

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date March 27, 2003 Time 4:00 p.m.

MEMBERS PRESENT

Marty Whalen, Chair
Dan Brock, Vice-Chair
Mike Cowan
Pat Esparza
Lynda Bailey
Rich Adams
Barbara Carpenter

MEMBERS ABSENT

OTHERS PRESENT

Frank Mizner
Dorothy Chimel
Michelle Dalhke
Ryan Heiland
Lois Underdah
Maria Salaiz

Anne Blech
Wahid Alam
Rich McAllister
Councilmember Rex Griswold
Det. Richard Milburn
Lou Lentz

Ralph Pew
Jeff Landrum
Dina Higgins
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 March 27, 2003. Before adjournment at 7:15 p.m., action was taken on the following items:

It was moved by Boardmember Adams, seconded by Boardmember Carpenter that the minutes of the February 20, 2003 meeting be approved as submitted. The vote was 6-0 (Cowan abstaining, not present at the February meeting).

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

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

Zoning Cases: *Z03-10, *Z03-12, Z03-13, *Z03-14

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Item: **Z03-10** 1945 and 1955 South Val Vista Road (2.6± acres). Site Plan Modification. This case involves the development of office buildings. Val Vista Gateway, LLC, owner; Brian Moore, BCMA Architecture, applicant. **CONTINUED FROM THE FEBRUARY 20, 2003 MEETING.**

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

It was moved by Boardmember Bailey, seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z03-10 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. Compliance with all requirements of the Design Review Board.
6. Add two feet to the top of the wall between the subject sites property line and that of all the houses on the northeast property line with the first phase of development.

Vote: Passed 7-0.

Reason for Recommendation: The Board felt that the proposed development could be a compatible use within the existing and surrounding development.

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

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

It was moved by Boardmember Bailey, seconded by Boardmember Carpenter

That: The Board continue zoning case Z03-12 to the April 17, 2003 meeting.

Vote: Passed 7-0

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

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Item: **Z03-13** 1050 West Main Street (0.95 ac.±). Council Use Permit. This case involves the development of a pawnshop. Robert Kathe, owner; Jeff Landrum, applicant.

Comments: Jeff Landrum, applicant, stated they had to relocate from the original site because the building was damaged. He mentioned that Mega Pawn has been in business for the past 11 years and just found out that a Council Use Permit was needed at this new site. He also mentioned that in the years that he has had the Pawn Shop he has never been cited by the Sheriff's Department or the Mesa Police Department, who oversee Pawn Shops in Mesa.

Mr. Landrum stated he was made aware of the opposition when he conducted an open house for the neighbors. He stated he took over the shop about seven years ago and that the previous owner stopped selling guns a year before he bought the business. He stated he has never sold, pawned, or displayed guns out of the Pawn Shop and has no intentions of selling them now or in the future. Mr. Landrum mentioned that the shop did have a sign that read "Guns", which he removed prior to the open house. He stated that the other controversy were XXX movies, which were in the business when he bought it. He also stated he stopped selling these movies about 2 ½ years ago and was not aware of problems with the signage. Mr. Landrum mentioned he contacted residents within 3,000 ft. of the business and has over 200 signatures in favor of the Council Use Permit. He also mentioned that he held three neighborhood meetings and only received two signatures of opposition.

Mr. Landrum stated that he lives in the neighborhood and has children attending school about 1½ miles away from the business. He stated he has no intention of ever running a dishonorable business and did not believe a Pawn Shop is a dishonorable business. The shop serves a good purpose if it's run proper and dignified. He stated he has never had any complaints but is now aware of the opposition. Mr. Landrum stated that if the Council Use Permit was granted the business would be operated with the utmost integrity and be opened during regular hours. He also stated he would maintain Mesa Codes and Regulations and hoped the Council Use Permit would be granted.

Jarel Brown (3215 E. Des Moines St.) spoke in favor of the Pawn Shop. He stated there have been big improvements since Mr. Landrum purchased the Pawn Shop. He believes the shop will be run with the utmost integrity.

Ronald Wiltbank (1052 W. 4th Place) stated that the applicant has met all Codes and Regulations. He mentioned that he attended Mr. Landrum's meeting when he agreed not to sell any sexually explicit items or guns. Spoke in favor of the Council Use Permit.

Monty Germaine (2340 N. Forrest) stated there has been no problems with Mr. Landrum or any of his clients and that there is no reason to handicap the opportunities we have as residents of Mesa. He believes more small business are needed in the City of Mesa and hoped the Board would vote positive for this case.

Dianne Woods (1426 W. Pepper Place) stated there has been an increase of crime in the neighborhood and a block watch has been organized. She also stated she had concerns with having a Pawn Shop in the neighborhood due to the increase of crime.

Jennifer Sandstrom (222 N. Beverly) stated she is opposed to the Pawn Shop because of the saturation in the general area. She also stated that property value decreases near Pawn Shops due to the increase of theft. Ms. Sandstrom noted she would like to see a Laundromat or an

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ATM in that area.

Robert Parker (534 W. 1st Street) stated as a member of the Mesa Grande Steering Committee that the Mesa Grande Alliance, the Mesa Grande Action Plan, Focus Area #3: Business and Industrial Corridors: A Neighborhood Point of Pride states under Commercial and Retail Land Uses, Existing Conditions (on page 13) the following:

"...there is a disproportionate abundance of low-end retail businesses that support transient clientele (e.g. pawn shops, check-cashing stores, massage parlors, and tattoo shops)."

He stated that Pawn Shops are one of the uses that the Steering Committee has decided they would like to put a moratorium on. He noted that the Planning and Zoning Board needs to know that the Mesa Grande Alliance is an active area, as referenced in the Mesa General Plan, and has a strategic plan in place. Adding another Pawn Shop would give them half the Pawn Shops in the whole City. Mr. Parker stated that while Pawn Shops may have a place in the City they would like the applicant to seek another site outside of Mesa Grande to establish his pawn business. Mr. Parker had concerned about the perception of having another Pawn Shop in the area and what it would do to the values of their neighborhood.

Chairperson Whalen added that there are a number of people who are in favor of this case but who did not wish to speak.

Don Kenney (249 N. Westwood) stated that he considers places like Pay Day Loans and Pawn Shops an opportunity for people to fence merchandise in a hurry. He felt there would be an increase of theft in the neighborhood and is opposed to this case.

Terry Egger (1009 W. 6th St.) stated she does not object to this case. She stated she has been into this Pawn Shop and has never seen anything objectionable or questionable and does not feel uncomfortable going into this shop.

Amy Landrum (1002 W. 6th St) addressed some of the concerns she heard during the course of this process. She stated she too had some concerns about the business. Ms. Landrum stated she understood the concerns of the community thinking that their items would be shuffled off quickly to a Pawn Shop, which is an unfair assumption. She stated her concern with the map, which was handed out, noting that it was only a partial representation. Ms. Landrum also mentioned that there is a process for items, which come into the shop and to assume that the dealing are not reputable was wrong.

Chairperson Whalen stated that he received a blue slip with questions. He noted for the record that the nature of a public hearing is that speakers get to address the Board and that the Board did not have the time nor would it be appropriate for the Boardmembers to attempt to answer questions from speakers but referred them to contact staff at a later time.

Dorothy Chimel, Acting Planning Director, gave an overview of the process for a Council Use Permit noting that a Council Use Permit is a discretionary use permit and that this is not a use that is allowed by right. She stated that a public hearing needs to be conducted. The Planning & Zoning Board brings forward the recommendation to City Council where the final decision is made.

Ms Chimel mentioned that a Council Use Permit identified in our Zoning Ordinance has very specific measurements especially for Pawn Shops. There is a separation requirement of 1,200

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feet from another Pawn Shop or school. Another criteria is that the site needs to be brought into substantial conformance with all current City development requirements including landscaping, parking, screen walls, signage and design guidelines. The Council Use Permit criteria have been fulfilled. In this instance, staff is recommending approval with conditions.

Ms. Chimel stated that the conditions address some, not all of the neighborhood's concerns. Should the Council Use Permit be declined then the site could continue to operate as a retail center. With the Council Use Permit the conditions that are of particular interest to the neighbors would be Condition #5 and Condition #6. These items are enforced through our Police Department. Ms. Chimel recalled the hearing when Pawn Shops were first introduced to the Board and Council stating it was an extraordinary controversial case. That difficulty highlighted the need to have a discretionary Council Use Permit over the objection of many Pawn Shop operators. She mentioned that the tools Planning staff has are the Zoning Ordinance and the General Plan.

Ms. Chimel reiterated that should this case not be approved the shop could continue to operate as a thrift shop. It would not have the regulatory constraints that the Council Use Permit might be able to apply but it could operate. In looking at the signatures of support and of opposition, staff did note that many signatures did not reside in and around the community.

Chairman Whalen asked Ms. Chimel if the business were to continue as a thrift shop, would there be any restraints on selling used pornography materials or used guns? Ms. Chimel responded that the Sexual Oriented Business Section of the City Code is fairly specific and would definitely not allow any pornography materials to be sold, and as for guns she stated she is not completely familiar with the regulatory perspective for guns that guns could be sold similar to sales in other retail establishments.

Ms. Chimel addressed the question regarding, if the Council Use Permit was limited to this shop owner. She responded No. A Council Use Permit and zoning decisions run with the land. They do not run with the ownership; however, if the use ceases operations for a year or more the Council Use Permit becomes moot and administratively staff would remove that Council Use Permit overlay.

Ryan Heiland stated that within Section 6-16-1 of the City Code under Sexually Oriented Businesses – that adult book store, adult novelty store or adult video store qualify as a Sexually Oriented Businesses. He stated there are six qualifying factors, which would make it a Sexually Oriented Businesses including: 1) would be if substantial or significant amount of sexually explicit materials are in the business and, 2) thirty percent (30%) or more of its gross sales or gross display is sexually explicit materials.

Chair Whalen asked Detective Richard Milburn, City of Mesa Police Department, assigned to the recovery property unit or pawn unit, if thrift stores could sell guns without a license. Detective Milburn responded, No.

Boardmember Bailey asked Ms. Chimel how this case got to this point. Ms. Chimel responded that it was her understanding from the comments made at the Planning & Zoning Study Session that the Police Department did contact the operator within the time frame of relocating into the new business and added that there was some delay before Mr. Landrum came forward with a formal submittal. Ms. Bailey asked Mr. Landrum if it was because he didn't understand the process.

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Mr. Landrum responded that was correct. He added when he contacted Detective Milburn the only comments Detective Milburn made was that the safe should be placed towards the back of the building or move the cash register closer to the front door for security reasons. He stated he was made aware of needing the Council Use Permit when he was notified by Joe Weber, Code Compliance Officer. It was then that Detective Milburn contacted him about needing the Council Use Permit.

Chair Whalen asked Detective Milburn to address Mr. Landrum's statements. Detective Milburn stated that the Tax and Licensing Division notified him that Mr. Landrum's shop would be moving to the Main St. location. He stated that before Mr. Landrum relocated he informed Mr. Landrum that a Council Use Permit was needed for pawning. Detective Milburn stated that the Code Compliance Office contacted him, within six months of opening his shop, that they were operating as a Pawn Shop and that they shut it down due to the lack of a Council Use Permit. Detective Milburn stated he returned to the store as Mr. Landrum was moving in and reminded him again that he needed a Council Use Permit.

Detective Milburn brought out another inconsistency made by Mr. Landrum regarding the sexually oriented materials and misinforming Mesa Grande at their meetings that he has maintained a good relationship with the Police Department by reporting in daily. He stated that the Police Department has not received any transaction reports since he moved in the store 18 months ago.

Boardmember Bailey asked Ms. Chimel if the Council Use Permit runs with the land and not the owner. Ms. Chimel responded Yes.

Boardmember Adams asked for clarification from Mr. Landrum regarding the signage. Mr. Landrum stated when he purchased the shop the signage was already on the window and when he moved, the signage was copied on to the new window. Mr. Adams also asked how long the signage was up before he removed it. Mr. Landrum responded it was removed prior the meeting with Mesa Grande but added that they did not put the signage up right away. They waited for at least 6-8 months. Boardmember Adams asked Detective Milburn if the maximum number of XXX movies in the store was 20-30 as stated by Mr. Landrum. Detective Milburn responded it was more than 100.

Boardmember Carpenter asked for clarification from Mr. Landrum regarding how long he has operated at the current site before he was closed. He responded he moved in November 2001. She asked if he did any transactions during the relocation. Mr. Landrum responded No. Boardmember Carpenter also asked how he was conducting business. He stated he has been operating as a Second Hand Dealer.

Boardmember Carpenter expressed her concerns with the owner of the building and felt that the property was not up to code.

Chair Whalen noted for the record that he received an additional blue card in favor of this case.

Boardmember Brock asked Mr. Parker to explain the role of Mesa Grande in this area. Mr. Parker responded by giving an overview of Mesa Grande and how it came to be. He stated the Plan took about 18 months to put together and included large state holders from Mesa, which was forwarded to the City and has become a sub area. He stated that Mesa Grande is working hard to take back their neighborhood.

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Boardmember Brock asked Mr. Parker to state some of their goals and objective for this sub area. Mr. Parker gave a brief vision of Mesa Grande and mentioned that this is a very viable area. It's an area with an excellent quality of life where people may live, work, shop, learn, worship and play and where positive mixed used development is taking place. He stated one of Mesa Grande goals is infill, and wherever there is vacant property they want to make sure that it has a use that is compatible with long-term living in the area.

Boardmember Brock asked Ms. Chimel if staff was aware of the Mesa Grande Alliance Sub Area. Ms. Chimel responded that the Neighborhood Services Administration group spearheaded staff involvement and that Planning was unfortunately not involved. This plan reflects a vision that has been expressed and endorsed by City Council. Mr. Brock also stated he would like to see a presentation on infill by Mesa Grande. Boardmember Brock asked Mr. Parker what the goals and aspirations are along Main Street.

Mr. Parker gave a few examples of what Mesa Grande has accomplished in Mesa and gave examples of some of the redevelopment going on along Main Street and mentioned that Mesa Grande is looking for redevelopment of that kind. He also mentioned that Mesa just brought some vacant land in this area, which the City would be turning into a park. He stated there are very few open spaces in this area they would like to make sure it has the very best mixed use and parks are something that is really needed. Boardmember Brock thanked Mr. Parker for his overview.

Boardmember Bailey applauded the applicant's efforts of trying to get his shop into compliance. She stated she is in support of the Mesa Grande Alliance and their vision for this area and felt this would be a great time to share the Pawn Shops and reduce the proliferation of Pawn Shop in West Mesa. Ms. Bailey made the motion to deny the Council Use Permit for zoning case Z03-13.

Chair Whalen stated he has nothing against Pawn Shops and as Ms. Chimel pointed out this is about a discretionary use. He stated that this is not a bad use, it just a use that doesn't benefit anything to the neighborhood and for that reason supports the motion to deny.

Boardmember Carpenter asked staff to clarify why Mr. Landrum was being held responsible for all the improvements when the operation of the business is just in the front corner.

Ms. Chimel stated that whenever there is a request for a Council Use Permit for a tattoo parlor or a Pawn Shop it's very difficult because they go into tenant spaces that are quite small in proportion to the entire development of the center. On this particular site, the Council Use Permit would only be for the tenant space closes to Main Street. She stated there has been a commitment of the landscaping for the entire site.

Ms. Chimel reiterated that the Council Use Permit is for the use. The measures that staff has in the Zoning Ordinance are not as defined as staff would be comfortable with. As this case goes forward there could be a dialog regarding a direction to create a policy with applicant of future Council User Permits.

Boardmember Carpenter stated she would like to give the owner of this shop a chance to succeed. She stated that if a business is going to go in Mesa she would like for it be successful and that means that the neighbors like it, it meets the need, and is profitable. Boardmember Carpenter stated that the applicant has gone through a lot of effort. She stated

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it's a difficult decision but thinks she will be in favor of this case.

Boardmember Brock asked Ms. Chimel if West Main Street was studied as being either a potential redevelopment district or if it was a redevelopment district. Ms. Chimel stated that redevelopment area did not go that far west.

It was moved by Boardmember Bailey, seconded by Boardmember Adams

That: The Board recommend denial of zoning case Z03-13.

Vote: Passed 6-1 (Carpenter voting nay)

Reason for Recommendation: The Board the Pawn Shops was not appropriate for the neighborhood or West Mesa.

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Item: **Z03-14** 6232 East Arbor Avenue (3.6 ac.±). Rezone from C-2 to C-2 PAD. This case involves the development of a medical office complex. Jere Plank, owner; Edward Roblee, applicant. Also consider the preliminary plat of "Baywood Professional Center."

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

It was moved by Boardmember Bailey, seconded by Boardmember Carpenter

That: The Board approve the preliminary plat of "Baywood Professional Center" and recommend to the City Council approval of zoning case Z03-14 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. All street improvements and perimeter landscaping to be installed in the first phase of construction.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with all requirements of the Design Review Board.
7. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
8. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 7-0.

Reason for Recommendation: The Board agreed that this use is appropriate and conforms with the Mesa General Plan.

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Item: 3300 - 3400 S. Sossaman (eastside) (26.42± acres). This project involves the development of a single residence subdivision. Peter Martens, owner; Ralph Pew (Pew and Lake, PLC), applicant. Consider the preliminary plat of "Paloma Estates." **CONTINUED FROM THE FEBRUARY 20, 2003 MEETING.**

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

It was moved by Boardmember Bailey, seconded by Boardmember Carpenter

That: The Board continue the preliminary plat of "Paloma Estates" to the May 15, 2003 meeting.

Vote: Passed 7-0.

Reason for Recommendation: The Board felt a continuance was warranted to allow input from Williams Gateway Airport Authority and Mesa's Economic Development Department.

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Item: Citrus Sub Area Plan

Chair Whalen asked Dorothy Chimel, Acting Planning Director, to give a brief overview of the Citrus Sub-Area. Ms Chimel explained that within the General Plan there are seven sub areas identified as: Desert Uplands, Williams Gateway, Citrus, Central Broadway, Lehi, Mesa Grande and Falcon Field. All of these sub area plans are components of the General Plan that bring the broad policy closer to specific implementation. A special area plan provides the framework for future decision-making and is prepared with public involvement.

Ms. Chimel provided information about the Core Group that worked on the document. She stated that the plan was drafted in part by the residents of this sub-area. Ms. Chimel asked that the conversation for the adoption of this plan be centered to the members of the Core Group. She stated that the Planning and Zoning Board wanted a Notice and Disclaimer added to this document. The Notice and Disclaimer indicates the many hours the core group (currently known as the Citrus Area Homeowners) and staff have worked on this document. It also states that "the City Council endorses the vision of the Committee but notes that the Plan contains provisions which may appear to be mandatory and beyond the authority of the Committee in attempting to control..." She mentioned that this is a resolution, not CC& R's, but a guide. Ms. Chimel asked that any changes to the plan by the Planning & Zoning Board be discussed tonight so there is a clear direction when this is forwarded to City Council.

Chair Whalen noted that there were thirteen (13) blue cards from people in favor of this sub-area plan who did not wish to speak. He noted that Ralph Pew, who wished to speak, was not in support of this plan.

Ralph Pew (10 W. Main St) expressed reservations about the proposed draft guidelines. He stated the criteria for developing non-residential uses is a bit overly broad and too strict. Mr. Pew expressed his concerns that non-residential uses listed in these guidelines under office zoning are prohibited and asked why. He also stated that under Section 4-4 of the plan, all retail in this area is also prohibited. He asked why commercial uses were being limited adjacent to a new freeway interchange. He asked the Board to consider some of these criteria and asked if this was a fair application of land use in the community.

Mr. Pew then gave some kind words to Frank Mizner, Planning Director, who announced that due to his retirement, this would be his last Planning & Zoning meeting.

Scott Smith (3920 E. Fairfield Circle) president of Great Western Homes and a resident of the "fringe area" stated he had some concerns with the plan. He agrees with the objectives of the Core Group but thinks the dialogue of the plan goes a little too far. He mentioned that he believes the "fringe area" is not very specific in the plan. However, he is in support of this plan and supports of the preservation of citrus trees.

Rick Dale (2113 W. Maple St.) acknowledged that there has been a constant struggle with residents trying to preserve this area and that this plan has gone through countless hours of work and input by the landowners of the area. He added that he would like for the plan to be adopted.

Tom Hunt (3639 E. Pomegranate) mentioned that before he bought his home in this area he did some homework to determine the planning of the neighborhood. He saw in the plans that the area was to stay residential and now some developers want to change it to commercial. Mr.

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Hunt stated that the landowners who bought at McDowell Road and Val Vista Drive (also known as The Four Corners) took a gamble. He also stated that he does not want to see commercial at this intersection and it shouldn't be there according to the General Plan.

Chuck Thompson (3750 E. Minton) stated he chose to move to into this area because of the one-acre residential lots. He stated there is no reason to allow commercial uses in this area. However, he understands that The Four Corners would be expensive to develop as residential.

Bill Burke (3450 E. Menlo) stated he was representing at least thirty residents within the subdivision of Hermosa Groves. He gave an example of the Town of Paradise Valley and their problems with vacant land at a major intersection. He stated that since the Town is staying with its plan for no commercial, the corners are still vacant today. He stated he didn't want this happening at McDowell and Val Vista. Mr. Burke stated that if this plan is not adopted, area residents will always be at these board meetings protesting possible commercial developments. Mr. Burke stated this plan is a guideline to developers and urged the Board to consider this plan for adoption.

Dr. Scott Miritello (2575 N. Val Vista Dr.) thanked the city staff in formulating this plan for the sub-area. He echoed comments made by his neighbors on preserving this area. Mr. Miritello began to talk about public policy and said that he didn't want four landowners (at The Four Corners) dictating what is good for the entire sub-area. He urged the Board to consider this plan for adoption.

Cora Lenz (3717 E. Pomegranate) stated that the Citrus area is a special area set aside in Mesa's General Plan with large lots and custom homes and is the reason they bought their home in this area. She urged the board to listen to the residents and adopt this plan.

Dina Higgins (2341 N. Lemon Circle), the co-chair of the Citrus Area Homeowners, thanked the city planning staff for their hard work. She gave a brief overview of the Citrus sub-area. She mentioned that she realized that this is not a perfect plan but perfect plans do not exist. The General Plan is very specific in saying that this sub area is a low density area. However, she stated that the Board has been in favor of rezoning these areas from residential to commercial in the past. This plan addresses the issue of rezoning to something other than residential. The main concerns of the residents are to maintain the rural citrus character. She believes that this is a good plan and urged the Board to support it.

Lew Lenz (3717 E. Pomegranate) co-chair of the Citrus Area Homeowners noted that the speakers today are residents who want to keep this area nice. He stated how the General Plan allows one thing and the developing community wants another. He noted that this area promotes low density residential and that the Homeowners have come before this Board and City Council over the last 25 years addressing their visions. Mr. Lenz stated that he has signatures from landowners around The Four Corners and that these landowners want to see any possible development look like existing nearby homes. He added he wanted to see this plan approved.

Chair Whalen asked Wahid Alam, Planner, to summarize any other points of the sub-area plan. Wahid Alam thanked the staff and the residents in the drafting of this document.

Dorothy Chimel stated that staff and the citizens have worked long and hard on this plan. This draft was presented at the Developer's Forum. Staff is recommending approval of this

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Resolution and if this plan goes forward it would be scheduled for the April 21st City Council meeting. Ms. Chimel noted for the record that the Planning Division has worked on a couple of different sub area plans. The Desert Uplands, which was a little more controversial and still is. Staff is continuing to work on that endeavor along with Williams Gateway. Ms. Chimel mentioned that this draft was on the City's website for anyone to view. She also thanked Neighborhood Services for their hard work.

Boardmember Adams stated that he has an appreciation for this particular area. He did, however, have questions for the Core Group. He asked why some business were indicated on the list as businesses not allowed in the sub-area. Mr. Lew Lenz, co-chair of the Core Group responded that the group was looking at excluding businesses that might create noise or have excess traffic, dust, and light issues, which are some of the problems associated with these businesses. He also stated that time restrictions for particular business could also be revised.

Boardmember Cowan stated he appreciated the sub-area plan and the characteristics of the community. However, he does have concerns about how restrictive this plan is. Ms. Chimel responded that staff generally starts these types of plans with a design emphasis. The residents who created this plan are not city planners. She stated that some plans that do not follow the guidelines can still be forwarded and City Council will have the final say. She has heard the argument from the development side and does agree with some of their comments. However, this is a plan that was brought in by the residents of the area and that is why planning staff is supporting it.

Boardmember Cowan asked if this plan would be used for future development. Ms. Chimel responded that if Council approves this plan, then Council is giving the direction that this plan contains the content that should provide the direction for future decisions. Boardmember Cowan asked about the disclaimer that was mentioned at the beginning of the meeting. Ms. Chimel responded that staff feels comfortable with inserting this disclaimer as a cover sheet to the text. Boardmember Cowan asked that any concerns or comments from this Board could be placed in the disclaimer. Ms. Chimel responded yes.

Chair Whalen addressed the use of the disclaimer stating that he is the author of it. He shares the vision of the landowners and residents but had concerns that some of the AG zoned properties abuts higher density zoning, which could be used as a buffer zone. However, he did want to keep a level playing field for both sides, landowners and developers, and would support this plan with this disclaimer.

Boardmember Brock stated he wanted to oppose it since he thought that the plan went a little too far and overly restrictive. He mentioned he spent hours redlining the document to fully see what he could support. Mr. Brock stated that he is in favor of the vision and concept of the plan, however, he believed that the execution needed to be a bit broader. He mentioned that this plan does not talk about areas in transition. He referred to homes that currently face Val Vista Drive and what may happen to them if the street gets widened or people decide to move away due to traffic, noise, etc. Mr. Brock stated that by restricting some businesses he felt the goals of the neighbors were to restrict daily traffic. He understood the concerns the neighbors had by wanting to maintain that low-density citrus and rural atmosphere.

Boardmember Brock noticed some references in the plan do not match the diagrams listed. He also stated that the two rows of citrus, adjacent to the road, need to be illustrated in the plan. He believed that some paragraphs create bad planning design. He also brought up that

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enforcement on the hours and dead trees might be an issue later on. Boardmember Brock

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stated this plan is a little overly restrictive and wanted it to be more flexible without losing the character. He noted that the term "guidelines" claims that there is an intimidation to developers to follow these plans exactly.

Boardmember Carpenter applauded the Core Group for this plan. She said that this board has some expertise that they can bring forward to City Council to implement this plan. She stated that perfect plans are flexible and allow unforeseen creativity to achieve the goal of preserving the citrus heritage and flavor and the plan in its present form will be used to measure future development. Boardmember Carpenter made a motion to send this plan to Council "conditionally" stating the Board's concerns, either through the disclaimer or by some other means.

Discussion then came up on how this motion would go forward to the City Council. Ms. ChimeI suggested that this plan be forward to the City Council with the recommendation that the disclaimer be added to the conditions.

Boardmember Carpenter stated she was not comfortable with the disclaimer as drafted and as a permanent part of the plan but it does state the Board's concerns. She restated the motion to send this plan to Council "conditionally" stating the Board's concerns. Ms. ChimeI responded that all of the concerns would be noted in the minutes.

Boardmember Brock stated he would like to see the plan be more refined and would not support this plan being forwarded to City Council at this time.

Chair Whalen stated he does not believe that the Board should change the vision of the residents and that this plan is a guideline and the disclaimer is being added so as not to become binding on anyone.

Boardmember Adams stated he agreed with the disclaimer and supports the plan and that it should be forwarded to Council. He mentioned he originally had problems with the document and some design aspects. He stated he was happy with including the disclaimer because it stilled allowed property owners to present their intensions. He motioned to amend Boardmember Carpenter's motion to forward the Citrus Area Draft plan for consideration to the City Council with the Notice and Disclaimer incorporated into the document. Boardmember Carpenter accepted the revised motion.

Boardmember Esparza asked for Boardmember Carpenter's original motion. Boardmember Carpenter read her first motion than read the amended motion by Boardmember Adams.

Boardmember Bailey stated that she thinks what this community has done is wonderful. She noted that this isn't a perfect plan; however, it is a good plan. She seconded the motion to forward it to City Council.

Boardmember Esparza applauded the Core Group and city staff for working on this plan. She stated that guidelines are no substitute for good common sense. If residents or landowners see something that does not generally make sense, they will be here voicing their opinions about any particular case. She added that she supports the plan.

Boardmember Whalen mentioned the hard work Wahid Alam has done in bringing this plan to this Board and wanted to honor him for it.

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It was moved by Boardmember Carpenter, seconded by Boardmember Bailey

That: The Board approve and recommend to the City Council approval of the Resolution adopting the Sub-Area Plan.

Vote: Passed 6-1 (Brock nay)

Reason for Recommendation: The Board felt comfortable with this plan being forwarded for consideration to the City Council with the Notice and Disclaimer incorporated into the document.

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Chair Whalen asked the subcommittee members for an outline or draft of their assignments.

Respectfully submitted,

Dorothy Chimel, Secretary
Acting Planning Director

MS:
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