

## CITY OF MESA

### MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers  
Date February 16, 2006 Time 4:00 p.m.

#### MEMBERS PRESENT

Barbara Carpenter, Vice Chair  
Alex Finter  
Bob Saemisch  
Frank Mizner  
Jared Langkilde  
Ken Salas

#### MEMBERS ABSENT

Rich Adams, Chair, excused

#### OTHERS PRESENT

John Wesley  
Dorothy Chimel  
Tom Ellsworth  
Michael Bell  
Jennifer Gniffke  
Ryan Matthews  
Maria Salaiz  
Cory Whittaker

Lyle Richardson  
Tom Albright  
Randy Carter  
Dorothy Shupe  
Jim Smith  
Sean Lake  
Bill Allison  
Gordon Sheffield

Wayne Balmer  
Kelly Arredondo  
Brandice Elliot  
Bill Jaffa  
Russ Brandt  
Others

Vice Chairperson Carpenter declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated February 16, 2006. Before adjournment at 6:35 p.m., action was taken on the following items:

It was moved by Boardmember Finter, seconded by Boardmember Mizner that approval of the minutes of the January 19, 2006 meeting be continued to the March 23, 2006 meeting. The vote was 6-0 with Boardmember Adams absent.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde that the consent items be approved. Vote 6-0 with Boardmember Adams absent.

A second consent agenda was held for zoning cases Z06-07 and Z06-10 due to a potential conflict of interest by Boardmember Saemisch. It was moved by Boardmember Langkilde, seconded by Boardmember Finter that the second consent item be approved. Vote 5-0-1 with Boardmembers Adams absent and Saemisch abstaining.

Zoning Cases: GPMinor06-01, \*Z06-04, \*Z06-05, \*Z06-06, \*Z06-07, \*Z06-08, \*Z06-09, \*Z06-10, \*Z06-11, \*Z06-12, Z06-13, Z06-14, Z06-15, Z06-16

MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: Code Amendment: Amending Sections 11-18-7 and 11-18-8 of the Zoning Ordinance pertaining to site plan review including review and approval by the Planning and Zoning Board and the Planning Hearing Officer, implementation, appeals, and protest requirements.

**CONTINUED FROM THE OCTOBER 20, 2005, NOVEMBER 17, 2005 AND THE DECEMBER 15, 2005 MEETINGS.**

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of Amending Sections 11-18-7 and 11-18-8 of the Zoning Ordinance pertaining to site plan review including review and approval by the Planning and Zoning Board and the Planning Hearing Officer, implementation, appeals, and protest requirements.

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt this was inclusive of the discussions held at the study session. The Board recommendation included approval of Alternate 1 for Sec. 11-18-8 (F): . . .DECISIONS OF THE PLANNING AND ZONING BOARD AND PLANNING HEARING OFFICER ON SITE PLAN REVIEWS AND SITE PLAN MODIFICATIONS MAY BE APPEALED TO THE CITY COUNCIL BY THE CITY MANAGER, APPLICANT, OR ANY RESIDENT OF OR PROPERTY OWNER IN THE CITY. ALL APPEALS SHALL BE . . .

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## MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: Consideration of proposed revisions to the Freeway Landmark Monument Guidelines.  
**CONTINUED FROM THE JANUARY 19, 2006 MEETING.**

Comments: Mr. Gordon Sheffield, Zoning Administrator, stated he had met with members of the Arizona Sign Association (ASA) and members of the Freeway Landmark Monument Guidelines Ad hoc Committee (Ad hoc Committee) to discuss the concerns raised at last month's Board meeting. Based on this meeting, he was optimistic that the revised draft addressed the concerns of both the Board and of the ASA, and could be forwarded to City Council with a recommendation for approval. The items revised in this latest draft included questions about project and tenant identification, and what to use as a focal point for determining appropriate sign height.

Mr. Sheffield read Item IV. A.4 (page 3) of the proposed Guidelines, and stated the intent was to further define what was meant by the Guideline requiring the project or location name to be a "primary" part of the sign. This item was revised by deleting the word "primary" and replacing it with language that stated about 20% of the sign should be used for the destination name and the remainder of the sign may be used for tenant ID or other types of things. Mr. Sheffield added that Item IV. C.1 (bottom of page 4) addressed the second issue. Prior language referring to the use of tenant ID to justify additional sign height had been changed from "may not" to the more permissive "should not". He explained that the ASA representative and the Ad hoc Committee believed more permissive language should be used. He noted that the variety of freeway designs make it difficult to anticipate every circumstance, and there may be instances where allowing additional sign height to see tenant ID signage may be justified. Concluding, he stated that the Ad hoc committee and the ASA representative agreed with the document as prepared.

Bill Allison, 2575 East Camelback, Phoenix, representing the ASA, thanked the Board for the opportunity to work further with staff and the Ad hoc committee, and to address the concerns they raised regarding the proposal at last month's meeting. Mr. Allison agreed with the characterization of events described by Mr. Sheffield, and stated ASA was comfortable with the changes that have been made. He noted the two changes were minor but important to preserve some flexibility and to better reflect what they believe is the intent of the Guidelines. He mentioned he had communicated with Mr. Kent Grantham, a sign contractor who attended and spoke at last month's meeting. According to Mr. Allison, Mr. Grantham was also in agreement with the latest revisions.

Boardmember Finter stated he appreciated the opportunity in working with the Ad hoc Committee, the Board, staff and Mr. Allison to find a workable set of revisions to the present Freeway Landmark Monument Guidelines. He noted that this was one of those examples where government, regulatory agency, and industry worked together and came up with an improved product for the City of Mesa.

Boardmember Saemisch reminded the Board that he had suggested this item be delayed for a month. He thought the proposed revisions were a step forward and would help streamline approval process. He pointed out that there are very few sites that qualify for these signs based on the size of the property and mentioned that there are 8 to 13 potential sites in the City, including the two that are currently under construction. Mr. Saemisch noted that there was going to be an impact on the City but thought this would allow it to be done in a formal and graceful procession and still resolve the issues that the citizens have.

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Boardmember Mizner echoed the comments made by the Boardmembers and added that this was a cooperative effort between the private sector and staff to make changes to a relatively new process in the City. He stated the revisions were sought in response to the Board's and Council's concerns about how the Guidelines and the ordinance were being implemented. Mr. Mizner stated that this was a good package and the result would be a more usable document and more attractive signs for the public in the future. He stated he would be supporting the motion.

Vice Chairperson Carpenter thanked everyone involved and also echoed what had been said adding that this has been a long, but ultimately productive process.

It was moved by Boardmember Finter, seconded by Boardmember Saemisch

That: The Board recommend to the City Council approval of the proposed revisions to the Freeway Landmark Monument Guidelines.

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt the proposed revisions to the FLM Guidelines were well written and should address the concerns identified by the Board. They felt the revisions should be adopted by the City Council.

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## MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **GPMInor06-01 (District 6)** The 10800 to 11000 block of East Broadway Road (south side). Located at the southeast corner of Signal Butte Road and Broadway Road (12.55± ac). Minor General Plan Amendment to change the General Plan Land Use Map from Neighborhood Commercial (NC) to Medium Density Residential 6-10 dwelling units per acre (MDR 6-10). Todec Properties, LLC, (Thomas C. Decker) owner; Lyle Richardson, Lazarus & Associates, applicant. **COMPANION CASE Z06-15.**

Comments: Boardmember Mizner asked that both the GPMInor06-01 and zoning case Z06-15 be heard simultaneously. The Board agreed.

Lyle Richardson, 420 West Roosevelt, Phoenix, applicant, gave an overview of the General Plan Minor Amendment stating that this request was to change the General Plan designation from Commercial to Medium Density Residential 6-10 (MDR 6-10 du/ac) as outlined. He gave a history of the property stating that in 1999, when he brought a case before the City to zone the property for commercial, it was a very controversial case. He pointed out that while they were successful with the approval, it was with a concession that a modification be made to take the use off of the corner (a gas station/C-store). Subsequent to that hearing, the property was purchased and a request for a drug store was brought forward. That request was also approved with a concession as to the configuration of the drive thru. He added that the end result was neither projects were built.

Mr. Richardson noted that the property was sold in 2002, and a deed restriction was placed, as a contingency on that sale, that the property could not have a grocery store or a pharmacy. There have been a number of attempts to develop it, but there are too many restrictions to make this a successful commercial site. He added that the owner desires to sell the property and does not want to acquire property and bring it back due to the deed restrictions on a substantial portion of the land. He stated he understood staff's opposition to their request, but it was also important to recognize market limitations on the property. He showed an exhibit that showed the distances of other commercial uses in the vicinity and added that this site was not viable for commercial.

Mr. Richardson stated that the residential product was well designed and is compatible with the surrounding neighborhood and meets or exceeds Mesa's residential standards. He mentioned that everyone they had talked to agreed that they would prefer to have residential rather than commercial at this corner. He mentioned that he represented this case in 1999, and there was a lot of written and vocal opposition because the neighbors wanted residential not commercial. Mr. Richardson mentioned that they had processed two applications; the first application was for R-2, which mirrored the property to the south. They were asked to modify their plans and refilled their application from R-2 to R1-6. He noted that they did two separate applications, which meant two neighborhood meetings. The neighbors were pleased that they had done the changes they had requested.

Mr. Richardson mentioned that their project includes a Z-lot configuration and a standard lot configuration and staff had pointed out the limitations with the Z-lots and the long-term viability of a product that did not have a typical back yard. He noted that Z-lots are not intended for everybody, it's intended to meet a particular need within a market place. He stated that as part of the PAD, they could shrink the sizes of the lots and put it to the advantage of the group rather than to the individual lot. He noted that they have a good project and are in agreement with the stipulations. He asked that if the General Plan Amendment was successful that the zoning case be forwarded to the City Council.

## MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Cory Whittaker, Planner I, gave a brief overview of the GPMInor06-01. He stated that the reason staff was recommending denial of this case was to keep the Neighborhood Commercial consistent with the General Plan that was adopted in 2002. He stated staff had concerns with losing the last opportunity for a Neighborhood Commercial designation in this area. He noted that the applicant had made some good points about nearby commercial opportunities, but staff felt it was important to keep this designation.

Ryan Matthews, Planner I, gave an overview of zoning case Z06-15. He stated that the applicant was requesting to rezone from C-2 and R1-7 to R1-6 and Mr. Richardson had explained the proposal well. He explained that staff was recommending denial of the zoning case for two reasons. The first was the land use change, which was explained by Mr. Whittaker and the second was that there was too much house for the size of lot.

Boardmember Saemisch asked what a recommended lot size would be or if there was an example in the City, which showed fairly tight PAD's with back and front yards. Mr. Matthews stated that staff could only recommend what was in the zoning ordinance for the R1-6 district. He stated that an average lot size would be 60' width by 94' depth with maximum lot coverage of 40%. The applicant is requesting lot sizes of 53' width by 55-61' depth and between 38-50% lot coverage.

Boardmember Saemisch stated that in the past the Board had approved PAD's because of the higher quality of construction, amenities and overall lifestyles that would part of the project.

John Wesley, Planning Director responded that staff had not analyzed those previous cases to come up with an appropriate standard other than what was in the current Code. In looking at these houses its staff's opinion that many of these rear yards are too small. He added that there is a large play area, but it was somewhat separated and inconvenient for daily use. Mr. Wesley stated that several of these lots get as narrow as 6-14 feet and that 15-20 feet starts to establish a yard that becomes usable for a family.

Discussion ensued regarding the two story homes along the south property line. Mr. Matthews mentioned that as a result of the citizen participation meeting the applicant had agreed to allow one and two stories homes along the southern property line.

Boardmember Finter asked for more information on how and why staff was trying to achieve the goal of having people walk to get groceries or other services. Mr. Wesley responded that in the General Plan there are items that outline some of the policies, which staff looked at that encouraged mixed use. This provides opportunities for people to get to these services conveniently without always driving a long distance, as well as, building a quality community. Other items in the General Plan were providing neighborhood connections to commercial areas. He stated that this was the last chance staff had to provide close proximity services to this location and added that the applicant had made some good points about the limitation on this site and the other uses in the area.

Boardmember Finter asked if staff was trying to eliminate the "canyon effect" by stacking homes next to each other. Mr. Matthews responded that the reason for the one-story units was not to eliminate a "canyon effect" it was strictly in response to the citizen participation comments.

Boardmember Langkilde commented that his concern with this project was the lack of connectivity throughout the community and added that the amenities placed with this PAD overlay could not be utilized unless they lived in the immediate perimeter of the recreational

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facilities. He stated he would have liked to see a greater connectivity throughout the neighborhood so all the neighbors have more access to those amenities.

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Boardmember Salas asked if there were other areas within the City that had similar demographic where there are commercial facilities a distance away. Mr. Wesley responded that in the Desert Uplands and the Citrus Sub areas; there are really no commercial facilities close by. It was a trade off for some of the value, we look to provide in those areas and at the request of the citizens. He stated that this area had a higher density, compared to those areas, with more traffic and people to deal with so having those services is important.

Boardmember Saemisch made a motion for denial of zoning case Z06-15 and reserved the right to vote against his motion if discussion so persuaded him.

Vice Chairperson Carpenter asked staff if the Board would have to vote on the Minor Amendment first. Mr. Wesley responded that it would be more appropriate.

Boardmember Saemisch withdrew his motion and added that this was an entangled discussion that involved both processes.

Mr. Richardson responded that PAD's had been approved throughout the City and the standards had been looked at on a case-by-case basis. He also pointed out that the 50% lot coverage range were for the single story units, which were not originally anticipated. He stated that the Z-lot configuration was set up for people that wished this type of product. He noted for the record that the petitions he had turned in there were four stipulations, which they had worked out with the neighbors. One of the conditions indicated their concern with the drainage issue, which is causing their fence to fall. He stated his client has agreed to fix the drainage problem, if the project goes forward and replace the fence.

Mr. Richardson stated that in 1999, when they first brought the commercial center, the reaction of the neighborhood to the south was that they did not want the pedestrian connection in their neighborhood. He stated that in his experience if the pedestrian connection was not immediate and user-friendly people would get into the cars and drive, especially if they have kids or if it was in the summer. He stated he understood the land use concept and the connectivity when you have a large enough area, but to put that in an existing neighborhood with a site this small would be difficult.

Boardmember Finter made a motion to approve GPMInor06-01. He added that the overwhelming factor was the circumstances in the area with regards to retail and commercial. Boardmember Salas seconded the motion.

Boardmember Mizner spoke against the motion and stated he was in support of staff's recommendation for denial. He added that there was a process in the General Plan that allowed for amendments to the General Plan, both minor and major and those changes should not be taken lightly. The burden rests on the applicant to show that his request represents some benefit to the public and some reason why that plan should be changed. Mr. Mizner stated he was not convinced that case had been made and the owner knew the restrictions when he bought the property and stated that it was a self-imposed hardship. He stated it was still a viable commercial corner and there are lots of examples in Mesa where neighborhood types centers develop in reasonably close proximity to larger regional centers or power centers. Mr. Mizner stated he did not intend to support the motion for approval.

Boardmember Saemisch stated that he wanted to see a higher quality product and was concerned about the two story houses with 5-foot setbacks. He stated he was also concerned with the burden this puts on the school district, as well as, the quality of the housing; he added

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that he didn't want it to be known as the neighborhood that "couldn't live together" because the houses were too close. Mr. Saemisch stated that there are office projects that could serve this community and not just neighborhood commercial. He stated that in the future he would support commercial if they wanted to expand into the adjacent residential portion. He stated he would be voting against the motion.

Vice Chairperson Carpenter stated this has been a difficult decision and agreed with Mr. Mizner that the General Plan Amendments should not to be taken lightly. She mentioned that the housing market was always changing and that apartment buildings were being converted to condominiums to provide more affordable housing. She mentioned that these houses are too dense and was concerned about the quality. As Mr. Saemisch discussed, there are other commercial opportunities. It's easy for residents to visualize residential, but it's not always the best and one of the better things that we can do in our City is mixed use.

Boardmember Langkilde stated he agreed with Boardmembers Saemisch's and Mizner's comments. As mentioned earlier, he was concerned with the quality of the housing and the connectivity within the neighborhood. He stated he would voting against the motion and encouraged other Boardmembers to do likewise.

Boardmember Finter commented that he thought there was also a lot of work to be done on the zoning case and he was hoping that they could get through the General Plan Amendment. He noted the arguments against approving the General Plan Amendment and asked if there would be an opportunity for a continuance. The Board agreed to a continuance.

Boardmember Finter moved to continue GPMInor06-01 to allow the applicant more time to improve of the quality of the housing, address the connectivity and possibly end up with a much better product. Boardmember Salas concurred with the motion to continue.

Boardmember Langkilde stated he would like to hear from the applicant regarding this continuance.

Mr. Richardson stated they would take the continuance and added that they believed they had a product they could bring forward that would satisfy the Board's concerns. He asked when this case would be continuance to.

Brian Johnson, representative of Cypress homes, 11445 East Via Linda, Suite 408, Scottsdale, stated they are first time homebuyers and they do not like doing condominiums. He read a staff memo dated September 23, 2005, which stated that staff was in support of this project, so he did not know how they went from staff's support to staff recommending denial. Mr. Johnson stated they would take the continuance to work out what ever they could with regards to this project.

Boardmember Saemisch stated the applicant was out of order because the Board was in the middle of a motion. He mentioned that the applicant was asked to address the issue of how long he would like to have this case continued. Mr. Johnson apologized and stated he would like a 30 day continuance to the March 23, 2006 Planning & Zoning meeting.

Boardmember Langkilde stated he wanted to be clear as to what the Board was expecting the applicant to achieve in the next 30 days. Mr. Richardson stated they understood.

Boardmember Saemisch mentioned to the applicant and other Boardmembers that he was

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available to review their progress and help with streamline this project. Mr. Richardson stated with the Board's permission he would take advantage of that offer and hopefully they could bring back something that would be acceptable.

It was moved by Boardmember Finter, seconded by Boardmember Salas

That: The Board continue case GPMinor06-01 to the March 23, 2006 meeting.

Vote: Passed 5-1 with Boardmembers Mizner nay and Adams absent.

Reason for Recommendation: The Board felt a continuance was warranted to allow the applicant more time to improve the quality, address the connectivity and possibly end up with a much better product.

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## MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **Z06-15 (District 6)** The 10800 to 11000 block of East Broadway Road (south side). Located at the southeast corner of Signal Butte Road and Broadway Road (12.55± ac). Rezone from C-2 and R1-7 to R1-6-PAD and Site Plan Review. This request will allow for the development of single residence subdivision. Todec Properties, LLC, (Thomas C. Decker) owner; Lyle Richardson, Lazarus & Associates, applicant. Also consider the preliminary plat. **COMPANION CASE GPMinor06-01.**

Comments: Boardmember Mizner asked that both the GPMinor06-01 and zoning case Z06-15 be heard simultaneously. The Board agreed.

Lyle Richardson, 420 West Roosevelt, Phoenix, applicant, gave an overview of the General Plan Minor Amendment stating that this request was to change the General Plan designation from Commercial to Medium Density Residential 6-10 (MDR 6-10 du/ac) as outlined. He gave a history of the property stating that in 1999, when he brought a case before the City to zone the property for commercial, it was a very controversial case. He pointed out that while they were successful with the approval, it was with a concession that a modification be made to take the use off of the corner (a gas station/C-store). Subsequent to that hearing, the property was purchased and a request for a drug store was brought forward. That request was also approved with a concession as to the configuration of the drive thru. He added that the end result was neither projects were built.

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Mr. Richardson stated that in 1999, when they first brought the commercial center, the reaction of the neighborhood to the south was that they did not want the pedestrian connection in their neighborhood. He stated that in his experience if the pedestrian connection was not immediate and user-friendly people would get into the cars and drive, especially if they have kids or if it was in the summer. He stated he understood the land use concept and the connectivity when you have a large enough area, but to put that in an existing neighborhood with a site this small would be difficult.

Boardmember Finter made a motion to approve GPMInor06-01. He added that the overwhelming factor was the circumstances in the area with regards to retail and commercial. Boardmember Salas seconded the motion.

Boardmember Mizner spoke against the motion and stated he was in support of staff's recommendation for denial. He added that there was a process in the General Plan that allowed for amendments to the General Plan, both minor and major and those changes should not be taken lightly. The burden rests on the applicant to show that his request represents some benefit to the public and some reason why that plan should be changed. Mr. Mizner stated he was not convinced that case had been made and the owner knew the restrictions when he bought the property and stated that it was a self-imposed hardship. He stated it was still a viable commercial corner and there are lots of examples in Mesa where neighborhood types centers develop in reasonably close proximity to larger regional centers or power centers. Mr. Mizner stated he did not intend to support the motion for approval.

Boardmember Saemisch stated that he wanted to see a higher quality product and was concerned about the two story houses with 5-foot setbacks. He stated he was also concerned with the burden this puts on the school district, as well as, the quality of the housing; he added

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that he didn't want it to be known as the neighborhood that "couldn't live together" because the houses were too close. Mr. Saemisch stated that there are office projects that could serve this community and not just neighborhood commercial. He stated that in the future he would support commercial if they wanted to expand into the adjacent residential portion. He stated he would be voting against the motion.

Vice Chairperson Carpenter stated this has been a difficult decision and agreed with Mr. Mizner that the General Plan Amendments should not to be taken lightly. She mentioned that the housing market was always changing and that apartment buildings were being converted to condominiums to provide more affordable housing. She mentioned that these houses are too dense and was concerned about the quality. As Mr. Saemisch discussed, there are other commercial opportunities. It's easy for residents to visualize residential, but it's not always the best and one of the better things that we can do in our City is mixed use.

Boardmember Langkilde stated he agreed with Boardmembers Saemisch's and Mizner's comments. As mentioned earlier, he was concerned with the quality of the housing and the connectivity within the neighborhood. He stated he would voting against the motion and encouraged other Boardmembers to do likewise.

Boardmember Finter commented that he thought there was also a lot of work to be done on the zoning case and he was hoping that they could get through the General Plan Amendment. He noted the arguments against approving the General Plan Amendment and asked if there would be an opportunity for a continuance. The Board agreed to a continuance.

Boardmember Finter moved to continue GPMInor06-01 to allow the applicant more time to improve of the quality of the housing, address the connectivity and possibly end up with a much better product. Boardmember Salas concurred with the motion to continue.

Boardmember Langkilde stated he would like to hear from the applicant regarding this continuance.

Mr. Richardson stated they would take the continuance and added that they believed they had a product they could bring forward that would satisfy the Board's concerns. He asked when this case would be continuance to.

Brian Johnson, representative of Cypress homes, 11445 East Via Linda, Suite 408, Scottsdale, stated they are first time homebuyers and they do not like doing condominiums. He read a staff memo dated September 23, 2005, which stated that staff was in support of this project, so he did not know how they went from staff's support to staff recommending denial. Mr. Johnson stated they would take the continuance to work out what ever they could with regards to this project.

Boardmember Saemisch stated the applicant was out of order because the Board was in the middle of a motion. He mentioned that the applicant was asked to address the issue of how long he would like to have this case continued. Mr. Johnson apologized and stated he would like a 30 day continuance to the March 23, 2006 Planning & Zoning meeting.

Boardmember Langkilde stated he wanted to be clear as to what the Board was expecting the applicant to achieve in the next 30 days. Mr. Richardson stated they understood.

Boardmember Saemisch mentioned to the applicant and other Boardmembers that he was

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available to review their progress and help with streamline this project. Mr. Richardson stated with the Board's permission he would take advantage of that offer and hopefully they could bring back something that would be acceptable.

It was moved by Boardmember Finter, seconded by Boardmember Salas

That: The Board continue zoning case Z06-15 to the March 23, 2006 meeting.

Vote: Passed 5-1 with Boardmembers Mizner nay and Adams absent.

Reason for Recommendation: The Board felt a continuance was warranted to allow the applicant more time to improve the quality, address the connectivity and possibly end up with a much better product.

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MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **Z06-04 (District 6)** 1301 South Crismon Road (designated as Medical Office Building 1). Located south of Southern Avenue and east of Crismon Road (0.6± ac). Site Plan Review. This request will allow for the development of a medical office building at the Mountain Vista Medical Center. William Molloy, DevMan Company, L.C, owner; Suzanne Schweiger-Nitchals, Devenney Group, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve the and recommend to the City Council approval of zoning case Z06-04 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).
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.

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt the office buildings fit well within the context of the overall hospital campus with an architectural design that is cohesive with that of the hospital.

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MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **Z06-05 (District 6)** 1301 South Crismon Road (designated as Medical Office Building 2). Located south of Southern Avenue and east of Crismon Road (0.6± ac). Site Plan Review. This request will allow for the development of a medical office building at the Mountain Vista Medical Center. Stephen Richards, Tegra East Mesa MOB, L. C., owner; Korey Wilkes, Butler Design Group, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z06-05 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).
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.

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt the office buildings fit well within the context of the overall hospital campus with an architectural design that is cohesive with that of the hospital.

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MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **Z06-06 (District 6)** The 8700 to 8800 block of East Pecos Road (south side). Located west of the southwest corner of Pecos Road and Ellsworth Road (8.95± ac). Rezone from M-1 to M-1-PAD and Site Plan Review. This request will allow for the development of office warehouses, self-storage facilities, caretaker quarters, and a retail building. Bill Stevenson, Williams Gateway Self Storage, owner; Dorothy R. Shupe, Dream Catchers Planning and Design LLC; applicant. Also consider the preliminary plat for "Williams Gateway Self Storage".

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve the preliminary plat of "Williams Gateway Self Storage" and recommend to the City Council approval of zoning case Z06-06 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.
2. Site Plan Review required for future development.
3. Compliance with all requirements of the Design Review Board, including the design of the self-storage elevations and perimeter walls.
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. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
6. All street improvements and perimeter landscaping, including a groundcover of decomposed granite and a 15' wide (min.) landscape perimeter within Phase II of the development, as well as a landscaped 15' wide setback along the north side of the private access drive linking to the development to the east, 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. An Aircraft Noise Disclosure Statement shall be provided to future property owners, and acknowledgment received that the project is within one mile of Williams Gateway Airport.
9. Notification on the Plat and Title that "these properties, due to their proximity to Williams Gateway Airport, will experience aircraft overflights that generate noise levels which will be of concern to some individuals".
10. Compliance with all requirements of the Subdivision Technical Review Committee.
11. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

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MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **Z06-07 (District 5)** 11540 East University Drive (north side). Located at the northwest corner of University Drive and Meridian Drive (3.75± ac). Site Plan Review. This request will allow for the development of a retail building. John Keith, owner; Vincent P. DiBella, Saemisch-DiBella Architects, Inc., applicant.

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

A second consent agenda was held for zoning cases Z06-07 and Z06-10 due to a potential conflict of interest by Boardmember Saemisch. It was moved by Boardmember Finter, seconded by Boardmember Langkilde that the second consent item be approved.

That: The Board approve and recommend to the City Council approval of zoning case Z06-07 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. Review and approval by the Design Review Board, and 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.).

Vote: Passed Vote: 5-0-1 with Boardmembers Adams absent and Saemisch abstaining.

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

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MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **Z06-08 (District 1)** 1806 North Lindsay Road (west side). Located south of the southwest corner of Lindsay Road and McKellips Road (0.99± ac). Rezone from R1-43 to O-S and Site Plan Review for the conversion of a residence to an office. Wayne Funk, owner; Sean B. Lake, applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z06-08 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. Site Plan Review through the public hearing process of future development plans.
3. Compliance with all City development codes and regulations.
4. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
5. Acquisition of a Certificate of Occupancy for a Business Occupancy (class B) will be required within 90 days of the granting of rezoning.
6. No residential use shall be allowed on the site without the approval of a Special Use Permit to allow an accessory dwelling unit.
7. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
8. 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.
9. Compliance with all requirements of the Design Review Board.
10. Retention basins to have a maximum slope of 6:1 when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

Should City Council approve this request, Planning Staff will take that approval as direction to proceed with an amendment to the General Plan's Land Use Map to change this site and the surrounding area from HDR 15+ to Office.

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Item: **Z06-09 (District 5)** The 3500 block of East McDowell Road (south side). Located at the southwest corner of Val Vista Drive and McDowell Road (1.27± ac). Rezone from R1-35 to O-S-PAD and Site Plan Review. This request will allow for the development of an office condominium project. Ray Nitti, owner; Dustin T. Chisum, applicant. Also consider the preliminary plat.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve the preliminary plat and recommend to the City Council approval of zoning case Z06-09 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).
2. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the variance(s) outlined in the staff report.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
6. 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.
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 owner(s) and tenant(s), and acknowledgement received that the project is within two miles of Falcon Field Airport.
9. Retention basins to be 6:1 slopes maximum where adjacent to public right-of-ways or pedestrian walkways.

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

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Item: **Z06-10 (District 1)** 924 North Country Club Drive (west side). Located on the southwest corner of Country Club Drive and 10<sup>th</sup> Street (4.14± ac). Site Plan Modification and Modification to the BIZ overlay district. This request will allow for the development of a new training center building. Donald (Don) Jackson, Chief Administrative Officer, MARC Center, owner; Alisa Petterson-Dangelo, Saemisch DiBella Architects, Inc., applicant.

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

A second consent agenda was held for zoning cases Z06-07 and Z06-10 due to a potential conflict of interest by Boardmember Saemisch. It was moved by Boardmember Finter, seconded by Boardmember Langkilde that the second consent item be approved.

That: The Board approve and recommend to the City Council approval of zoning case Z06-10 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
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.

Vote: Passed Vote: 5-0-1 with Boardmembers Adams absent and Saemisch abstaining.

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

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Item: **Z06-11 (District 4)** 154 South Vineyard (west side). Generally located west of Country Club Drive and south of Main Street (1.18± ac). Rezone from R-2 (conceptual M-1) to M-1 and Site Plan Review. This request will allow for the development of warehouse buildings. John Little, owner/applicant.

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve and recommend to the City Council approval of zoning case Z06-11 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted.
2. Site Plan Review through the public hearing process of future development plans.
3. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the Staff Report.
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.

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

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MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **Z06-12 (District 6)** 9335 East Baseline Road. Located east of Ellsworth Road and south of Baseline Road (14.18± ac). Rezone from R-3-DMP to R-3-PAD-DMP. This request will allow for the conversion of apartments to condominiums. Prime Group Inc., Michael W. Reschke, owner; Rachel Rybski, Beus Gilbert PLLC, applicant. Also consider the preliminary plat for "The Village at Augusta Ranch".

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

It was moved by Boardmember Mizner, seconded by Boardmember Langkilde

That: The Board approve the preliminary plat of "The Village at Augusta Ranch" and recommend to the City Council approval of zoning case Z06-12 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).
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 Subdivision Technical Review Committee.
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. Implement public disclosure utilizing the following:
  - a. An aircraft noise disclosure statement similar to that provided in Exhibit A;
  - b. An avigation easement similar to that provided in Exhibit C;
  - c. Notification on the Plat and Title – The plat and title should note that the site is within an Airport Overflight Area subject to aircraft noise. Specifically, the plat should indicate. "these properties, due to their proximity to Williams Gateway Airport will experience aircraft overflights that generate noise levels which may be of concern to some individuals".

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

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## MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **Z06-13 (District 6)** The 7300 block of East Hampton Avenue (south side). Located south of Southern Avenue and west of Sossaman Road (6.5± ac). Rezone from M-1-DMP to M-1-PAD-DMP and Site Plan Review. This request will allow for the development of office/warehouse buildings. LGE Design Build (Frank Pettit), owner; David Alameddin, applicant. Also consider the preliminary plat for "Hampton Mesa".

Comments: Michael Jorgensen, 730 North 52<sup>nd</sup> Street, applicant, stated they had received staff's concerns regarding the Citizen Participation Report. He stated they had sent out a response as requested by staff explaining their participation report.

Michael Bell, Planner I, stated that staff's main concern with the citizen participation was that the plan submitted called for notifying registered neighborhoods within one mile and homeowners association within a ½ mile and per the letter submitted they only notified property owners within 300' of this property. He mentioned that staff was recommending approval but had this concern.

Boardmember Mizner pointed out that staff was supportive of the request but had reservations about the public participation plan. Staff still feels that the homeowner associations and the registered neighborhoods had not been adequately notified and added that this property was located where there are not many residents within 1000' of this site. Mr. Mizner suggested further notification could take place between this meeting and City Council rather than holding the case up and letting the applicant know that they have not met the public participation process.

Boardmember Finter noted that when the Board heard the Freeway Landmark Monument Guidelines he was really surprised that no one responded. As Mr. Mizner had pointed out, this case was similar with the distances. He stated he would be supportive of moving this case forward but have the applicant continue, "tweaking" the citizen participation plan.

Boardmember Mizner moved for approval of zoning case Z06-13 with the conditions as presented. He stated that another condition did not need to be added but have the minutes reflect that the applicant was responsible for providing adequate notification prior to the City Council meeting; and that evidences of that effort be provided to them prior to the hearing, which would be in about six weeks.

Boardmember Saemisch seconded the motion and asked why this condition could not be made a stipulation. Boardmember Mizner responded that it did not need to be part of the zoning ordinance. The burden is on the applicant and is reflected in the minutes, so Council will know that that burden is there. Boardmember Saemisch seconded the motion as read.

Boardmember Langkilde stated that he did not want the applicant to notify residents three days before the City Council meeting and added that the applicant has six weeks before the Council meeting. He could do the mailings within the first three weeks and have three weeks for a reply.

Vice Chairperson Carpenter reminded the applicant that the citizen participation requirement was an ordinance and not a guideline; it requires that you go beyond notifying people, you must provide some dialog or invite them for input. She noted that in the Citizen Participation Report the applicant received a phone call, but the Board did not know the outcome and that was important. She mentioned that City Council has requested that the agenda show what the Board thought about compliance with the citizen participation. She stated that staff could assist the applicant in doing a proper citizen participation exercise where there is dialog and the

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outcome of any response.

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It was moved by Boardmember Mizner, seconded by Boardmember Saemisch

That: The Board approve the preliminary plat of "Hampton Mesa" and recommend to the City Council approval of zoning case Z06-13 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).
2. Compliance with all City development codes and regulations.
3. Provide the required foundation base of 15' on adjacent elevations of corner entryways. Provide 15' of foundation base between corner entry and first service door at corner entry of building A that has an adjacent elevation with service bays.
4. Removal of parking stalls directly in line with and in conflict with entry drives from E. Hampton Ave. This area will be landscaped and hardscaped and become part of the foundation base.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. Compliance with all requirements of the Design Review Board.
7. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Recordation of cross-access and reciprocal parking easements at the designated locations hatched on the site plan located along the east property line of the subject site.
9. 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.
10. Retention basins to be 6:1 slopes maximum where adjacent to public right-of-ways or pedestrian walkways.
11. 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).
12. Implement public disclosure utilizing the following:
  - a. An aircraft noise disclosure statement similar to that provided in Exhibit A;
  - b. An avigation easement similar to that provided in Exhibit C;
  - c. Notification on the Plat and Title – The plat and title should note that the site is within an Airport Overflight Area subject to aircraft noise. Specifically, the plat should indicate. "these properties, due to their proximity to Williams Gateway Airport will experience aircraft overflights that generate noise levels which may be of concern to some individuals".

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods. The Board also requested that the applicant provide adequate notification prior to the City Council meeting and that evidences of that effort be provided to Council.

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## MINUTES OF THE FEBRUARY 16, 2006 PLANNING AND ZONING MEETING

Item: **Z06-14 (District 2)** The 3300 to 3500 blocks of East Southern Avenue (south side). Located west of Val Vista Drive and south of Southern Avenue (8.9± acres). Rezone from R1-15 to R1-15-PAD. This request will allow for the development of a single-residence subdivision. Curt Dana, owner; William Standage, Standage and Associates, applicant. Also consider the preliminary plat for "Brianna Estates at Dana Ranch".

Comments: Tom Albright, 695 West Stanford Avenue, Gilbert, applicant, noted that this site was designated for single-family homes. He stated that the R1-15 zoning allows for about 20 lots on the parcel and this proposal was for only 11 lots. He noted that the owner desired to develop custom homes with livable area of at least 3000 sq.ft. He noted staff's concern with the landscape buffer for Southern Avenue. The staff report recommends that "cut-outs" be incorporated into the wall for lots 7 and 8 and their concern was that these "cut-outs" would create an awkward property boundary and interfere with the building envelope of lot 7.

Mr. Albright stated that the adjacent subdivisions were built in the 80's with considerably different development requirements than today. Under the current regulations for landscaping, there would be considerable more vegetation placed in this area than what currently exists along Southern Avenue. Mr. Albright stated they felt their landscape buffer, as submitted, would be appropriate for this area and realized their request involved several exceptions but felt they were justified. He stated that the application was appropriate and asked the Board for their support.

Victoria J. Specht, 1230 S. Helm, resident, stated they did not have an objection to the subdivision. She stated that she and her husband wrote letters stating their objection to the entrance on Helms. She noted there had never been a neighborhood meeting, only the letter from Mr. Hogle. She stated that when she spoke to him he stated that this development was a done deal and when she contacted the City; they were told that they could not put a stop sign because it would impede people's driveways. Ms. Specht noted that if they had used the entrance on Southern all these years she didn't understand why they wouldn't continue to use it.

Don Peterson, 1214 S. Helms, resident, stated he had been looking forward to this development for 16 years. He stated he had concerns with the west wall and added that their Association had been maintaining it for years. He asked if there was going to be landscaping and a sidewalk added to the west side of the street.

Mike Clements, handed in a blue slip, which stated he was in favor of the project.

David Nielson, 3332 E. Garnet, resident, also spoke in support of the development. He stated he had spoken extensively with the developer about the quality of the wall and the entrance, and he was told that they would exceed his expectation. He stated that the traffic on Helms was not as mentioned and added that this would be a great addition to the neighborhood.

Monty Hogle, 1421 S. Crescent Circle, Mesa, developer, addressed concerns mentioned by the neighbors. He stated that the existing wall along Helms would be replaced with a wall 13' back, a sidewalk and a 13' landscaped area. He stated that the south wall belonged to the individual property owners and, as they develop, each individual lot owner will coordinate with the property owner behind them and make the necessary adjustment to raise that fence. He stated they have updated engineered drawings for the drainage and that would not be an issue. He added that he was in favor of this project and they intend to make this a beautiful project that the City could be proud of.

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Jennifer Gniffke, Planner I, stated that engineering staff reviewed the drainage plan and did not express any concerns. She stated that staff's concern was the lack of the buffer between Southern Avenue and the perimeter wall along the north side of the development, if Southern was widen. She mentioned that the letter from the Specht's were included in the packet and the applicant notified surrounding property owners and allowed them an opportunity to respond as part of the citizen participation process.

Boardmember Mizner asked Mr. Albright to address the public participation efforts because comments made by Ms. Specht indicated that there had not been any public meeting and there was confusion about the date the mailing was sent to neighbors. Mr. Albright stated that to his knowledge the only notification requirement was the mailing and a public meeting was not required.

Mr. Hogle stated that the mailing went out stating that there would be a meeting in January and that they would be notified if the meeting changed. He stated they were bumped off the January agenda and new letters were sent out, which were delivered on time to staff but didn't get mailed out on time. He stated he heard from the Association a week and a half ago and met with members of the homeowners association and explained what they were doing. He mentioned that no one contacted him, but he was happy to meet with them at any time.

Boardmember Mizner stated that when he first received the staff report he was concerned about the landscaping along Southern Avenue, which did not meet today's Code requirements. If Southern were ever widen only a minimal strip of landscaping would be left. He stated that prior to this meeting the Board received an exhibit showing the landscape being proposing along Southern and on Helms. He stated it was going to be a very attractive proposal and it was unlikely that Southern would be widen, given the City's budgetary constraints, and the fact that the properties to the east and west were closer to the street than this development.

Mr. Mizner stated that the grade and the drainage issues would be addressed during the City's review process and the Engineering Department would make sure that adjacent property owners were not negatively impacted. He stated that the issue of access onto Helms was a tough one because Helms is a public street. He added that it was not a desirable location to have private drives onto a major arterial, which would present more traffic problems than the driveway onto Helms. Mr. Mizner stated if there are safety issues the City could address them and noted this street may be a candidate for speed humps, which was a separate issue. Mr. Mizner stated that this was a good proposal, which would raise the property values of the existing neighborhood.

Boardmember Finter assured Ms. Specht that there was no "done deals" in this process. He asked if it was appropriate to put the fence and landscaping issue as a condition. Mr. Finter also noted that the west wall was well done and wouldn't mind living in this development.

Boardmember Mizner noted that Condition #3, had to do with engineering requirements, and would address this issue.

Mr. John Wesley, Planning Director stated that Condition #3 could cover it but it was always a "tricky" situation when dealing with an existing wall and residents. He stated they would need more information about the site conditions and what might be needed to address those concerns.

Boardmember Saemisch asked Mr. Albright if there would be a sidewalk on Helms and if it

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would be straight or meandering. What the amount of landscaping would be from the sidewalk to the wall and if they felt they had complied with the Citizen Participation Ordinance. Mr. Saemisch stated he hadn't seen a citizen participation report and it was his understanding that if the developer received comments they would bring that information to the Board.

Mr. Albright responded that as part of the improvements to the subdivision they would be putting in a straight sidewalk. There would be a 13' landscape area; 3' would be additional right-of-way and a 10' landscape buffer. Mr. Albright stated they had complied with the Citizen Participation process.

Ms. Dorothy Chimel, Principal Planner, stated that in reviewing the packet there were comment and feedback cards, which was a more creative attempt at reporting directly by giving us the survey cards that were sent out.

Boardmember Saemisch stated he wanted to make sure they were not in the same situation as the previous case and asked if staff was satisfied with the report. Ms. Gniffke stated that the citizen participation process had been satisfied.

Boardmember Saemisch asked the developer for his response to the issue regarding the neighbor's wall; and mentioned that in the past neighbors and developers had come to some agreements prior to this hearing. Mr. Wesley responded that if the Board tried to stipulate this condition it would not work, because the wall was on the adjacent property and not under the applicant's control. Mr. Wesley added that if the applicant and the adjacent property owners could come to some agreement and present it to the Board that could be helpful.

Boardmember Saemisch stated he was concerned about the corner house because his understanding on how grades work, it looked like the natural condition may have created a small valley and he wasn't sure if they were adding dirt or scraping it away to keep the water from building up on the neighbor's property. Mr. Albright responded he wasn't certain what was proposed at that location and they would need to look at the existing conditions and determine what may be done to satisfy that situation prior to Council. He stated they had not proposed to put a new wall in.

Boardmember Saemisch stated that by ordinance you are allowed to have a two-foot grade change at a wall line from property line to property line, however, that puts a lot of stress on a wall and could be a problem. He asked what the current condition of the wall was and what was the proposed change. Mr. Hogle responded that he didn't have an answer, but noted that it would be graded to where it currently puddles up against the fence.

Discussion ensued regarding fixing the south wall. Mr. Hogle stated they would do everything possible between now and Council to make the neighbors happy and work together even if it took setting aside the monies to do so.

Boardmember Finter stated that there was the outstanding issue about the traffic concern. He asked the applicant if they had the budget for getting a speed hump strategically located that would help slow down traffic through this area.

Mr. Chimel responded that any improvements on the public right-of-way would need to be approved through the Transportation Advisory Board, the City Engineer, and the Traffic Engineer; and attempts to address that concern would not be the purview of this Board, but rather the on-site improvements. She stated that the applicant could bring this concern to the

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Transportation Advisory Board for discussion.

Boardmember Saemisch moved to approve zoning case Z06-14 and added that on Condition #7, he would like to omit the second part of the sentence. He stated he would also like to add a condition: that the adjacent fence and grading issue to be resolved prior to Council.

Boardmember Mizner seconded the motion and clarified that they would be deleting the second part of the sentence on Condition #7. He asked Mr. Smith if they were adding a condition that the applicant could not meet because the wall did not belong to them.

Mr. Smith, Assistant City Attorney, responded that stipulations that go into the ordinance last forever and this was something that the Board wanted to occur prior to Council voting on the ordinance.

Boardmember Mizner mentioned that this would not be part of the ordinance but a recommendation from the Board, and would be reflected in the minutes, so Council would know that this was a concern and the burden would be on the applicant to demonstrate how they have complied.

Vice Chairperson Carpenter asked Ms. Chimel to read the revised conditions. Ms. Chimel stated that the motion included an additional stipulation and upon the advise of the City Attorney that condition should not be included in the motion. Therefore there are eight conditions and Condition #7 would be amended to delete the second sentence.

Mr. Wesley pointed out that the materials the applicant provided deleted the planner boxes and Condition #8 dealt with providing irrigation. He asked if the Board was accepting the revised site plan. Boardmember Saemisch concurred that the latest submittal be accepted and Condition #8 deleted.

Ms. Chimel suggested that the Board add the following language to Condition #1: Compliance with the basic development as described in the project narrative and as shown on the site plan/landscape plan submitted February 16, 2006, preliminary plat and wall elevations submitted February 16, 2006 (without guarantee of lot yield, building count, lot coverage). Boardmembers Saemisch and Mizner accepted the changes.

Discussion ensued regarding the consensus on the adjacent fence and grading issue. Vice Chairperson Carpenter asked the board if there was a consensus on the recommendation for the adjacent fence and grading issues. The Board agreed.

It was moved by Boardmember Saemisch, seconded by Boardmember Mizner

That: The Board approve the preliminary plat of "Brianna Estates at Dana Ranch" and recommend to the City Council approval of zoning case Z06-14 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan/landscape plan submitted February 16, 2006, preliminary plat and wall elevations submitted February 16, 2006 (without guarantee of lot yield, building count, lot coverage).
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.).

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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. Full compliance with all current Code requirements and regulations, unless modified through appropriate review and approval of the modifications outlined in the staff report.
7. Provide the four (4) triangular landscaped areas along Southern Avenue on-site and adjacent to Lots 7, 8 and 9 as shown on Sheet L1 dated November 1, 2005, except that these landscaped areas shall be at-grade to provide an adequate environment for a tree to survive.

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt this proposal was reasonably well-designed and should be compatible with the adjacent neighborhoods.

As stated by the applicant, he as agreed to resolve the issues of the adjacent fence and grading with the neighbors prior to Council.

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Item: **Z06-16 (District 6)** The 7600 to 8400 blocks of East Germann Road (north side). Located north of Germann Road and east of Sossaman Road (288.24± ac). Rezone from AG to M-1. This request will bring the zoning of the property into conformance with the Mesa 2025 General Plan. Russ Brandt, owner; Wayne Balmer, City of Mesa, applicant.

Comments: Wayne Balmer, applicant, stated that this was a continuation of cases which started in 2003, at the direction of City Council. He stated they had completed 15 cases to bring them into compliance with Mesa's General Plan. He stated this case was a little different because it was almost 320 acres and zoned Agricultural. Mr. Balmer stated that the Queen Creek School District was looking for new school sites in this location and estimated that by the time they built out they would need four new high schools. He stated that the use of this property for a junior high or high school would not be consistent with Mesa's General Plan, which calls for employment of various types.

Mr. Balmer stated the school would be less than a mile from Williams Gateway Airport and that Germann Road would likely become a major road in the future. He mentioned that Mesa was looking at large employment uses related to the airport and industrial in the future. He stated the concern was that if the school located in the areas to the east, west and north it would be less attractive for employment uses. Proposing this entire area, as employment would be a clear message to the school district and the state board that this would not be a good location for a school.

Mr. Balmer stated they had talked to the property owners and as part of their citizen participation plan, they asked the Town of Queen Creek to take a position on this case. They received an email from the Town of Queen Creek in support of rezoning to employment use and did not encourage a school at this location. He mentioned that this project did not have a site plan, but in talking with the owners came up with a list of conditions. He requested that this case be approved.

Boardmember Mizner acknowledged the presence of Mr. Bill Jaffa and Mr. Russ Brandt in the audience. He stated that this had been a long time coming and some of the uses proposed might have benefited the owners but were not consistent with the Mesa's General Plan; he added that with the extension of the freeway and the growth at Williams Gateway Airport development was eminent for this area. He stated the location of a junior high school or high school in this area would be very detrimental to the future of Williams Gateway Airport and inappropriate. Mr. Mizner stated he was pleased that the City was moving ahead proactively to rezone this property and he reassured Mr. Brandt, that Mr. Balmer, the Economic Development staff, the City Manager's Office and the staff at Williams Gateway Airport were all trying to attract development in this area, so that everyone could benefit and make this area even more of an asset to the City and the Town of Queen Creek.

Boardmember Saemisch asked Mr. Balmer to address the situation with the Queen Creek School District. Mr. Balmer stated that staff met with the Town of Queen Creek and the Queen Creek School District staff about this issue. He expressed the City's concern with the location and their response was that this site was located in an area where they wouldn't expect neighborhood opposition and because it had utilities and streets and could be built quickly. Mr. Balmer stated they spoke with the School Board and the Board had the some reservation that he had mentioned. He stated they talked to the School Board and volunteered Mesa's assistant to help find additional locations. They agreed with that support and with the help of the Town of Queen Creek's staff found three other locations; he encouraged both the Town Council and the School Board to move in that direction.

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Boardmember Saemisch thanked Mr. Balmer for this professionalism and efforts in representing the City and finding a “win-win” situation for everybody involved.

Michael Bell, Planner II, stated that staff concurred with Mr. Balmer’s presentation and was recommending approval with conditions.

It was moved by Boardmember Langkilde, seconded by Boardmember Finter

That: The Board approve and recommend to the City Council approval of zoning case Z07-16 conditioned upon:

1. Site plan review is required for all future development on the site. Site plan review documentation may include, but is not limited to, presentation of a citizen participation plan, exhibits detailing the proposed land use(s), site plans, design guidelines, landscape plans and building elevations.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Buildings constructed within two hundred feet (200') of Germann Road will provide a minimum thirty-foot (30') building setback from the new property line.
7. Future development plans shall take into account compatibility with the adjacent property, including the present and future homes south of this property. Examples of compatibility measures might include: locating future storm water retention basins on the south side of the property, placing loading docks on the north sides rather than the south sides of the buildings, locating compressors and air conditioning in a noise attenuated structure, etc.
8. Compliance with all requirements of the Mesa Zoning Ordinance and land development codes and regulations. This includes (but is not limited to) the following:
  - Provision of all required infrastructure including, but not limited to, street, water, sewer, fire protection and other improvements at the time of development.
  - Recordation of avigation easements, overflight easements and overflight disclosure statements with all subdivision plats approved and all building permits issued.
  - All outside storage of material or equipment, as ancillary to the primary use, shall be confined to the rear one half (1/2) of the lot. (This is a standard zoning code restriction in all M-1 zoned property and is simply being reiterated here.)
  - All activities pertaining to the actual manufacture or processing of the product involved shall be conducted entirely within the enclosed building. (This is a standard zoning code restriction in all M-1 zoned property and is simply being reiterated here.)
9. Site Plan Review requests, rezoning requests and subdivision plats should, if possible, be at least 10 acres in size, pursuant to Resolution 7838.

Vote: Passed 6-0 with Boardmember Adams absent.

Reason for Recommendation: The Board felt this proposal was consistent with the Mesa’s General Plan and not a good site for the schools. The City of Mesa’s staff volunteered to assist the Queen Creek School District to find other locations.

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director

MS:  
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