

MINUTES OF THE APRIL 18, 2012 PLANNING AND ZONING MEETING

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date: April 18, 2012 Time: 4:00 p.m.

MEMBERS PRESENT

Beth Coons, Vice-Chair
Chell Roberts
Vince DiBella
Lisa Hudson
Brad Arnett
Suzanne Johnson

MEMBERS ABSENT

Randy Carter (excused)

OTHERS PRESENT

John Wesley
Gordon Sheffield
Tom Ellsworth
Lesley Davis
Angelica Guevara
Wahid Alam
Debbie Archuleta
Margaret Robertson
Scot Rigby
Dave Richins
Dina Higgins

Lloyd McBeen
Charles Huellmantel
Dan Perolick
John Kressaty
Donna Kressaty
Kay Henry
William Puffer
Karen Frias-Long
Otto Shill
Beth Fierenza
Mark Schoffield

Gary Brown
Jay Allen
Patrick McNamara
Tim Cowley
Dave Collins
Dan Taylor
David Crummey
Neal Caulfee
Trudy Licano
Others

Vice Chair Coons declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated April 18, 2012. Before adjournment at 6:20 p.m., action was taken on the following:

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Lisa Hudson that the minutes of the March 20, 2012, and March 21, 2012 study sessions and regular meeting be approved as submitted. Vote: 6 – 0 (Chair Carter absent).

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

It was moved by Boardmember Chell Roberts, seconded by Boardmember Vince DiBella that the consent items be approved. Vote: 6 – 0 (Chair Carter absent)

CODE AMENDMENT:

- *1. The amendment proposes revisions to Section 11-8-3, Land Use Regulations by revising Table 11-8-3 to include additional land uses relating to recycling facilities, and providing references to existing additional land use regulations relating to the operation of recycling

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facilities. The proposed amendments would revise only the permitted land uses for the DB-1 and DB-2 zoning districts.

Item: The amendment proposes revisions to Section 11-8-3, Land Use Regulations by revising Table 11-8-3 to include additional land uses relating to recycling facilities, and providing references to existing additional land use regulations relating to the operation of recycling facilities. The proposed amendments would revise only the permitted land uses for the DB-1 and DB-2 zoning districts.

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Chell Roberts , seconded by Boardmember Vince DiBella

That: The Board recommend to City Council approval of the Code Amendment as submitted

Vote: Passed 6 – 0 (Chair Carter absent)

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HEAR A PRESENTATION, DISCUSS AND PROVIDE DIRECTION ON THE FOLLOWING ITEMS WHICH WILL BE HEARD APRIL 30, 2012:

1. **Z12-20 (District 5)** 7555 East Eagle Crest Drive. Located east of Power Road and north of Thomas Road . District 5. Modifications to the existing PAD overlay for the Las Sendas Golf Club Planned Area Development and Site Plan Review. (.± acres) This request will allow the development of a banquet facility. PLN2012-00058. LSM Golf LLC, owner; David Iverson, applicant.

STAFF PLANNER: Angelica Guevara

Boardmember Brad Arnett declared a conflict.

Lloyd McBeen represented the case. Mr. McBeen stated he had about 50 people present in support of the the project and a petition with 80 signatures in support. He stated Las Sendas struggled in the early 90's and the golf course suffered. In 2009 his compny took over the golf course which was already built. They completed the projects for the golf course such as the club houses, golf paths etc. This request was to build dining facilities and banquet facilities. He stated the original design wouldn't work with the current homes, so they were requesting to move it so there would be less impact for existing homes.

Staffmember Angelica Guevara explained that due to an error with the notice this case will be heard at a special Planning and Zoning Board meeting, Monday, April 30th. She also stated the Board could not vote on the case at this meeting.

John and Donna Kressaty turned in a blue slip in support of the case, but did not wish to speak.

Vice Chair Beth Coons stated she knew that golfers were very passionate.

Boardmember Vince DiBella confirmed staff had received a letter from a neighbor who was opposed to the project because they did not want their view blocked.

2. Form Based Code

STAFF PLANNER: Jeff McVay

Staffmember Jeff McVay explained that two years prior the City started working on the Central Main Plan which was approved by Council in January. The Form Based Code was part of the Central Main Plan. Opticos Design, the consultant working on the FBC, held three multi-day workshops to get input from the community. Mr. McVay stated staff was recommending the FBC be approved with an opt in option. The underlying zoning would remain with the FBC over it. A rezoning process would be necessary to obtain the FBC overlay. The FBC would be chapters 56 to 65 of the Mesa Zoning Code.

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Dan Perolick of Opticos Design then spoke. Mr. Perolick stated they saw huge potential for downtown, especially with the light rail coming. He stated there would be a paradigm shift in decision making. He thought it was important for the City to utilize the FBC to create a strong, unique new brand for downtown Mesa and to protect that brand, as the downtown continues to evolve and transform itself. He stated one of the primary strategies was reinforcing a hierarchy of urban places. He then explained the different transect zones that are within the FBC. Starting from least intense: T3 neighborhood: historic districts, bungalow neighborhoods which would allow smaller uses: T4 neighborhood: would allow high quality, smaller footprint multiple residential projects: T4 neighborhood flex; would allow more flexibility of uses especially on the ground floor: T4 Main Street, would allow 1 – 3 story buildings with active ground floor uses: T5 Main Street, higher intensity and height, mixed use buildings with active ground floors with office or residential on higher floors: T5 Main Street flex, allows more variety of uses on the ground floor: T6 Main Street, where the most active uses should be located, much taller buildings.

Mr. Perolick stated the details really do matter, the ground floor frontages in the T5 and T6 really want to invite people in. He stated the form is important, but the use is just as important to create a vibrant area. He then explained what the process would be like for applicant/developers. The first step would be to determine which area they were in, then they would go to the building code standards, which tell them what their setbacks are and their allowed uses. Then they would choose a building for each zone, then they would choose an allowed frontage type. Larger sites would have a couple of additional steps. He encouraged the Board to continue to go back and look at the plan and at the information from the cherets and utilize that visioning information as a basis for decisions they will be making in the future. He encouraged the City to set the bar high for quality and push to get the high quality results the City wants. He stated it was important to get a win very early on so that you can continue to point to that as more projects come in. You may need to set a standard for the quality desired. You will need to push developers to get the quality you want. The opt in process should be discussed because one property owner may choose to use it and the adjacent property may not. Use the FBC to capture the transformation that is very likely to happen with the light rail coming.

Vice Chair Beth Coons stated staffmember McVay had kept the Board well informed on the FBC.

There was a card from David Crummey in support of the FBC. He wished it would be mandatory and expanded to include all station areas.

Mr. McVay explained there would a second public hearing on April 30, 2012.

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Vince DiBella

That: The Board continue the FBC to the April 30, 2012 meeting

Vote: Passed 6 – 0 (Chair Carter absent)

Zoning Cases: Z12-02, Z12-13, Z12-14, Z12-15, Z12-16, Z12-17, Z12-18, Z12-19, Z12-20

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Item: **Z12-13 (District 4)** The 40 to the 60 block of East Main Street (north side). Located east of Center Street on the north side of Main Street (1.25± acres). District 4. Site Plan Review. This request will allow a multi-residential development. PLN2012-00082. City of Mesa, owner; Charles Huellmantel, applicant.

Comments: Vice Chair Beth Coons and Boardmember Brad Arnett abstained. Vice Chair Coons turned the meeting over to Boardmember Chell Roberts.

Charles Huellmantel represented the case and stated this would be a 17 million dollar project. He stated the project had been reviewed by City Council and the Design Review Board more than once. The building was designed to tie in with the MAC across Main, and the pedestrian pathway just to the west of the site. He stated he knew this was a tough case for everyone. He stated this was the third site they had looked at in the downtown.

There were a number of citizens present to speak regarding this case. Acting Chair Roberts, read the names of those who had submitted blue slips in opposition to the case, who indicated they did not wish to speak: John & Donna Kressaty, 3758 North Desert Oasis Circle; Kay Henry, 1327 North Joplin Circle; William Puffer, 8330 East Thomas Road; and, Karen Frias-Long 2528 East Leonora Street.

Otto Shill of 40 North Center represented the Chamber of Commerce. Mr. Shill stated he had worked on the Central Main Plan. He stated that citizens want a sense of place for Mesa. He thought this was the right type of project for downtown just not at this location. He thought the project would limit the gathering place downtown needs.

Beth Fierenza of 448 West Calle Monte Vista in Tempe was in support of the case, but had to leave the meeting.

Mark Schoffield of 2222 North Val Vista spoke in opposition. Mr. Schoffield stated he was on the i Mesa Steering Committee. He stated he had met with citizens to get ideas for Mesa's future, and that they wanted a sense of identity like Central Park or Time Square. He liked the project and thought it was sensible, but not for this parcel. He thought the site was the crown jewel for downtown and should not be a residential use. He thought downtown needed a plaza area. He thought the project should a couple of blocks in any direction.

Gary Brown of 137 West Main stated he had been a downtown business man for 44 years. He stated that in 1992 he noticed there was very little traffic on Main, and there is still nobody on Main. He did not want vacant property. He stated there was a train wreck ready to happen with light rail. This was a proposal now. He wanted people on the street.

Jay Allen of 2222 East Grandview had a law firm at 48 North MacDonald. He stated that over the years the City has narrowed the streets, widened the streets, put up shade structures, there had been public money spent on downtown but not developers' money. He thought this was a great idea and a great location. He stated he was a 5th generation Mesa resident and he wanted to see Mesa grow. He stated downtown needed more than just restaurants, it needed people.

Patrick McNamara of 1122 East Loyola Drive, Tempe representing LISC, a national affordable housing group, he stated this is the only location.

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Tim Cowley of 2309 East Grandview stated his great grandparents lived in Mesa. He was a general partner in a real estate business at 33 South Nina Drive and 224 South Nina. He stated he loved Mesa and loved this project. He was frustrated with the lack of private money being spent in downtown. He stated that details do matter like the Form Based Code presenter stated. He thought this project fit in the T5 category. He thought this project would be the nicest housing facility in Mesa. He thought this project would be the paradigm shift in the Form Based Code.

Dave Collins of 2645 North Ridge stated he had lived in Mesa for more than 20 years. He had relocated his office to a building Ralph Larsen did. He had served on Boards and worked with downtown businesses. He stated very little really happens in downtown. He agreed downtown needed people. He thought this project, with the MAC would help jump start downtown.

Dan Taylor of 45 West Taylor had worked with non profits for 32 years, 15 years with senior housing. He stated there would be hundreds of people coming to downtown. This would be the next generation of mature adults. Part of the future multi-generational housing the Main Street plan talks about.

David Crummey of 1339 West 1st Street stated he wasn't sure if he was in favor of the project or opposed to it. He thought the project was beautiful; however, he had concerns with public property being used for private use. He had heard the property was valued at a low amount, he thought if the City waited the potential revenue could be much higher in the future. He did think it was a high quality project.

Planning Director, John Wesley, stated the DC district has no design standards. He explained the request was to remove the existing parking lot and build an 81 unit residential building. The General Plan and Central Main Plan call for high rise office of at least 4 stories with parking behind it. He explained the Board is reviewing the site plan not the uses. He explained the Ordinance itself does not have standards, however, if you used the Form Based Code this site would be T6 Main Street. Some issues that do not meet the Form Based Code include: Form Based Code looks for 100% full frontage, the project does not meet the standards on the east side; parking must be at least behind the Main Street property line and must be structured parking. He suggested the applicant continue working with staff regarding parking and first floor changes to meet commercial guidelines.

Acting Chair Chell Roberts, asked if the gym facilities would be open to City of Mesa employees. Scot Rigby then spoke and stated that was part of the discussion for the Development Agreement with the City. Mr. Huellmantel then explained, the financing would not allow separate commercial, but because the City was the landlord City employees could use it. Acting Chair Roberts then confirmed that there was parking there, he asked where those people will park, and what happens if the use changes in the future. Mr. Wesley stated the City wanted the applicant to participate in a future parking structure. Mr. Huellmantel stated the project was designed so they could have a parking structure. He also stated the building was stepped back at the east property line so that the elevation would not have to be a fire wall. Mr. Roberts confirmed the applicant would still have other mechanisms to go through after the Planning and Zoning process.

Boardmember Suzanne Johnson asked if the project was required to have higher standards for handicapped parking since it would be for 62 and older, the answer was no. She asked what the next step would be if the project was not approved by the Board at this meeting. Mr. Huellmantel answered part of the tax credit guidelines required that they start construction by

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November 2012. He couldn't say absolutely that the project would be dead, but realistically it would be. Mr. Huellmantel stated they needed to continue working with City Council on the Development Agreement, then they had to work on the construction drawings. He stated the City thought the project could be moved to another location. This was a site plan approval. Mr. Huellmantel stated that Ms. Johnson had asked at the Tuesday study session if there was a way out of the 15 year time frame. He had researched the question and found that there were options, they could buy out the equity partner, or the Governor could make changes.

Boardmember Lisa Hudson asked if the fitness center met the standard for active uses. Mr. Huellmantel stated they plan to build the first floor to commercial Code. The handicap parking would meet Code, and the buildings would be designed for older residents.

Boardmember Vince DiBella asked why 62 or older. Mr. Huellmantel stated the tax credits are allocated by State. The State sets a series of points, among those are points for projects close to light rail, and projects for tenants 62 and over. In previous years it was 55 and older. Mr. DiBella confirmed that even if the Board approved the project, the City could still kill it. Mr. Wesley stated that part of the reason the project had gotten this far was that 4 City Council members had supported the project moving forward.

Acting Chair Roberts summed up that this was an interesting project that would bring people to downtown, and although it may not be in the right place, the financing would die if was not approved at this meeting. He also stated the City could still kill the project.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Suzanne Johnson

That: The Board approve zoning case Z12-13

Vote: Passed 4 – 0 – 2 (Boardmembers Coons and Arnett abstained) (Chair Carter absent)

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Item: **Z12-15 (District 6)** 1841 South Greenfield Road. Located north of Baseline Road on the east side of Greenfield Road (1± acres). District 6. Site Plan Review. This request will allow the development of a drive-thru restaurant. PLN2012-00023. Lumberjack Capital, owner; Dana Rose, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Chell Roberts , seconded by Boardmember Vince DiBella

That: The Board approve zoning case Z12-15 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted.
2. Compliance with all requirements of staff Design Review.
3. Compliance with all City development codes and regulations.

Vote: Passed 6 – 0 (Chair Carter absent)

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Item: **Z12-16 (District 6)** 9155 East Baseline Road. Located at the southwest corner of Ellsworth Road and Baseline Road (1± acres). District 6. Site Plan Review. This request will allow the development of a bank with a drive-thru. PLN2012-00048. Reggie Anderson, McDonald's USA, owner, Kelly Ferguson, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Chell Roberts , seconded by Boardmember Vince DiBella

That: The Board continue the case to the May 16, 2012 meeting

Vote: Passed 6 – 0 (Chair Carter absent)

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Item: **Z12-17 (District 2)** 4509 East Main Street. Located east of Greenfield Road on the south side of Main Street (0.5± acres). District 2. Site Plan Review. This request will allow the development of an ice kiosk. PLN2012-00050. Timothy Hyland, owner/applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Chell Roberts , seconded by Boardmember Vince DiBella

That: The Board approve zoning case Z12-17 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan and elevations submitted.
2. Compliance with previous cases Z99-105 and Z99-103
3. Compliance with Preliminary Plan Review Team's comments, except as modified by the conditions listed above.
4. *Compliance with all Design Review requirements.*
5. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
6. *Revise the site plan to provide a drive aisle of 24 feet wide along the south edge of the raised parking island and landscape the balance of the site to the south.*

Vote: Passed 6 – 0 (Chair Carter absent)

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Item: **Z12-02** 6859 East Rembrandt Avenue. Located north of Warner Road and east of Power Road (14,100± sf). District 6. Council Use Permit. This request will continue to allow an existing charter school within an industrial zoned area. (PLN2011-00375) Daniel Deryke, Western Horizons Development LLC, owner; Steven Mills, University Public Schools, applicant. **(District 6)**

Comments: This case was removed from the consent agenda.

Boardmember Roberts declared a conflict.

Neal Caulfee, represented the case and stated they agree with the staff report and the conditions.

Trudy Licano, 6903 East Parkway Norte, an adjacent property owner, spoke in opposition to the case. Ms. Licano stated she owns property to the south of this site. She stated the school restricts the use of her property. She stated she was OK with the original approval for the school because it was supposed to be there for only 18 months, it has now been 4 years and they want another two years. She was concerned that there had been nothing to show they were moving forward. She stated she had spoken with Beatrice Renton at ASU and was told the applicant didn't even have construction drawings.

In response, the applicant stated that part of the delay in moving was that the VA hospital is still where they plan to move.

Staffmember Angelica Guevara explained this case was a request to allow a charter school CUP to be continued. She stated the original approval was in 2008 with a time limit of 18 months. The temporary approval was extended three years in 2009. The applicant was now asking another extension to June 2014. The staff report had been written based on the applicant's Citizen Participation Plan which stated there were no concerns from adjacent property's. Since that time staff had heard from neighbors who were opposed to the case.

Vice Chair Coons confirmed that surrounding business owners had stated they had issues with traffic congestion caused by the school. She asked if the applicants had addressed those issues. Mr. Calufee stated they were working with City staff and surrounding businesses to address the traffic issues. He stated the problem is only 15 minutes in the morning and 15 minutes in the afternoon. He stated they had made changes including not allowing egress in front of the businesses and pick-up on Rembrandt.

Boardmember Brad Arnett asked what staff would recommend if condition 3 were removed. Staffmember Guevara stated that staff would recommend approval until June 2013, with automatic extension to 2014 only if the applicant had submitted construction drawings. Boardmember Arnett asked how the Board could know the VA hospital would really move.

Mr. Caulfee stated they had issued a lease termination to the VA and that they would not renew the lease. They assumed the VA would honor that lease termination. Boardmember Arnett asked what the date was on the lease termination. Mr. Caulfee stated the date was December 2012 with a one year automatic option to renew to December 2013.

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Vice Chair Coons stated she was supportive of the school, but it was in the wrong place. It started in 2008 as a temporary situation. That is a long temporary situation and other people are being affected by that.

Boardmember DiBella stated that the other option would be instead of an automatic renewal to 2014, they come back to the Board.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Brad Arnett

That: The Board recommend to the City Council approval of zoning case Z12-02 conditioned upon:

1. Compliance with the basic development of the Charter School as described in the project narrative.
2. Compliance with all City development codes and regulations, including comments from the Transportation Division.
3. This Council Use Permit shall expire on June 30, 2013.
4. The approval of this Council Use Permit is limited to the University Public School Initiative.

Vote: Passed 5 – 0 – 1 (Boardmember Roberts abstained) (Chair Carter absent)

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Item: **Z12-14 (District 4)** 32 South Center Street. Located south of Main Street on the west side of Center Street (1± acres). District 4. Council Use Permit and Site Plan Modification. This request will allow the development of a sport court at an existing charter school. PLN2012-00097. Earl Taylor, owner/applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Chell Roberts, seconded by Boardmember Vince DiBella

That: The Board recommend to the City Council approval of zoning case Z12-14 conditioned upon:

1. Compliance with the basic development of the Charter School as described in the project narrative.
2. Compliance with all City development codes and regulations.

Vote: Passed 6 – 0 (Chair Carter absent)

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Item: **Z12-18 (District 3)** 1840 & 1910 South Stapley Drive. Located north of Baseline Road and west of Stapley Drive (17± acres). Rezone from LC to LI. District 3. This request will allow for the development of business park uses. DAZ3-Stapley LLC, owner; City Staff, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually; however, per discussion at the study session, the Board recommended approval of PEP zoning rather than LI.

It was moved by Boardmember Chell Roberts , seconded by Boardmember Vince DiBella

That: The Board recommend to the City Council approval of PEP zoning for zoning case Z12-18 conditioned upon:

1. Compliance with the basic development as described in the project narrative and the approved site plan for zoning case Z04-070.
2. Site Plan Review through the public hearing process of future development plans
3. Continued compliance with all requirements of the Design Review Board, and conditions of approval for case DR04-055.
4. Compliance with all City development codes and regulations.

Vote: Passed 6 – 0 (Chair Carter absent)

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Item: **Z12-19 (District 6)** The 10000 to 10200 block of East Baseline Road. Located at the northeast corner of Crismon Road and Baseline Road (24.7± acres). District 6. Rezone from LC to LC BIZ (10.4± acres) and from LC BIZ to LC (14.3± acres) and Site Plan Review. This request will allow the development of a medical center. PLN2011-0039. Richard Richmond, Crismon Gateway LP owner; Bill Smith, Banner Health, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Chell Roberts, seconded by Boardmember Vince DiBella

That: The Board recommend to the City Council approval of zoning case Z12-19 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted.
2. Provision of a total of three (3), minimum 8' x 15' parking lot landscape islands within the southeastern most parking row of the Banner Health Center development to achieve no more than eight parking spaces without a landscape island.
3. A minimum of twelve (12) bicycle parking spaces shall be provided with Phase 1A and a total of twenty-four (24) bicycle parking spaces shall be provided for the site with the completion of Phase 1B.
4. Any development of Phases 3, 4, 5, 6, or 7 shall require site plan review and approval by the Planning and Zoning Board.
5. Compliance with all requirements of the Design Review.
6. A revised final plat of Crismon Commons East shall be recorded prior to the issuance of building permits.
7. Compliance with all City development codes and regulations.

Vote: Passed 6 – 0 (Chair Carter absent)

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General Plan Amendment and related Zoning Cases:

Item: **GPMInor12-01** The 9800 through 10000 blocks of East McKellips Road (south side). Located at the southwest corner of McKellips Road and Crismon Road (40± acres). District 5. Minor General Plan Amendment to adjust the boundaries of the existing Mesa 2025 General Plan Land Use designation from LDR 0-1 to LDR 1-2. This request will allow the development of a single-residential subdivision. (PLN2011-00285). US Development Land, LLC, owner; Ralph Pew, PLC, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Chell Roberts, seconded by Boardmember Vince DiBella

That: The Board continue GPMInor12-01 to June 20, 2012

Vote: Passed 6 – 0 (Chair Carter absent)

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Item: **Z11-28** The 9800 through 10000 blocks of East McKellips Road (south side). Located at the southwest corner of McKellips Road and Crismon Road (40± acres). Rezone from RS-35 PAD to RS-15 PAD. This request will allow the development of a single-residential subdivision. PLN2011-00285. US Development Land, LLC, owner; Ralph Pew, PLC, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Chell Roberts, seconded by Boardmember Vince DiBella

That: The Board continue Z11-28 to June 20, 2012

Vote: Passed 6 – 0 (Chair Carter absent)

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Respectfully submitted,

John Wesley, Secretary
Planning Director

DA:
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