

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date May 15, 2003 Time 4:00 p.m.

MEMBERS PRESENT

Marty Whalen, Chair
Dan Brock, Vice-Chair
Mike Cowan
Rich Adams
Barbara Carpenter

MEMBERS ABSENT

Pat Esparza
Lynda Bailey

OTHERS PRESENT

Dorothy Chimel
Michelle Dahlke
Ryan Heiland
Lois Underdah
Maria Salaiz
Wahid Alam
John Gendron

Gordon Sheffield
Bill Petrie
Nick Wood
Francois Blachere
Lisa Gage
Mayor Hawker
Wayne Balmer

Kathy Bareiss
Joe Padilla
Geff Gunsalas
Becky Covarribias
Carolyn Swyers
Others

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 May 15, 2003. Before adjournment at 6:50 p.m., action was taken on the following items:

It was moved by Boardmember Adams, seconded by Boardmember Cowan that the minutes of the April 17, 2003 meeting be approved as submitted. The vote was 5-0.

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

It was moved by Boardmember Cowan, seconded by Boardmember Carpenter that the consent items be approved. Vote 5-0

Code Amendments: *Amending Sections 11-1-6, 11-18-4, 11-18-7, and 11-18-8 of the Zoning Ordinance pertaining to the establishment of a zoning hearing officer, *Amending Sections 11-1-5 and 11-19-4 of the Zoning Ordinance pertaining to civil code violations and sanctions, *Amending Sections 11-1-6 and 11-13-2 of the Zoning Ordinance pertaining to the regulation of portable storage containers, *Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance pertaining to freeway landmark monument signs, *Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance pertaining to electronic message display signs, *Amending Section 11-15-4 of the Zoning Ordinance pertaining to screening requirements for outdoor vehicle display, *Amending Section 11-1-6 of the Zoning Ordinance pertaining to special events, Amending Sections 11-18-6, 11-18-8, and 11-18-10 of the Zoning Ordinance pertaining to fees for planning services.

General Plan Amendment: GP03-01

Zoning Cases: *Z03-12, *Z03-17, Z03-20, *Z03-21, *Z03-22, *Z03-23, Z03-24.

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Item: Amending Sections 11-1-6, 11-18-4, 11-18-7, and 11-18-8 of the Zoning Ordinance pertaining to the establishment of a zoning hearing officer.

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

It was moved by Boardmember Cowan, seconded by Boardmember Carpenter

That: The Board continue this item to the July 17, 2003 meeting.

Vote: Passed 5-0

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Item: Amending Sections 11-1-5 and 11-19-4 of the Zoning Ordinance pertaining to civil code violations and sanctions.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of amending Sections 11-1-5 and 11-19-4 of the Zoning Ordinance as drafted.

Vote: Passed 5-0

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MINUTES OF THE MAY 15, 2003 PLANNING AND ZONING MEETING

Item: Amending Sections 11-1-6 and 11-13-2 of the Zoning Ordinance pertaining to the regulation of portable storage containers.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of amending Sections 11-1-6 and 11-13-2 of the Zoning Ordinance as drafted.

Vote: Passed 5-0

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Item: Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance pertaining to freeway landmark monument signs.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of amending Sections 11-19 -5 and 11-19 -8 of the Zoning Ordinance as drafted.

Vote: Passed 5-0

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Item: Amending Sections 11-19-5 and 11-19-8 of the Zoning Ordinance pertaining to electronic message display signs.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of amending Sections 11-19 -5 and 11-19 -8 of the Zoning Ordinance as drafted.

Vote: Passed 5-0

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Item: Amending Section 11-15-4 of the Zoning Ordinance pertaining to screening requirements for outdoor vehicle display.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of amending Sections 11-15 -4 of the Zoning Ordinance as drafted.

Vote: Passed 5-0

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Item: Amending Section 11-1-6 of the Zoning Ordinance pertaining to special events.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board continue this item to the July 17, 2003 meeting.

Vote: Passed 5-0

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Item: Amending Sections 11-18-6, 11-18-8, and 11-18-10 of the Zoning Ordinance pertaining to fees for planning services.

Comments: Boardmember Adams stated that although he had no issues with the fees being raised and he supports the increase, that in the future he would encourage annual reviews and incremental increases to lessen the impact.

Chair Whalen stated his agreement with Mr. Adams and added his recommendation to waive fees for community-based charitable organizations. This would apply to organizations with principal offices in Mesa.

It was moved by Boardmember Adams seconded by Boardmember Carpenter

That: The Board recommend to the City Council approval of amending Sections 11-18-6, 11-18-8, and 11-18-10 of the Zoning Ordinance as drafted.

Vote: Passed 5-0

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Item: **GP03-01** The 1300-1400 blocks of South Country Club Drive (36.63 ac ±)
Proposed change to the General Plan Land Use Map from Community Commercial (CC) and High Density Residential (HDR) 10-15 dwelling units per acre to Medium Density Residential (MDR) 6-10 dwelling units per acre.

Comments: Geff Gunsalus, representing the offsite property management firm for the Country Cousins Mobile Home Park which is just to the north of the proposed development spoke with regard to both the proposed General Plan Minor Amendment (GP03-01) and the accompanying zoning case (Z03-20). Mr. Gunsalus stated that the applicant also owns Fiesta Village Mobile Home Park, which is west of Country Cousins. He advised that, in his opinion, since they have taken over the property it has deteriorated, there are cars up on blocks, and there has been police activity at the location. Their concern is if they have not taken care of that property what will happen with the property that will basically encircle it.

Vice-Chair Brock asked if the objection was to maintenance of the rental property. He advised that the new project would be properties for sale. Mr. Gunsalus stated that when he spoke with Mr. Sean Lake (the applicant) he was told this was going to be a rental property too, a long-term lease – that they were not going to sell it. Mr. Brock stated that his understanding is that they will be selling the house and the lot. He asked Mr. Lake to verify that information.

Sean Lake, the applicant, stated that unlike a mobile home park that typically has a year-to-year lease they would have a long-term lease. He added that they were talking about a 99-year lease, which is similar to a fee-title, but the problem is working it out with the Dept. of Real Estate and the State of Arizona. There will be long-term leases on the properties but the person will purchase and be the owner of the home. He added that they do criminal background checks and have invested over ½ million dollars in capital expenditures improving the park. Mr. Lake stated that it is their opinion, regarding lease land versus for sale land, that it is irrelevant. Anyone can buy a parcel in Las Sendas and lease the lots, there is nothing in City Code, State Law, City Ordinances, or County Ordinances that would prohibit anybody from distinguishing between leased vs. for sale lots. He commented that the issue is not germane to a land use discussion about density and the type of product they are going to build.

It was moved by Boardmember Carpenter seconded by Boardmember Adams

That: The Board continue case GP03-01 to its June 19, 2003 meeting.

Vote: Passed 5-0

Reason for Recommendation: The Board agreed with Boardmember Cowan's suggestion that, as a result of a letter just hand-delivered by Mr. Lake, a continuance would allow time to review the modifications specified in the letter and would also allow time to contemplate some dialogue on future activity in the June meeting.

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Item: **Z03-12** The 4400 block of East McLellan Road (south side), south to East Hannibal (2.02 ac±). Rezone from R-3 to R-3 P.A.D. This case involves the development of an apartment complex. John Bellerose, owner/applicant.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board continue zoning case Z03-12 to the June 19, 2003 meeting as requested by the applicant.

Vote: Passed 5-0

Reason for Recommendation: The Board felt this continuance would allow the applicant additional time to prepare modifications to the site plan.

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Item: **Z03-17** The southwest corner of Pueblo Avenue and Crismon Road. (33 ac. ±)
Rezone from R1-43 to R-2 PAD. This case involves the development of a 184-lot single residential subdivision. D. R. Horton; Sean Lake, applicant.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board continue zoning case Z03-17 to the June 19, 2003 meeting

Vote: Passed 5-0

Reason for Recommendation: The Board felt a continuance was necessary to resolve technical concerns.

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Item: **Z03-20** The 1300-1400 blocks of South Country Club Drive (east of frontage properties, extending east to railroad) (36.63 ac ±) Rezone from R-2 PAD, C-3, M-1 and R-4 to R-2 PAD. This case involves the development of a residential development. American Land Lease/Del Mar Development, Inc., owner; Sean Lake, Pew and Lake, P.L.C., applicant.

Comments: Geff Gunsalus, representing the offsite property management firm for the Country Cousins Mobile Home Park which is just to the north of the proposed development spoke with regard to both the proposed General Plan Minor Amendment (GP03-01) and the accompanying zoning case (Z03-20). Mr. Gunsalus stated that the applicant also owns Fiesta Village Mobile Home Park, which is west of Country Cousins. He advised that, in his opinion, since they have taken over the property it has deteriorated, there are cars up on blocks, and there has been police activity at the location. Their concern is if they have not taken care of that property what will happen with the property that will basically encircle it.

Vice-Chair Brock asked if the objection was to maintenance of the rental property. He advised that the new project would be properties for sale. Mr. Gunsalus stated that when he spoke with Mr. Sean Lake (the applicant) he was told this was going to be a rental property too, a long-term lease – that they were not going to sell it. Mr. Brock stated that his understanding is that they will be selling the house and the lot. He asked Mr. Lake to verify that information.

Sean Lake, the applicant, stated that unlike a mobile home park that typically has a year-to-year lease they would have a long-term lease. He added that they were talking about a 99-year lease, which is similar to a fee-title, but the problem is working it out with the Dept. of Real Estate and the State of Arizona. There will be long-term leases on the properties but the person will purchase and be the owner of the home. He added that they do criminal background checks and have invested over ½ million dollars in capital expenditures improving the park. Mr. Lake stated that it is their opinion, regarding lease land versus for sale land, that it is irrelevant. Anyone can buy a parcel in Las Sendas and lease the lots, there is nothing in City Code, State Law, City Ordinances, or County Ordinances that would prohibit anybody from distinguishing between leased vs. for sale lots. He commented that the issue is not germane to a land use discussion about density and the type of product they are going to build.

It was moved by Boardmember Carpenter seconded by Boardmember Adams

That: The Board continue case Z03-20 to its June 19, 2003 meeting.

Vote: Passed 5-0

Reason for Recommendation: The Board agreed with Boardmember Cowan's suggestion that, as a result of a letter just hand-delivered by Mr. Lake, a continuance would allow time to review the modifications specified in the letter and would also allow time to contemplate some dialogue on future activity in the June meeting.

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Item: **Z03-21** The 6500-6600 blocks of East Superstition Springs Boulevard north side (6.92 ac. ±) Site Plan Modification. This case involves the development of two restaurant pad buildings and an office. Superstition Springs Investors Limited Partnership, owner; Robert Bacon, the RLB Group, applicant.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board recommends to the City Council approval of zoning case Z03-21 conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. 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 coverage) except as noted below.
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. Compliance with all requirements of the Design Review Board.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with the approved Special Use Permit by the Board of Adjustment for the comprehensive sign plan – BA97-18.

Vote: Passed 5-0

Reason for Recommendation: The Board felt this proposal was consistent with the General Plan and compatible with surrounding uses.

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Item: **Z03-22** 11202 E. Germann Road (227 ac. ±). Council Use Permit. This case involves the modification of an existing Council Use Permit for a land division and reduction of the CUP area. Will Rogers, owner; John Larowe, applicant.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board recommends to the City Council approval of zoning case Z03-22 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan.
2. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
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. 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).
6. Perform below specified required tasks when TRW identifies a committed buyer of the subject property:
 - a. Prepare a code study (and construction documents if necessary) for submittal to City of Mesa Plan Review in compliance with applicable development/engineering standards, and building and fire codes for the remaining site as it relates to the proposed property line, and
 - b. Complete work on site in accordance with the approved and permitted documents.

Vote: Passed 5-0

Reason for Recommendation: The Board felt this modification was in order.

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Item: **Z03-23** The 11200 blocks of East Kilarea (11.87 ac. ±) Rezone from R1-6 PAD DMP to R-2 PAD DMP. This case involves the second phase development of the Sunland Springs Village golf condominiums. Farnsworth Development, owner and applicant.

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

It was moved by Boardmember Cowan seconded by Boardmember Carpenter

That: The Board recommends to the City Council approval of zoning case Z02-23 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 coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Provide 1 tree and 4 shrubs per 25' linear feet of street frontage (required for private local streets less than 60') along the private drive.
5. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: Passed 5-0

Reason for Recommendation: The Board felt this proposal for Phase II of an existing project was an acceptable use.

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Item: **Z03-24** The 3200-3300 blocks of South Sossaman Road (east side) (26.42 ac. ±) Rezone from R1-43 to M-1. This rezone will facilitate conformance with the Mesa 2025 General Plan. Peter Martens, owner; City of Mesa, applicant.

Comments: Dorothy Chimel (Acting Planning Director) advised Boardmembers that this case had been initiated by staff to take rezoning action to facilitate conformance with the Mesa 2025 General Plan. She added that this site had been the subject of discussion at City Council Study Session and the April 15th Planning & Zoning Board Study Session where staff was directed to initiate the zoning action. Staff is recommending approval of this action.

Becky Covarrbias (9565 E. Lompoc) stated that she owns property on Paloma Avenue and is concerned that they received only one letter regarding the rezoning and did not know that Mesa had changed the General Plan. She added that they felt they had not had proper disclosure, nor been notified in advance so they could have opposed it. She advised Boardmembers that they were planning to build a home on their land. They also purchased additional property and were planning to build and sell homes on that property.

Carolyn Swyers (7911 E. Prairie) stated she recently moved back here from Texas and is concerned how this will affect her family.

Nick Wood (Snell & Wilmer), representing Williams Gateway Airport, stated that the zoning change, along with several others to be proposed in the coming months, is very critical to the future operations of Williams. He added that it is difficult to ask the City to change zoning designations over the objections of a property owner but in this case it is critical. This piece of land lies right in the flight path of planes that take off and turn right over the top of this property.

Mr. Wood stated that of all the General Plans the City of Mesa has adopted over the years, there are none he is aware of that show that this property or that of the previous speakers be anything but non-residential in nature.

Mr. Wood advised that the reason for the R1-43 zoning is because these properties were at one time in the County and when annexed into the City of Mesa there is an obligation to grant equivalent zoning. He explained that if the zoning is changed on any of these properties it becomes a legal non-conforming use and does not disturb their ability to use their property. The property being discussed is vacant land.

Boardmember Carpenter asked if it were correct that the current residents are legally non-conforming and they can continue to do that. Mr. Wood responded that the application has nothing to do with any existing single-family homes. He added that as far as he knew the current residents zoning was one-acre lots and they are legal. If it ever changes for them, they would become legal non-conforming. Ms. Carpenter asked if it were premature to address the residents concerns regarding the neighboring property being industrial. Mr. Wood responded that it would be up to the developer to address what type of use they would want on the property, and right now there are no proposed uses.

Francois Blachere (7923 E. Paloma) stated that he looked at the flight path before he bought his property and it is about a mile west so he does not see the point of doing industrial.

Wayne Balmer, Project Manager for Williams Gateway Area of Regional Economic Activity, explained the location of the proposed rezoning and the process begun at the direction of City Council. He added that letters had been sent to the people within 300 feet of the property on

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today's agenda and to all those people along Paloma, Prairie, over to 80th St. who have property that is zoned R1-43. Mr. Balmer advised that they will be meeting with neighbors and will gladly answer any questions they may have.

Vice-Chair Brock asked Mr. Balmer if the zoning request included any other single family residential R1-43 lots that are to the east or the north? Mr. Balmer stated that it did not. Mr. Brock clarified that would come about later when they would be addressing change in zoning of those properties. Mr. Balmer responded that they would be talking with property owners on Prairie, Paloma and the east side of 80th St.

Mr. Brock asked Ms. Chimel what the process was for somebody who has a house that suddenly has a zoning other than residential, yet they are living there. Ms. Chimel responded that would be a non-conforming use should the land be rezoned and they have an existing house. Mr. Brock asked what would happen if they sold the house. Ms. Chimel responded that the non-conforming use runs with the land. If there is an expansion or if the house were taken down then it would not be allowed to be rebuilt. If the house is not occupied for a year or longer it would not be allowed to be used as a house. He asked about a lot that the owner has an intention to build on and it suddenly gets rezoned. Ms. Chimel explained that in that case the only use that would be allowed is that which is appropriate for the zoning district.

Boardmember Adams asked if the City General Plan is a matter of public record. Ms. Chimel explained that it was adopted by resolution and is public record. Mr. Adams stated that the city's General Plan, especially as it relates to the Williams Gateway Area, and the planned economic development that must follow that airport, particularly with the city's present revenue situation. He mentioned that it was unfortunate that the General Plan and its provisions were something that some of the homeowner's indicate they were not aware of.

Chair Whalen stated that the General Plan was voted by the people of Mesa. He added that this was not dissimilar to some of the situations north and east of Falcon Field where there are "holdover" single family residential units, from the days when it was a county island, in industrial areas. All that the Board can do in those cases is to buffer as best they can from those existing uses. He noted that he would support the rezoning.

It was moved by Boardmember Brock seconded by Boardmember Carpenter

That: The Board recommends to the City Council approval of zoning case Z03-24 conditioned upon:

1. Future Site Plan Review of any development plans through the public hearing process, in compliance with the Zoning Ordinance.

Vote: Passed 5-0

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Item: 3300 - 3400 S. Sossaman (eastside) (26.42± ac). This project involves the development of a single residence subdivision. Peter Martens, owner; Ralph Pew (Pew and Lake, PLC), applicant. Consider the preliminary plat of "Paloma Estates."

Comments: Chair Whalen suggested a continuance of this agenda item may be appropriate at this time.

It was moved by Boardmember Cowan seconded by Boardmember Adams

That: The Board continue this item to the June 19, 2003 meeting.

Vote: Passed 5-0

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Item: The southeast corner of Ellsworth Road and Guadalupe Road (14.99± ac). This project involves an 8-lot commercial subdivision. Evergreen Development Company owner/applicant. Consider the preliminary plat of "Mesquite Canyon Plaza."

Comments: Mr. Paul Gilbert, representing the applicant, noted that he would like to state what they are here for and what they are not here for. He then added that they are requesting approval of a preliminary plat and not asking for site plan approval. Mr. Gilbert remarked that it is their basic premise that they do not need site plan approval from the Board (P&Z) and if they were to record the plat the Board (P&Z) would not see any of the buildings on the plat. He asked Boardmembers to continue to focus on the fact that they are here asking for preliminary plat approval.

Mr. Gilbert gave the location of the project, stated that it is zoned C-2 and they were not asking for rezoning, design review approval, or site plan approval. He repeated that what they were asking was approval of a preliminary plat, nothing more – no site plan. He informed Boardmembers that the property is zoned C-2 and at the time of the zoning there was no site plan submitted in connection with the application and no site plan requirement. The zoning was approved in 1996 or 1997 and did not require site plan approval. He emphasized again that they are asking for preliminary plat approval only. He commented that the reason for the request is, with the single exception of the Walgreen's, they have no users at this time. He added that there is one parcel, designated as Shops A on the plan, where they do have a buyer but the uses have not been designated.

Mr. Gilbert stated that they submitted a site plan because they were asked to do so by the staff, but now have a staff recommendation for denial. He added that the staff report indicates that they have recommended denial based on the background information and the site plan and not on the plat itself. He further stated that only two issues raised by the staff relate to the plat itself and with those two exceptions all of the recommendations and rationale given for denial deal with the site plan itself.

Mr. Gilbert repeated that the Board (P&Z) is voting for a preliminary plat – without buildings, without parking, without drive-throughs. He stated that none of that is part of the approval, that they must come back in and have design review on each one of the individual lots. Mr. Gilbert informed Boardmembers that he would review with them the requirements he would quote from the Subdivision Technical Review Committee. He went on to state that the rules are where a site plan has been reviewed and approved by the Planning & Zoning Board and City Council, then you submit the architect's site plan. He remarked that was not the case here, they were approved C-2 without a site plan requirement and requiring a site plan we will have to be held to derogates not only from the zoning on the property but also from the very requirements of the ordinance. Mr. Gilbert stated that they had a site plan to show some possible uses that could go on there and those uses were used by the staff to say the Board should deny this. Mr. Gilbert submitted that it was improper to deny this preliminary plat based upon the site plan, because that is not what they are likely to come back with.

Mr. Gilbert stated that staff has raised the issue as to the turning radius requirement for emergency vehicles. He read a letter which stated that they had run truck-turning radii through the master conceptual site plan of the project and could accommodate the apparatus at the locations shown on the site plan, adding that if they did not meet the requirements they would agree to a stipulation that says they will. He noted that the staff report says the proposed fire hydrant locations are awkward and do not tend to be well thought out, adding that they have a

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letter from the City Fire Department, and had put the fire hydrants exactly where they were told to put them.

Mr. Gilbert stated that some conditions in the staff report are not relevant, that normally trash enclosures are not shown on a preliminary plat, this analysis is based on the hypothetical placement of buildings. He pointed out that they could move the trash enclosures and accommodate that concern when they come in for design review.

Mr. Gilbert mentioned the staff's concern with the lack of visibility of Parcel 7. He agreed that is a valid concern but stated it's really the applicant's problem, adding that if they want to put a back building on the site they should be entitled to do that. He added that it is not a consideration and he did not think it would be a consideration when they appear before design review. Mr. Gilbert remarked that staff's recommendation for disapproval primarily focuses on the location of the building, adding that they are not required to have the Board's (P&Z) approval for the location of the building.

Mr. Gilbert stated they have design guidelines that address a lot of the concerns raised in the staff report, dealing with a master grading & drainage plan, cross access, complementary landscaping, architecture that is compatible throughout, lot coverage limits, pedestrian and bicycle circulation, signage and lighting. He stated that they had given notice to all the neighbors within 300 ft. as required and knew of no opposition except for the staff.

Mr. Gilbert repeated that the request is for approval of a preliminary plat - C-2 zoning without a requirement for a site plan, re-stating that Subdivision Technical Review requirements say they don't have to submit a site plan. He added that they submitted a site plan at the request of the staff to help analyze this case but the buildings shown on the site plan should not and cannot be the basis for turning down the preliminary plat.

Chair Whalen remarked that Mr. Gilbert had gone to great lengths to tell Boardmembers what a preliminary plat does not need to have. He asked what, in Mr. Gilbert's view, did it need to have – merely a depiction of the lots that are for sale, or was infrastructure to be put in there?.

Mr. Gilbert responded that he thought a preliminary plat needed to show the configuration of the lots, the general traffic circulation, to meet the lot requirements for the underlying zoning, to have circulations that work, and the proper setbacks.

Vice-Chair Brock asked if they are building a Walgreen's, why do they have to do everything else. He added that lots of times a Walgreen's has been split out from a corner and it's been merely a lot split with provisions for cross-access easements and circulation to other portions of it because we don't know what's going to come in.

Dorothy Chimel (Acting Planning Director) explained that there are regulations that pertain to the subdivision of land. On this particular case there was a pre-submittal date of January 27th, when there was a discussion regarding subdivision of this land. On February 5th there was a Design Review Board meeting to discuss the Walgreen's corner pad (DR03-08). Ms. Chimel stated that, not having spoken with the Subdivision Planner, she did not know if there was a requirement that the entire subdivision needed to come in with the Walgreen's on this site.

Michelle Dahlke (staff Planner) pointed out that a condition of the land split that was approved for Walgreen's was that a further division of Parcel 2 would require review and recordation of a

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preliminary plat.

Mr. Brock stated that it bothered him that they have a “bogus” site plan to justify the plat, usually its done in reverse – a site plan and then a plat to make it work. He added that he would just as soon see a site plan left in place while they allow the applicant to market his land and bring it back as they get other users. He asked why there was a stipulation that they do a plat and if there were a legal reason the City had to do that. Ms. Chimel responded that a subdivision is required with the fourth lot. She added that the reason for a “bogus” site plan was because of the layout of the lot and of so many previous instances of lots that are not buildable.

She pointed out that Mr. Gilbert had read out of the Subdivision Regulations. She added that she agreed with much of what Mr. Gilbert had stated, but one thing he had not read from that page was that “the sub-divider shall provide the department with all information essential to determine the character and general acceptability of the proposed development”. Staff did not feel as though it was acceptable, and that was pointed out to the applicant at the January pre-submittal staff meeting. That staff report was a part of the applicant’s packet for that reason.

Ms. Chimel explained that the plat itself shows a public utilities and facilities easement (PUFE) obviously delineating that area where utilities would be placed, which is typically underneath circulation drives. She added that this is what Mr. Gilbert had stated. If you overlay a conceptual site plan and look at where that PUFE branches off onto the different lots you will see what can be a conceptual layout of buildings. There might be a subdivision of the land and a property owner could take down more than one parcel, making it a more buildable site. She advised that staff felt that the layout of the lots themselves was not acceptable to the development standards for the proposed development.

Ms. Chimel showed drawings indicating that this case was initially a part of a subdivision that is typically a neighborhood center. A very large lot, with a conceptual design showing a mini-storage. She explained that maybe it would be a mini-storage, or a pad building, adding that it is very appropriate to say that we don’t know at this time, it is a conceptual layout. She further explained that this subdivision was designed and stipulated to have pedestrian connections to it, and attention to the lots and respect for the residential development around it. Ms. Chimel emphasized that there will be no public hearing in the future. Once this is platted, it is going to be a design review case only. She added that, although its nice to know that the applicant has agreed to design review, ultimately they will be required to have design review of all the cases. She noted that a preliminary plat is not required to have any outreach to the neighbors, and if the applicant did that, then she applauded them for that effort.

Vice-Chair Brock explained where pedestrian connections would possibly occur with the site plan provided. Ms. Chimel stated that there may be a revised location for retention on the eventual “real plan” when it is presented, but this is what they have today. She added that with all due respect to what was said by the applicant (that this was perfectly proper at this time and this is a layout than can be discussed and approved), it is the City of Mesa that is going to be left with the plat and the eventual development of all the lots.

Mr. Brock referenced that Mr. Gilbert had indicated that there were CC&R’s that dictate architectural control and landscaping. He asked if there also were controls on phasing – what would happen if a pad is sold off and that buyer doesn’t build and he sells it, etc. - and soon ten years have gone by and there is an empty pad or maybe two or three empty pads because the master developer sold it off and lost control of developing. He questioned if there were anything

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to control the timing on development for this project. Mr. Gilbert stated that his client has developed many projects in Mesa and they would not do that, adding that they would not be able to market those lots unless certain infrastructure is placed in the subdivision, and want permission to subdivide the lots so they can put in the utilities, roadways and infrastructure so the very thing Mr. Brock was referring to won't happen.

Mr. Brock stated that his interpretation would be that the applicant intends to put in the main drive and landscape both sides. Mr. Gilbert offered that this could be done in phases, for example – depending on the market – they may build half of it but there would always be access to Guadalupe or Ellsworth Roads. He continued that more than likely they will put in the entire roadway at one time and landscape it because that will enhance their marketing efforts.

Mr. Brock asked if there were any intention to put up any “spec” buildings to get immediate tenants. Mr. Gilbert responded that his client's normal procedure is to put in the infrastructure and then sell the lots.

Mr. Brock stated that his understanding was that there is a legal requirement to subdivide and all the applicant wants right now is to build the Walgreen's and develop the rest as time goes on. Mr. Gilbert clarified that they do want to build the Walgreen's now but they own the rest of the property and want to develop it or sell it. In order to do that they need a subdivision plat. He added that this is not an uncommon procedure and if this were the first time he were doing it he might be more patient but they do this all over the valley and are not usually asked to submit a site plan in connection with the plat.

Mr. Brock asked if Mr. Gilbert could show an exhibit of what was going in with the Walgreen's and on the balance of the site, a master infrastructure plan that is going to be done up front to show to potential property owners. Mr. Gilbert stated they are going to be putting in the road up front and there will be some landscaping. Mr. Brock asked Ms. Chimel if the road goes in and there is adjacent landscaping would that help the City. Ms. Chimel responded that it certainly does help the City.

At this time Ms. Chimel clarified that the recommendation for denial of this case is based on the location of the lot lines on the overall center.

Chair Whalen advised those present that Ms. Chimel had not yet had the opportunity to state her case and that clearly the Board was faced with a situation where on Mr. Gilbert's side they have a naked piece of paper with some lines on it and that's all. From Ms. Chimel's side he is sure there is concern as to how you get an integrated development and not have the thing done piece meal or have a replay of the San Fernando Valley.

Ms. Chimel explained that there are subdivision regulations, the Board has heard her read from those regulations, adding that staff needs all information essential to determine the character and general acceptability of the proposed development. She advised Boardmembers that there is not a requirement for a site plan at this time, however staff had asked for the design guidelines (those have been provided) and for a conceptual layout of buildings, given the lot layout that is before the Board. The design guidelines describe the project as an integrated development of multiple parcels in a functionally efficient and architecturally cohesive manner.

Ms. Chimel pointed out that staff does not believe the request reflects an integrated design

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theme. That information is derived from looking at the lot layout itself. One way to achieve that would be to have a stronger set of design guidelines that would reinforce the pedestrian connections, take a clear direction on the circulation between and through, and emphasize pedestrian connections to the adjoining residential parcels. The lack of interconnectedness with the conceptual layout of buildings shows already conflicting traffic movement. She advised that each one of the parcels could be developed if the subdivision proceeds. Each one could have any multiple number of land uses, and there could be drive-through restaurants on every single parcel.

Ms. Chimel reminded Boardmembers that the building layout and site plan would not come to this Board (P&Z) again. She explained that the Design Review Board would look at each of the buildings as they are required to go through that process, and staff will endeavor to ensure that there is compatibility of architectural and landscape themes. She continued that much is lost when there already is a proliferation of lots on the subdivision and that it could be the ultimate build-out. She reminded Boardmembers that the City will have this subdivision for a long time and the ultimate subdivision design could be with the number of lots and the configuration of lots as reflected on the PUFÉ that runs through the center and connects to each one of the lots.

Ms. Chimel pointed out that visibility is a concern for the parcel known as Lot 7. It could be that this development community is responsible and will endeavor to have a user that will not be blocked by another user. It may be that the lots are combined and it is one lot total, eventually. She added that could happen, but staff needs to plan according to what is shown on the plat that they have before them today.

She reminded Boardmembers that the City of Mesa could potentially be left with a parcel that does not have any visibility. Staff is not looking at building in problems, but rather resolving those problems right up front.

(Vice-Chair Brock was excused from the meeting at this time)

Ms. Chimel mentioned that there are other concerns that have been noted with this preliminary plat. It has been noted that a potential sewer capacity problem may exist for the entire development and there may not be completed sewer mainline extensions available to provide service to this area.

She advised boardmembers that many of the items mentioned by Mr. Gilbert are a form of heads-up to the eventual construction of any parcel that is noted on the subdivision design. These include the construction code, fire code, and solid waste input, and are typical of the comments staff gets at the pre-submittal. It is an opportunity to wrap all of the comments so that there is full disclosure to the applicant up front of what potentially may be a problem.

Chair Whalen asked if there is a distinction between a conceptual site plan and a site plan. Ms. Chimel responded "absolutely". When asked what that distinction is Ms. Chimel responded that with a conceptual site plan there could be drive-through restaurants in the future on all of the pad buildings that are noted. Where a day care is shown may not be a day care, the mini-storage may be something else. The applicant is asked, with their experience as a developer, what potential building locations could be. There could be more traffic congestion, or less. Staff won't know and will have to look at it carefully as each case comes forward through the design review process.

Boardmember Carpenter stated that this site plan is conceptual and she assumes child day

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care because it has a play yard but another real need in the communities is for adult day care. The infrastructure being talked about is probably the main sewer that goes through because when you build a day care you have multiple toilets and waste facilities, multiple sinks and water, a lot of that is used for therapy. You would need some smaller offshoots off of the major infrastructure to have in place right away. Everything else has building or shop A, B or C on it and Walgreen's is a known. She added that Mr. Gilbert had talked about the applicant being very professional, very well-known and experienced in having a lot of projects throughout the valley. She stated her personal concern is that we have not seen the quality in Mesa that we want from here forward and this is where she needs to defer to staff, as they are the Board's professionals. Ms. Carpenter explained that she was leaning toward a continuance so this could be worked out.

Boardmember Adams asked if, in the case of a generic application for a preliminary plat approval, it is the common practice to require the amount of information asked of this applicant. He also asked for an explanation of the ordinance in question. Ms. Chimel clarified that there are ordinances, regulations, and also application packages. They are not all the same. In this case what was read to the Board were the Subdivision Regulations, which talk about the preliminary plat approval. She explained that what she had read was that "the subdivider shall provide the department with all information essential to determine the character and general acceptability of the proposed development". Ms. Chimel gave a brief explanation of the application process as it relates to preliminary plat approval and the formal application filing requirements. She spoke about commercial requirements, and explained that other commercial plats, including other plats that this developer has prepared, have had the same level of detail that is presented today.

Mr. Adams asked if it would be fair to say that around the language of the ordinance staff has, over a period of time, built a procedural mechanism to implement the ordinance, and is it then applied equally and evenly to all applicants that fit the mold of this one?. He also asked if this applicant were being held to a higher standard than any other?

Ms. Chimel responded that they were not being held to a higher standard, however staff is more concerned about what the conceptual site plan would show on this development, given the number of lots that are shown on the amount of acreage and the potential concerns with traffic congestion on-site, etc. She added concern regarding compatibility with the adjoining residential development.

Mr. Adams asked if this were being passed through the same filters as all others in the past and the procedural future. Ms. Chimel stated that in the far past, staff did not require that level of detail and that had caused a great deal of problems for staff when lots get to the Design Review Board, many had to go through the Board of Adjustment as lots were not buildable. The City now has in place Substantial Conformance Infill Permits (SCIP), and Development Incentive Permits (DIP). If one of the lots was small enough it would probably fall into that category.

Mr. Gilbert stated that in most instances zoning requires a site plan so you would normally get a site plan when you come through. He added that their zoning did not, that they have C-2 zoning without a site plan requirement so what staff is trying to do is impose a site plan requirement that specifically is not required in the Subdivision Technical Review.

He further stated that Dorothy (Ms. Chimel) referred to language that they (staff) need to be able to analyze the character and general acceptability. He stated that she (Ms. Chimel) cannot

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bootstrap that ordinance to require a site plan on this case. He added that it derogates from the ordinance and it derogates from the zoning on the property. Mr. Gilbert said that in fact they have done this before in the City of Mesa, but admitted he was not familiar with that case.

Laura Ortiz, Evergreen-Devco, stated that they have processed and had approved a similar plat in the City of Mesa. She acknowledged that it did have more configuration and infrastructure with roads going through, utilities, rear lots that were somewhat view blocked and that they are continuing to sell the pads and build it out. Regarding the infrastructure for this site she stated that any of the lots can be built next, that they have done this before and take pride in the development they do. The elevations for the Walgreen's are more than have been seen for any other Walgreen's in Mesa and they are expecting that as the rest of the development goes through.

Ms. Ortiz added that they would stipulate that the Design Review Board specifically look at compatibility with the rest of the center. She mentioned that they are putting in 100% of the offsites with the Walgreen's (Phase I), those drawings are through first plan check. They are putting in all utilities (wet or dry) available when one of the next pads develops. There is not going to be any opportunity for someone to have to come in and wait for us to develop the infrastructure.

Ms. Ortiz informed Boardmembers that they provided a site plan that was conceptual in nature because they don't have specified users, they have a target. The site plan has gone through many revisions and hundreds of hours trying to target specified users. She explained that the view blocked sites done before are office-type users, veterinarians, etc. that don't need the visibility. She added that staff, in her opinion, used the site plan submitted as a reason for denial. Ms. Ortiz commented that she was not sure they could work out a continuance because they are being asked to revise the site plan in order to gain staff's support and that is not a requirement for this specific project. She stated that they had a site plan to show how the utilities and the easements match the intended site plan, not anticipating it would be held against them to say that "we don't like your site plan, therefore we deny your plat". She stated that any support from staff would apparently come from a complete revision to the site plan and Mr. Gilbert is saying that is not a requirement on this particular site.

Mr. Gilbert stated that they are required to do a subdivision plat but they want to market these lots to buyers. He asked how can they possibly market them if they don't know what the lots are? He read various excerpts from the applicant's design guidelines regarding cross easements, circulation and also pedestrian connections.

Mr. Gilbert stated that they have to come back for design review and all of Dorothy's (Ms. Chimel's) comments in connection with this conceptual site plan apply when they come back for design review. He advised that the P & Z Board is not bound to approve any of the uses, the Board will get a complete look when they come in for design review to make sure that each parcel works. He remarked that when Dorothy (Ms. Chimel) says that every one of the uses on the site plan could end up being built, that is not a correct statement. It can only be built if the City of Mesa approves each of the buildings on each of the lots. Mr. Gilbert stated they had gone the extra mile and notified everyone within 300 feet of what they are doing and have gotten no feedback from the neighborhood indicating any objections.

Mr. Gilbert stated that he finds it very hard to accept the comments on the sewer service because if staff were to support the plan then maybe the sewer service wouldn't be a problem

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but since they don't support it sewer service is a problem. He remarked that is not something that necessarily had to be decided this evening, they know they need to work out sewer service, but you will notice that staff in their report does not list that as one of the reasons why they are recommending denial of the plat. He stated that the bootstrap at this late date is an incongruous position of the staff to take in that regard.

Mr. Gilbert remarked that regarding concern that this was billed as a neighborhood center – that he had read the minutes very carefully of the zoning case (which took place in 1996 and 1997) and there is nothing that in any way indicates that this is not consistent with the representations made at that zoning hearing. He added that there is very little detail given with regard as to what was going to go there and all of these uses are neighborhood center uses. He stated that they had complied with that aspect fully, and they are being asked to do something that the zoning and the subdivision technical review ordinance doesn't require, that is to have a site plan.

Mr. Gilbert commented that they are really in a difficult position, under way with the Walgreen's, and wanting to market the rest of the site. He stated they cannot market that site without subdivision approval. He suggested they have two choices - either don't market it or come in and bring a site plan that does everything the staff says they want us to do, knowing we have no users and no way of complying with that site plan. He added that the City has within its procedures a way to handle this, and that it's done through design review.

Mr. Gilbert stated that he likes Dorothy (Ms. Chimel), but she is wrong when she tells you this plan can be built, adding that it can't unless it is approved through design review. He advised Boardmembers that to approve the staff recommendation they have to engraft on this case a requirement that isn't there under the zoning and it's not there under the subdivision ordinance.

Boardmember Adams asked if Mr. Gilbert would once again go through the reasons he believes he should not have to submit a site plan. Mr. Gilbert responded that the zoning ordinance does not require a site plan unless a site plan is specified in connection with the rezoning. He added that staff does not disagree that there was no site plan required with the rezoning. Secondly, the subdivision technical review says in 1(b)"in cases of commercial where a site plan has been reviewed and approved by the Planning & Zoning Board and the City Council, submit copies of the site plan". From a legal point of view we are on very solid ground. From a pragmatic point of view we are really between a rock and a hard spot because we want to market the rest of the site and in order to market the rest of the site we can't sell any of this property until we have a subdivision plat approved. We can't therefore go to the shop owner of shop A and sell him a piece of land until we have a subdivision plat. We can't market the property until we have the plat and until we have the plat we don't know what the users are going to be. We have given you a guess as to what those users are going to be but without a plat we can't do that.

Boardmember Adams asked Ms. Chimel if she would rebut any of what Mr. Gilbert had stated regarding the ordinance or requirements under the ordinance. Ms. Chimel stated that she would point out a couple of things. She explained that she didn't think he was reading from the regulations but from something that came off of the web site that explains the subdivision technical review process. Ms. Chimel added that did not mean that what he was reading was incorrect but she could not find 1(b) in the regulations and she would be happy to distribute them.

At this time Chair Whalen stated that what Mr. Gilbert is saying is correct about site plans, but what is not being said is that Ms. Chimel and staff have an obligation to see to it that the whole

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of this subdivision works. Ms. Chimel needs data to do that. Unfortunately it's being called a site plan – it does not have the full detail of a site plan or the full effect of a site plan. The other point is yes, the Design Review Board is going to look at each one of these cases, and that's the problem - - they are going to look at each one and not the whole. Staff still needs to get the data necessary to see if this works as a whole, and it's being called a site plan.

Ms. Chimel stated that there were other concerns - - the proliferation of lots, the configuration of the lots and - responding to some of the comments: the Design Review Board will hear each one of these cases as it moves forward, regardless of the number of cases. However, it is important to note than any of the uses in C-2 would be allowed. The Design Review Board is charged with looking at aesthetics, they are not charged with site plan design, they might respond to some of it but that is not their charge, they are looking at aesthetics of the building, aesthetics of the retention basins, aesthetics of the landscape.

Mr. Gilbert stated that he took minor umbrage with Dorothy's (Ms. Chimel's) statement that design review just looks at each lot individually. He added that one of their charges is to ensure that the entire development is harmonious and compatible, and that is an integral part of what design review does, they have that responsibility. He stated that he is being left with an absolutely impossible position. He could come in with a fake site plan and put little buildings on it and everything whizzes through but then would have something that he would have no users for. He would then come back and have to adjust that site plan for every one of those eight lots. Mr. Gilbert stated that furthermore it is an impossible burden on them asking them to designate users when they don't have the lots divided and can't sell them. He pointed out that they can't sell these lots until they can show people where the roads are going to go and what size of lot they are going to buy. We can't do that. Often you get a site plan where the owner owns the whole center so it doesn't matter. He doesn't have to divide these into lots. Since we are selling them off to someone that wants to own their own lot we don't have a choice but to do a subdivision. We cannot market this property without a preliminary plat approval.

Boardmember Cowan stated that he would not talk to Mr. Gilbert about the site plan because, if he were to that, he would talk about how typically around a storage facility there is barbed wire fencing. He questioned why they would back up barbed wire fencing to a day care facility. He added that by looking at just the preliminary plat and understanding that they are just making guesses on the possible uses for the other lot locations, his concern is not Lot 1, 2, 3, or 8, not even really Lot 7, but his concern is with Lot 6. The way it is laid out, its connection to the passive streets and the little strip up on Ellsworth, limits the possibility of its use for a variety of different purposes. It limits the flow of traffic in and out of the property and limits the interaction of Lot 6 with 4 and 5.

Mr. Gilbert stated that there is nothing in the subdivision ordinance that says they can't have even more lots on there so that is not a factor to consider as long as they meet the requirements under the subdivision ordinance – the width, the depth, that type of thing. He stated they are really entitled to put as many lots on here as works and the size of the lots and number of lots isn't really a factor.

Mr. Gilbert acknowledged that he would agree that Lot 6 probably only works if it is a self-storage use. He commented that there is no question they are keyed to a self-storage user, adding that if it is a self-storage user then it does work because that's an ideal configuration for a self-storage. Mr. Gilbert stated that he represents the largest self-storage developer in the valley and has done 30-40 self-storage units. He added that (Lot 6) is a very typical layout for a

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self-storage facility and would not work if it's going to be a video rental store or something of that nature.

Mr. Gilbert pointed out that the way Lot 5 is laid out they really need to use it for a day care center but can't even market it to a day care center until they can tell the day care center how the configuration of the lot will be and how it relates to the rest of the lot.

Boardmember Cowan questioned that if not talking about the legal parameters of the size, the depth, the lines that are pertaining to a lot, was not the P&Z Board charged with evaluating what they believe to be the functionality of the lot layout. Ms. Chimel responded yes. Mr. Cowan asked if - assuming Lot 6 is leaning toward a self-storage facility, isn't there some kind of a legal requirement that requires two entrances and exits or at least one main entrance with an emergency entrance/exit type thing that would require some type of design review. Ms. Chimel responded that with a mini-storage it is not unusual that the turning radius within the unit would need to be accommodated in order to be able to get a fire truck in and then out safely around any vehicles that might be stacked. It is not always necessary that there be two points of access, there might be fire hydrants within the center.

Chair Whalen pointed out that this is a preliminary plat and if the P&Z Board approves it then it does not go to the Council for approval. If the Board denies it the applicant's route of appeal would be to the Council. He added that there didn't seem to be an overwhelming amount of enthusiasm for this case and asked Mr. Gilbert if they would prefer to continue the case and work with staff to come up with a functional plan.

Mr. Gilbert responded that he thought the only way he could satisfy staff would be to put in "bogus" uses as he doesn't have any except for the Walgreen's and the Shops A building. He added that he was being put in an awkward position of having to stick uses on there that he is not comfortable with.

Chair Whalen then asked Ms. Chimel if the applicant could satisfy the circulation requirements and the things needed to make the whole thing work properly without defining uses. Ms. Chimel stated that there were ways of laying out a conceptual site plan that would have a different configuration of lots and a different number of lots. Then there would be better frontage onto Ellsworth, less opportunity for proliferation of pad sites and different architectural characters and needs for those different types of uses along Ellsworth and there would not be a lot that would have the possibility of not being visible. She added that there are also opportunities for reconfiguring the entire plat, but she is not sure the applicant wants to do that, and possibly lose lots. Staff can see opportunities for the entire plat.

Mr. Gilbert stated that they would like a decision from the Board. He added that they are having plans for Shops "A" reviewed and would like permission for the staff to review those plans so they won't be slowed down. He also stated that he did not believe they wanted to summarily reject the offer to work with the staff.

Chair Whalen stated that he is concerned about the client and any developer where time is money and that he hates to see it dragged out. He added that if Mr. Gilbert wished to have it go to a vote and the vote is unfavorable, he would have no problem with Mr. Gilbert following two tracks - perfect the appeal with the City Council and in the meantime if they could work something out with staff he would be the first one to agree to a re-hearing.

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Mr. Gilbert asked for a response from staff regarding the continuing review of the plans for Shops A. Ms. Chimel referred the question to Michelle Dahlke (staff planner) who stated that it was a Design Review Board submittal. She added that there is also a pre-submittal conference scheduled for the 27th for a Bank One on one of the parcels. Ms. Chimel stated that it sounded as though there may be real users on some of the pad buildings.

Boardmember Adams stated that he did not have a problem with Lot 7 and the issue of visibility or non-visibility because he could recall a case with as little or less visibility from the street. In general he admitted also not having trouble with the number of lots proposed. He added that he defers to staff's need for data to make a proper evaluation of the preliminary plat, and his preference would be for continuance but since the applicant had requested a decision he would cast his vote.

It was moved by Boardmember Carpenter seconded by Boardmember Cowan

That: The Board support staff's recommendation for denial.

Vote: Passed 4-0

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Respectfully submitted,

Dorothy Chimel, Secretary
Acting Planning Director

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