

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, April 5, 2004, 5:45 P.M.

Invocation by Pastor Mike Cash, East Valley Free Will Baptist Church.

Pledge of Allegiance by Alex Gorall, Boy Scout Troop #355.

Mayor's Welcome.

1. Consider all consent agenda items.
Vice Mayor Kavanaugh moved to approve, seconded by Councilmember Walters; motion approved 7-0.
- 1.1. Consider the City Manager's recommendation to appoint Lisha Adela Garcia as Neighborhood Services Manager.
Councilmember Walters moved to approve, seconded by Vice Mayor Kavanaugh; motion approved 7-0.
2. Approval of minutes of previous meetings as written.
Approved on consent.
3. Consider the findings and recommendation of the Judicial Advisory Board to reappoint Magistrate Robin Allen for a four-year term beginning July 1, 2004 and ending June 30, 2008.
Vice Mayor Kavanaugh moved to approve, seconded by Councilmember Walters; motion approved 7-0.
4. Consider the findings and recommendation of the Judicial Advisory Board to reappoint Magistrate Rebecca Standage for a four-year term beginning July 1, 2004 and ending June 30, 2008.
Councilmember Jones moved to approve, seconded by Councilmember Griswold; motion approved 7-0.
5. Consider the following liquor license applications:
 - a. JACK SELLERS, PRESIDENT
Special event application of Jack Sellers, President, Sister City Association of Mesa, a two-day charitable event to be held Friday, April 30, 2004 from 5:00 p.m. to 10:00 p.m. and Saturday, May 1, 2004 from 10:00 a.m. to 10:00 p.m. at 530 E. Main Street, Pioneer Park. District #4.
Approved on consent.

- b. DENISE TAMMINEN, ENTERTAINMENT CHAIRMAN
Special event application of Denise Tamminen, entertainment Chairman, St. Anne Little Flower Montessori School, a one-day religious event to be held Saturday, April 24, 2004 from 5:00 p.m. to 11:00 p.m. at 2017 N. Greenfield Road, Falcon Field Airport. District #5.
Approved on consent.

- c. CLARE HOLLIE ABEL, AGENT
Person and Location transfer Liquor Store for Wal Mart Neighborhood Market #5304, 1916 S. Lindsay Road. This is new construction. This is a person and location transfer from Lori Boulter, Agent Richmar Foods, Inc., at 240 W. Warner, Chandler. This license will transfer to the applicant. District #2.
Approved on consent.

- d. DAVID G. CISIEWSKI, AGENT
New Beer and Wine Store License for Quiktrip #447, 5957 E. McDowell Road. This is an existing building. The license previously held at this location by Jane E. Griffin, Individual, 7-Eleven 26681B closed in May of 2002. District #5.
Approved on consent.

- e. ROBERT J. BENTON, AGENT
New Beer and Wine Store License for Target #251, 1135 S. Gilbert Road. This is an existing business. No previous liquor licenses at this location. District #2.
Approved on consent.

- f. LAUREN KAY MERRETT, AGENT
New Restaurant License for Cleats Bar and Grill, 1356 W. Southern Avenue. This is an existing business. The license previously held at this location by Randy Nations, Agent, Seafood Market & Restaurant, Inc. will revert back to the State. District #3.
Approved on consent.

- g. HYUNG S. KIM, AGENT
New Restaurant License for Sushi Kee, 6825 E. Main Street. This is an existing business. The license previously held at this location by Ronny Hong, Agent, Black Tiger Inc., will revert back to the State. District #6.
Approved on consent.

6. Consider the following contracts:

- a. Replacement Voice Recording System for the 911 Public Safety Communications (Dispatch) Center as requested by the Police Department.
The Purchasing Division recommends authorizing purchase from the State of Arizona contract with Goserco, Inc. at \$53,900.07.
Approved on consent.

- b. Three-year supply contract for emergency vehicle lightbars as requested by the Communications Division.
The Purchasing Division recommends accepting the low bidder, Tomar Electronics, at \$47,730.50 based on estimated annual requirements.
Approved on consent.

- c. Emergency Operations Center Field Map Software as requested by the Information Services Division (ISD).
The Purchasing Division recommends authorizing purchase from the State of Arizona contract with IKON Technology Solutions for a total of \$28,106.00, including applicable sales tax. (This purchase is 100% funded by Homeland Security grant funds.)
Approved on consent.

- d. Three-year supply contract for precast electric vaults for the Electric Department.
The Purchasing Division recommends accepting the bid by Utility Vault at \$228,693.66 based on estimated requirements (single responding bidder).
Approved on consent.

- e. Seven 2000 KVA "Step Up" pad mounted transformers as requested by the Electric Division.
The Purchasing Division recommends accepting the low bid by Betz Transformers, Inc. at \$84,638.40 including applicable use tax.
Approved on consent.

- f. 5 replacement vehicles for Solid Waste and Utilities Gas Divisions.
The Purchasing Division recommends authorizing purchase from the following State of Arizona contracts:
Five Star Ford for item A at \$38,618.67; and Midway Chevrolet for item B at \$61,698.34. The combined award is then \$100,317.01.
Approved on consent.

- g. Neighborhood Street Lighting (CDBG #8320). City of Mesa Project No. 01-335-001.
This project replaces existing street lighting in need of upgrading and install new street lighting where needed to enhance the illumination and safety of these streets.
Recommend award to low bidder, Utility Power Plus, Inc., in the amount of \$216,899.85 plus an additional \$21,690.00 (10% allowance for change orders) for a total award of \$238,589.85.
Approved on consent.
- h. Subdivision Sewer Line Video Inspection. City of Mesa Project No. 02-901-002.
This is an annual contract to perform video inspection on development and City projects for the upcoming year.
Recommend award to low bidder, View Pipe, Inc., in the amount of \$58,800.00 plus an additional \$5,880.00 (10% allowance for change orders) for a total award of \$64,680.00.
Approved on consent.
- i. Sunshine Acres Force Main Replacement. City of Mesa Project No. 02-413-002.
This project will install a new sewer force main from the new lift station to the City gravity sewer just north of McDowell Road on Higley Road.
Recommend award to low bidder, Five Points Excavation, in the amount of \$76,600.00 plus an additional \$7,660.00 (10% allowance for change orders) for total award of \$84,260.00.
Approved on consent.
7. Introduction of the following ordinances and setting April 19, 2004, as the date of public hearing on these ordinances:
- a. Amending Title 3, Chapter 6 of the Mesa City Code by adding a new section pertaining to volunteer parking enforcement as recommended by the Police Committee.
Approved on consent.
- b. **Z03-62** (District 5) 3607 East McKellips Road. Located at the southeast corner of McKellips and Val Vista Roads. (1.15 ac. ±) Rezone from R1-35 to OS PAD. This request is for the development of an office building. Michael Shane Beus, Lindsey Beus Worthen, Partrick Beus, and Ryan David Beus (SLPR, LLC), owners; Eric A. Faas, applicant.
Deleted from the agenda.

8. Consider the following resolutions:

a. Authorizing the City Manager to execute a Development Agreement for City Share Reimbursement between JM Land Development LLC, a Limited Liability Company, and the City of Mesa, for regional improvements that are being constructed in conjunction with the development of the proposed subdivision known as Legacy which is located on the southeast corner of 32nd Street and McLellan Road.

Approved on consent.

b. Authorizing the City Manager to execute a Settlement Agreement between Roosevelt Water Conservation District (RWC) and the City of Mesa.

Vice Mayor Kavanaugh moved to approve, seconded by Councilmember Walters; motion approved 6-0 with Councilmember Whalen abstaining due to conflict.

c. Extinguishing a drainage easement and covenant running with the land at 4821 East Indigo Street.
This easement and covenant is no longer needed because a new easement is being required as part of the new plat and development.

Approved on consent.

d. Authorizing the City Manager, or his designated representative to proceed with an application to the Department of Housing and Urban Development (HUD) for FY 2004/2005 funding through the CDBG, HOME, AND ESG programs and approving program activities and budget.

Continued to Thursday's Study Session.

9. Consider the following ordinance:

a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Left Turns From Driveways: 10-3-15 (B) – (District 5)

The east and west side of Power Road from driveways with centerlines approximately 620 feet north of McKellips Road.
(Power Road north of McKellips Road)

No Parking: 10-3-24 (D) (Full Time No Parking)

On the south side of Enid Avenue from Sunnyvale to a point 95 feet west of Sunnyvale. (north of Southern Avenue and east of Higley Road) **(District 6)**

On the west side of 54th Street from Sunnyvale to a point 50 feet south of Sunnyvale. (north of Southern Avenue and east of Higley Road) **(District 6)**

The east side of Pasadena from McLellan Road to Jasmine Street. (Remove Prohibition) (south of McKellips Road and east of Center Street) **(District 1)**

The west side of Pasadena from McLellan Road to Jacarnada Street. (Remove Prohibition) (south of McKellips Road and east of Center Street)

No Parking: 10-3-24 (F 2) (No Parking, School Days, 7:00 am – 4:00 p.m.) (District 1)

On the south side of McLellan Road from Pasadena to a point 140 feet west of Pasadena. (south of McKellips Road and east of Center Street)

On the west side of Pasadena from McLellan Road to a point 122 feet north of McLellan Road. (south of McKellips Road and east of Center Street)

On the east side of Pasadena from McLellan Road to a point 145 feet north of McLellan Road. (south of McKellips Road and east of Center Street)

Approved on consent.

10. Consider a resolution and ordinance repealing the existing Personnel Rules applicable to City of Mesa Employees and adopting by reference new Personnel Rules.
Vice Mayor Kavanaugh moved to approve, seconded by Councilmember Jones; motion approved 6-0 with Councilmember Griswold abstaining due to conflict.
11. Consider a resolution and ordinance relating to the Privilege License Tax; adopting “The 2003 Amendments to the Tax Code of the City of Mesa” by reference; establishing an effective date; providing for severability and providing penalties for violations.
Approved on consent.
- 11.1 Discuss and consider the default under the Disposition and Development Agreement for Redevelopment Site 21 with Outsource International, LLC and the related options regarding the redevelopment of Site 21 (One Macdonald Center).
Councilmember Whalen moved to approve a 90-day extension, seconded by Vice Mayor Kavanaugh; motion approved 5-2 with Mayor Hawker and Councilmember Thom voting against.
- 11.2. Discuss and consider filing a petition for writ of certiorari in the U.S. Supreme Court in the case of Petersen v. City of Mesa.
Vice Mayor Kavanaugh moved to approve, seconded by Councilmember Whalen; motion approved 7-0.

- 11.3. Consider adopting a Notice of Intention to adjust current development impact fees, adopt new stormwater and general government development impact fees and establish June 7, 2004 as the date for the public hearing.
Vice Mayor Kavanaugh moved to approve, seconded by Councilmember Walters; motion approved 7-0.
- 11.4. Consider the following recommendation from the General Development Committee:
- a. Approving initiation of the adoption process for the Desert Uplands Development Standards.
Councilmember Jones moved to approve, seconded by Councilmember Griswold; motion approved 7-0.
12. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding ordinance:
- a. **Z03-66 (District 2)** The 2500 block of East Southern Avenue (north side) Located north and west of Southern and Lindsay (1.26± ac.). Rezone from R1-43 to O-S. This request is for the development of a medical office building. S.L.A.M. (Drs. Thomas Sulton, Cynthia Lowe, James Anderson, and Richard Merkley), owner; Marty Fifer, applicant.
P&Z Recommendation: Approval with conditions. (Vote: 5-0-1; Esparza absent, Finter abstaining)
 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 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, 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.**Approved on consent.**

- b. **Z04-03 (District 6)** South and East of the Southeast corner of Power Road and Elliot Road (20.5± ac.). Rezone from R-3 to C-3 within an approved DMP. This request is to bring zoning into conformance with Mesa 2025 General Plan per City Council direction. Farnam Realty Inc., owner; Wayne Balmer, Project Manager WGAA, applicant. **A LEGAL PROTEST FILED. ¾ VOTE REQUIRED.**

P&Z Recommendation: Approval with conditions. (Vote: 7-0)

1. Future Site Plan Review by the Planning and Zoning Board and City Council of development plans.
2. Future review by the Design Review Board of development plans.
3. Compliance with all City development codes and regulations.

Councilmember Walters moved to approve, seconded by Councilmember Thom; motion approved 6-1 with Vice Mayor Kavanaugh voting against.

- c. **Z04-05 (District 6)** 517 South Higley Road. Located south of Broadway Road and east of Higley Road (12.69± ac.). Rezone from AG to R1-6 PAD. This request is for the development of a single residence subdivision. Donald R. Allison, Monogram Development Services, L.L.C., owner/applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

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. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
8. Limit southern and eastern tier of lots to one story housing product only.
9. Raise existing perimeter wall along the south and east property lines by one to two courses of block.
10. Staff review and approval of a detailed landscape plan.

Vice Mayor Kavanaugh moved to approve, seconded by Councilmember Griswold; motion approved 7-0.

- d. **Z04-11 (District 6)** 5416 and 5424 East Southern Avenue (3.4± ac.). Located north of Southern Avenue and east of Higley Road. Rezone from O-S to O-S PAD. This case involves rezoning to facilitate condominium ownership on an existing building. David Rothberg (Manager), owner; Clare Abel, applicant.
P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

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 City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.

Approved on consent.

- e. **Z04-12 (District 5)** 2835 North Power Road. Located north of McDowell Road and East of Power Road (3.9± ac.). Rezone from C-2 DMP to C-2 PAD DMP. This request is for the development of office condominiums within an approved center. Sam Sprague/Power and McDowell Associates, LLC, owner and applicant.
P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

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 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, including entire Power Road and McDowell Road frontages, and perimeter landscaping for the Eckerd Drugstore parcel to be installed in the first phase of construction.
5. Compliance with all requirements of the Design Review Board, to include citizen participation: Notification to include The Board of Directors of the Las Sendas and Spookhill Homeowners Associations. This shall include full compliance with the landscape requirements for arterials.
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. Review and approval of a Special Use Permit by the Board of Adjustment for a Comprehensive Sign Plan.
9. Plant material within the right-of-way shall meet the requirements of Section 11-15-3-A.

Approved on consent.

- f. **Z04-13 (District 6)** West of the southwest corner of Southern Avenue and Ellsworth Road. (3.27± ac.) Rezone from AG to C-2. This request is for the development of an auto service building. Russell Scaramella, owner; Vince Dalke, V.P. Archicon L.C., applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

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 or lot coverage).
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. 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 Land Split, or at the time of the City's request for dedication whichever comes first.

5. Compliance with all requirements of the Design Review Board, to include citizen participation.
6. Compliance with all requirements of the Land Split process.
7. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
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 Land Split, prior to the issuance of a building permit).
9. Installation of the five-foot landscape strip shown along the proposed property line between the proposed developments with the initial construction.
10. The service bay doors along the rear (south) elevation are to remain closed except to bring vehicles in or out of the building.

Approved on consent.

- g. **Z04-14 (District 2)** 1102 North Val Vista Drive.
 Located south of Brown Road and west of Val Vista Drive (0.36± ac.). Rezone from O-S to R1-9. This request is for the development of a single residence lot. Tydam LLC; Tyson M. Tibshraeny, owner; Ray W. Syder, Ray Quality Homes, Inc., applicant.
P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)
1. Compliance with the basic development as described in the project narrative.
 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. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (prior to the issuance of a building permit).

Approved on consent.

- h. **Z04-15 (District 6)** Southeast corner of Southern Avenue and Higley Road (13.39± ac.). Site Plan Review. This request is for the development of a commercial shopping center. Richard F. Cavanaugh, Southern and Higley Realty Partners, LLC, owner; Nick Wood and Reese Anderson, Snell and Wilmer, applicants.

P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

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 or lot coverage).
2. Site Plan Review by the Planning and Zoning Board and City Council of future development plans for Pad.
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.) including the installation of additional trash enclosures if deemed necessary by the Solid Waste Division.
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. All street improvements and perimeter landscaping to be installed in the first phase of construction.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. All pad buildings to be architecturally compatible with the center.
10. Review and approval of a Special Use Permit by the Board of Adjustment for a comprehensive sign plan.
11. Retention basins to be 6:1 slopes maximum where adjacent to public rights-of-way and pedestrian walkways.

Approved on consent.

- i. **Z04-16 (District 6)** 5800 E. Still Circle. Located north of Baseline Road and west of Recker Road (9.15± ac.). Site Plan Review of PEP, PAD parcel. This case involves the development of a medical office complex as part

of the Arizona Health and Technology Park. A.T. Still University, owner; Tim Becker, Alter Group, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 5-0-2; Esparza absent, Finter excused prior to this case)

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with the approved project design guidelines for the Arizona Health and Technology Park, including all buildings, landscaping, signage, lighting, pedestrian facilities and site improvements.
4. Compliance with all City development codes and regulations.
5. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.
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 with the first phase of construction.
9. Compliance with all requirements of the Subdivision Technical Review Committee.
10. Provide documentation of recordation of cross-access and reciprocal parking easements between Lots 1, 2 & 3 with submittal of construction documents.
11. For shared access from South Sunview Street, provide documentation of recordation of a shared access easement and cross-access easements between Lots 1, 2 & 3 and the adjacent properties to the south fronting on Baseline Road.
12. Maintain the recorded one-foot non-vehicular access easement along the entire frontage of Recker Road with the Preliminary Plat.
13. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.

14. Retention basins to be 6:1 slopes maximum where adjacent to street frontage.
15. A maximum of ninety percent (90%) of the gross floor area for the overall development may be used for medical or dental offices or outpatient clinics and ten percent (10%) of the gross floor area for permitted non-medical commercial uses.
16. Parking lot landscape islands may be installed up to seventeen (17) spaces apart with covered parking structures covering the fifteen (15) interior parking spaces.
17. The parking lot may encroach up to eight (8) feet into the required twenty (20) feet wide landscape yard abutting Recker Road for that portion as indicated on the site plan.
18. Prior to submitting construction documents provide the Planning staff with a complete street frontage landscape plan in conformance with the Zoning Ordinance and the project design guidelines for the Arizona Health and Technology Park for those areas abutting the required street improvements.

Approved on consent.

- j. **Z04-17 (District 5)** The northeast corner of North Sossaman Road and East Willetta Street. South and East of Sossaman and McDowell (2.86± ac.). Rezone from Maricopa County R1-35 to City of Mesa R1-35. This case involves the establishment of City zoning on recently annexed property. Aaron David Smith, owner; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

1. Compliance with all City development codes and regulations.
2. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication whichever comes first.

Approved on consent.

- k. **Z04-18 (District 6)** The northwest corner of South Signal Butte Road and East Pecos Road. (36.37± ac.). Rezone from Maricopa County Rural 43 to City of Mesa R1-43. This case involves the establishment of City zoning on recently annexed property. Clark Fox, David Jarvis, owners; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

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.

Approved on consent.

- i. **Z04-19 (District 5)** Area south of East Hermosa Vista Drive to East McKellips Roads, and west of North Sossaman Road to the Central Arizona Project Canal. (150.2+ ac.). Rezone from Maricopa County R1-35 and R-18 to City of Mesa R1-35 and R-15. This case involves the establishment of City zoning on recently annexed property. Various owners (see list of owners in the packet); City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

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.
3. Minimum lot size shall be 18,000 sq. ft. within the R1-15 zoning district.

Approved on consent.

- m. **Z04-20 (District 5)** Certain properties south of University Dr. and east of Crismon Rd. between N. 101st Cir. and 102nd St. (2.4+ ac.). Rezone from Maricopa County R1-8 to City of Mesa R1-9. This case involves the establishment of City zoning on recently annexed property. D.B. / Billie A. Chamberlin, owners; City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

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.
3. Compliance with the Residential Development Guidelines.
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.

Approved on consent.

- n. **Z04-21 (District 5)** Areas on the east and west sides of Ellsworth Road north of Main Street. (38± ac.). Rezone from Maricopa County R1-8, R-2 RUPD, R-5, C-2, and C-3 to City of Mesa R1-9, R1-6 PAD, and C-2. This case involves the establishment of City zoning on recently annexed property. Various owners (see list of owners in the packet); City of Mesa, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

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.
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.

Approved on consent.

- o. **Z04-22 (District 5)** The 6000 – 6200 block of East McKellips Road (north side) and the 6200 – 6400 block of East Hermosa Vista Drive (south side). Located north of McKellips Road and east of Recker Road (47± ac.). Rezone from R1-6 DMP and R-4 PAD-DMP to R1-6 PAD-DMP; also Modification of a Development Master Plan. This case involves the development of a residential community. Shelby Futch, owner; Ray Mehan, Mehan Construction, and Shelby Futch, applicants.

P&Z Recommendation: Approval with conditions. (Vote: 6-0; Esparza absent)

1. Compliance with the basic development as described in the project narrative and as shown on the revised site plan, preliminary plat and elevations submitted, (without guarantee of lot yield, building count, lot coverage) except as noted below.
2. Compliance with the Residential Development Guidelines.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa

City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.

5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
6. Compliance with all requirements of the Subdivision Technical Review Committee.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Written notice be provided to future residents, and acknowledgment received that the project is within one mile of Falcon Field Airport.
9. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
10. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.
11. The applicant has further stipulated and agreed to the following terms and conditions:
 - a. Review and approval of product elevations and exterior color schemes, which are to be earth tones, by the Design Review Board.
 - b. The applicant shall enter into a deed restriction for the benefit of the property owners adjacent to the development reflecting the stipulations found in paragraphs 1, 2, 3, 6, 9, 11, 12, 13, 14, and 15 of the Neighborhood Agreement For Painted Mountain Townhome Project dated February 15, 2004.
 - c. The height of the architectural elevations of the homes not to exceed 22 feet from finish floor elevation.
 - d. For that portion of the subdivision located on the existing nine-hole golf course, all homes are to be one story only above finish floor elevation.
 - e. Walls and fences along the Golf Course shall be wrought iron over a masonry wall. Height of masonry wall portion not to exceed 1.5 feet and overall fence height not to exceed 6 feet.
 - f. For that portion of the subdivision located on the existing nine-hole golf course, provide no

more than five standard product plans with multiple elevations.

Continued to April 19 Council meeting.

- p. **Z04-27 (District 6)** Northeast corner of Sunnyvale and Baseline Road. Located east and north of Higley Road and Baseline Road (17.57 ac. ±). Rezone from R3-DMP and PEP-DMP to R4-PAD-DMP. This request is for the development of an apartment complex. Langley Superstition Business Park L.P., owner; Pew and Lake, P.L.C., applicant. P&Z Recommendation: Approval with conditions. (Vote: 5-0; Finter and Adams, absent)
1. Compliance with the density and basic development 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. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
 5. All street improvements and perimeter landscaping to be installed in the first phase of construction.
 6. Compliance with all requirements of the Design Review Board.

Vice Mayor Kavanaugh moved to approved, seconded by Councilmember Walters; motion approved 7-0.

13. Items from citizens present. (Maximum of three speakers for three minutes per speaker).