

**CITY OF MESA  
MINUTES OF THE PLANNING & ZONING BOARD**

Held in the City of Mesa Council Chambers (Lower Level)  
Date August 19, 2004 Time: 4:00 p.m.

MEMBERS PRESENT

Mike Cowan - Chair  
Barbara Carpenter-Vice Chair  
Pat Esparza  
Alex Finter  
Bob Saemisch  
Frank Mizner

MEMBERS ABSENT

Rich Adams (excused)

OTHERS PRESENT

John Wesley  
Ryan Heiland  
Tom Ellsworth  
Scott Langford

Liz Zeller  
Lois Underdah  
Maria Salaiz  
Jim Smith

Ralph Pew  
Michelle Dahlke  
Randy Carter  
Liz Gaston  
Others

Chair Cowan declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated August 19, 2004. Before adjournment at 6 p.m., action was taken on the following items:

It was moved by Boardmember Esparza, seconded by Boardmember Mizner, that the minutes of the July 15, 2004 meeting be approved as amended. The vote was 6-0 (Adams, absent).

CONSENT AGENDA ITEMS: All items listed with an asterisk (\*) were approved as a group with one Board motion.

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the consent items be approved.

Vote 6-0 (Adams, absent)

Zoning Cases: Z04-54\*, Z04-57\*, Z04-60\*, Z04-61\*, Z04-62\*, Z04-63\*, Z04-64\*, Z04-65\*, Z04-69

MINUTES OF THE AUGUST 19, 2004 PLANNING AND ZONING MEETING

Item: **GPMInor04-05 (District 6)** The 2800 block of South Signal Butte Road east side). Located on the northeast corner of Signal Butte & Guadalupe (19.7 ac). Minor General Plan Amendment to change existing land use designation from Medium Density Residential 4-6 to Neighborhood Commercial. Signal Butte / Guadalupe Ltd. Partners Victor Riches owner; Ralph Pew, applicant. **COMPANION CASE – Z04-68.**

Comments: Ralph Pew, representing the applicant, stated that this change is intended to expand the opportunities for development at Guadalupe and Signal Butte. Approximately ten acres could be developed under the present General Plan. With the companion case they have developed a commercial center site plan that will allow for mini-storage on the east of the transmission lines and for a small neighborhood shopping center west of the lines. He added that there's a benefit to the community to not put homes next to these transmission lines.

There were no citizens present who wished to speak in regard to this item.

Boardmember Mizner stated that he thought it important for the Board and the audience to be aware that the 2025 General Plan is an important planning document and provides guidelines for the development of Mesa into the future. He added that part of that Plan provides measures for making changes, that Mr. Pew had come forward with a request to amend that Plan and it meets the requirements to be considered as a Minor General Plan Amendment.

Boardmember Carpenter stated that she was not in favor of making changes to the Plan but she agreed that Mr. Pew had made a very good case for why this is better for the City than the original plan.

It was moved by Boardmember Mizner, seconded by Boardmember Carpenter,

That the Board approve and recommend to the City Council approval of GPMInor04-05.

Vote: Passed 6-0 (Adams absent).

MINUTES OF THE AUGUST 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-68 (District 6)** The 2800 block of South Signal Butte Road (east side). Located on the northeast corner of Signal Butte & Guadalupe (19.7 ac). Rezone from AG to C-2 and Site Plan Review. This request is to allow the development of a neighborhood commercial center Signal Butte / Guadalupe Ltd. Partners Victor Riches, owner; Ralph Pew, applicant. **COMPANION CASE – GPMInor04-05.**

Comments: Ralph Pew, representing the applicant, explained that this request was to re-zone the property to C-2. He added that they had worked significantly with staff concerning the site plan, had met the setback requirements and designed it in such a way that traffic flows correctly. Given the design they think it is a good site plan and concur with all of staff's recommendations and conditions.

Scott Langford, Planner I, gave a brief overview of the project and added that staff is in support of this proposal.

Chair Cowan stated that he believed this would support the retirement communities that are north of the project as well as the entire new community immediately to the west.

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter

That the board approve and recommend to the City Council approval of Case Z04-68, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. All pad buildings to be architecturally compatible with the center.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
6. All street improvements and perimeter landscaping to be installed in the first phase of construction.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: 6-0 (Adams absent)

## MINUTES OF THE AUGUST 19, 2004 PLANNING AND ZONING MEETING

Item: **GPMinor04-06 (District 6)** The 10500-10800 block of East Southern Avenue (south side) and 1200-1600 block of South Signal Butte (west side). Located on the southwest corner of Southern Avenue and Signal Butte Roads (55.51 ac). Minor General Plan Amendment to change existing land use designation from Community Commercial to Regional Commercial. Signal Butte 114, L.L.C. (Michael Hassett), owner; Ralph Pew (Pew and Lake, PLC), applicant.

Comments: Ralph Pew, applicant, stated that this was a pretty unique corner, the 55 acres are part of a larger 110 acre parcel. He added that there had been much discussion over the years regarding what to do with that parcel and the answer has always been non-residential. He stated that Signal Butte is becoming the next major commercial development area. He informed Boardmembers that on the south side of the freeway there is another 100-120 acres designated regional commercial but 50 of it is the Mesa Marketplace, a very successful marketplace.

This amendment will allow the owner to come back with a zoning case showing how this will integrate with the mixed-use employment designation to the west.

Liz Zeller, Planner I, stated that she wished to clarify that the regional commercial would allow this property to attract several or multiple big-box stores which is classified as over 100,000 square feet. This request does meet several of the goals in our General Plan that recommend that regional commercial be located near freeway interchanges. She added that staff is in favor of this request.

Boardmember Mizner stated that this request is really from one commercial category to another commercial category so it meets the test for a Minor General Plan Amendment and the net effect would be to allow for an intensification of the commercial development in terms of the number of large box retailers. He added that it seems to be a good location, surrounded by mostly non-residential development, near a freeway interchange, and it should have a positive impact.

Chair Cowan stated that he knew several members of the community who are very anxious for something, anything commercial, to catch up with the home development that is going on out at the eastern borders of our City.

Boardmember Carpenter stated that this doesn't just open it up for big boxes, there are other uses that could be commercial – lodging, restaurant, movie uses, finance, insurance and real estate, any kind of off price retail or power center. There are a lot more options available under this classification than the previous one. She added that she is very much in favor of this project.

It was moved by Boardmember Mizner, seconded by Boardmember Finter

That: The Board approve and recommend to the City Council approval of GPMinor04-06.

Vote: 6-0 (Adams absent)

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Item: **Z04-54 (District 6)** 10550 East Baseline Road. Located north of Baseline Road and west of Signal Butte Road (56± ac.). Site Plan Modification. This request is to allow for the realignment of an existing driveway at Mesa Market Place. Frank Buonauro, owner; W. Ralph Pew, applicant. **CONTINUED FROM THE JULY 15, 2004 MEETING.**

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board continue case Z04-54 to the September 16, 2004 meeting.

Vote: 6-0 (Adams absent)

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Item: **Z04-57 (District 6)** The 1800 to 1900 block of South Crismon Road (west side). Located north and west of Crismon Road and Baseline Road (0.05± ac). Rezone from C-2 to C-3 CUP. This request is to allow an outdoor event area accessory to a commercial development. Stuart L Rider, Rider Land & Development LLC, owner/applicant. **CONTINUED FROM THE JULY 15, 2004 MEETING.**

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve the applicant's request for withdrawal of this case.

Vote: 6-0 (Adams absent)

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**Item: Z04-60 (District 6)** Southwest corner of Southern Avenue and 24<sup>th</sup> Street. Located south and east of Southern Avenue and Gilbert Road (1.45 ac.). Rezone from R1-7 to O-S PAD and Site Plan Review. This request is for the development of offices. John Perkinson, Perkinson Investments, owner; Randy Carter, Dream Catchers Planning & Design, L.L.C., applicant.

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve and recommend to City Council approval of zoning case Z04-60, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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. Compliance with all requirements of the Design Review Board.

Vote: 6-0 (Adams absent)

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**Item: Z04-61 (District 6)** 5555 East Broadway. Located south and east of Broadway Road and Higley Road (2.87 ac.). Rezone from R1-43 to R-2 PAD and Site Plan Review. This request is for the development of town homes. John Bellerose, owner; Randy Carter, Dream Catchers Planning & Design, L.L.C., applicant. Also consider the preliminary plat of "Riverwalk".

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve and recommend to City Council approval of zoning case Z04-61, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
6. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
7. Compliance with all requirements of the Design Review Board.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: 6-0 (Adams absent)

## MINUTES OF THE AUGUST 19, 2004 PLANNING AND ZONING MEETING

Item: **Z04-62 (District 6)** The 6600 block of East Baseline Rd (north side). Located north and west of Baseline Road and Power Road (7 ac.) Rezone from C-2 to O-S P.A.D. and Site Plan Review. This request is to allow for the development of a mixed-use commercial development. The Village at Superstition Springs Office Investors, LLC, (Steve Bauer) Shea Commercial, owner /applicant. Also consider the preliminary plat for "Village at Superstition Springs".

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve and recommend to City Council approval of zoning case Z04-62, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Medical uses only for the five office buildings designated on the approved site plan.
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 Town of Gilbert related to street improvements for Baseline Road frontage.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Compliance with all requirements of the Design Review Board.
8. Review and approval of the development plans by the Superstition Springs Community Master Association prior to consideration by the Design Review Board.
9. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
10. 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).
11. Written notice be provided to future tenants, and acknowledgment received that the project is within five miles of Williams Gateway Airport.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
13. Recordation of vehicular cross-access and reciprocal parking easements for the overall contiguous office park.

Vote: 6-0 (Adams absent)

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**Item: Z04-63 (District 4)** The 900 block of South Stapley Drive (east side). Located north and east Southern Avenue and Stapley Drive (0.38 ac ±). Rezone from R1-6 to O-S and Site Plan Review. This request is to allow a two-story office building. Marie C. Moak, owner; Dorothy Shupe, applicant.

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve and recommend to City Council approval of zoning case Z04-63, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Medical office uses shall be prohibited on this site unless adequate parking spaces required by city code are provided.
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
6. Obtainment of a Development Incentive Permit (DIP) from the Board of Adjustment or the Zoning Administrator for all code deviations.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: 6-0 (Adams absent)

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Item: **Z04-64 (District 1)** The 1800 Block of North Barkley (west side). Located south and east of McKellips Road and Stapley Drive (0.291ac). Rezone from R1-9 PAD to R-2 PAD and Site Plan Review. This request is to allow four (4) new parcels for housing units. Neuman Petty, Nupetco Associates, owner; Shane M. Kobialka (Landev Engineers, LLC), applicant.

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve and recommend to City Council approval of zoning case Z04-64, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan.
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. When a builder is selected for the project complete housing product information will be submitted for review and possible administrative approval.
5. Subject to review and compliance with all requirements of the Subdivision Technical Review Committee.
6. Garage and driveway for Lot #3 shall be located along the north property line of this lot.

Vote: 6-0 (Adams absent)

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Item: **Z04-65 (District 6)** The 11000 Block of East Apache Trail (south side). Located south and east of Apache Trail and Signal Butte Road (8.5 ac). Site Plan Review. This request is to allow for the development of a group commercial center. ALC-Apache Signal, AZ L.L.C. (Douglas O. Guffy), owner; Ilan Baldinger, applicant.

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve and recommend to City Council approval of zoning case Z04-65, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board.
5. Future site plan review and approval is required for Parcel 2 and 3 "Future Commercial Pad."

Vote: 6-0 (Adams absent)

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Item: **Z04-66 (District 5)** 1244 North Greenfield Road. Located north and west of Brown Road and Greenfield Road (1.02 ac). PAD Amendment and Site Plan Modification. This request is to allow for the development of medical offices. J Daryl Bethea, Greenfield Medical Dental LLC, owner; Douglas D. Brimhall, applicant.

Comments: Douglas Brimhall, the applicant, gave a brief overview of the project. He stated that there had been two approved site plans in 1999 and the first one was for a 2-story office building. Mr. Brimhall advised Boardmembers that they planned to abide by all the stipulations set forth in that case. One stipulation is the requirement to screen the property from the adjoining subdivision with two rows of staggered trees. The stipulation states they must be "large, mature trees". He stated that the second case approved in 1999 was for a 1-story office building and in the stipulations it lists the requirements for two rows of staggered 24" box trees. There is also a stipulation to raise the existing perimeter fence to 7'4" (this came as a response to input from Villa Sendero). Mr. Brimhall noted that there were issues to raising the wall and he believed this may have been because a 2-story building was being proposed at that time. He stated that they would provide 36" trees planted 11ft. apart, providing more trees, closer together than the original stipulation. They would like to do that in lieu of raising the wall. Mr. Brimhall stated that maintaining a 6' block wall is what is required all over Mesa.

Steven Starrick (4222 E Brown Rd. #18), President of the Villa Sendero Board, stated he has worked with the applicant on this issue and does have concerns regarding screening and security on this project. He added that the initial proposal was for 24 ft. parapet walls. He informed Boardmembers that the property is irrigated and there will have to be an elevated pad built and then the 6' fence will be reduced to about 4'6" by the time they put the pad in. He said the screening creates more of a security issue. Since the original change from O-S zoning every project proposed has stated the fence line would be raised. He added his concern that there will be little space behind the wall, making a perfect place for people to hide.

John Rasmussen (4222 E Brown Rd. #19), stated that he lived at the northeast corner of the subject site and he would have this site in his backyard, adding that the fence height was critical. He stated that he had suffered some property loss a few years ago from people who had hidden in the trees. Security is an issue with the tree line that would shield an area more accessible to the public. Mr. Rasmussen stated he agreed with Mr. Starrick. He also mentioned that he would like to have the original trees remain, in addition to having the fence height raised.

William Toon (4222 E Brown Rd. #13) HOA Vice-President stated they had considered this property many times and the past proposals always considered the enhancement of the wall. He added that he felt it would be appropriate to look at the requirements they are imposing on the builders and developers. They are looking for good neighbors and good projects to enhance the neighborhood. He added that they went back with team members over the past three months and have looked at alternatives. One alternative was no enhancement to the wall height. They also looked at installing a wrought iron structure on top of the wall with screening as an alternative. After considering all the alternatives the residents are passionate about the need to raise the wall. In the home next to Mr. Rasmussen some kids gave a party when the parents were gone and they came over the walls. They feel that with the

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development going in they are creating a better environment for people who don't have the best intentions and will be able to scale the wall and enter the neighborhood. They think they would be contributing to the problem if they leave the height where it is. They also feel with the height of the structure and the viewing angle that it is very invasive. He stated they feel the developer has a cost issue and they feel they have good sound reasons to have the 8 ft. wall stand as previously stated. Also, the 24" box trees are substantially less than what is reasonable and adequate to provide the shielding necessary.

Mr. Brimhall stated that as they finalized design elements the discussion has turned more to what it is going to cost. That is a standard procedure that everyone who develops a piece of property goes through. Cost is an issue, however, in quality of development. Mr. Brimhall emphasized that if there are transients hanging out in the vacant lot it will affect the applicant/owners as well as Villa Sendero homeowners. They have the same vested interest in trying to keep that activity from happening. His first premise was to keep the existing trees but if they do there will not be a project because the trees cut down the size of the site. The proposal is to take two rows of trees and push them against the Villa Sendero wall. The goal is to use the trees as a defense mechanism, keeping an empty zone. This is going to be almost as effective as an Ocotillo fence. He showed an example of mature ficus trees used as a screening wall.

Scott Langford, Planner I, stated that Mr. Brimhall had given an excellent synopsis of the case. Staff is in support of this case.

Boardmember Mizner stated that this is a site plan modification, it is already approved for office zoning and has an approved site plan for a 2-story office building. The Board has heard concerns from the homeowners but has not had any comments about intended usage, site design, or building design and layout of the property, which could mean that residents are reasonably happy with those aspects of the project. The concern then is on the wall and the type and density of the landscaping. He asked Mr. Brimhall if his proposal had more trees than the previously approved plan. Mr. Brimhall stated he proposed 33 trees. Mr. Mizner asked about the difficulty involved in raising the height of the wall and what could be done without having to go through building permits and engineering studies. Mr. Brimhall responded that he had spoken with the structural inspector.

Boardmember Mizner stated that for a small site this property has a lot of history and he wished to commend the applicant, as well as the citizens from Villa Sendero, in the efforts to communicate on this property. It is the wall and the landscaping. Over the years Mr. Toon and his associates have been involved with a variety of proposals on this property. That might contribute to their frustration because they've seen proposals come and go, they spend a lot of time and accept a compromise, then the project never gets built. He suggested perhaps continuing the case for one month to allow an opportunity for the applicant to get together with the neighbors and talk about compromises and to meet with the Building Safety Division to find out what you can and cannot do with walls. What really is 6 feet? Is it from the grade of the nearest Street, it is from one side of the property or the other side of the property? There are different ways that the City looks at a wall. There are rules of thumb as to when you can or cannot add another course of block or even two courses of block to an existing wall.

Boardmember Finter asked if there were some kind of alternative that wouldn't be weight-bearing that could go along the fence and provide additional security, improve the aesthetics. Mr. Brimhall responded that he had thought maybe a wrought iron but any kind of metal

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screening would have to be relatively opaque. Not only would it have to be designed for a 70 mile per hour wind but you have to look at the fact that the wall has to be opaque.

Vice-Chair Carpenter stated that one of the neighbors mentioned that the pad would have to be raised . Mr. Brimhall explained the method used to set the building pad height.

Boardmember Saemisch asked what the Board is required to do with regard to a previous case, regarding promises made on a past case.

John Wesley, Planning Director, stated that it was a new case so there is no requirement to follow those previous conditions.

Boardmember Saemisch asked if this were a brand new case then the scenario would be the 6 ft. fence is the standard. The 8 ft. is used in conditions where there are hazards that can either be produced by noise or some other variance issue that is not a normal situation. He added that this part of town probably has more security than 50-75% of the community. That property values are affected by what is built next to you -- that is absolutely true -- and in this case you couldn't ask for a better neighbor than a quiet dental office vs. a fast-food place where kids would be sitting in the parking lot late at night playing their music and carrying on. Mr. Saemisch stated that he thought the security issue could be the onus of the neighbor. If they want a higher wall they could get a variance and allow their walls to be built at their expense. That has been done before. If the trees can provide the screening, architecturally that takes care of requirements according to the guidelines.

Boardmember Esparza stated that she was in agreement with Mr. Saemisch.

It was moved by Boardmember Saemisch, seconded by Boardmember Esparza that the Board approve and recommend to the City Council approval of zoning case Z04-66 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
5. Recordation of cross-access easements.
6. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (prior to issuance of a building permit).
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: 6-0 (Adams absent)

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**Item:Z04-67 (District 6)** The 1700 block of South Greenfield Road (west side). Located south and west of US 60 and Greenfield Road (19.17 ac). Site Plan Modification. This request is to allow a mix of retail and restaurant uses. Jay M. Allen, Lumberjack Capital LLC. owner; Elizabeth Gaston, applicant. Also consider the preliminary plat.

Comments: Liz Gaston, the applicant, stated that this project consists of two phases. Phase I was handled by WalMart and has already been approved. As a result of that project a portion of East Valley Auto Drive will be closed and Juanita Avenue will be added further to the south. Those items are not a part of this project. Ms. Gaston explained that their proposal is to build a Sportsman's Warehouse, along with retail space and some future restaurant uses. This requires a site plan modification because when the WalMart got approved they were required to show the balance of the site to show that it could work together as a cohesive development.

Chuck Danielson (4134 E Valley Auto Drive) representing the owner of Invision Auto Body, a neighboring business, stated his concern that the development would cut half their access off - East Valley Auto Drive will go away and they will not have access to Greenfield Road during this phase of construction. They have asked that E. Juanita be put in before and they had been told it would be in Phase I but Phase I can last a long time. He explained his concerns with the site plan and traffic issues they have had with the closing of East Valley Auto Drive. He clarified that he was pleased with the development, but some issues need to be taken care of first.

Scott Langford, Planner I, noted that once the project goes through City Council it will go to the Design Review Board and we can pass this information along for them to pay close attention to elevations of the buildings. He added that E. Juanita should be built during the first portion of the first phase of construction for the Wal Mart site. The Sportsman's Warehouse is the second phase and they have no responsibility for the construction of E. Juanita Ave.

Boardmember Saemisch asked what onus the Board has for stipulating construction on streets. He asked how it got stipulated on WalMart and not on this case. Mr. Langford responded that on the original case it was stipulated that E. Juanita would go in with the development of Phase I (WalMart).

Vice-Chair Carpenter stated that this is a very nice looking business and she would like to see the rest of the development have the same standards. She added that she thought the view of pads A & B and even Sportsman's Warehouse from E. Valley Auto Drive should be a priority. She stated that the Board should send that message to the City Council. Ms. Carpenter stated that in the past there have been conditions where the landscaping has to go in first and asked if that were the case. Mr. Langford responded that it was left off on this site plan but that she was welcome to add that condition.

Boardmember Mizner reminded that the Sportsman's building, as well as the independent PADS and restaurant and retail buildings will have to go to the Design Review Board and Mr. Danielson and other property owners in the area will have an opportunity to comment on design of the trash enclosures, perimeter landscaping and architecture of the buildings. At this point they don't have specific users for those buildings, but prior to development it will have to go to the Design Review Board and that will be the appropriate time to look at things like exterior lighting, orientation of the trash enclosures and design of the landscaping. He added that it is also important to note that E. Valley Auto Drive was going to be truncated as a result of the

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WalMart project – it is not this proposal that's bringing that forward – that street was always going to be closed off. If WalMart is in for plan review they will be starting construction soon and will have that connection from Juanita out to Greenfield probably before the construction starts on the Sportsman's building.

Chair Cowan asked if, when this goes to Design Review, they look at all the components related to this – landscaping to architecture, facilities, amenities. Mr. Saemisch responded yes, and added that now there is a requirement for notification. Mr. Cowan stated that meant that Mr. Danielson would receive prior notification to those meetings. Mr. Saemisch responded yes, and noted that this Board's decisions are based on zoning issues and not necessarily the aesthetic issues.

Vice-Chair Carpenter asked if they wanted to come back and put a drive-through at any of the restaurants would they have to go through the process again. John Wesley, Planning Director, responded that would be a site plan review and at that time a determination would be made whether it could be handled administratively or go back to the Board.

It was moved by Boardmember Mizner, seconded by Boardmember Saemisch that the Board approve and recommend to City Council approval of zoning case Z04-67 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate 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. Compliance with all requirements of the Design Review Board.
7. Any non-conforming and/or prohibited signs existing on any of the subject property shall be removed or brought into conformance prior to the issuance of a building permit.
8. Review and approval of a Special Use Permit by the Board of Adjustment for comprehensive sign plan.
9. Provide copies of documents showing recordation of cross-access easements for all parcels within the commercial center at the time construction documents are submitted.

Vote: 6-0 (Adams absent)

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Item: **Z04-69 (District 5)** The 6000 – 6200 block of East McKellips Road (north side) and the 6200 – 6400 block of East Hermosa Vista Drive (south side). Located north of McKellips Road and east of Recker Road (47 ac ±). Modification of City Council approved Ordinance 4187. This request is to clarify Condition of Approval number 11c (regarding the height of homes) of Ordinance 4187. Shelby Futch, owner; Ray Mehan, Mehan Construction, applicant.

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve and recommend to City Council approval of zoning case Z04-69, conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the revised site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, 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 Technical Review Committee.
7. 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).
8. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
11. The applicant has further stipulated and agreed to the following terms and conditions:
  - a. Review and approval of product elevations and exterior color schemes, which are to be earth tones, by the Design Review Board.
  - b. The applicant shall enter into a deed restriction for the benefit of the property owners adjacent to the development reflecting the stipulations found in paragraphs 1, 2, 3, 6, 9, 11, 12, 13, 14, and 15 of the Neighborhood Agreement For Painted Mountain Townhome Project dated February 15, 2004.
  - c. The height of the architectural elevations of the homes not to exceed 22 feet from finish floor elevation for that portion of the subdivision located on the existing nine-hole golf course. Lots 1-44, adjacent to McKellips Road, may be two-story homes up to 30-feet in height.
  - d. For that portion of the subdivision located on the existing nine-hole golf course, all homes are to be one story only above finish floor elevation.
  - e. Walls and fences along the Golf Course shall be wrought iron over a masonry wall. Height of masonry wall portion not to exceed 1.5 feet and overall fence

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height not to exceed 6 feet.

- f. For that portion of the subdivision located on the existing nine-hole golf course, provide no more than five standard product plans with multiple elevations.

Vote: 6-0 (Adams absent)

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Item: **South of the southwest corner of McKellips Road & Power Road. (District 5).**

This project involves the development of a retail tire store. Troy Peterson, Pentad Development, owner; Troy Peterson, CMX, LLC, applicant. Consider the preliminary plat of "SWC Power and McKellips Roads " (4.8 ± ac.).

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve the preliminary plat of "SWC Power and McKellips Roads "

Vote 6-0 (Adams, absent)

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Item: **1860 S. Stapley Drive (District 4)**. This project involves the development of a Business Park consisting of office uses and retail pads. Bruce Gillespie (Desco Southwest), owner; Jere Planck (Archicon, LC), applicant. Consider the preliminary plat of "Stapley Corporate Center" (17.5± ac.).

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

It was moved by Vice-Chair Carpenter, seconded by Boardmember Finter, that the Board approve the preliminary plat of "Stapley Corporate Center"

Vote 6-0 (Adams, absent)

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director