East Brown Road. Located north and east of Gilbert Road and Brown Road (1.22 ac. ±). Rezone from R-4 to O-S. This request is for the development of two medical office buildings. Dr. Jerry R. Shockey, owner; Vince Dalke, applicant.

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

It was moved by Boardmember Carpenter, seconded by Boardmember Cowan

That: The Board approve and recommend to the City Council approval of zoning case Z04-25 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Recordation of cross-access and reciprocal parking easements between parcels 141-11-091 and 141-11-092.
4. Recordation of cross-access easement between parcels 141-11-091 and 141-11-092.
5. 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.
6. All street improvements and landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Design Review Board.
8. Full compliance with all current Code requirements, unless modified through the Development Incentive Permit.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
10. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City prior to the issuance of a building permit.

Vote: Passed 5-0-2 (Finter and Adams absent).

* * * * *

MINUTES OF THE MARCH 18, 2004 PLANNING AND ZONING MEETING

Item: **Z04-26 (District 5)** The 9200 and 9300 block of East Main Street (north side) and the 50 to 100 block of North Ellsworth Road (east side). Located north and east of Main Street and Ellsworth Road (5.73 ac ±). Site Plan Review. This request is for the development of a commercial development. Mike Pearlstein, owner and applicant.

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

It was moved by Boardmember Carpenter, seconded by Boardmember Cowan

That: The Board approve and recommend to the City Council approval of zoning case Z04-26 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, lot coverage) except as noted below.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for Pad “A” and Pad “B”.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Compliance with all requirements of the Design Review Board.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 5-0-2 (Finter and Adams absent).

* * * * *

MINUTES OF THE MARCH 18, 2004 PLANNING AND ZONING MEETING

Item: **Z04-27 (District 6)** Northeast corner of Sunnyvale and Baseline Road. Located east and north of Higley Road and Baseline Road (17.57 ac. ±). Rezone from R3-DMP and PEP-DMP to R4-PAD-DMP. This request is for the development of an apartment complex. Langley Superstition Business Park L.P. (Michael Diessner), owner; Pew and Lake, P.L.C., applicant.

Comments: Ralph Pew, Pew & Lake, representing the applicant, gave a description of the new overlay. He explained the request is to designate the entire acreage to R-4. He added that they understood that design of the site, location of buildings, open space and amenities for this project would require Design Review approval and had designed the project in such a way that it would have a good flow of traffic and good circulation.

John Butcher, 31st Ave., Phoenix, representative of UPS stated concern that if they were to have an expansion of the UPS facility it might make approval more difficult.

Chanel Garner, 5552 E. Inverness, stated that placing another apartment complex directly in front of the UPS facility would add more traffic and the current residents have expressed concern with how much more traffic additional UPS trucks would bring.

Dorothy Chimel, Principal Planner, thanked Mr. Pew for his presentation of the project. She added that the Development Master Plan was modified with specific zoning of R-3, C-1 and PEP in October 1998. It clearly was identified as an area that was appropriate for apartment uses in a mixed use development. She stated that staff is supportive of this case, adding that staff does not feel that the UPS site would be jeopardized by the expansion of the apartment site north to Inverness. The Mixed Use Residential category of the General Plan also added to the reasons why this request was supported and the size of the apartment parcel was increased, making for a better designed complex.

Chair Whalen asked if Transportation had looked at traffic flows from the UPS site. Ms. Chimel responded that input is provided from Transportation, Engineering, Solid Waste, as all the different divisions that ultimately will be responsible for relaying development standards.

Mr. Pew stated the expansion areas of the UPS facility would be to the north and would not affect the apartment site.

Chair Whalen asked if the applicant would give written representation to UPS regarding lack of objection to future development. Mr. Pew stated they would agree.

Boardmember Carpenter stated that there was mention made of the gate on Inverness being "coded" and the one on Baseline would not be. She asked if that would deter children being outside of the apartment complex. Mr. Pew responded that the gate on Inverness will be coded as it is not designed as a primary entrance. She asked if residents would be able to use the UPS services. Ms. Garner responded that they would.

Ms. Chimel added that a deceleration lane is required at the Baseline Road entrance so there will be additional safety.

It was moved by Boardmember Carpenter, seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-27 conditioned upon:

1. Compliance with the density and basic development as shown on the site plan submitted.
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, 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.
6. Compliance with all requirements of the Design Review Board.

Vote: Passed 5-0-2 (Finter and Adams absent)

Reason for Recommendation: This project is in conformance with the General Plan and the Development Master Plan has identified multi-residential development since 1998.

* * * * *

MINUTES OF THE MARCH 18, 2004 PLANNING AND ZONING MEETING

Item: **Z04-01 (District 6)** Northeast and Northwest corner of Ellsworth Road and Germann Road (320 ac.). Rezone from R1-43 to M-1 and M-1 (conceptual C-2). This request is to bring zoning into conformance with Mesa 2025 General Plan. Various owners; Wayne Balmer, Project Manager WGAA, applicant. **CONTINUED FROM THE JANUARY 15, 2004 MEETING.**

Comments: Wayne Balmer, applicant, mentioned that this case was continued from the January's Planning and Zoning meeting to allow time to conduct more meetings with the neighbors and the property owners. He stated they have had two meetings with the general public at Williams Gateway Airport and have had several meetings with both property owners and neighbors to express and discuss their concerns and issues. He noted that we knew as a community it was coming and that it was going to be controversial because of the Queens Park subdivision, which has been there for many years. The area is shown as being zoned for Employment in the General Plan so there has always been the question of how that transition would be done. The property owners would like to have the maximum flexibility when they develop and the neighbors want the maximum protection for their subdivision because they don't know what's being developed.

Mr. Balmer stated that another issue was the Air Field (AF) overlay zoning, which is in place in this case. It was something that the City of Mesa did in 1988 when working with the Air Force to try to keep Williams Air Force Base opened. He noted it is time to re-look at that AF zoning. Mr. Balmer also noted that they are talking about two different pieces of property. The property on the east side of Ellsworth Road is to be used for employment. Most of the issues on this case are with the property west of Ellsworth Road. He pointed out that one of the conditions being recommended states that anything that is proposed would come back before the Planning & Zoning Board and City Council.

Chairperson Whalen read blue cards from neighbors who are opposed to this project but did not wish to speak: Ronald Wiltbank, Elaine McIntye, Dave & Tere Rope, Craig Markley, Peggy & Mark Underwood, Steve & Bonnie Vaughn, Dan & Sandy Sundstrom, Linda Sherwood, Todd Wyman, Steve Plant, Cheryl Hanson, LeAnn Merkley, Steve & Rosanne Casterton, Barbara Edwards, and Renee C. St. Joseph.

Karla Chapman, 8715 E. Woodland Avenue, stated she appreciated the Board taking the time to listen and wanted the Board to know how the meetings went between them and the City. She stated that in one of the meetings one of the property owners told them that their homes would be condemned and taken over by the City of Mesa and that Mr. Balmer told them that their subdivision was a mistake and was never supposed to be there. She added that when they asked for the buffer Mr. Balmer stated that the toxic waste from the area next to them would flow into the retention area. She stated the meetings were not productive.

Don Fuller, 1128 E. Greenway #1, Mesa, stated that he had asked that his property be a separate case because they did not have any adjoining homeowners. He mentioned that with discussions and negotiations with the City they were able to come up with some terms that would apply to their property. He also mentioned that when this case first started out there was no mentioned of an Air Field (AF) overlay on these properties. When he saw what AF zoning was and how it relates back to the old Air Force Base he was concerned. He stated Mr. Balmer had indicated that something needed to be done with the AF overlay zoning. He noted that if the Board's recommendation to Council is that this land be zoned M-1 he asked that the Board make a recommendation that the AF zoning be repealed, eliminated, modified or changed.

MINUTES OF THE MARCH 18, 2004 PLANNING AND ZONING MEETING

Bill Jaffa, 30 West 1st St. stated that with the impending closure of Williams Gateway Airport a tremendous opportunity existed to capitalize on it's infrastructure and build a regional airport and employment center. The Queens Park development, although approved as a residential development by Maricopa County, before being annexed into Mesa was always viewed by Mesa as part of the Williams Gateway Airport employment center. Aircom, the owner directly to the east has had a sign on its' property advertising industrial land for sale dating prior to the Queens Park subdivision. The City's overlay zoning in this area has always been industrial and the General Plan approved by Mesa voters calls for industrial development. The Queens Park residents have suggested that they are entitled to the same buffers that the City provided to the Commons in Northeast Mesa. Additionally, the development west of the Commons has a masonry wall where as Queens Park has no perimeter wall around much of it's development. Mr. Jaffa also mentioned that the AF overlay zoning should be drastically modified to conform with non-Air Force uses. He respectfully requested that the overlay zoning be looked at and the General Plan be recommended for approval to the City Council.

Doug Chapman, 8715 E. Woodland Ave, and Ladell Call, 8660 E. Waterford Circle, representing the Queen Park subdivision, stated that they are concerned about the lack of transitional zoning.

Mr. Call gave a brief overview and showed a site plan that was originally presented to the landowners with some modifications. He stated that the ideal behind this site plan was to put a row of houses around the whole subdivision facing onto the street and the lots themselves would create the buffer, along with an 8-foot block wall, a landscape strip and then a strip of Planned Employment Park (PEP). He stated they felt this would be one possible way of transitioning and would be positive to the neighborhood as well as the landowners.

Mr. Chapman showed another site plan stating instead of housing they have proposed a 200-foot buffer with a wall, a berm, than another wall for sound abatement. He stated that either one of these plans would satisfy the neighborhood's desire to have a transitional area. He noted that this has been the biggest complaint the neighbors have with this proposal. It treats us as if we don't exist and the conditions for the development are virtually non-existent. Mr. Chapman again mentioned that the subdivision is very opposed to having M-1 against residential without some kind of transitional zoning.

Ralph Pew, 10 W. Main Street, on behalf of Aircom Industrial Park LLC who owns the 80 acres located east of the Queen Parks subdivision. He stated they concur with staff's recommendation and agree to the conditions with clarification to Stipulation #10 that: No bay doors are to face west along 88th Street and No bay doors south on Germann. He stated what brings this case to the attention of the Board and the City Council is a sequence of three events that has happened. Over a decade ago, folks in the Queens Park subdivision purchased lots, began to build houses, and have established a residential community. It's unfortunate but we need to do what we can to accommodate, in a reasonable way, a buffer and a transition without destroying the entire intent of the Master Plan and the General Plan in that area. The second fact is that two years ago we were in front of the City Council on the issue of realigning Pecos Road and doing other things in this area. As a result of that, City Council wanted to impose zoning conditions on the property that I represented and others in the area. Rather then doing that the City Council adopted Resolution 7838 that states that in this area of the community we would support the General Plan and that future development will occur in accordance with certain letters submitted on behalf of land owners in the vicinity. We sent a letter to the City, which said that at the time when we have a user and our property develops as M-1 or PEP we acknowledge the need to talk about a reasonable buffer and transition. The third reason has to

do with a case called Paloma Estates, a subdivision on 20+ acres in this area. All this, started the City Council to initiate zoning cases on all of the land zoned R1-43 and bring it all consistent with the General Plan. He stated they'd like to develop according to the General Plan and bring users but unfortunately the City Council is on this rampage of City initiated zoning and it brings us to this predicament. We're all trying to make decisions without all the facts or without a specific site plan.

Mr. Pew stated they are agreeable to the restrictions and have indicated that they do not support PEP zoning on the western boundary. PEP is designed in the Zoning Code and in the General Plan to create an integrated campus like community of high tech uses, with associated retail and restaurant availabilities in the area. Staff has come up with the right suggestions, the right buffering technique and we're agreeable to those conditions.

Mr. Balmer responded to comments from Ms. Chapman stating that the City has no intention of acquiring the properties in this subdivision by eminent domain and that he meant it was a mistake in land use that was approved in the County before it was annexed into the City. He concurred with Mr. Fuller that the AF zoning is outdated and needs to be looked at. He also concurred with Mr. Jaffa's comments that the City did try to acquire the property and that it wasn't that the City didn't want the Queen's Park subdivision. We knew when we annexed that it was going to be residential. We just wanted to take care of how it would be developed.

Mr. Balmer also responded to comments on the two proposals from Mr. Chapman and Mr. Call. He stated that the two proposals were submitted at the neighborhood meetings and he did tell the neighbors he didn't think they stood a good chance of either plan being recommended. The concern he had with the single-family homes was that it would be going from 49 lots to 81 lots, in an area where the City Council and the General Plan showed no more housing. In fact, it would require a General Plan Modification to put in more housing. The second plan shows the walls being slightly modified and the reason Pecos Road is shown on this plan is that the neighbors suggested that in the future, from Woodland Avenue to Pecos Road, they would like to see that entire area zoned PEP not light industrial. This is a 200-foot wide strip with a raised wall in the middle. The proposal is that that area would be an open space and part of it would be used for retention. There were some challenges with both of these proposals and I did inform the neighbors during our meetings. Staff will agree with Mr. Pew to clarify Condition #10: To orient the active areas away from 88th Streets, have the loading docks to the north or the east and have landscaping to the west. Staff used Resolution 7838 as a starting point on how to proceed with this case. Council's direction was to have an adequate transitional buffer. The other two points in the conditions are: there would be no driveways and no traffic between the Queens Park subdivision and the new subdivision to the east.

Chairperson Whalen asked Mr. Balmer if the owner was in agreement with Condition 10. Mr. Balmer responded that Mr. Pew's letter asked for clarification on the wording and staff is agreeable to making that wording clarification. Chairperson Whalen also asked Mr. Balmer what staff proposed to replace the AF overlay zoning with. Mr. Balmer responded they'd probably set up a committee, hire a consultant, get the airport, neighbors and the aviation community involved to come up with something that makes sense over the long term.

Chairperson Whalen stated that the AF overlay zoning needs to be reviewed and asked Mr. Wesley to have staff bring whatever is appropriate to the Board in a timely fashion. Mr. Wesley responded that staff recognizes that the ordinance is outdated and would have staff work on it.

Boardmember Saemisch asked Mr. Balmer if there are other similar sites that are going to have

the same kinds of issues. Mr. Balmer responded that this is probably the most controversial of the group. He showed a map of the areas that have been completed and those that remain to be rezoned. We are just about at the end of the process. Boardmember Saemisch also asked if the next plan that comes before the Board would be expecting the same or better treatment in terms of the amount of buffering that is to go in. Dialog ensued between Boardmember Saemisch and Mr. Balmer about code requirements for this case and an adequate transitional buffer.

Chairperson Whalen commented that whoever drafted these conditions looked closely at the Commons case because the conditions are similar.

Boardmember Esparza asked why the height on Condition #6 went from 20 feet to 30 feet. Mr. Balmer responded that many of the buildings currently being built were 22-27 feet in height and the intent wasn't to have a drastic change but to have them look like others in our community.

Tom Ellsworth, Planner II, gave an overview stating that there are two issues being discussed on this case. One was the AF overlay zoning, which Mr. Balmer has covered significantly and the other deals with the adequate transitional buffer. In reviewing the request from the applicant, staff looked to see if those adequate transitions were being met. He added that the transitional buffer has been met and staff recommends approval. He responded to the concerns of the neighbors stating that the only allowable transitional zoning within the General Plan land use category would be PEP. If the Board desires to go that direction, with a 300 foot PEP buffer along 88th Street and Germann Road, it would have to be re-advertised prior to Council and the property owners have already stated they would be in opposition.

Boardmember Carpenter stated that with regards to Condition #5, she is not a fan of walls, they are not attractive and they really don't hide much of anything. She stated she didn't understand why anybody would want to agree to have a wall with the back of an industrial building, when they could have a very attractive entry. Mr. Ellsworth responded that there is no specific site plan for this site, so in absence of that, the wall seems to be an adequate buffer. He noted that at the time of a specific site plan those kinds of issues could be addressed and resolved.

Boardmember Saemisch stated there is a lot of identification with walls in the City and most of them happen to be in residential backyards and not necessarily in the industrial sites. He stated that there is room for even more movement in the wall and has suggested it before in previous meetings. There are ways to design around specific issues but having a very long straight wall all at the same height could be de-valuing in quality. He stated he could see it as a 30 foot line instead of a 20 foot line to allow for a meandering sidewalk and preferred to see the wall meander within a 10 foot space. It would benefit the neighbors by having a place to walk and be part of a natural environment.

Boardmember Carpenter asked if the condition could be modified to actually make it more attractive when a site plan is presented. Mr. Ellsworth responded that the condition and the design of the wall would be addressed when a specific site plan comes in for review.

Chairperson Whalen reminded Boardmembers they are not here to try and do architectural design or elevations, but talking about the land use.

Mr. Balmer mentioned that if the wall were built now it would be vandalized, it would block the neighbor's view of the mountains and he did not knew when the property would be developed. As the process moves forward it would go to Design Review and a design would be established

for the full length of the wall at that time. One of the discussions that we had at some length was how wide the right-of-way should be. We proposed that there be asphalt with two strips of concrete and that could be done on a 50 foot right-of-way and still leave 8 or 9 feet on the east side that could be landscaped.

Chairperson Whalen stated that these cases are never easy. If we try to impose a PEP strip, it would essentially be un-usable because you would not find a PEP tenant to use it. Under those circumstances you're telling the developer he can't develop his property and we can't do that. Staff has done a good job and I'm thankful to the owners for being willing to go along with it. He stated he would be supporting this case.

Dialog ensued between Boardmember Saemisch and Mr. Balmer about the width of the right of way. Mr. Balmer stated that City standards would be 50 feet but if the Board wanted to recommend a 60-foot right-of-way in this area he didn't think the Traffic Engineer would be opposed.

Boardmember Saemisch stated that with the wall being 8 foot high more buffering would be needed and asked if the City would be willing to add that additional 20 feet to the right-of-way to allow for the meandering wall. He noted that this would be at the cost of the developers and the developer would have to concur because he would lose some property. Mr. Balmer responded that the owner would lose property and the City would ask him to do the additional landscaping, but would the City Council be agreeable to picking up the ongoing maintenance cost.

Mr. Pew stated that this street only serves the Queens Park subdivision so it's not reasonable to take a 60-foot right-of-way. He suggested that they keep the right-of-way at 50 feet, so that the property line is on 25 feet on their side, then they would be willing to grant a 10-foot Public Utilities and Faculties Easement (PUFE). You pick up more without compromising the right-of-way line or asking this landowner to give more right-of-way than is required. He stated they would be agreeable to that.

Boardmember Saemisch asked Mr. Pew what about giving15-feet of PUFE. Mr. Pew responded that if the Board wants to do a15-feet PUFE and it doesn't affect their right-of-way point and their setback point they didn't have a problem with that.

Chairperson Whalen motioned to approve zoning case Z04-01 with the 15-foot PUFE as mentioned by Mr. Pew. Motion fails for the lack of a second.

More dialog ensued between Boardmember Saemisch and Mr. Pew about the adequate amount of the PUFE to be given. Mr. Pew stated that they would work with staff to resolve this issue before it goes to Council.

Chairperson Whalen again directed staff to resolve the AF overlay zoning issue.

Boardmember Saemisch motioned that this case be approved with a 10-20 foot PUFE along 88th Street and that a design be submitted as an example to City Council for them to review with cost and also reviewed by staff to determine the size of that PUFE. Motion seconded by Boardmember Esparza.

Chairperson Whalen asked Mr. Pew if he was agreeable to this motion. Mr. Pew pointed out that Mr. Balmer is the applicant in this case and he would be willing to work with Mr. Balmer. Mr. Balmer also stated he would be glad to work with Mr. Pew but pointed out that the Council is

not in a position to make a design decision.

Boardmember Saemisch asked if a continuance would be needed in order to work out issues on this case. Mr. Balmer stated that it would be a decision the Board would have to make. He stated he'd be more comfortable with the suggestion of a 15-foot PUFE that would be accompanied by a wall and landscaping plans that would meet the Design Review Board's requirement. We'd have a specific PUFE that would go to the City Council but we wouldn't have to do a specific design until we have someone before the Board.

Boardmember Carpenter clarified that this whole process is at the discretion of City Council and that this is just an advisory's board recommendation. Boardmember Whalen agreed with Boardmember Carpenter.

Boardmember Cowan also echoed Boardmembers Carpenter's comments. He also noted that this has been the most challenging case the Board has had and stated he's in favor of this motion.

Boardmember Saemisch withdrew his motion and offered a new motion. He made a motion to approve zoning case Z04-01 with a 15-foot PUFE. Seconded by Boardmember Carpenter.

That: The Board approve and recommend to the City Council approval of zoning case Z04-01 conditioned upon:

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.

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.

Vote: Passed 5-0-2 (Finter and Adams absent).

* * * * *

MINUTES OF THE MARCH 18, 2004 PLANNING AND ZONING MEETING

Item: East of the southeast corner of Crismon Rd. and University Dr. (District 5) This project involves the development of a 6-lot single residence subdivision. Reed Whipple, owner; Phillip Rosendale, applicant. Consider the preliminary plat of "Cris Crossing" (2.4 ± ac.).

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

It was moved by Boardmember Carpenter, seconded by Boardmember Cowan

That: The Board approve the preliminary plat "Hermosa Vista Estates" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat (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 the Residential Development Guidelines.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All street improvements to be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 5-0-2 (Finter and Adams absent).

* * * * *

MINUTES OF THE MARCH 18, 2004 PLANNING AND ZONING MEETING

Respectfully submitted,

_____

John Wesley
Planning Director

MS:
I:\P&Z 04\Minutes\March04.doc