

## CITY OF MESA

### MINUTES OF THE PLANNING HEARING OFFICER

Held in the City of Mesa Planning Division Conference Room  
20 East Main Street, Suite 130  
Date November 2, 2006 Time 1:30 p.m.

#### HEARING OFFICER

William "Bill" Petrie

#### STAFF PRESENT

Tom Ellsworth  
Jeff McVay  
Rob Dmohowski  
Kelly Arredondo

#### OTHERS PRESENT

Anthony Verdone  
Tamie Verdone  
Jack Hudson  
Greg Hitchens  
Mark Reeb

The Planning Hearing Officer (PHO) Bill Petrie welcomed everyone present and approved the minutes of the October 5, 2006, meeting as submitted.

Before adjournment at 2:15 p.m., action was taken on the following item(s):

Zoning Cases: Z06-87, Z06-88

The public hearing was recorded on Flash Card one and track titled PHO 11.02.06.

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Item: **Z06-87 (District 2)** 3010 East Main Street. Located north and east of Lindsay Road and Main Street. (0.8± ac.) Rezone from C-2 to C-3. This request will allow for the continued operation of an automobile dealership with outdoor display of vehicles. Anthony Verdone, owner/applicant.

Comments: Anthony Verdone, 12690 E. Cochise Rd., applicant, stated that he is requesting to rezone his property to C-3.

Hearing Officer Petrie asked Mr. Verdone if he is the owner of the property and business that is currently located on the property. Mr. Verdone explained that he is the owner of the property and currently owns the business to the back of the property and the owner of the business to the front of the property was not in attendance.

Jeff McVay, Senior Planner, gave a brief overview of the case and the surrounding area stating that the applicant has provided documentation from the City for businesses that would have fallen under the C-3 zoning classification. He stated that concerns include a limited amount of parking and outdoor display of vehicles, staff wants to make sure there is a sufficient amount of parking for customers. He explained that staff has conditioned that the applicant is to provide at least 13 parking spaces free from vehicle display. Mr. McVay explained to Mr. Verdone that if the gate were to remain open during business hours, those spaces would satisfy some of the parking needs and the vehicle display could be held in the front of the property where it would have it's most use. He explained that the sign is not in conformance with current code and needs to be brought into conformance. Mr. McVay stated that the use is consistent with the neighborhood and the site plan issues can be addressed through conditions.

Hearing Officer Petrie asked Mr. Verdone if he had read the staff report and if he was in agreement with the conditions of approval. Mr. Verdone responded that he had read the staff report and agreed with the conditions.

Discussion ensued regarding the vehicle display in the front yard setback.

Hearing Officer Petrie approved case Z06-87 subject to the stipulations in the staff report with one additional stipulation.

The Planning Hearing Officer **approved** zoning case Z06-87 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. A minimum of thirteen (13) parking spaces shall be maintained for public parking during business hours.
5. A minimum twenty-foot (20') drive aisle shall be maintained free from encroachment.
6. A minimum of five (5), five (5) gallon size or larger shrubs, shall be provided within the landscape area adjacent to the east property line.
7. A minimum of two (2), twenty-four inch (24") or larger box trees and seven (7), five (5) gallon size or larger shrubs shall be provided within the landscape area adjacent to the east property line.
8. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
9. No outside display of vehicles permitted south of the front face of the retail building. Display of vehicles in approved parking spaces only.

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Reason for Recommendation: The Hearing Officer determined that the rezoning request would bring the property's zoning designation into conformance with the Mesa 2025 General Plan.

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**Note:** *CD's of the Planning Hearing Officer Hearings are available in the Planning Division Office for review.*

## MINUTES OF THE NOVEMBER 2, 2006 PLANNING HEARING OFFICER HEARING

Item: **Z06-88 (District 6)** South and east of Power and Elliot Roads. (20± ac.) Rezone from C-3 DMP to C-2 PAD DMP and M1-PAD DMP, Site Plan Review. This request will allow development of an office/warehouse development with commercial/retail lots fronting the arterial streets. Also consider the Preliminary Plat for "Commerce Court on Power". GOC LLC etal (Dan Reeb), owner; Greg Hitchens, applicant.

Comments: Greg Hitchens, 2857 N. Norwalk, applicant, gave an overview of the project stating that they are proposing C-2 PAD DMP for the lots that front Elliott and Power Roads and M-1 PAD DMP for the internal lots of the project. Mr. Hitchens explained that they are proposing two public streets and private streets internal to site. He stated that they had studied the staff report and have a question to one condition.

Jack Hudson, 3740 E. Southern Ave., #205, stated that he represents the owner of the property to the south and the north of this project. He stated that they like the project; but are concerned with traffic and the public street. He explained that at this time they are not sure this is an appropriate location as the street. An additional concern is the site plan shown for the property along Elliott Road. He explained that the site plan is approximately 10 years old and would probably not be built as shown.

Discussion ensued concerning the previously approved site plan for the property along Elliott Road and north of this proposal.

Tom Ellsworth, Senior Planner, stated Dorothy Chimel is the staff planner on this case but was not available for this hearing. He explained that the applicant presented the case well and did not have anything further to add concerning the design of the buildings. He did point out that Dorothy had noted a few things in her summary such as the encouragement of wrought iron fencing along Tract "A" and recommending a condition of approval for a higher screen wall along the north tier of industrial lots, this is Condition #2, as well as staff is recommending a common theme to the overall site and to ensure this staff is conditioning this to the Design Review Board in Condition #3.

Hearing Officer Petrie asked staff and the applicant if the Transportation Department has looked at the public street locations and if this is the preferred location.

Mark Reeb, owner, stated that the initial plan had a different configuration that was more internal to the site and City staff wanted a street pattern that would integrate with the property to the south.

Discussion ensued concerning the irrigation ditch north of the site and tiling of the ditch, the canal to east of the site and the RWCD district.

Hearing Officer Petrie addressed screening of outdoor storage in the M-1 district and asked about the grade of the property compared to the RWCD canal. Mr. Hitchens stated that it is about a 4' fall from the canal to Power Road and Mr. Reeb commented that it is their intent to have a minimum of 8' fences for screening and would agree to a stipulation for that.

Discussion ensued concerning the landscape setbacks and landscaping between the M-1, industrial and C-2, retail lots, what the land to the east of the site is designated and what is allowed with the PAD Overlay.

Hearing Officer Petrie addressed the location of the public streets along the south property line. Mr. Reeb asked Hearing Officer Petrie if the City could stipulate that there be no on street parking with signs so the City could regulate that parking.

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Hearing Officer Petrie suggested that Mr. Reeb contact the Transportation Advisory Board concerning on street parking.

Hearing Officer Petrie approved zoning case Z06-88 subject to the stipulations as noted on the staff report with the addition of two stipulations concerning tiling of the irrigation ditch along the north property line and allowing 8' fencing along the east property line.

The Planning Hearing Officer **approved** zoning case Z06-88 conditioned upon:

1. Compliance with the basic development as described in the project narrative, design guidelines, and as shown on the site plan, and preliminary plat submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Along the northern tier of industrial lots (lots 18-23), provide an eight (8') foot high screen wall and one tree every fifty linear feet in an 8' by 8' landscape planter.
3. Review of all development by the Design Review Board for compliance with the Zoning Ordinance, with attention to compatibility of architectural styles and a landscape theme.
4. Provide Code required landscaping and foundation base.
5. Review and approval of a Special Use Permit for a comprehensive sign package through the Board of Adjustment.
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. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
10. Written notice be provided to future owners, and acknowledgment received that the project is within two miles of Williams Gateway Airport.
11. Noise attenuation measures be incorporated into the design and construction of the buildings to achieve a noise level reduction of 25 db.
12. Tiling of irrigation ditch at the north property line.
13. Eight-foot (8') fence along the east property line.

Reason for Recommendation: The Hearing Officer determined that the rezoning request would bring the property's zoning designation into conformance with the Mesa 2025 General Plan.

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**Note: CD's of the Planning Hearing Officer Hearings are available in the Planning Division Office for review.**

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director

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