

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date July 19, 2007 Time 4:00 p.m.

MEMBERS PRESENT

Rich Adams, Chair
Pat Esparza, Vice Chair
Frank Mizner
Jared Langkilde
Ken Salas
Randy Carter
Chell Roberts

MEMBERS ABSENT

Dorothy Chimel
Tom Ellsworth
Jennifer Gniffke
Joe Welliver
Josh Mike
Maria Salaiz

OTHERS PRESENT

Kelly Arredondo
Rob Dmohowski
Wahid Alam
Hector Tapia
Gordon Sheffield
Carrie Kent

Stephanie Brüning
Patrick Murphy
Dorothy Shupe
Reese Anderson
John Perkins
Others

Chairperson Adams declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated July 19, 2007. Before adjournment at 7:40 p.m., action was taken on the following items:

It was moved by Boardmember Esparza, seconded by Boardmember Mizner that the minutes of the June 19 and June 21, 2007 study sessions and regular meeting be approved as submitted. Vote 5-0-2 with Boardmembers Salas and Roberts abstaining.

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

It was moved by Boardmember Mizner, seconded by Boardmember Salas that zoning cases Z07-74, Z07-76, Z07-78, Z07-79, GPMInor07-11, the preliminary plat of "DeJong Industrial Park", the amendment to Sections 11-4-3 (D) and 11-5-4 (A) of the City of Mesa Zoning Ordinance and the amendment to Sections 11-1-6, 11-5-3 and 11-6-3 of the City of Mesa Zoning Ordinance be approved on the first consent agenda. Vote 7-0.

A second consent agenda was held for zoning case Z07-77 due to a potential conflict of interest by Boardmember Carter. It was moved by Boardmember Salas, seconded by Boardmember Roberts that the second consent items be approved. Vote 6-0-1 with Boardmember Carter abstaining.

Zoning Cases: *GPMInor07-11, GPMInor07-12, Z07-43, Z07-62, *Z07-74, Z07-75, *Z07-76, *Z07-77, *Z07-78, *Z07-79, Z07-80, Z07-81, *Preliminary Plat "DeJong Industrial Park".

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Code Amendment: *Amending Sections relating to Office Uses in Level 1 Historic Structures;
*Amending Sections relating to “Supervised Living Facilities” to “Transitional Correctional
Facilities”; Review and discuss amendment to the City of Mesa Zoning Ordinance to add a new
zoning district entitled “PC – Planned Community”.

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Item: **GPMInor07-11 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road. General Plan Minor Amendment on from Business Park to Medium Density Residential 6-10 du/acre (20± acres) and Neighborhood Commercial (14± acres). This request will allow the development of a mixture of multi-family, retail, office and hotel uses as part of the Business Park Area of the Las Sendas Development Master Plan. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant. **COMPANION CASE Z07-74**

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

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board continue zoning case GPMInor07-11 to the September 20, 2007 meeting at the applicant's request.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **Z07-74 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road (50± ac.). Rezone from R1-90 DMP to R-2, C-2 and PEP, all part of a P.A.D. overlay and The Las Sendas Development Master Plan. This request will allow the development of a mixture of multi-family, retail, office and hotel uses as part of the Business Park Area of the Las Sendas Development Master Plan. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant. Also consider the preliminary plat. **COMPANION CASE GPMInor07-11**

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

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board continue zoning case Z07-74 to the September 20, 2007 meeting at the applicant's request.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **GPMInor07-12 (Citywide)** Text Amendment to the Mesa 2025 General Plan. (All Council Districts). Minor General Plan Amendment to add a new land use category titled “ Mixed Use/ Community”.

Comments: Chairman Adams opened the Public Meeting for the above General Plan Amendment. As there were no citizens present who wished to speak on this issue, Chairman Adams declared the public meeting closed.

Wahid Alam, Senior Planner, stated that this case involves a Text Amendment to the current General Plan to introduce a new land use category called Mixed Use Community for large tracts of land—at least 160 acres. He explained that this category will allow these large tracts to be developed as a complete community involving a variety of uses. He continued that this is just a creation of the land use category and would recommend continuance to further discuss the zoning category that will go with this and consider both at a future date.

Discussion ensued concerning size minimums, requirement of a residential component and the use of this tool in the downtown area for redevelopment.

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board continue zoning case GPMInor07-12 to the September 20, 2007 meeting.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **Z07-78 (District 5)** 2759 North Val Vista Drive. Located at the southeast corner of Val Vista Drive and McDowell Road (2.62 ± ac.). Site Plan Modification. This request will allow the development of an assisted living facility. Jennifer Hassan, owner/applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board approve zoning case Z07-78 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Review and approval of a Special Use Permit.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. The owner shall grant an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City.
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **Z07-79 (District 4)** 342 West Baseline Road. Located north and east of Baseline Road and Country Club Drive (1.73± ac.) Site Plan Modification. To accommodate the development of a restaurant with a drive-thru and a retail shell building. David Luo, CFT Developments, LLC, owner; Ward Hollon, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board approve zoning case Z07-79 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Remove the northern-most parallel parking space behind the retail building, and increase the landscaped areas along that western property line.
3. Compliance with all requirements of the Design Review Board.
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modification(s) outlined in the staff report.
5. Recordation of cross-access and reciprocal parking easements with all lots within the shopping center.
6. All pad buildings to be architecturally compatible with the center.

Vote: Passed 7-0

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Item: **Z07-43 (District 6)** 8659 East Pecos Road. Located south and east of Hawes Road and Pecos Road (10.59± ac.). Rezone from AG to O-S-PAD and M-1-PAD for the remainder of the site, and Site Plan Review. This request will allow for the development of an office/warehouse development. Jeff Phillippe, Pecos 77, LLC, owner; Reese Anderson, Pew & Lake, PLC, applicant. Also consider the preliminary plat of "Pecos 77 Business Park".

CONTINUED FROM THE MAY 17, 2007 AND JUNE 21, 2007 MEETINGS.

Comments: Boardmember Carter declared a potential conflict of interest and recused himself from any discussions or participation.

Reese Anderson, 1930 E. Brown Road #101, applicant, stated that with the continuance they were not able to reach a compromise with the neighborhood and addressed issues that have been stated at previous meetings. These included the following:

- Employment uses next to R1-43 zoning—In previous cases M-1 was left in place next to residential
- Buildings too close to the neighborhood—There is a 150% increase in the typical setback for this project
- Buildings too large—The buildings are roughly 12,500 sq. ft. and 27 feet high
- Decline in property value—No empirical evidence to support this argument
- Litigation as an option if the outcome of this request is not appropriate—The Prop. 207 statute does not allow adjacent property owners the right to sue
- Wanting the property to remain residential and rural—The General Plan does not call for the property to stay residential and rural

Discussion ensued concerning emails and letters that offered various setbacks that had been rejected by the neighbors and zoning case Z07-15 that granted a negotiated setback of 120', that the neighbors feel set a precedence.

The following residents presented blue cards opposed to the project:

- Doug Chapman, 8715 E. Woodland Avenue
- Dan Sundstrom, 8627 E. Waterford Circle

The following residents spoke in opposition:

- Rosanne Casterton, 8745 E. Waterford Circle
- Karla Chapman, 8715 E. Woodland
- Tere Rope, 8611 E. Waterford
- Roger Trinko, 8626 E. Waterford
- Kent McClure, 8609 E. Woodland Ave.

Their concerns included:

- Outdoor storage
- OS zoning in the form of a parking lot that does not accommodate a M-1 building
- The offer of a 100' landscape buffer required them to sign away their rights and not complain
- The project is incompatible
- There needs to be a proper buffer between the project and the neighborhood
- The City is not protecting the neighborhood
- Loss of property values
- Neighborhood needs an adequate buffer between them and the project
- The buildings need to be ascetically pleasing

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- Trash and debris will be all over the place
- These types of buildings are magnets for a criminal element
- Protection of their property rights

Boardmember Roberts asked Ms. Casterton personally if she was amenable to anything less than a 120' setback. Ms. Casterton responded that if she had a site plan that showed how the property would flow and stated that it would need to look nice from their neighborhood.

Discussion ensued between Boardmembers Mizner and Adams and Ms. Chapman concerning the outside storage that is located on the north side of the southern most buildings.

Boardmember Langkilde asked Ms. Rope to explicitly explain what rights the neighbors were asked to sign away. Ms. Rope responded that she was not at the meeting, so it was hearsay, but to her understanding the applicant was offering an 80' setback if the neighbors would sign saying that they would not fight the applicant on any other litigation.

Mr. Anderson responded to the neighbors' concerns and explained that they were not asking the neighbors to sign away their rights. He further explained that they were asking them to remove their legal protest, agree on some use and design restrictions and private property rights that the neighborhood of Queens Park had the right to enforce against the applicant.

Jennifer Gniffke, Planner II, gave a brief overview of the project highlighting that there is a 10' high screen wall and berm combination located 50' north of the south property line, which provides a 50' landscaped area at the south end of the site. She also explained that there is a written legal protest on this project and that the only way to remove this protest is also in writing. She concluded that the proposal does conform with the General Plan, staff supports the proposed development as shown in site plan "D" and recommends approval with conditions.

Boardmember Roberts asked Mr. Anderson about rollup doors on the southern most buildings and the height of those buildings. Mr. Anderson responded that there were rollup doors on the north side of the buildings, which are completely screened from the neighborhood. He then responded that the building height is 27' and below Code.

Boardmember Mizner moved to approve zoning case Z07-43 stating that the proposed uses are consistent with the Mesa General Plan, the proposed site plan far exceeds the minimum standards envisioned in the Mesa Zoning Ordinances and the applicant has met the requirements of the Mesa Public Participation Ordinances, seconded by Boardmember Roberts.

Boardmember Landkilde commented that he felt that there was enough progress made with the distance but there seemed to be confusion as to what the neighbors were being asked to be signed away and not signed away to warrant another 30 day continuance, adding that he would not be supporting the motion for approval.

Boardmember Roberts commented that for consistency he would be more comfortable with a 120 foot setback similar to the project to the east, however; not to set a precedence. He continued that the applicant has done a good job of creating a building that is below code in height, a setback that looks good in the neighborhood and tried in good faith to reach a compromise with the neighbors.

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Boardmember Esparza stated that she was disappointed in both parties and was bothered by the fact that an agreement of 100' could have been reached, however tactics involved did not allow this and for both parties to try to come to an agreement, all should feel comfortable in doing so.

Chairman Adams commented that he too was hopeful that a constructive and useful compromise could have been reached. He further clarified that all neighbors are welcome to come to this meeting and talk about any case and there is no intention on the part of the Board to limit anyone's discussion. He continued that with the nature of the area and the development there the Board would hear other cases in the future. He concluded that he would be supporting the motion.

The Board approved the preliminary plat of "Pecos 77 Business Park" and recommend to the City Council approval of zoning case Z07-43 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan marked 'Scheme D' or Site Plan D, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. The signage on Buildings H& I shall be non-illuminated.
3. Provide a minimum 5'-wide concrete foundation base along the entire lengths of the south side of the screen wall behind Building G and the north side of the screen wall behind Building H & I, except where landscaped as shown on the revised Site Plan.
4. Compliance with all requirements of the Design Review Board.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Full compliance with all current Code requirements and regulations, except as amended through the PAD overlay.
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
8. All street improvements and street frontage landscaping to be installed in the first phase of construction.
9. 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).
10. Written notice be provided to future tenants, and acknowledgment received that the project is within one mile of Williams Gateway Airport.

Vote: Passed 4-2-1 with Boardmembers Esparza and Langkilde nay and Carter abstaining.

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Item: **Z07-62 (District 5)** 3941 North Higley Road. Located north and east of Thomas Road and Higley Road (5.5± ac.). Rezone from M-1 to M-1-PAD and Site Plan Review. This request will allow the expansion of a cabinet shop and construction of an associated parking field. Roger Understiller, Burdette Property, LLC, owner; Design Professionals, LLC, John C. Manross, applicant. **CONTINUED FROM THE JUNE 21, 2007 MEETING.**

Comments: John Manross, 2023 E. University Dr. Ste. 2, Tempe, applicant, explained that the request is to rezone the property to M-1-PAD to allow an additional 43,000 square feet of manufacturing space to the existing Burdett Cabinet Shop. He added that they are completing a similar expansion that was started six months ago and had no objections.

Boardmember Mizner asked Mr. Manross if he had received copies of the various emails from neighbors and adjacent property owners adding that they raise a series of significant questions about the project. Mr. Manross stated that he had received copies of the emails. Discussion ensued concerning the emails that address noise, dust collection, landscaping and citizen participation.

Steve Wright, 3845 N. Higley Rd., resident, spoke in opposition of the project. His concerns included neighborhood notification and the quality of the building that is existing and proposed. He added that he is not opposed to the industrial growth of the area but would like to see the City ensure quality construction in the area.

Joe Welliver, Planner I, stated that this request is to rezone approximately 5 ½ acres to M-1-PAD and that the PAD requested is to modify the building and landscape setbacks and the foundation base requirement. He added that he had been in correspondence with some of the adjacent residents who stated they had not received any correspondence from the applicant. Mr. Welliver continued that with this information, he would recommend a continuance so the applicant can work with the neighbors to try to mitigate some of their issues and concerns.

Boardmember Langkilde moved to continue this case to the August 16, 2007 meeting, seconded by Boardmember Mizner.

Discussion ensued concerning the lack of citizen input, the requirements of citizen participation and the citizen participation report submitted.

Boardmember Mizner commented that he would like to see a better building brought before the Board. Boardmember Carter asked that the applicant provide information concerning the wash prior to the next meeting and Chairman Adams requested that staff contact Code Compliance to determine if there have been any complaints relating to the use.

The Board continued zoning case Z07-62 to the August 16, 2007 meeting.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **Z07-75 (District 5)** 3820 North Hawes Road, APN 219-18-008A. Located north of Thomas and Hawes Roads (west side) (1.5 ± ac.) Site Plan Review. To accommodate the future development of a single residence. JCA Holdings LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant.

Comments: Reese Anderson, 1930 E. Brown Rd. Ste. 101, applicant, gave a brief history of the property and stated that this parcel was part of the original 1995 DMP for Las Sendas and one of the stipulations of that case requires future site plan approval of all parcels. He added that the revised conditions of approval 6-10 come out of the Desert Upland Guidelines that are found in the Subdivision Ordinance and asked the Board to not impose those conditions on this case.

The following residents presented blue cards opposed to the project:

- Russ Staub, 3644 N. Hawes Rd.
- John Funicello, 3740 N. Hawes Rd.
- Rosann Kelly, 3740 N. Hawes Rd.

Jerry Seeman, 3714 N. Hawes Rd., resident, spoke in opposition to this case and presented a history of the area and this parcel. He further referred to a Memorandum of Understanding agreement and requested that the Board deny this case as it will set a precedence for higher densities in the Desert Uplands area.

Mr. Anderson responded to Mr. Seeman's comments stating the document referred to is a private property agreement that does not apply to this parcel and is out of the purview of the Board.

Dorothy Chimel, Principal Planner, stated that a great deal of research had been completed on the history and status of this parcel. Adding that the position of Staff, the Zoning Administrator and the City Attorney's Office is that this is a legal nonconforming remnant parcel that resulted when the various subdivisions, as well as the Community Vision Plan, were prepared for the area that resulted in the Memorandum of Understanding. Ms. Chimel continued that staff is recommending approval with conditions of the site plan and pointed out that this is not a subdivision and is not tied to the subdivision regulations, however, staff felt that it was important to address what could be enforced and what a homebuilder could incorporate as far as desert character. She further addressed the additional conditions that were constructed at the request of the Board that would further bring future development into conformance with the Desert Uplands character.

Discussion ensued concerning the agreements previously mentioned.

Boardmember Mizner moved to approve case Z07-75 with revised conditions 1-10 as presented by staff. Stating that these revised conditions will go a long way towards assuring that this proposed development will be consistent with existing and future developments within the Desert Uplands and ensuring a high quality of development for this property. Seconded by Boardmember Esparza.

Boardmember Roberts thanked staff for their work and the citizens for their interest. He further commented that the zoning of a single parcel does not set precedence for higher densities and would be in favor of the motion. Further discussion ensued concerning the additional conditions of approval.

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The Board recommends to the City Council approval of zoning case Z07-75 conditioned upon:

1. Compliance with the Zoning Ordinance requirements of the R1-90 zoning district in regards to building height, setbacks, lot coverage
2. Compliance with all City development codes and regulations.
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. Preserve any significant boulder out-cropping.
5. Retaining walls to be designed in accordance with the Desert Uplands Development Standards.
6. Submit a Native Plant Preservation Plan with the construction documents to ensure compliance with the Desert Uplands Development Standards in regards to:
 - a. Reuse salvaged plant material on the subject site.
 - b. Revegetated Desert to be reconstructed desert landscaping including retained and revegetated plant materials in accordance with the Preferred Desert Uplands Plant List.
 - c. Revegetated Desert to be of the same species mix, and equivalent in size and density to any surrounding undisturbed area.
7. The use of turf is discouraged in the front yard.
8. All improvements shall be located within a building envelope, occupying not more than fifty percent (50%) of the total lot area.
 - a. A building envelope protective fencing permit shall be obtained prior to any removal or disturbance activities, in accordance with the subdivision regulations section 9-6-5 H.
9. Retained washes shall maintain a natural desert character.
10. Slopes of 15% or greater shall remain in undeveloped natural open space.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **Z07-76 (District 6)** 3225 South Power Road. Located south of Guadalupe Road on the east side of Power Road (14.72± ac.). Rezone from R1-43 to M-1 PAD and Site Plan Review. This request will allow the development of an industrial/office complex. Frank Warren, Newport Builders, owner; Thomas D. Bohlen, Oracle Architecture & Planning, applicant. Also consider the preliminary plat of "Newport Industrial Plaza".

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

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board approve the preliminary plat of "Newport Industrial Plaza" and recommend to the City Council approval of zoning case Z07-76 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Recordation of cross-access and reciprocal parking easements at two locations on the southern property line.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **Z07-77 (District 5)** 1460 North Alta Mesa Drive. Located south of McKellips Road and west of Recker Road (7.04 ± ac.). Rezone from R-2 PAD DMP to R1-6 PAD DMP and Site Plan Review. This request will allow the development of a townhouse community. John Perkinson, Perkinson Investment Corp., owner; Dorothy Shupe, Dreamcatchers Planning & Design, LLC., applicant. Also consider the preliminary plat of "Clubhouse Village at Alta Mesa".

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

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board approve the preliminary plat of "Clubhouse Village at Alta Mesa" and recommend to the City Council approval of zoning case Z07-77 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
6. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
7. Noise attenuation measures be incorporated into the design and construction of the homes to achieve a noise level reduction of 25 db.
8. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.

Vote: Passed 6-0-1 with Boardmember Carter abstaining.

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **Z07-80 (District 5)** The 8000-8100 blocks of East Brown Road. Located south and east of Brown Road and 80th Street (4.52± ac.). Rezone from R1-9 (conceptual O-S) to O-S, and Site Plan Review. To accommodate the development of an assisted living facility and an office building. Gary Crosby, Crosby Enterprises, Inc., owner/applicant.

Comments: Gary Crosby, 6338 E Orion St., applicant, gave an overview of the project highlighting the fact that they worked closely with the neighborhood and incorporated some of their suggestions to create a successful project.

Deborah Magish, 8120 E Fox St., spoke in favor of the project but did have concerns with the location of the dumpsters and retention, not only for the subject parcel but also the parcel to the east of the project.

Mr. Crosby addressed Ms. Magish's comments stating that they do have a grading and drainage plan, that the project will be self-retaining and that the parcel to the east will also need to be self-retaining.

Jennifer Gniffke, Planner II, gave an overview of the project stating that this is a rezone to OS and Site Plan Review for an assisted living facility and an office suite building. She continued that the Design Review Board can address some of the concerns of the neighbors, the Building Safety Division and staff, including the grading and drainage issues, which are addressed in the conditions of approval.

Discussion ensued concerning the location and number of dumpsters and the drainage issues of this parcel and the parcel to the east.

Boardmember Esparza complemented the applicant on their citizen participation report and incorporating the neighbor's suggestions into the project.

It was moved by Boardmember Esparza, seconded by Boardmember Carter

That: The Board recommend to the City Council approval of zoning case Z07-80 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations, including but not limited to the requirements of the Building Safety Division related to grading and drainage, solid waste, building construction and fire code requirements.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Regulations.
7. Recordation of cross-access easements with the adjacent property to the east.
8. The south perimeter fence, adjacent to the single residential lots, shall be at least 6' (six feet) tall as measured from both sides of the fence.
9. Review and approval of a Special Use Permit by the Board of Adjustment for an assisted living facility.
10. Developer must provide documentation from adjacent property owner (ADOT) authorizing access to Brown Road.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **Z07-81 (District 5)** 1202 North Power Road (west side). Located on the northwest corner of Brown Road and Power Road (1.9± ac.). Rezone from R1-9 to C-1, Council Use Permit and Site Plan Review. This request will allow the development of a convenience store with fuel pumps. John Ortle & David Sleater, owners; David Cisiewski, Law office of David Cisiewski, PLLC, applicant.

Comments: David Cisiewski, 11811 North Tatum, Phoenix, applicant, gave an overview of the project, including the history of the parcel. He continued that this project is part of a regeneration program by the current parent company of Circle K Corporation. He added that they have worked with the neighbors to buffer the neighborhood from noise, lighting and added that a six foot high screen wall is proposed along the entire west and north property lines to accomplish both screening and security for both the facility and the adjoining neighbors.

Craig Vossler, 1451 North 71st Street, resident, spoke in opposition of the project stating that there are three convenience stores with gasoline already within a two-mile radius, he opposed the size of the fuel canopy and that this project is not a good fit for the neighborhood.

Lynn Spahr, 1237 North 67th Street, resident, spoke in opposition to the project reiterating Mr. Vossler's comments and added that there is already a Texaco station/store across Power Road from this site. Additional concerns addressed by Ms. Spahr included lighting, loud music and noise from vehicles and traffic safety for the school kids who frequent the convenience stores in the mornings before school.

Gary Spahr, 1237 North 67th Street, resident, presented a blue card in opposition.

Mr. Cisiewski addressed the concerns and comments of the neighbors who spoke in opposition.

Joe Welliver, Planner I, stated that this request is to rezone an approximately 1.8 acre parcel to C-1 for the construction of a convenience store with fueling facilities. He added that the proposal does meet code, a neighborhood meeting was conducted and the applicant has attempted to mitigate the issues that were raised at that meeting.

It was moved by Boardmember Langkilde, seconded by Boardmember Esparza

That: The Board recommend to the City Council approval of zoning case Z07-81 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Review and approval of a Special Use Permit by the Board of Adjustment for gas pumps.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: **“DeJong Industrial Park” (District 6)** Southeast corner of 80th Street and Paloma Avenue. Northwest of Hawes Road and Elliot Road. (35.72± ac.) This request will allow for the development of a 17 lot industrial subdivision. Pete DeJong, DeJong Investment Group, owner; Stuart Rayburn, RCC Design Group, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board approve the preliminary plat of “DeJong Industrial Park” conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all City development codes and regulations.
3. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Record cross-access and reciprocal parking easements where applicable in each new development.
6. 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).
7. Written notice be provided to future tenants, and acknowledgment received that the project is within two miles of Williams Gateway Airport.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: Amending Sections 11-1-6, 11-5-3, and 11-6-3. The amendment is proposing to amend, modify or delete language for the existing definition of "Supervised Living Facilities (SLFs)" and possibly replace it with a definition for "Transitional Correctional Facilities (TCFs)." The amendment would also revise Sections 11-5-3 and 11-6-3 with regard to permitted uses in the R-4 and Commercial Zoning Districts, permitted locations of SLF/TCFs and required spacing between similar SLF/TCF land uses.

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

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board continue this item to the September 20, 2007 meeting.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: Review and discuss a proposed amendment to the City of Mesa Zoning Ordinance to add a new zoning district entitled "PC – Planned Community". The proposal would amend Section 11-2-1 by adding a new category of land use districts, "Mixed Use", and include PC – Planned Community as one of the districts under that category; and may amend Chapter 11-18, as needed, to facilitate the processing and administration of this proposed zoning district. It will also add a new chapter, 11-9.1, and associated sections, as needed, to fully describe the purpose and intent; administration, processing and implementation; and any associated land use, building form, design and/or site planning requirements, as needed, to implement this proposed zoning district.

Comments: Gordon Sheffield, Zoning Administrator, explained that this Code Amendment is for a new zoning category called Planned Community (PC). He continued that this category is intended for larger tracts of land, 160 acres or more, and will be used for mixed-use type developments. He then gave a PowerPoint presentation comparing the current process for a mixed-use development and what the proposed process will be with the PC district, explaining that the plan that is submitted is the district. He further explained that there are processing options that will be discussed in length at a later date. However, in theory, there will be a Community Plan, that is the primary review with a "big picture" view of the master plan for the area, this will be the controlling document for everything that goes forward in the area and will go through this Board and the City Council. The Development Units will be the secondary review and then the Site or Site Specific Plans will be the third level of review and these will refer back to the Community Plan for a determination as to whether they fit within the vision of the original community plan. He added that each Development Unit Plan may come to just this Board and either the Design Review Board or the Planning Staff will review the Site Specific Plans. He continued that any decision by this Board or the Design Review Board would have the opportunity for appeal to City Council and Staff decisions could be appealed to the Design Review Board and the City Council, if necessary.

Discussion ensued concerning how much land would be required in the initial plan submittal and the amount of detail that will be included in that submittal.

Boardmember Esparza asked Mr. Sheffield that if a community plan incorporated residential uses and schools, at what point it is identified from the dwelling units to accommodate the schools. Mr. Sheffield responded that it is proposed that they identify the need for those types of uses in the Community Plan, and then identify specific locations in the Development Unit Plan.

Boardmember Carter asked Mr. Sheffield what would happen if the developer identified a certain number of residential units in the community plan and then there is a market change and a new developer finishes the plan, would the original number of units still be required and how this plan could be amended. Mr. Sheffield responded that the PC is the zoning district and the zoning and plan run with the property. As to how it could be amended, Mr. Sheffield stated that it would be done as any other zoning district is modified. However, if it was a modification to a Development Unit, it may just come through this Board, if it is the whole Community Plan, it would go through this Board and Council.

Grady Gammage, Jr., 502 South College, Tempe, attorney for DMB, commented on the proposed PC District. He stated that DMB is planning to develop the northern 3,200 acres of the GM property and that without this PC District; they would not be able to do what they want with the property. He continued that the plan for this area will make it the business destination of the future for the southeast valley. Adding that a PC plan that is proposed will look like a zoning district book with rules, vignettes of plans, rules to individual Development Units, and will

MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

spell out how much the land use mix within an individual Development Unit can change and if the changes are more than what is written in the plan an amendment to the plan will be required.

He explained how other cities within the valley have been using PC Districts and gave examples of these developments.

Boardmember Carter asked Mr. Gammage who one would go to first if they were developing a parcel within a PC District and how working with the Engineering Divisions across the Valley has worked. Mr. Gammage responded that usually one would go to the master developer first and then on to the City. As for the Engineering Divisions, Mr. Gammage stated that after the City Council has made a final decision on the PC District, the Engineering Division gets on board and understands that the rules in these areas are different than other parts of town. Mr. Sheffield commented that the City of Mesa Engineering Division is on board with this proposed district and they see it as a better process.

Boardmember Esparza asked Mr. Gammage about the Desert Ridge Project and time lines from beginning to end for a PC District. Mr. Gammage responded that in the Desert Ridge Plan, they contemplated the freeway and did a major plan amendment to accommodate the Mayo Clinic Hospital. He continued that at the end of the Desert Ridge build out, it will be about 30 years adding that the Mesa Proving Ground site may take longer because it will be a more intense site.

Boarmember Mizner commented that some trust needs to be involved in this type of development. Mr. Gammage stated that the big picture idea of a PC District is that the major policy decisions are made first and then progressively more detail decisions are made about what gets built. He continued that as you move through the progression the decisions move from a political level to a staff level because of the guiding policy document.

It was moved by Boardmember Mizner, seconded by Boardmember Esparza

That: The Board continue this item to the August 16, 2007 meeting.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Item: Consider an amendment to the City of Mesa Zoning Ordinance, Sections 11-4-3 (D) and Section 11-5-4 (A) relating to Office Uses in Level 1 Historic Structures.

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

It was moved by Boardmember Mizner, seconded by Boardmember Salas

That: The Board approve and recommend to the City Council approval of amending Sections 11-4-3 (D) and 11-5-4 (A) of the Zoning Ordinance relating to office uses in a Level 1 Historic Structure.

Vote: Passed 7-0

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MINUTES OF THE JULY 19, 2007 PLANNING AND ZONING MEETING

Respectfully submitted,

John Wesley, Secretary
Planning Director

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