

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date May 20, 2004 Time 4:00 p.m.

MEMBERS PRESENT

Marty Whalen, Chair
Mike Cowan, Vice-Chair
Rich Adams
Barbara Carpenter
Pat Esparza
Alex Finter
Bob Saemisch

MEMBERS ABSENT

OTHERS PRESENT

John Wesley
Dorothy Chimel
Tom Ellsworth
Ryan Heiland
Scott Langford
Lois Underdah
Maria Salaiz

Rich McAllister
Veronica Gonzales
Liz Zeller
Charlie Scully
Gordon Sheffield
Wahid Alam
Jo Ferguson
Jim Smith

Wayne Balmer
William Puffer
Aaron Davidson
Tom Fitzgerald
Mike Gallegos
Shelly McTee
Kathleen Donahoe
Others

Chair Whalen declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated May 20, 2004. Before adjournment at 7:30 p.m., action was taken on the following items:

It was moved by Boardmember Adams, seconded by Boardmember Esparza that the minutes of the April 15, 2004 meeting be approved as submitted. The vote was 6-0-1 (Cowan abstaining).

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza that the consent items be approved. Vote 7-0.

Boardmember Carpenter declared a potential conflict of interest on zoning cases Z04-37 through Z04-42 and a second consent agenda was read. It was moved by Boardmember Cowan, seconded by Boardmember Adams that the consent items be approved. Vote 6-0-1 (Carpenter abstaining).

Code Amendments: *Planning Service Fees, *Design Guidelines and Site Development Standards

Guidelines: Desert Uplands Development Guidelines, and Mesa's Commercial Communication Tower Guidelines

Minor General Plan Amendment: GPMInor04-03

Zoning Cases: *Z04-32, Z04-35, *Z04-36, *Z04-37, *Z04-38, *Z04-39, *Z04-40, *Z04-41, *Z04-42, Z04-43, *Z04-44, *Z04-46, *Z04-47, and *Z04-48

Preliminary Plat: "Eastgate Business Park"

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Item: Amending Sections 11-18-8, 11-18-9, and 11-18-10 of the Zoning Ordinance pertaining to Fees for planning services.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of Amending Sections 11-18-8, 11-18-9, and 11-18-10 of the Zoning Ordinance pertaining to Fees for planning services.

Vote: Passed 7-0.

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Item: Amending Sections 11-3-8, 11-3-9, 11-4-5, 11-4-7, 11-4-8, 11-4-9, 11-4-10, 11-4-11, 11-5-6, 11-5-9, 11-5-10, 11-5-11, 11-6-6, 11-6-9, 11-6-10, 11-6-11, 11-7-7, 11-7-10, 11-7-11, 11-7-12, 11-9-5, 11-9-8, 11-9-9, 11-9-10, 11-10-8, 11-10-9, 11-10-10, 11-12-5, 11-12-6, 11-12-7, 11-14-2, 11-14-3, 11-15-1, 11-15-2, 11-15-3, 11-15-4, 11-15-5, and 11-16-2 of the Zoning Ordinance pertaining to Design Guidelines and Site Development Design Standards.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board continue this Code Amendment to the June 17, 2004 meeting.

Vote: Passed 7-0.

Reason for Recommendation: The Board felt a continuance was warranted.

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Item: Consider the Desert Uplands Development Guidelines for the City of Mesa.

Comments: Dorothy ChimeI, Principal Planner, gave a presentation of the Desert Uplands Development Guidelines. She noted that the Guidelines presented have been developed in order to present a format for residential development that occurs within the Desert Uplands. The area is very unique with its desert character and the focus would be to preserve some of the natural water courses in the areas, allow the preservation of significant features, and have a continuous open space so that there is an opportunity for the movement of wildlife throughout the area. She also stated that with these Guidelines and PAD overlays there is an opportunity to design a subdivision so that open space can flow from one subdivision to another so that the character is visible from the arterial streets, not just within the gated subdivision. She mentioned that these Guidelines would be going to City Council on June 7th along with the Standards that are being updated. There has been a great deal of debate and dialogue occurring over the last three years. Some of the definitions have been forwarded to interested people in the Desert Uplands. We haven't had any feedback on these Guidelines and it would be interesting to see some of the questions that arise so that we can bring them to City Council on June 7th, either as a consensus or some focus points for discussions. Staff recommends approval of the Guidelines.

William Puffer, 8330 East Thomas Road, representing the Spook Hill Neighborhood Action Association stated that the residents have been working for about 20 years to preserve the character of this area. We have worked on the Desert Upland Standards prior to 1987, participated in the committee that developed them and were approved by Council in 1989. At the time, the lot disturbance limit on large lots was 40% of the lot, plus the footprint of the dwelling. In 1999, the City Council changed that standard to 40% of the lot. The intent of the Desert Uplands Standards was to preserve the natural desert character of the Desert Uplands. He stated they could not understand why Mesa was taking actions that would reduce the open space. The Guidelines in effect reduce the amount of open space that is required. He stated they agree with the concept, but for them to support the Guidelines they would like to encourage three changes: 1) the target for open space disturbance should be 40% not 50%, 2) any credit for off lot open space should only consider undisturbed open space and 3) these Guidelines should be a part of the Standards and should be the only option for newly platted development. Mr. Puffer noted that this is the only Upper Sonoran Desert left in Mesa. It's a unique area and it deserves some protection by the City. He urged the Board to recommend more open space not less.

Chairperson Whalen asked Mr. Puffer if he had presented these comments to the City prior to this meeting. Mr. Puffer responded that they had presented concerns about the Standards but not about the Guidelines.

Ms. ChimeI acknowledged the hard work by the Spook Hill Neighborhood Action Association. She addressed the three items mentioned by Mr. Puffer. The target for open space being 40% not 50% is the primary point of dialogue that will occur on June 7th when these Standards are presented to Council. She stated that the Guidelines are not appropriate in the Subdivision Regulations. At this point it is a policy document. She also stated that there are three different types of natural area open space (NAOS) that are presented in the policy document and will be a discussion points when the Standards are discussed on June 7th.

Aaron Davidson, 3042 East Nance Street, representing builders in the area, stated that some of the feedback they have received from other builders and homeowners is that they are very happy to leave open space but feel that 40% has been very restrictive. One of the items that

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they addressed to Council, was that by including the driveway in that 40% some of the homes had to have been built closer to front of the lots. That is why the driveway was recommended to be excluded from the disturbance calculation so that homes could be placed further back in the lot.

Ms. Chimel stated that executive homes are being developed in the Desert Uplands and in addition to the home footprint there is the extension to the outdoor living. All of this is calculated within the disturbance area and staff has also found that the 40% disturbance can be very difficult to implement. Staff feels that the disturbance area needs to be extended as well.

Boardmember Saemisch asked Ms. Chimel if there is already a decision on how large the house should be and how much open space is needed in the Subdivision Guidelines. Ms. Chimel responded that when a custom home comes in, staff analyses it and provides input on the building envelope. It is very hard to determine in advance what type of home or how large a home might be built. If it was a PAD that had a product builder, there's better definition of how much space needs to be set aside for the open space. Mr. Saemisch also asked if there are other communities that have dealt with this same issue. Ms. Chimel stated that staff has contacted Tucson, Scottsdale, and Cave Creek and those communities are faced with the similar situations. The Guidelines are crafted utilizing language that those communities already have in place. Mr. Saemisch asked if these new recommendations fall in line with what is been accepted with other communities. Ms. Chimel responded, Yes.

Tom Fitzgerald, 2413 East Minton, stated they have worked in Scottsdale and their regulations are 60% disturbance and comments from the owners are that they are spending between \$350,000 - \$550,000 for their lots and are stuck with the 40% open space, which is frustrating. In most cases, they are importing plants from outside the desert to better than what it was before. We feel that Mesa has the opportunity to really bring in a lot of executive homes and the 40% rule is hurting that.

Mr. Puffer stated that the proposal before the Board is a solution to the problems that have been identified on newly platted lots. There is an opportunity for the developer of the area to set aside some space and get credit for the amount of disturbance on the lot. That's the whole concept and we support the concept. He stated that the two other speakers mentioned a different situation and those lots have already been platted. The City Council will be addressing how that is remedied. We don't think you should destroy additional parts of this unique desert we are trying to protect.

Chairperson Whalen stated that Mr. Davidson had raised a good point about the driveway being included in that 40%. It seem to me that that's one that ought to be reconsidered because of the notion of allowing a better placement on the property.

Mr. Puffer stated that issue before Council is the Desert Upland Standards as opposed to the Guidelines. Our point is if you're going to go with the driveway, then the City should encourage that the utilities be put into that driveway.

Boardmember Adams asked Ms. Chimel if builders have a greater flexibility, for example, up in Scottsdale or Fountain Hills then they do in Mesa. Ms. Chimel stated she didn't have an answer and that the complexity of the Standards was one reason why the Guidelines have taken so long to develop. She referred Mr. Adams's question to Jo Ferguson, Senior Planner, who has been the person contacting other communities. She also corrected the information given earlier to Mr. Saemisch about the maximum roof area. The maximum roof area for R1-35 is 30%, R-43

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is 20% and R-90 is 20%.

Boardmember Adams stated he appreciates what Mr. Puffer is trying to do, but at the same time thinks Mesa ought to have an equal chance in attracting this type of housing and asked where we stand with other communities. Ms. Ferguson responded that she had done quite a bit of research contacting other jurisdictions and that Mesa's current regulations are more restrictive than Scottsdale, Fountain Hills, Paradise Valley or Tucson. The changes we are proposing to both the Desert Uplands Development Standards and the Guidelines will bring us more into the same set of standards as with the other jurisdictions.

Mike Gallegos, 3625 North Morning Dove, a resident of Las Sendas and a builder stated he agrees with what staff has proposed. He noted that in the County people's fences are from lot line to lot line, from front to rear. They have stable and corrals right up to their neighbor's homes and what's appealing to Las Sendas is the attention to detail to the homes as well as to the landscape. We appreciate the comments of wanting to keep the desert free and open and as a builder in that area we spend a lot of time revegetating, bring in natural plants, moving trees and cactuses to make sure they are part of the landscape of the property.

Mr. Davidson expanded on Boardmember Adams' question and stated that if there is not a Homeowner Association the City of Scottsdale's NAOS requirement is 25%. Each community has the opportunity to increase that NAOS based upon what that community wants to do. With the 40% requirement, right now, the City of Mesa is basically at 60% NAOS and as mentioned it is quite restrictive compared to Scottsdale.

Boardmember Carpenter stated that she puts a lot of value in the comments and concerns by the Spook Hill Neighborhood Action Association. She also mentioned that she had a little difficulty understanding the differences between the Guidelines and the Standards and distinguishing between the two needs to be clarified. She stated she would be in favor of sending these Guidelines to City Council with a strong recommendation that they listen to the Spook Hill Neighborhood Action Association's comments and concerns. Our concern is for the common good and for the good of the community. I don't mind having higher standards than anyone else. If we lose one or two residents then they lost out in living in a wonderful area. Ms. Carpenter stated that she is sympathetic to the developers who want to keep their customers, but Council should look at keeping the Guidelines higher rather than lower.

Boardmember Saemisch stated he would like to look into finding more places where the City might be able to assemble enough land for some very high end housing and be identified, early on so that it's not only perceived but protected. He stated we should send it on to Council with a comparative matrix of other Cities and NAOS applications. He thanked staff for all their efforts.

Chairperson Whalen mentioned that the Desert Uplands is a commodity that cannot be replaced and we have to be cautious of that. He suggested this be sent on to the City Council with the comments made by the Boardmembers.

It was moved by Boardmember Carpenter, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of the Desert Uplands Development Guidelines.

Vote: Passed 7-0.

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Item: Section IV-L of the Mesa Commercial Communication Tower Guidelines (Resolution 7042) is proposed to be amended to allow alternative design wireless communication facilities to be placed within public parks and recreation centers. This section would be replaced by a new policy, entitled "Wireless Communications Design and Placement Guidelines for Parks and Recreation Facilities".

Comments: Gordon Sheffield, Senior Planner, gave an overview stating that in 1997 the City Council passed the Mesa Commercial Communication Towers Guidelines and within those Guidelines, Item IV-L. Location of Commercial Communication Towers. Item #3, states "Location of stand alone Communication Towers within City parks area will not be permitted . . ." The Parks & Recreation Board, the Planning & Zoning Board, the Design Review Board, and the Downtown Development Committee, as well as City Council all said that monopoles were not appropriate for City parks. That's why the prohibition has been in place. The communication industry has brought forth different designs such as faux palm trees, faux pine trees, flagpole designs as well as steeples. Mr. Sheffield showed examples of the new designs and stated that because there is existing landscaping in the area the faux palm trees fit into the fabric of the community and are much less noticeable than industrial poles.

Mr. Sheffield noted that staff has come up with this document the "Wireless Communications Design and Placement Guidelines for Parks and Recreational Facilities" that would replace the one prohibition. These Guidelines are relatively stringent and industrial types of poles would still not be permitted. The Guidelines also call for very stringent setback standards. It tends to direct things more to the center of the park. The Guidelines also talk about staying away from any future recreational areas and steer them more towards bathroom sites, so that the ground equipment might be made part of the building that is already there. The Parks and Recreation Board recommended approval of these Guidelines on a 6-1 vote.

Boardmember Finter asked Mr. Sheffield what the rationale was to the setbacks in the play areas and how they would access these trees for maintenance. Mr. Sheffield responded that the idea was to move the facility away from the play areas and that some people have the perception that there might be a health concern and staff didn't want to place them right on top of playground but instead set them back. He also stated he didn't know how they would access the trees for maintenance.

Boardmember Adams stated that technology changes quickly and he did not want the City to be stuck with fake trees that need to be maintained. Mr. Sheffield responded that the City can work conditions into the contract that would protect the City. Mr. Adams stated he did not object to these Guidelines.

Boardmember Whalen asked Mr. Sheffield if the cell tower operator is required to keep other vegetation. Mr. Sheffield stated that under Item 10, Additional Landscaping. The Park & Recreation Board can, as a condition of approval, require the applicant to install additional landscaping if necessary.

Boardmember Finter stated that he was excited about the ingenuity of the cell towers and the idea of generating revenue for the City but had concerns about safety. He stated he did research on the internet about cell towers and there was no way to be able to be specific on whether or not they are harmful, but when you put them in parks parents have a perception when they take their children to parks they are in a safe place. Mr. Finter noted that he would be in support of these Guidelines, but noted that if these are safety hazards going into the parks that it could be a problem for City Council when they look at these Guidelines.

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Mr. Sheffield stated that one of the recommendations that came out of the Park & Recreation Board was that the maximum height for Public Facility (PF) be 60 feet. The Parks & Recreation Board was concerned that we were going to put these up without talking with anybody and we cannot do that, these Guidelines specifically call for notification of property owners within the vicinity of the park or a 300-foot radius.

Boardmember Cowan stated he agreed with Mr. Finter's comments and mentioned that he would be supporting these Guidelines because it has great benefits. He appreciated the comment that Mr. Sheffield added regarding the additional landscaping and also appreciated that staff was going to be sensitive to the location of the cell towers and that there will be community input. Mr. Cowan requested that City Council continue to monitor these Guidelines and direct staff to be sensitive to the aesthetics and landscaping of the areas.

Boardmember Esparza agreed with Mr. Adams comments on future technology and also didn't want the City to be stuck with lots of artificial trees. She stated she was excited for the revenue this would generate.

Boardmember Adams stated he supports these Guidelines, but echoed Mr. Finter's comments that perception vs. reality could conceivably have a group of concerned parents in front of the park with signs. He added that the City should be prepared to deal with that. He also noted that some folks might have a concern with cell towers being that close to the parks.

Boardmember Carpenter asked how prevalent the cell towers were. Mr. Sheffield responded that they are very prevalent and located are at all fire stations. Most of the Commercial Communication Tower carriers not only have their signals emanating from those towers but also the City's emergency communication signals. We have to have towers up for our emergency signals so we can co-locate their facilities on top of our facilities. It also generates revenue for the City. Ms. Carpenter asked if these funds specifically go to Public Safety. Mr. Sheffield responded No, these revenues would have to go straight to the City's General Fund; however, the Parks and Recreation Board has made it known that if money comes in because of a park site, then it should go back to Parks.

Boardmember Carpenter stated she would like to have the Finance Committee's feedback on that before the Council makes its' final decision. She also asked if the City is in competition with private landowners and if we had any concern from the private landowners about competing with the City. Mr. Sheffield responded that he hadn't heard that particular complaint. Ms. Carpenter asked that those audiences be invited to comment.

Chairperson Whalen stated that he was going to support the Guidelines but only because this is Planning and Zoning, but said shame on the Parks & Recreation Board for using our parks for commercial purposes.

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of Section IV-L of the Mesa Commercial Communication Tower Guidelines.

Vote: Passed 7-0.

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Item: **GPMInor04-03 (District 6)** The 7300 to 7500 block of East Southern Avenue (south side). Parcel 2 and a portion of Tract C at Superstition Springs Business Park. Located south of East Southern Avenue and west of South Sossaman Road (14.33± ac.). Proposed change to the General Plan Land Use Map from Business Park (BP) to High Density Residential (HDR 15+) 15+ dwelling units per acre. Superstition Springs Investors Limited Partnership, owner; Shelly McTee, Esq., applicant. **COMPANION CASE – Z04-45.**

Comments: Chairperson Whalen recessed the Planning and Zoning Meeting to conduct the second public hearing on GPMInor04-03.

Shelly McTee, 11201 North Tatum, Phoenix, applicant, gave an overview of the General Plan amendment and stated there has been ongoing discussion between their staff and the Mayor relative to the appropriate land uses. In 1999 and 2000 there was a rezoning case that included this parcel. Unfortunately, the case was dropped after Phase 1 was completed because there was not a market for building office space in this area. DMB conducted an analysis for the undeveloped parcels of Superstitions Springs. The analysis showed that mixed use was appropriate in this area. The Business Park prior to the General Plan being approved included a residential component and we remained supportive of that process. By the time it got to City Council and went to the voters, the definition for Business Park changed and eliminated any residential uses. She stated that at the Council meetings for the General Plan they requested mixed-use residential designation on some of these parcels. She asked that a minor amendment to the General Plan be made to allow this unique mixed-use project.

Tom Ellsworth, Senior Planner stated that this request is to change the General Plan from Business Park to a High Density Residential and staff is opposed to this request. One of the major areas of emphasis was the housing to employment ratio. The Superstition Springs area has been identified in the General Plan as a key economic activity area and also as an area to support economic development, especially employment uses. He noted that other goals and objectives of the General Plan have been noted in the staff report. For the past 16 years the Plan has always been to promote this area as Business Park, additionally this area is part of the Superstition Springs Development Master Plan. As part of that Master Plan it has been designated as office and retail uses. The applicant has demonstrated a good market analysis to support that need; however, the Master Plan was changed in 1992 to support residential uses. It's felt that more residential within this area dilutes the mixture of land uses that was planned within the Master Plan. Approval of this type of request constitutes what staff would consider a type of "spot zone". Spot zoning is defined as allowing inconsistent land uses with approved plans as well as with surrounding land uses.

Boardmember Saemisch asked Mr. Ellsworth if this was the first time staff had heard that the Mayor and the Council had been working with the applicant. Mr. Ellsworth responded that staff heard from the applicant that they had had discussions with the Mayor and City Manager on this project. What we heard came from the applicant. Staff generally does not work directly with City Council. Mr. Saemisch asked Mr. Ellsworth as a Planner how he felt about mixed use. Mr. Ellsworth responded that mixed use was a good concept. Mr. Saemisch also asked if this particular mixed use makes this a unique project. Mr. Ellsworth responded that this is a unique project but that the location is unsupportable by staff.

Boardmember Saemisch stated that "spot zoning" is a derogatory term, it paints a negative picture and asked what would happen to the community if we had this "spot" that had to be removed. Mr. Ellsworth stated as alluded to by the applicant and part of the zoning case, there is a previous approved site plan that allows for 300,000 sq. ft. of office and retail space. It

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would be giving up office square footage for residential square footage.

Boardmember Saemisch stated that he called the Mayor to verify that he was involved in this case and that's why the Mayor came to the meeting because he knew the applicant was going to mention their involvement and in actuality they helped defined the space and where it was to be located.

Boardmember Adams stated that he was having a hard time drawing a conclusion as to why this project would hurt the area or the community. Mr. Ellsworth responded that staff has had mixed feelings, so the general consensus was to go with the plans that have been approved and according to those plans this use does not coincide with the approved General Plan for the City of Mesa.

Planning Director John Wesley stated that on this site prior to it ending up being a Business Park, staff allowed 30% of the site to be developed with multifamily and the balance with other types of uses. We have a mixed use proposal that has less than 4% of office use. It has some positives but given the emphasis that went into the General Plan on setting aside employment areas and trying to bring better balance to the overall housing and employment mix, staff's position should be to maintain that balance and leave it to the Board to deviate.

Boardmember Finter asked what the rationale was for dropping the residential component from Business Park. Chairperson Whalen responded that staff had two consulting firms doing the work, one was not particularly satisfactory and a lot of things that JMPC agreed to didn't come through.

Chairperson Whalen asked if the Board was willing to do a minor amendment to the General Plan that would allow mixed use on this site. He stated he is a strong fan for mixed-use development, it's way overdue, adding that he was willing to try again to see if we can get some mixed use development in this town.

Boardmember Saemisch stated that if you think about mall areas they all have some residential component. The idea of mixed used, the very first one in the entire City, is an extra benefit and that 4% is not going to make a huge difference but it is a start. This is actually a unique product and this is going to be one to watch. It's in an area that is not going to do that much damage to the General Plan. The employment base has focused and shifted away from this area. This is going to be a different kind of a job center where residential component is going to benefit users.

Boardmember Cowan echoed Mr. Saemisch's comments, this is a great location and with the closing of Sossaman it makes the concept of commercial or other related uses not as palpable as when they had freeway access. This is a nice addition to the area and I will be in support.

Boardmember Adams also echoed and agreed with Mr. Saemisch and Mr. Cowan's comments and added that he couldn't find a good reason to deny it. I'm in support and agree that we should keep an eye on it.

Boardmember Carpenter also echoed a lot of the sentiments by the Boardmembers. She also stated she appreciated Ms. McTee's market research and was in favor of developers who were willing to put their money in front of creativity. She noted she had a real hard time with the apartment building attached to the back with no access except through the front; however, it was not going to keep her from voting and letting the project go forward. She appreciated staff's work and position on this project.

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Boardmember Esparza stated she supports the project; however; she hoped the next time that the mixed-use percentage would increased to show a truly mixed-use project. She also appreciated the analysis that was given.

It was moved by Boardmember Saemisch, seconded by Boardmember Cowan

That: The Board approve and recommend to the City Council approval of minor general plan amendment case GPMinor04-03.

Vote: Passed 7-0

Chairperson Whalen declared the public hearing closed for GPMinor04-03.

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Item: **Z04-45 (District 6)** The 7300 to 7500 block of East Southern Avenue (south side). Parcel 2 and a portion of Tract C at Superstition Springs Business Park. Located south of East Southern Avenue and west of South Sossaman Road (14.33± ac.). Rezone from M-1-PAD-DMP & PEP-PAD-DMP to C-2-CUP-BIZ-DMP and R-4 DMP, site plan review, and modification to the Superstition Springs DMP. This request is to allow for a mixed-use residential/commercial development. Superstition Springs Investors Limited Partnership, owner; Shelly McTee, Esq., applicant. **COMPANION CASE – GPMinor04-03**

Comments: Shelly McTee, 11201 North Tatum, Phoenix, applicant, stated this request is for the rezoning of two zoning categories. Approximately three acres of the property is to be zoned C-2 with a BIZ overlay to allow a maximum of 40 feet in height on some portions of the property, as well as a Council Use Permit to allow residential with commercial uses. Ten acres is to be rezoned to R-4, multifamily. In conjunction, there is a DMP overlay for the Superstition Springs community and they are requesting an amendment to allow commercial and multifamily in this location.

Ms. McTee noted that they have been working with Mayor Hawker and the City Council for three years on the appropriate land use designation for this parcel. She also mentioned that the Zaremba Residential Group constructs, operates and maintains ownership of the project. She showed photographs of multifamily projects their company has in Valencia, CA. and prior to deciding on this site the Zaremba Group did a lot of research to ensure that this was a viable site. Based on that information and meeting with the Mayor and some Councilmembers, Zaremba made the decision to move forward with this project. Ms. McTee mentioned that some of the amenities included are: residential on the second story of these units and the ability to have direct internal access from an office or a retail use up into the units. We have worked to provide an internal circulation system, not only internal to the project but to the Superstition Springs Community. She noted they have done an extensive community outreach. The majority of the comments have been very positive, but they did receive one letter of opposition and despite numerous attempts have not been able to meet with that individual. Studies have shown that when you have a mixed-use environment the different types of uses are complementary to each other. She reiterated that this is a unique project to Mesa and requested a recommendation of approval to the City Council.

Chairperson Whalen asked which property the legal protest was coming from. Mr. Ellsworth responded that it was a Mr. Paul Welker, who owns Sunridge Development and who has developed two offices to the north of this property. He wanted the Board to know that he stands by his original letter of protest.

Kathleen Donahoe, 5123 E. McDonald Drive, Paradise Valley, stated she worked with the Zaremba Group on the neighborhood efforts and had two letters of support who asked that they be read into the record.

Tom Ellsworth, Senior Planner, stated that this a unique project to Mesa and staff is not opposed to mixed use land uses, nor opposed to apartment complexes, in fact staff does not have many concerns with the site plan. Our concern with this request is the land use, which would be discussed with the Minor General Plan Amendment.

Chairperson Whalen recessed zoning case Z04-45 and declared the public hearing open for GPMinor04-03.

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Mr. Ellsworth stated that the applicant has been willing to work with staff and has made several changes to their site plan. Some of the concerns staff has with the site plan has to do with parking and as a mixed used development barely 4% is set aside for office space.

Boardmember Saemisch asked where the actual units are and how they would be accessed. Mr. Ellsworth responded that the units are on the north side and face onto Southern Avenue. There is no space set aside for loading and unloading of materials and that is staff's major concern with this site plan.

Boardmember Saemisch asked the applicant where the assigned parking would be for the office uses. Ms. McTee responded that the parking would be perpendicular to Southern Avenue. There is also parking on the southern side of the buildings and they would have to walk through the hallway to get to the front entrance. Mr. Saemisch also asked the applicant who would be working in these units. Ms. McTee stated they anticipated insurance adjusters, real estate agent, or a satellite office that sends people out to other jobs. We don't anticipate a high traffic area. Initially we did have more units because we had the frontage on Southern Avenue, but based on discussions with Council we revised that site plan.

Boardmember Saemisch asked Ms. McTee if they have a sign package to present to the Design Review Board. Ms. McTee stated they had not discussed a comprehensive sign plan but if this project gets approved it will go back through Design Review Board.

Boardmember Esparza echoed her comments from the previous case and again noted her concern with the 3.6% of mixed used.

Boardmember Saemisch stated this project will take a while to get used to. It will have some difficulties with some of those internal units that are away from the parking but there will be somebody who will have some use for living upstairs and having immediate access to an office. Mr. Saemisch moved to approve this case.

Mr. Ellsworth stated that staff has some standard stipulations that they would like to include in the motion. Boardmember Saemisch added standard stipulations # 1, 2, 4, 5, 7, 8, and 22 to the motion.

Boardmember Adams stated he appreciated Mr. Saemisch's comments and views on this case.

It was moved by Boardmember Saemisch, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z04-45 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 the Residential Development Guidelines.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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

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request for dedication whichever comes first.

7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.

Vote: Passed 7-0.

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-32 (District 6)** Northwest corner of Baseline Road and East Valley Auto Drive. Located north and west of Baseline Road and Greenfield Road (4.04± ac). Rezone from AG to M-1 and M-1 PAD. This case involves the development of an office building. Michael Reidy, owner and applicant. **CONTINUED FROM THE APRIL 15, 2004 MEETING.**

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of zoning case Z04-32 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, 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. Compliance with all requirements of the Design Review Board.
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 7-0.

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-35 (District 1)** 2158 North Gilbert Road. Located north of McKellips Road and west of Gilbert Road (3.13± ac.). Rezone from O-S to O-S PAD and site plan review. This request is for the development of office condominiums. Ron Buchholz, owner; Jason Allen, applicant. Also consider the preliminary plat "Red Mountain Professional Plaza."

Comments: Jason Allen, 111 West Monroe, Phoenix, applicant stated he is requesting a PAD overlay to the existing OS to allow for office condominiums and supports staff's recommendation. He also stated he was unaware that there was an issue with Condition #6 and presumed this request would have come up when it was rezoned in 2001.

Chairperson Whalen pointed out that the Board didn't have any concerns with the PAD overlay, but had concerns with the condition dealing with reporting of archeological findings.

Scott Langford, Planner I, stated staff did not receive any comments from the Historic Preservation in 2001 and that he was also aware that this site was situated in an archaeological zone.

Planning Director John Wesley stated that it was his understanding that this is a fairly routine matter and any time there is a concern staff sends a memo asking the Historic Preservation Officer to review the site. What happened two or three years ago, whether we failed to send a memo or they failed to send a response, we don't know.

Boardmember Adams asked if there is more than one zone in the City and if there is a map that shows these sites. Mr. Langford responded that during the study session Mr. Marek showed a map with the different settlement zones within the City.

Chairperson Whalen stated he was reluctant to approve this condition unless he could understand where it came from.

Boardmember Cowan asked if this case could go through without this condition and to send a message to City Council that the Board needs direction on these kinds of conditions in the future.

Wayne Balmer, Project Manager with the Williams Gateway Area, explained that in the 1930's, Mr. Frank Midvale, an archeologist, made it his work to survey the valley looking for archeological sites. The sites were identified because they were either farm or desert lands and one could find pieces of broken pottery and other evidences of archeological remains. Mr. Midvale mapped the metropolitan area and had three levels of intensity: 1) obvious surface indication of archeological sites; 2) areas where there were extensions of those sites; and 3) areas where there were canals and fields. If the land was heavily disturbed the chances of finding remains were not very likely. Mr. Balmer noted that there are two kinds of conditions. One is, tell us if you find something and the other, like on case Z04-43, staff knows that there is evidence because the area has never been disturbed. The City of Mesa does not have a policy like other cities do.

Boardmember Adams noted his concerns with a process that should have been done all along but hadn't been, and now the Board is being asked to include a condition that needs to be well grounded in policy. He stated that he had trouble adding that condition.

Boardmember Esparza echoed Mr. Adams comments but felt uncomfortable taking the condition out and then losing any archaeological findings. She was comfortable with leaving in

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the condition.

Boardmember Saemisch stated that there are a lot of issues and none of them have to do with Planning & Zoning. He also noted that these conditions are not enforced until Council approves them. Mr. Saemisch asked the City Attorney if City Council would know about this condition.

Jim Smith, City Attorney, stated that City Council could become aware of it in many ways, including the minutes. There are also ways for Council to remove a condition that the Board recommends. He pointed out that the Board is recommending it to the Council and it is not legislation until they approve it. Mr. Smith stated the Board could remove any condition subsequent to their recommendation.

Boardmember Saemisch asked if staff could include the projected cost to this landowner for the research and also noted that a time factor and cost factor could be relative to Council's decision.

Chairperson Whalen stated he agreed that there is a time and cost factor and was reluctant to put any more time constraints on this developer. He also stated that he would not be supporting this condition or advising Council to include this condition.

Discussion ensued by the Board on the exploration and excavation process.

Boardmember Esparza noted that the memo from Mr. Marek is in response to the Planning Division. Mr. Wesley stated that the Planning Division does send a standard memo to the Historic Preservation Office for input.

Boardmember Carpenter mentioned that this case had previously received zoning and Design Review approval and was curious why a memo wasn't sent to the Redevelopment Director at that time. She added that this applicant should not be required to go through extreme measures because of the City's oversight. The builder is still subject to state and federal law but there must be a way to deal it without making it a condition that would halt this project.

Chairperson Whalen stated the Board should strike Condition #6 and if Mr. Marek has good cause he could go to the City Council and reinstate it.

Boardmember Saemisch made a motion that zoning case Z04-35 be approved with staff's stipulations including the requirement as outlined by Mr. Marek. Seconded by Ms. Esparza, the motion failed 5-2 (Whalen, Cowan, Adams, Finter and Carpenter, nay).

Boardmember Finter stated that this site has been so disturbed over the years and requiring this individual to go through this process is not reasonable. He stated he would not be supporting the motion and would like to see Condition #6 struck and develop a policy later.

Discussion ensued between Chairperson Whalen and Boardmember Saemisch as to whether or not the Board should forward these recommendations to the City Council or strike Condition # 6 from the stipulations, and send a message to City Council that the Board needs direction on these kinds of conditions in the future.

Boardmember Adams asked if the memo is generated from the Planning Division and how long has the Planning Division been doing this practice. Mr. Heiland responded that this practice is not uncommon. The Planning Division sends a memo along with a site plan to the Historic

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Preservation Office for review on cases that fall in the higher more probable zones, Zone 1 and

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Zone 2. Oftentimes staff receives a response asking that they would like to have the area surveyed and staff includes that letter in the packet. He noted he has had some cases go through with that condition. Mr. Adams also stated he would not be supporting the motion.

Boardmember Saemisch expressed his concerns on the potential loss of history.

Boardmember Carpenter noted that we wouldn't be losing history because there are other laws that would take care of it but she echoed Mr. Saemisch's concerns.

Boardmember Adams thanked staff for addressing this item.

Boardmember Finter stated he shared the concerns about the lost of any historical information but noted that this area has already been stripped of everything.

It was moved by Boardmember Cowan, seconded by Boardmember Carpenter to approval zoning case Z04-35 with the subtraction of Condition #6 and a message sent to the City Council to address the Board's concerns.

That: The Board approve and recommend to the City Council approval of zoning case Z04-35 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 Design Review Board.
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. 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 landscaping to be installed in the first phase of construction.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 5-2 (Saemisch and Esparza, nay)

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Item: **Z04-36 (District 2)** The 4200 and 4300 block of East University Drive (north side) and the 400 block of North Greenfield Road (east side). Located on the northwest corner of University Drive and Greenfield Road (6.06± ac.). Site Plan Modification. This request is for the development of medical office buildings and a self-storage facility. Kambiz Zonorroch, owner; Dave Lindquist, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of zoning case Z04-36 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, (without guarantee of lot yield, building count, lot coverage) 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. Compliance with all Subdivision Regulations.
5. All street improvements and landscaping to be installed in the first phase of construction.
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 (concurrently with the recordation of the final subdivision map, prior to the 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: Passed 7-0.

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-37 (District 5)** Parcel 39 at Las Sendas. Located south of Thomas Road and east of Power Road (10.10± ac.). Rezone from R1-90 DMP (Conceptual R-2 PAD) to R1-7 PAD DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Robert N. Proehl, Sonoran Desert Holdings LLC, owner and applicant. Also consider the preliminary plat.

Comments: Boardmember Carpenter declared a potential conflict of interest on zoning cases Z04-37 through Z04-42 and a second consent agenda was read.

It was moved by Boardmember Cowan, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z04-37 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 the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. 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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
9. The southern tier of lots (Lots 1-5) are to be one story housing product only.
10. Written notice to be given to future residents that this subdivision is within two (2) miles of Falcon Field Airport.
11. Written notice to be given to future residents that this subdivision will be in close proximity to the future Loop 202 Red Mountain Freeway.
12. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
13. Compliance with Ordinance #3694 requiring a grading permit.

Vote: Passed 6-0-1 (Carpenter abstaining).

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04- 38 (District 5)** Parcel 20 and 21 at Las Sendas. Located north of Thomas Road and east of Hawes Road (71.71± ac.). Rezone from R1-90 DMP to R1-90 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant. Also consider the preliminary plat.

Comments: Boardmember Carpenter declared a potential conflict of interest on zoning cases Z04-37 through Z04-42 and a second consent agenda was read.

It was moved by Boardmember Cowan, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z04-38 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 or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan and compliance with Ordinance #3694 requiring a grading permit.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
8. Written notice be provided to future residents, and acknowledgment received that the project is within three (4) miles 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.

Vote: Passed 6-0-1 (Carpenter abstaining).

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-39 (District 5)** Parcel 41 at Las Sendas. Located south of Thomas Road and east of Power Road (12.70± ac.). Rezone from R-2 PAD DMP to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Robert N. Proehl, Sonoran Desert Holdings LLC, owner and applicant. Also consider the preliminary plat.

Comments: Boardmember Carpenter declared a potential conflict of interest on zoning cases Z04-37 through Z04-42 and a second consent agenda was read.

It was moved by Boardmember Cowan, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z04-39 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 the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. 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. Compliance with all requirements of the Subdivision Technical Review Committee.
7. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
9. Written notice to be given to future residents that this subdivision is within two (2) miles of Falcon Field Airport.
10. Written notice to be given to future residents that this subdivision will be in close proximity to the future Loop 202 Red Mountain Freeway.
11. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
12. Compliance with Ordinance #3694 requiring a grading permit.

Vote: Passed 6-0-1 (Carpenter abstaining).

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-40 (District 5)** Parcels 24 and 25 at Las Sendas. Located east of Power Road and north of Thomas Road. (9.24± ac.). Rezone from R1-90 DMP (conceptual C-1 and R-3) to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant. Also consider the preliminary plat.

Comments: Boardmember Carpenter declared a potential conflict of interest on zoning cases Z04-37 through Z04-42 and a second consent agenda was read.

It was moved by Boardmember Cowan, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z04-40 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 or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Any new product designed for this subdivision or modifications to the elevations as shown must be submitted for administrative review and approval by the Planning Director.
4. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan and compliance with Ordinance #3694 requiring a grading permit.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
8. All street improvements and perimeter landscaping to be installed in the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Written notice be provided to future residents, and acknowledgment received that the project is within one (1) mile of the Red Mountain (Loop 202) Freeway.
11. Written notice be provided to future residents, and acknowledgment received that the project is within four (4) miles of Falcon Field Airport.
12. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
13. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
14. Future accessory living quarters that comply with the Zoning Ordinance and Residential Development Guidelines are allowed and not subject to a Special Use Permit.

Vote: Passed 6-0-1 (Carpenter abstaining).

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-41 (District 5)** Parcel 23 at Las Sendas. Located east of Power Road and north of Thomas Road. (14.8± ac.). Rezone from R1-90 DMP (conceptual R-2 PAD) to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant. Also consider the preliminary plat.

Comments: Boardmember Carpenter declared a potential conflict of interest on zoning cases Z04-37 through Z04-42 and a second consent agenda was read.

It was moved by Boardmember Cowan, seconded by Boardmember Adams

That: The Board approve recommend to the City Council approval of zoning case Z04-41 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 or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Any new product designed for this subdivision or modifications to the elevations as shown must be submitted for administrative review and approval by the Planning Director.
4. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan and compliance with Ordinance #3694 requiring a grading permit.
5. Compliance with all City development codes and regulations.
6. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
8. All street improvements and perimeter landscaping to be installed in the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Written notice be provided to future residents, and acknowledgment received that the project is within one (1) mile of the Red Mountain (Loop 202) Freeway.
11. Written notice be provided to future residents, and acknowledgment received that the project is within three (3) miles of Falcon Field Airport.
12. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
13. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
14. Future accessory living quarters that comply with the Zoning Ordinance and Residential Development Guidelines are allowed and not subject to a Special Use Permit.

Vote: Passed 6-0-1 (Carpenter abstaining).

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-42 (District 5)** Parcel 22 at Las Sendas. Located east of Power Road and north of Thomas Road (12.6± ac.). Rezone from R1-90 DMP (conceptual R-2 PAD) to R1-7 PAD-DMP, site plan review, and modification of the Las Sendas Development Master Plan. This request is for the development of a single residence subdivision. Sonoran Desert Holdings, LLC – Jeff Blandford, manager, owner; Bob Proehl, Sonoran Desert Holdings, LLC, applicant. Also consider the preliminary plat “Parcel 22 at Las Sendas.”

Comments: Boardmember Carpenter declared a potential conflict of interest on zoning cases Z04-37 through Z04-42 and a second consent agenda was read.

It was moved by Boardmember Cowan, seconded by Boardmember Adams

That: The Board approve and recommend to the City Council approval of zoning case Z04-42 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 or lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Any new product designed for this subdivision or modifications to the elevations as shown must be submitted for administrative review and approval by the Planning Director.
4. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan and compliance with Ordinance #3694 requiring a grading permit.
5. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
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. Compliance with all requirements of the Subdivision Technical Review Committee.
8. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
9. Written notice be provided to future residents, and acknowledgment received that the project is within one (1) mile of the Red Mountain (Loop 202) Freeway.
10. Written notice be provided to future residents, and acknowledgment received that the project is within three (4) miles of Falcon Field Airport.
11. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
12. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0-1 (Carpenter abstaining).

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-43 (District 6)** Southeast corner of South Power Road and East Pecos Road (105± ac.). Rezone from R1-43 to M-1. This request is to bring zoning into conformance with the Mesa 2025 General Plan. Power Enterprises, Richfield Investment Co., City of Mesa, Rhonda Raper, Patrick & Carolyn Tuffly, owners; Wayne Balmer, Project Manager WGAA, applicant.

Comments: Wayne Balmer, Project Manager with the Williams Gateway Area, gave an overview stating that this case is a result of policy direction from the City Council to rezone areas around Williams Gateway Airport. These properties are currently zoned R1-43, single family residential and the proposal is to rezone the properties to M-1, light industrial. Staff has recommended three conditions. The third condition is a new condition and prior to obtaining a building permit, an archeological testing and recovery program must be presented to the City of Mesa, the Historic Preservation Office, and the State Historic Preservation Office. This area is currently native desert and has never been farmed, so when the City acquired the property to put in the new Pecos Road the City knew this was going to be an archeological site. We contacted Jerry Howard, the City's archeologist and conducted the survey. He found pit houses, burial areas, waste disposal areas, corn grinding areas and other evidence of artifacts. We excavated and recorded them and then built the road. All the property owners agreed to have the property rezoned. When the archeological situation arose, another letter was sent to the property owners informing them of the archeological issues and they were in support. That is the reason for the third condition, to meet the Secretary of Interior's standards and to have a plan that would be presented to the City's archeologist and to the State.

Chairperson Whalen asked if there is a Federal requirement. Mr. Balmer responded that there is a Federal, a State, and a local requirement on these properties and that the Secretary of Interior's standards apply if federal funding is being used. Mr. Whalen asked if federal or state funding is being used. Mr. Balmer responded that only local money is being used and that in this case the City followed federal standards on the property. The City would like to use that same standard on the adjacent properties because we know there is archeological evidence on both sides that would be significant. This condition is unusual and this is the only property that has been proposed in this fashion. Chairperson Whalen also asked if pulling a permit is near. Mr. Balmer responded that issuance of building permits is years away.

Chairperson Whalen asked if the Board could continue this case and have the City Attorney find out the regulatory scheme on this requirement and to find out whether this is necessary or even advisable. Jim Smith, City Attorney, responded he could look into the request.

Boardmember Finter asked if the archeological study is done at the expense of the property owner. Mr. Balmer responded that the cost of doing the study on private property is the responsibility of property owner.

Mr. Balmer mentioned that any time human remains are found on a site there is a federal law that governs that and there is also a state law. There are likely to be archeological artifacts other than human remains, which we would like to retain.

Boardmember Adams asked why the City wanted to apply the Secretary of the Interior's standards to this site. Mr. Balmer responded that the Secretary of Interior has developed significant and nationwide standards for treatment of archeological sites, but it only applies on federally owned property or projects being funded with federal money. The State of Arizona has said, if you're doing excavation on property owned by Arizona or projects with Arizona money they ask that the Secretary of Interior's standards be used.

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Discussion ensued between Boardmember Adams and Mr. Balmer on the different standards being used and Condition #3. Mr. Balmer stated that based on the evidence found in doing Pecos Road, which is right through the center of the property, the pattern is going to extend to the properties north and south of the road. We think there is a better chance of finding artifacts in those areas.

Boardmember Saemisch stated it was absolutely impressive, during the study session, to see the amount of civilization that was discovered at that location. He made a motion to approve zoning case Z04-43. Seconded by Ms. Carpenter.

Boardmember Finter asked if a property owner comes across these sites are they required to use the archeologist from the Southwest Museum. Mr. Balmer responded No, that is why Condition #3, states that an independent consulting archeologist be hired. The City is asking that the outside archeologist use the Secretary of the Interior's standards and show the City their plan. Mr. Finter also asked if information gathered at the site would go to the Southwest Museum. Mr. Balmer responded that there are a variety of places that collect the information.

Boardmember Saemisch stated that there is quite a difference between this case and the previous case and, if all parties are willing, this case should be forwarded to the City Council.

Chairperson Whalen stated he was not willing to impose a condition that can have financial consequences on an owner unless he understood why he was doing it. He stated he did not know the levels of regulation and that this case would not be harmed by a continuance to determine the regulatory levels and whether it would be appropriate to put these conditions on a zoning case.

Boardmember Adams stated he would also like additional information and did not see any disadvantage to a continuance. He stated he would not be supporting the motion but pointed out that he is in favor of preserving these sites and treasures.

Boardmember Esparza stated she supports that this motion be forwarded to the City Council.

The motion failed 3-4 (Adams, Whalen, Cowan and Finter, nay).

It was moved by Boardmember Finter, seconded by Boardmember Adams

That: The Board continue zoning case Z04-43 to the July 15, 2004 meeting to allow time to gather more information and get some policies established.

Vote: Passed 5-2 (Carpenter and Saemisch, nay).

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-44 (District 3)** Northeast corner of Alma School Road and Guadalupe Road (1.55± ac.). Site Plan Modification. This request involves the development of a Walgreen's. Hugh Bancroft III, owner; Kristjan Sigurdson, K&I Architects, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of zoning case Z04-44 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. Compliance with all current Code requirements, unless modified through appropriate review and approval of a Substantial Conformance Improvement Permit (SCIP), as outlined above in this staff report.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all City of Mesa requirements for combining parcels and boundary line adjustments, as necessary to create the proposed configuration. Provide documentation of recordation of new parcels with application for building permit.
5. Recordation of an ingress/egress easement from the driveway on Alma School Road to the driveway on Guadalupe Road to allow City of Mesa representatives to have access to the north and east exterior of the City sewer lift station facility. Provide documentation of recorded easement with application for building permits.
6. Recordation of cross-access easement between the new parcel to be created for the drugstore and abutting parcels within the existing commercial center to the north, currently indicated as APN's 302-87-812, 302-87-817A, and 302-04-002E.
7. Compliance with all requirements of the Design Review Board.
8. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.

Vote: Passed 7-0.

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-46 (District 5)** Located south and east of Signal Butte and Main Street (67.2± ac.). Rezone from Maricopa County C-2, C-3, C-3 P.D. R-2 R.U.P.D., and R-5 to City of Mesa C-2, C-3, R1-6 P.A.D. and R-4. This request involves the establishment of city zoning on recently annexed property. Various owners; City of Mesa, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of zoning case Z04-46 conditioned upon:

1. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans.
2. Compliance with all City development codes and regulations.

Vote: Passed 7-0.

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-47 (District 6)** 1955 South Val Vista Drive. Located north and east of East Baseline Road and South Val Vista Drive (7.4± ac.). Rezone from C-2 to C-2-PAD. This request is to allow individual sale of office suites. Christopher W. Warren, SB&W Development –Mesa LLC, owner; Brian Moore, BCMA Architecture, applicant.

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of zoning case Z04-47 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 and previously approved, Z03-10.
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 7-0.

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: **Z04-48 (District 6)** The 3900 and 3800 block of South Power Road (east side). Located south and east of Elliot and Power Roads (13.8± ac.). Rezone from M-1 to PEP PAD, M-1 PAD and M-1 and Site Plan Review. This request involves the development of a commercial, office and light industrial development. Franklin D. Richards Jr., owner; Dean Sulzer, applicant. Also consider the preliminary plat "San Tan Commerce Center."

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve and recommend to the City Council approval of zoning case Z04-48 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 Design Review Board.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Review and approval by the Planning and Zoning Board, Design Review Board and City Council of future development plans for Phase Three.
5. All future developments for Phase Three must provide screened outdoor storage along the west property line adjacent to Phase Two.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
8. 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).
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 7-0.

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Item: Northeast corner of Baseline Road and Extension Road **(District 3)**. North of Baseline Road and west of Country Club Drive. This project involves the development of a Business Park consisting of warehouse and office uses. Millet Family Properties, LTD. (Torry Lofgreen, Jr.); owner, Jeff Swan, Swan Architects, Inc. applicant. Consider the preliminary plat "Eastgate Business Park" (23.6± ac.).

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

It was moved by Boardmember Adams, seconded by Boardmember Esparza

That: The Board approve the preliminary plat of "Eastgate Business Park" and recommend to the City Council approval of conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat and conceptual site plan (without guarantee of lot coverage or site design; including, but not limited to, driveway cuts, trash enclosure locations and elevations).
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 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 Design Review Board.
6. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
7. Review and approval of Site and Building Design Guidelines by the Design Review Board.

Vote: Passed 7-0.

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MINUTES OF THE MAY 20, 2004 PLANNING AND ZONING MEETING

Respectfully submitted,

John Wesley, Secretary
Planning Director

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