

**CITY OF MESA**

**MINUTES OF THE PLANNING AND ZONING BOARD MEETING**

Held in the City of Mesa Council Chambers  
Date November 18, 2004 Time 4:00 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

None

OTHERS PRESENT

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

Jim Smith  
Richard Cartell  
Paul Masse  
Brad Davis  
Ross Farnsworth Jr.  
C.B. Hagar

Linda Goodman  
Others

Chairperson Cowan declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated November 18, 2004. Before adjournment at 5:30 p.m., action was taken on the following items:

It was moved by Boardmember Carpenter seconded by Boardmember Adams that the minutes for General Plan Amendment GPMajor04-01 held on October 21, 2004 be approved as amended. Vote 6-0-1 (Mizner abstaining).

It was moved by Boardmember Adams seconded by Boardmember Saemisch that the minutes of the October 21, 2004 meeting be approved as amended. Vote 7-0.

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

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

Zoning Cases: \*GPMInor04-08, \*Z04-97, Z04-100, \*Z04-102, Z04-103, Z04-104 and \*PrePlat – “Sunland Springs Village Unit 5”.

## MINUTES OF THE NOVEMBER 18, 2004 PLANNING AND ZONING MEETING

Item: **GPMInor04-08 (District 6)** The 3600 to 4200 Blocks of South Signal Butte Road (east side) and 10800 to 11200 Blocks of East Elliot Road (south side). Located at the southeast corner of Signal Butte Road and Elliot Road (240± ac). Proposed change to the General Plan Land Use Map from Medium Density Residential 2-4 dwelling units per acre (MDR 2-4) to Medium Density Residential 4-6 dwelling units per acre (MDR 4-6). GBGM 240 Limited Partnership (W.D. Ring), owner; W. Ralph Pew, applicant. **CONTINUED FROM THE OCTOBER 21, 2004 MEETING.**

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

It was moved by Boardmember Mizner seconded by Boardmember Carpenter

That: The Board approve the withdrawal of GPMInor04-08 as requested by the applicant.

Vote: Passed 7-0.

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## MINUTES OF THE NOVEMBER 18, 2004 PLANNING AND ZONING MEETING

Item: **Z04-97 (District 5)** The 4200 Block of East Brown Road (north side). Located west of Greenfield Road and north of Brown Road (1.17± ac). Site Plan Modification. This request is to allow development of an office building. David Gillette, FCF UTAH, LLC, owner; Allen Willis, Amberwood Homes, applicant. Also consider the preliminary plat. **CONTINUED FROM THE OCTOBER 21, 2004 MEETING.**

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

It was moved by Boardmember Mizner seconded by Boardmember Carpenter

That: The Board continue zoning case Z04-97 to the January 20, 2005 meeting.

Vote: Passed 7-0.

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

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## MINUTES OF THE NOVEMBER 18, 2004 PLANNING AND ZONING MEETING

Item: **Z04-100 (District 6)** 6136 East Auto Loop Avenue. Located south and west of Southern Avenue and Superstition Springs Boulevard (5.7± ac). Rezone from M-1 PAD to M-1 PAD BIZ and Site Plan Review. This request is for the development of a four story parking facility with associated auto services. Kent C. Earle, owner; Richard Cartell/Bob Fisher, applicant. **CONTINUED FROM THE OCTOBER 21, 2004 MEETING.**

Comments: Richard Cartell, applicant, gave an overview stating that this is a renovation and expansion to the existing dealership facility. The proposal, as outlined, is for a four level parking structure and 30 service bays. Mr. Cartell stated they met with the Design Review Board and had spent considerable time working with Planning staff and the Design Review team. He showed the revised plans and added that he agreed with all the conditions in the staff report.

Scott Langford, Planner I, stated that the applicant has addressed the work planned and added that they are asking for a BIZ overlay on the existing zoning to allow them to built a 4-story parking facility with other services. He stated staff is in support of the project

Boardmember Saemisch stated that this is a superior product and would generate sales tax for Mesa. He added that this is another sign that Mesa is growing and is going to need facilities like this as they see higher density growth; he added that the 40-foot structure is ideally located.

Boardmember Mizner also stated that this is an excellent project and as Mr. Saemisch mentioned, it's compatible with the area. He pointed out that the existing dealership is already at 40 feet and supports Mr. Saemisch's comments.

Boardmember Carpenter complimented the applicant on the project.

Boardmember Adams stated he appreciated seeing the renderings and asked if there would be a 5-foot wall on the upper level. Mr. Cartell responded that there would be a 5-foot parapet on the top level.

It was moved by Boardmember Finter seconded by Boardmember Saemisch

That: The Board approve and recommend to the City Council approval of zoning case Z04-100 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all Superstition Springs Auto Park Development Guidelines, with the clarification that any canopies/awnings required by the Design Review Board for the fourth story, above the maximum height limit of forty (40) feet, be permitted.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. 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 NOVEMBER 18, 2004 PLANNING AND ZONING MEETING

Item: **Z04-102 (District 4)** 659 East Main Street. Located south and east of Main Street and Mesa Drive (0.67± ac). Rezone from R-2 to C-2 and Site Plan Review. This request is for the development of additional on-site parking and associated site improvements for an existing business. Mike Dudley, owner; Marty Fifer, applicant.

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

It was moved by Boardmember Mizner seconded by Boardmember Carpenter

That: The Board approve and recommend to the City Council approval of zoning case Z04-102 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted, except as noted below.
2. Compliance with all requirements of Design Review Staff.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Obtainment of a Substantial Conformance Improvement Permit (SCIP) from the Board of Adjustment or the Zoning Administrator for all code deviations.
5. 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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Item: **Z04-103 (District 5)** 2919 North Oakland. Located north and west of McDowell Road and Greenfield Road (6.23± ac). Rezone from M-1 to M-1 PAD and Site Plan Review. This request is for the development of office/industrial condominiums. Brad Davis, Greenfield Air Park, LLC, owner; Paul Masse, PHM, Ltd., applicant. Also consider the preliminary plat for "Greenfield Business Center."

Comments: Paul Masse, 14847 North 29<sup>th</sup> Street, Phoenix, gave a brief overview about the project and clarified that they had turned in revised elevations and packets to the Planning and Design Review Boards.

Liz Zeller, Planner I, stated that this request is to change the zoning to M-1-PAD to allow individual ownership of the suites and for a deviation to the Code. She stated that the applicant is requesting the setback along Oakland Street to be 14'11" from the required 20' setback. She noted some concerns listed in the staff report stating that a PAD overlay requires a high level of design and innovation and staff also noted that the landscape plan and elevations could be further upgraded to comply with the increased innovation and design standard. She also mentioned that staff had received a memo from the Historic Preservation Office with added stipulations and it would be up to the Board to add these stipulations.

Chairperson Cowan asked what the essence of the memo was. Ms. Zeller read the memo, which stated: that they would like the applicant to conduct a literature search; conduct a survey on the property; contact Jerry Howard to obtain a copy of the City Transit Station Report; all data be presented to the Historic Preservation Office and to the State Historic Preservation Office; and that work be performed and conducted by an independent archaeological consulting group that meets their standards.

Boardmember Mizner stated he understood a literature search and a ground survey, but questioned the need for a Transit Station Report and asked Ms. Zeller if there was to be a bus stop on Greenfield Road. Ms. Zeller responded that the Development Services Memo did not indicate a bus pull out at this location. Boardmember Mizner also pointed out that two of the issues raised by staff could be addressed through the Design Review process but that the PAD definition required some demonstration of high quality design or site planning to compensate for a reduce setback. He asked the applicant how he would compensate for the reduced setback. Mr. Masse responded that the way the project stands right now is a "handsome project". It has a lot of angulations and rich materials and stated they would be willing to work with the Design Review staff to accommodate the City.

Boardmember Adams asked what was the historical significance of the site. Ms. Zeller responded that the memo mentioned that a prehistoric site was located near this site a few years ago and they are requesting that the applicant do the survey to determine whether this site might have any findings on it as well.

Boardmember Adams stated that it would be good to have a map that highlights the historical areas so that the applicant might have been aware of the issue earlier. He stated he appreciates the requirements for the uniqueness and design but felt this was an attractive project and had no concerns with it.

Boardmember Saemisch stated that the process should be reviewed and that a response from the Planning Director or the Board be sent to the Historic Preservation Office letting them know that the Board relies on a prompt response to their request.

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Ms. Zeller stated that the Planning staff sends out letters to other departments when the case is to be placed on an agenda and they are also given dates to respond by. She pointed out that staff received this letter after the cut-off date.

Chairperson Cowan asked John Wesley, Planning Director, if he could communicate with the Historic Preservation Office on this matter. Mr. Wesley responded that staff would communicate to them the importance of getting a response in enough time. He also stated it would be helpful if they could attend the meetings and provide input.

Boardmember Esparza also felt this project, to the untrained eye, is very handsome. She also stated that the memo from the Historic Preservation Office is very important and needed in a timely manner.

Boardmember Carpenter mentioned that there are other properties in the area and wanted to be fair to this applicant and all future applicants as far as the Board not requiring more of the applicant than they have asked of other applicants. She stated she was a little concerned about the design and did further study and looked at the other buildings in the area and added that this one is going to be a very attractive project.

Boardmember Esparza moved to approve zoning case Z04-103 with the added condition as prepared by staff. Ms. Zeller read the language that would be added as Condition #7: the applicant shall provide an archaeological survey prior to commencement of construction. The motion was seconded by Boardmember Carpenter with the added language. Conversation ensued between the Boardmembers and the applicant regarding adding Condition #7.

Brad Davis, owner of the LLC, asked if other buildings in the vicinity were required to do an archaeological survey. Ms. Zeller responded that she did not know.

John Wesley, Planning Director, stated the only way to respond to Mr. Davis' question is to continue the case and do the research or it could be something that staff could look into between now and Council, adding that this could cause a delay for the applicant.

Boardmember Mizner noted that if the Board chose to recommend approval with the new condition there would be time for the applicant to work with staff and the legal department before going to City Council. He added that from personal knowledge other properties in the area had been required to do surveys but he was not aware of the results. He added that this area had been identified as a high priority by the State Historic Preservation Office for archaeological remains.

Discussion ensued between the Boardmembers and staff regarding other similar zoning cases on this issue. Also discussed was the process on introducing ordinances.

Boardmember Finter stated he would not be supporting the motion because the Board should not be putting an additional burden on the applicant. He added he was excited that the development was going up.

Travis Williams, attorney for the developer, stated he was concerned with the cost of the project and that adding an extra provision might delay the project and that it would also be an undue burden on them. He stated that if this was a real concern of the Historic Preservation Office they could bring this up at City Council. He hoped that City Council could move forward without the additional provision that was brought on them at today's meeting.

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Chairperson Cowan clarified the motion, which is to approve the case with the additional provision as drafted by staff. He added that the Board had listened to the concerns of the applicant, as well as input from staff, and the imposition of the additional provision.

Boardmember Adams asked when staff had received the Historic Preservation letter. Ms. Zeller responded it was stamped and received November 15, but staff did not receive it until Tuesday afternoon. He also asked when the applicant received notice of it. Ms. Zeller responded right before the meeting.

Boardmember Esparza asked if there was a checklist that an applicant should follow for submitting information. Ms. Zeller responded that staff sends out notification to different departments.

Boardmember Mizner stated he would like the minutes to reflect that the negative votes had to do with procedural issues rather than the merits of the case and that the Board was very supportive of the land use and the project.

Chairperson Cowan stated that this issue needs to get resolved as soon as possible so that this type of situation or inconvenience doesn't occur to an applicant again.

Boardmember Adams explained his reasons for the "No" vote stating it was due only to the fact that the applicant just received notice of the added condition. He thought the project was good and had a problem with the applicant having to deal with that issue at the 11<sup>th</sup> hour.

It was moved by Boardmember Esparza, seconded by Boardmember Carpenter

That: The Board approve the preliminary plat of "Greenfield Business Center" and recommend to the City Council approval of zoning case Z04-103 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as 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. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Compliance with all requirements of the Design Review Board.
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. The applicant shall provide an archaeological survey prior to commencement of construction.

Vote: Passed 5-2 (Finter and Adams voting nay).

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Item: **Z04-104 (District 2)** The 600 block of North Val Vista Drive (west side). Located north of University and west of Val Vista (17± ac). Site Plan Modification. This request is to allow both ingress and egress to the "Hidden Groves" subdivision from East Decatur Street. Hidden Groves HOA, Sharanette Farnsworth, owner/applicant.

Comments: Ross Farnsworth, Jr. representing the applicant, gave an overview of the request stating that some residents had a problem with neighbors entering the southern exit gate. He stated that residents with electric carts were not able to access the entry because of the barricades and that several families had gotten remote controls to be able to enter the back gate; adding that they also transferred the remotes to their family cars. He mentioned that the barricade would soon come down because of development and the Hidden Grove residents will have access to Dartmouth Street cutting the trickle of cars in half. He stated that someone reminded him of the "one way" rule, which was made years ago and added that when they accepted the stipulation they were under time and pressure. Mr. Farnsworth stated that traffic engineers had told him that if the gate had been left off, this would be the normal ingress and egress for the whole neighborhood. He also mentioned he was recently made aware of pressures felt by neighbors from the two leaders in opposition noting that they are looking for safety and convenience for their neighbors, but more than that, they were looking for fairness for all in the area.

Linda Goodman, 3428 East Decatur, (a resident of Hidden Groves) stated she agreed with Mr. Farnsworth's comments and added that all the neighbors know their gate code and that it hasn't been a problem for the homeowners. She stated that six to eight homes on occasion use this exit as an entrance, including herself. It has been used for five years. She also stated she spoke with owners on Covina Street and they had no problems with it because it did not make an impact on traffic and traffic would lessen on Covina when Dartmouth is opened. She hoped this issue could be resolved in order to avoid future problems with their neighbors.

C. B. Hager, 3333 East Dover Circle, (a neighbor north and west of Hidden Groves) stated he was involved in the initial negotiations for the Hidden Groves subdivision and the negotiations covered a number of issues. He stated they compromised to include a stipulation that the Decatur gate would be an "exit only" gate. The developer wanted the main entrances on the corner of Decatur but the neighbors and the City were opposed to this because of the traffic burden that it would place on the local streets and after much discussion, the entrance was located on Dartmouth. He reiterated that the developer requested that the Decatur gate be an "exit only" gate, so that the Hidden Groves people could take their children to school without having to travel on Val Vista. The neighbors were accommodating to this and accepted this condition. He stated that for the past four years the residents of Hidden Groves have knowingly violated the "exit only" stipulation and it continues today, even after the Homeowners Association and the developer were notified by the City that they were in violation.

Mr. Hager stated that they had counted 25-30 different vehicles using that gate as an entrance over a four-day period. He noted that with the impending opening of Dartmouth the neighbors saw no need to make the Decatur gate an entrance. He also noted that a development of this size only requires one entrance/exit gate. He mentioned that a petition was circulated and 2/3<sup>rd</sup> of the owners signed the petition opposing the change and preferred to have the gate sealed for an emergency entrance only. Mr. Hager pointed out that the gate is not wide enough to allow simultaneously ingress and egress. He asked that the Board: 1) leave the gate as an "exit only" and enforce it or, 2) designate the gate for emergency fire and police only. He also requested that, if the Board could not be supportive, they delay the decision until staff and the Board had an opportunity to understand their views.

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John Zinn, 3336 East Dartmouth Street, (a neighbor north and west of Hidden Groves) stated he was concerned with traffic on Dartmouth Street and until the Board resolved that issue he didn't know how they could decide on this "little minute" issue about entrances and exits. He also stated he had called the City and pointed out that traffic on this street is an accident waiting to happen; adding that this will affect the issue of the gate.

Ross Farnsworth, Jr., the applicant, addressed the concerns addressed by Mr. Hager and clarified that the City was the one who wanted the main entry on Decatur Street. He stated that the 2/3 signatures in opposition were Mr. Hager's neighbors, who live around the corner in the cul-de-sac and who are least affected by this issue. He added that Dartmouth Street had always been planned to go through.

Boardmember Saemisch asked Mr. Farnsworth if it was safe to have a gate with an exit/entrance. Mr. Farnsworth responded that they had talked with the City and they had given their okay. He stated they have never had a problem and there is seldom two cars at once. The traffic is not going to be worse as time goes on it's going to be less with the opening of the north side.

Tom Ellsworth, Senior Planner, stated that this request would normally be a transportation issue but is before the Board because a private street connects to a public street. He stated staff had consulted with the Transportation Division and it reflects what Mr. Farnsworth had explained and is noted in the staff report. He added that staff is supportive of this request and recommends approval with conditions. Mr. Ellsworth noted that the Code requires that subdivisions of 25 or more units requires two points of access for emergency vehicles and the issues raised regarding Dartmouth Street is a Transportation issue and should be brought up to the Transportation Board.

Boardmember Saemisch asked Mr. Ellsworth if staff was aware of any complaints regarding the functioning of the gate. Mr. Ellsworth responded that the functionality of the gate had not been brought up.

Boardmember Mizner stated the adopted ordinance requires the gate be an "exit only" and there is evidences that there are violations and asked who gets cited. Mr. Wesley responded that that is a Code Compliance issue.

Jim Smith, Assistant City Attorney, stated that those types of conditions are very hard to enforce but the Code does provide procedures for citation and would have to research it.

Boardmember Mizner stated he remembered this case and the high degree of neighborhood involvement it had in 1997. He added that there were lots of concerns about access and traffic patterns. He stated he understood the residents' desire for convenience but this was the deal that was struck. Mr. Mizner stated his concern about the design of this access point and didn't feel that it met the City's current criteria. He also stated that this request is a little premature noting that the neighbors anticipate a number of concerns given the pending improvements on Dartmouth.

Boardmember Esparza asked that when the petition was circulated in 1997 it indicated that there was a deaf child and a handicapped child residing in the area and asked for the status of the children. Mr. Farnsworth responded that one child had moved out of the area and the other is 22-23 years old and occasionally lives in the area because he attends college. Ms. Esparza also asked if any other handicapped children lived in the area. Mr. Farnsworth responded, No. Boardmember Carpenter asked if there was anything in the staff report that talked about the

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physical properties of the "exit only" gate and stated she would like to see a report from the Traffic Division on what it would take to make the gate safe because there was not enough information to go by. She mentioned that this issue could be settled outside of the planning and zoning process.

Chairperson Cowan asked Mr. Ellsworth if there is any formal documentation from the Traffic Division regarding the ingress/egress request. Mr. Ellsworth responded that staff did not have any formal documentation but in their discussions with Alan Sanderson and the Transportation Division they were comfortable with the configuration.

Boardmember Saemisch stated he appreciated Mr. Mizner's point of view and noted that times had changed and there may still be some issues but added that he didn't see what the problem was or that it was a safety issue. Mr. Saemisch made a motion to approve Z04-104 with the gate to be corrected to allow two-way passage and to the satisfaction of Traffic Engineering. The motion was seconded by Boardmember Finter.

Boardmember Adams stated he felt as though the Board had been brought in to arbitrate a neighborhood squabble. He asked Mr. Farnsworth if, according to Mr. Lake's letter he had agreed to add, as a condition, that the gate be an "exit only" gate. Mr. Farnsworth responded that Mr. Lake's letter was unilateral and that he was on a time frame adding that that wasn't the product that they wanted to put there. He also stated that as property owners they have rights and they were looking for some convenience for the whole neighborhood.

Boardmember Carpenter stated she was uncomfortable because she felt like the board members were being asked to legitimize a violation of the Code.

Chairperson Cowan commented that "the shortest distance between two points is a straight line" adding that he was in favor of the motion because the people of Hidden Groves are already using this as an exit/entrance.

Boardmember Finter explained that he seconded the motion because he didn't have a problem discussing the situation to see if it needs to be adapted or changed. He also agreed with Chairman Cowan's view adding that the majority of the residents are going to go out the northern entrance because it was only about 200' to Val Vista.

Discussion ensued between the Boardmembers and staff on the clarification of the added stipulation. It was agreed that the wording would be as stated by Jim Smith, Assistant City Attorney, that: the gate should be modified, repaired and maintained so that it does not obstruct or remain in the street when fully opened.

It was moved by Boardmember Saemisch, seconded by Boardmember Finter

That: The Board approve and recommend to the City Council approval of zoning case Z04-104 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all requirements of the Subdivision Technical Review Committee.
4. Full access be granted to the subdivision from the drive off of East Decatur Street.
5. The gate should be modified, repaired and maintained so that it does not obstruct or remain in the street when fully opened.

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Vote: Passed 5-2 (Boardmembers Mizner and Esparza voting nay).

Item: 10900 – 11200 block of East Guadalupe Road (north and south sides). **(District 6)** Located east of Signal Butte Road, north and south of Guadalupe Road (51.7± ac). This request is to allow for the development of Unit 5 in the Sunland Springs Village Development Master Plan. Craig Ahlstrom, owner/applicant. Also consider the preliminary Plat "Sunland Springs Village Unit 5".

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

It was moved by Boardmember Mizner seconded by Boardmember Carpenter

That: The Board approve the preliminary plat of "Sunland Springs Village Unit 5" conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Subdivision Technical Review Committee.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).

Vote: Passed 7-0.

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director

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