



# Planning and Zoning Board

## *Meeting Minutes*

Held in the City of Mesa Council Chambers – Upper Level

Date: January 20, 2016 Time: 4:00 p.m.

### MEMBERS PRESENT:

Chair Suzanne Johnson  
Vice-Chair Michael Clement  
Lisa Hudson  
Shelly Allen  
Steve Ikeda  
Michelle Dahlke  
Dane Astle

### MEMBERS ABSENT:

### STAFF PRESENT:

John Wesley  
Andrew Spurgin  
Lesley Davis  
Margaret Robertson  
Lisa Davis  
Tom Ellsworth  
Wahid Alam  
Charlotte McDermott  
MaryGrace McNear  
Rebecca Gorton  
Michael Gildenstern

### OTHERS PRESENT:

Richard Dyer  
David Peterson  
Johnette Davidson  
David Schueffner  
Nancy Schueffner  
Donna Elliot  
Gregory Paster  
Reuel Dorman  
James Claridge  
Dale Davidson

Call Meeting to Order.

Chair Johnson declared a quorum present and the meeting was called to order at 4:00 p.m.

1. Take action on all consent agenda items.

### Items on the Consent Agenda

2. **Approval of minutes:** Consider the minutes from the December 15 and December 16, 2015 study sessions and regular hearing.

It was moved by Boardmember Allen to approve the Consent Agenda with the removal of Condition #5 on Case Z16-005 as discussed in the Study Session. The motion was seconded by Boardmember Hudson.

### **Vote: 7-0**

Zoning Cases: Z16-001, Z16-003, Z16-004, Z16-006, Z15-033, Z15-044, Z16-002, Z16-005, Preliminary Plat for Mountain Bridge Parcel 1/3.

## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*3-a Z16-001 District 3.** 1040 West Southern Avenue Located east of Alma School Road on the north side of Southern Avenue. (0.34± acres) Site Plan Modification. This request will allow for the development of a restaurant with drive-thru. Sake Reindersma, AIA, applicant; HH Poco Fiesta, LLC, owner. (PLN2015-00456)

**Staff Planner: Wahid Alam**

**Staff Recommendation: Approval with Conditions**

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson

**That:** The Board recommends the approval of the case Z16-001 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan and building elevations submitted.
2. Compliance with all City development codes and regulations.
3. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.
4. **Compliance with all conditions of Design Review (DR15-043) approval for architectural and landscaping design.**
5. **Move the existing trash enclosure away from Southern Avenue and install new one that complies with Fiesta District Design Handbook.**
6. **Evaluate and resolve drainage issues with development planning and planning staff in connection with submission of building plans. City's goal is to eliminate exposed drainage swales along Southern Avenue.**
7. **Provide plant materials per Section 11-33-3 for Perimeter Landscaping including plantings to minimize the visual presence of existing or proposed retention basin along Southern Avenue.**

**Vote: 7-0**

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*3-b Z16-003 District 5.** 3110 North Greenfield Road. Located north of McDowell Road on the west side of Greenfield Road. (7± acres). Site Plan Modification. This request will allow development of an office/warehouse. Toby Rogers, Butler Design Group, applicant; East Group Properties, owner. (PLN2015-00502)

**Staff Planner: Kim Steadman**

**Staff Recommendation: Approval with Conditions**

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson

**That:** The Board recommends the approval of the case Z16-003 conditioned upon:

1. Compliance with the development as described in the project narrative and as shown on the site plan, elevations and landscape plan.
2. Compliance with all City development codes and regulations.
3. Signs (detached and attached) require separate approval and permit for locations, size, and quantity.
4. **Compliance with all conditions of Design Review approval DR15-044 for architectural and landscaping design.**
5. **Provide landscape islands in the parking field to comply with Ch. 33 of the Zoning Ordinance.**

**Vote: 7-0**

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*3-c Z16-004 District 6.** 8300 block of East Baseline Road. Located west of Loop 202 on the north side of Baseline Road. (16± acres). Site Plan Review. This request will allow for a multi-residence development. Susan Demmitt, Gammage & Burnham, applicant; Baseline Mesa, LLC, owner. (PLN2015-00504)

**Staff Planner:** Wahid Alam

**Staff Recommendation:** Re-advertise for February 17, 2016 to include SUP

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson to re-advertise case Z16-004 to February 17, 2016 to include SUP

**Vote:** 7-0

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*3-d Z16-006 District 3.** 2045 West Main Street. Located west of Dobson Road on the south side of Main Street. (1± acres). Site Plan Review. This request will allow for the development of a commercial building. Andrew Merchant, Merchant Design Group, applicant; Nationwide Beauty Supply, Inc., owner. (PLN2015-00570)

**Staff Planner: Wahid Alam**

**Staff Recommendation: Approval with Conditions**

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson

**That:** The Board recommends the approval of the case Z16-006 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan and building elevations submitted.
2. Compliance with all City development codes and regulations.
3. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.
4. **Compliance with all conditions of Design Review (DR16-002) approval for architectural and landscaping design.**

**Vote: 7-0**

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*4-a Z15-033 District 3.** 2210 West Southern Avenue. Located west of Dobson Road on the north side of Southern Avenue. (0.65± acre). Rezone from OC to LC-BIZ and Site Plan Review. This request will allow the development of commercial space with a drive-thru. Neil Feaser, RKAA Architects, Inc., applicant; Jeffrey D. Garrett, President, GDC San Jose and Southern, LLC, owner. (PLN2015-00347)

**Staff Planner:** Kim Steadman

**Staff Recommendation:** Approval with Conditions

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson

**That:** The Board recommends the approval of the case Z15-033 conditioned upon:

1. Compliance with the development as described in the project narrative and as shown on the site plan, elevations and landscape plan
2. Compliance with all City development codes and regulations.
3. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.
4. **Compliance with all conditions of Design Review (DR15-036) approval for architectural and landscaping design.**

**Vote:** 7-0

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*4-b Z15-044 District 5.** The 7100 and 7200 blocks of East McDowell Road (north side) District 5. Located east of Power Road on the north side of McDowell Road (14.3 acres). Rezone from PEP-PAD-PAD (7.53 ± acres) and LC-PAD-PAD (6.77 ± acres) to LC-BIZ-PAD and a Council Use Permit. This request will allow for the development of a transitional senior living facility (independent living, assisted living, memory care). Ralph Pew, Pew and Lake, applicant; JCA Holdings, LLC, owner. (PLN2015-00447)**Continued from December 20, 2015**

**Staff Planner: Kim Steadman**

**Staff Recommendation: Continuance to February 17, 2016**

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson to continue case Z15-044 to February 17, 2016

**Vote: 7-0**

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*4-c Z16-002 District 2.** 1728 South Greenfield Road. Located South of US Hwy 60 on the west side of Greenfield Road. Request for Council Use Permit. This request will allow installation of a multi-tenant Freeway Landmark Monument sign within the Greenfield Gateway commercial center. Charlie Gibson, applicant; Greenfield Gateway Retail Investments, LLC, owner. (PLN2015-00493)

**Staff Planner: Kim Steadman**

**Staff Recommendation: Approval with Conditions**

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson

**That:** The Board recommends the approval of the case Z16-002 conditioned upon:

1. Compliance with the basic development of the Freeway Landmark Monument as described in the project narrative and as shown on the site plan except as noted below;
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department with regards to the issuance of building and sign permits;
4. **Compliance with all conditions of Design Review recommendation DR16-006;**
5. **The FLM sign shall be located in a raised-curb area with landscaping that meets the requirements of Ch. 33 for parking lot landscaping.**

**Vote: 7-0**

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*4-d Z16-005 District 6.** 1200 block of South Crismon Road. Located south of Southern Avenue on the east side of Crismon Road. (1± acres). Rezoning from PEP to LC and Site Plan Modification. This request will allow for development of a restaurant with drive-thru. Lance Meinhold, Larson Associates, applicant; V J Crismon, LLC, owner. (PLN2015-00492)

**Staff Planner: Wahid Alam**

**Staff Recommendation: Approval with Conditions**

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson

**That:** The Board recommends the approval of the case Z16-005 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, landscape plan and building elevations submitted.
2. Compliance with all City development codes and regulations.
3. Signs (detached and attached) need separate approval and permit for locations, size, and quantity.
4. Compliance with all conditions of Design Review (DR15-046) approval for architectural and landscaping design.
5. Provide a screen wall to buffer the parking lot along Crismon Road and driveway access to the south. Design of the screen wall and trash enclosure shall be compatible with the building architecture in material, color and texture.
6. Provide stamped concrete in all pedestrian walks across parking lots and drive aisles.

**Vote: 7-0**

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*5-a** “Mountian Bridge” District 5. Parcel 1/3 at Mountain Bridge. Located north of McKellips Road west of Ellsworth Road (34.9± acres). Preliminary Plat. Paul Dugas, Pinnacle Ridge Holdings, LLC, applicant; Phoenix Land Division LLC CP, owner. (PLN2015-00628)

**Staff Planner:** Lesley Davis

**Staff Recommendation:** Approval with Conditions

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Allen and seconded by Boardmember Hudson

**That:** The Board recommends the approval of the case Z16-005 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the preliminary plat submitted (without guarantee of lot yield, building count or lot coverage).
2. Compliance with the approved Planned Area Development for Mountain Bridge through Z06-86 and Z11-030 and all applicable City development codes and regulations (Engineering, Transportation, Solid Waste and Facilities, etc.).
3. Compliance with all requirements of the Subdivision Technical Review Committee.
4. Compliance with all requirements of Z12-038, except as amended in a letter from John Wesley, Planning Director, dated December 22, 2015
5. Compliance with all requirements of the Development and Sustainability Department.
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.

**Vote:** 7-0

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

- \*6-a Z15-020 District 6.** 6400 block of East Test Drive. Located west of Power Road and south of US Hwy 60. Modification of an existing PAD overlay in the LI zoning district and Site Plan Modification (2± acres). This request will allow for the development of auto sales on Lot F. Wendy Riddell, Riddell & Rosensteel, applicant; Joseph and Jeanette M. Cardinale Revocable Trust, owner. (PLN2015-00076)

**Staff Planner: Lisa Davis**

**Staff Recommendation: Approval with Conditions**

**Summary:** Staffmember Lisa Davis gave a brief overview of the case.

Applicant Wendy Riddell, 6750 E. Camelback Road, Scottsdale, presented changes made to the site plan presented at the October 2015 Planning & Zoning Meeting. She explained that the new proposal is only applicable to the parcel furthest away from the Condo Association, and added that LED lighting will be used instead of metal halide lighting on the property.

The applicant explained that this was in response to the neighbors wanting to see the auto dealership located further away from the condos, with an office use implemented as a buffer on the closer parcel. Ms. Riddell explained that the current proposal is going to eliminate the abandonment of Test Drive, and it features a 60% reduction in dealership size, locating it 687' away from the closest condominium unit.

Ms. Riddell went on to say that the automobile traffic is projected to be 80% less with the presence of an automobile dealership than with other uses allowed in the C-2 (LC) Zoning District. She added that all automobile services will be housed within the building, there will not be a carwash, no PA systems on the lot, and no painting of automobiles will take place at the site, limiting the intensity of the use.

Ms. Riddell confirmed for Vice-Chair Clement that for the fourth submittal, there was another well-publicized Neighborhood Meeting held on January 6<sup>th</sup>, to which 13 people attended, including Boardmember Allen, and a Councilmember. The neighborhood notification letters were sent out to a range of 1000' of the site.

Ms. Riddell addressed Boardmember Ikeda's concerns that she does not know how or when the adjacent lot not included in the most recent proposal, will develop, but added that the Public Hearing process will guide the development when it does

David Peterson, 6235 E. Superstition Springs Blvd., unit #217, spoke in opposition of the case. His concern was with Stipulation #16 in regards to the property on the May 2001 P&Z Conditions of Approval. He stated that the language uses mandatory and imperative terms in restricting the future usage of the parcels. Mr. Peterson felt that this stipulation should be seen as a commitment by the City and the City Council, and should be seen as an opportunity by the Planning and Zoning Board to preserve the honor of the City of Mesa. Mr. Peterson asked the Board to

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see the land use case as a moral issue, and to not compromise.

Johnette Davidson, at 6535 E. Superstition Springs Blvd., unit #205, spoke in opposition of the case. Mrs. Davidson explained to the Board that she is the President of the Homeowners Association, and that they would like to see offices on the site instead of the dealership. Mrs. Davidson stated that the General Plan discourages approval of projects that are detrimental and/or incompatible to surrounding neighborhoods, or those projects that have an adverse effect on property values. She felt that this proposed dealership would have a very detrimental effect on the surrounding neighborhood, and encouraged the Board to disapprove the request.

David Schueffner, at 6535 E. Superstition Springs Blvd, unit #105, spoke in opposition to the case. Mr. Schueffner stated that the latest proposal is fundamentally inconsistent with the Mesa General Plan, and is not compliant with the principle message of establishing great neighborhoods. He asked the Board to maintain the legal promise that Lots F and G would never be turned into an auto mall, but be maintained as a buffer instead. Mr. Schueffner stated that he felt that Condition #16 in the 2001 Case was integral in the approval process, and should be maintained and respected.

Nancy Shueffner, at 6535 E. Superstition Springs Blvd, unit #105, spoke in opposition of the case. She explained that Cardinale took a business gamble to buy lots F and G, without the proper land use entitlement for their use. She had concerns with Cardinale using low-grade building materials, and was concerned with the new building not blending in with the existing buildings in the vicinity. She was also concerned about the trees that Cardinale had planted, and felt that they were not watered sufficiently, and are not in good health. She closed with her concern that the planned buffer, now planned for office uses, will remain vacant until Cardinale comes back to add additional lot space to the dealership

Donna Elliott, at 6535 E. Superstition Spring Blvd, unit #134, spoke in opposition of the case. She was concerned about the noise, industrial lights, and traffic congestion, and the negative impact those externalities would have on the community and home values.

Gregory Paster, at 6535 E. Superstition Springs Blvd. Unit #254, rental at #102, spoke in opposition of the case. Mr. Paster felt that the lighting will be too bright and intrusive. He stated that when Cardinale Mazda was developed, the dealership used light poles 3' higher than the existing light poles used at other dealerships in the area. Mr. Paster explained that the existing car dealerships that are located 1000' away, but are still too intrusive. Mr. Paster had Mr. RJ Hopkinson, of the National Association of Lighting Engineers in Washington DC evaluate the case, and he agreed that there would be some light glare.

Reuel Dorman, at 6535 E. Superstition Springs Blvd., unit #267, spoke in opposition of the case. He explained to the Board that he purchased his home in 2000, with part of his decision to buy being influenced by the adjacent LC zoning, in effect protecting his home's value. He explained that when he got word of the

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rezoning, he almost sold, but after talking with Boardmembers, he decided to stay, because of what he thought was a legally guaranteed 3.2 acre buffer zone between his property and the closest dealership. Mr. Dorman explained to the Board that his position was influenced by Karen Taylor, an attorney working with the case in 2001, suggested that the absolute minimum line of sight distance should be 900' from the condos and the closest auto dealership.

James Claridge, at 6535 E. Superstation Springs Blvd., unit #161, spoke in opposition of the case. He explained to the Board that he has lived in Mesa since 1967, and he felt that Stipulation #16 in the May 2001 case should be seen as a binding promise. He felt that the Cardinale Group knew the stipulations, and took the risk knowing that they did not have the proper entitlements.

Dale Davidson, at 6535 E. Superstition Springs Blvd, unit #205, spoke in opposition of the case. He stated that the way he understands it, lots F and G were designated as the minimum buffer between automobile dealerships and the condominiums, and he was confused as to how the minimum distance changed from 900' to 300'. He asked the Board that the original agreement be honored, and that the site be less intrusively developed.

Pat Esparza, at 207 N. Macdonald, filled out a speaker card, did not speak, but was in opposition to the case.

The applicant, Ms. Wendy Riddell responded to the concerns of the speakers. Ms. Riddell explained to the Board that Condition #16 in the May 2001 Planning and Zoning Case shouldn't be seen as a contract, but merely a land use decision for that particular time. Ms. Riddell then read an abbreviated list of other potentially more noxious uses that could legally be accommodated with the current Zoning. Ms. Riddell went on to say that the project will use superior lighting technology, all automotive service uses will be enclosed inside the building, and with the help of the neighbors and the Design Review process, the owner is aiming to create the look and feel of an office. Ms. Riddell also added that Cardinale may be the end-user for the adjacent vacant lot.

Ms. Riddell explained to Chairperson Johnson that Mr. Cardinale initially purchased the lots for a car dealership, tried to market them for commercial uses when he did not get approval of the dealership, but now is attempting to use the property as a car dealership again. Ms. Riddell explained to Chairperson Johnson that although some commercial properties in the area may see a favorable leasing rate, this particular parcel is not suited for commercial/retail development due to the isolated street frontage, and how it is sited below grade of Superstition Springs Blvd.

Ms. Riddell confirmed that Mr. Cardinale was not part of the original negotiations concerning the lots in the early 2000's, as his Mazda dealership did not open until around 2005.

Vice-Chair Clement stated that, from an appraiser's perspective, the site can't

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generate commercial rents that are high enough to support development today, so the developer would lose money if they were to undertake a commercial office project. He also added that visibility from the road is an issue, as the site sits below grade.

In response to a question from Chair Johnson regarding compatibility with the General Plan, Planning Director John Wesley explained that the General Plan contains many different policies and objectives that can be considered in regard to compatibility. He explained that in this specific case of compatibility of a proposed auto dealership adjacent to a neighborhood, it is to Staff's opinion that given the totality of the uses that are currently present, and to what is proposed, Staff believes that the proposal is consistent with the General Plan.

Mr. Wesley explained for Chair Johnson, that when determining an appropriate buffer, the uses are considered, what happens in the buffer, necessary landscaping, and walls are all evaluated comprehensively to determine what is sufficient. Mr. Wesley closed by saying that from what Staff sees, it is felt that the distances between the dealership and the condominiums are appropriate.

Boardmember Allen stated that she went to the neighborhood meeting, and it was nicely done, but she is still against the rezoning. She went on to say that she is appreciative of the accommodations that Cardinale has made to the neighbors, but she is still opposed, citing that this decision may open a door for a zoning change on the rest of site.

Boardmember Clement stated that the land has a right to be developed, and explained that the uses could be a lot more intensive and noxious by right. He went on to say that he didn't interpret a commitment or a moral promise in the Case from 2001, but merely a decision made at that time dictated by market conditions. Boardmember Clement explained that the General Plan and Board involvement are in place to come to compromises and make modifications, and for that reason he was supportive of the rezone.

Chair Johnson consented that she is struggling with this case, but from a site plan perspective, she is supportive of the scaled-down site plan and of the rezoning.

Boardmember Dahlke explained that the neighborhood concerns were not neglected by the Board, but stated that it's a democratic process. Boardmember Dahlke went on to say that she is supportive of the site plan as it potentially could support an office use, and she was supportive of the rezoning.

Boardmember Astle stated that he saw the updated site plan as a reasonable solution, with the scaled down footprint of the lot and smaller building. He felt that the automotive dealership use is less noxious than what could go there, and felt that Cardinale has worked hard to create something that he can feel confident to move forward with.

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It was moved by Boardmember Clement and seconded by Boardmember Dahlke

That: The Board approve case Z15-020 conditioned upon:

1. Compliance with the basic development as described in the project narrative except as modified by following stipulations.
2. Compliance with all conditions of Design Review approval.
3. Compliance with all City development codes and regulations.
4. Owner shall grant an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City (prior to the issuance of a building permit).
5. **Compliance with all requirements of Ordinance 3889 except as modified below:**
  - a. **Removal of stipulation 14.F for Lot F.**
  - b. **Modifying stipulation #16 to remove Lot F.**
6. **Permitted uses on Lot F shall be limited to those uses permitted in the LI zoning district that are also permitted in the LC zoning district. This will allow the Automobile/Vehicle Sales and Leasing as a permitted use. LI uses that shall be prohibited are: Correctional Transitional Housing Facility; Industrial Trade Schools; Medical Marijuana Dispensaries; Medical Marijuana Cultivation Facilities; Commercial Parking; Swap Meets and Flea Markets; Handicraft/Custom Manufacturing; Light Assembly/Cabinetry; General Manufacturing; Limited Manufacturing; Research and Development; Recycling-Large Collection Facilities; Warehousing and Storage including contractors yards, Indoor Warehousing and Storage and Wholesale; Airport Land Use classifications including aircraft refueling stations, aircraft light maintenance, airport transit station and airport related long-term parking lots; Freight/truck terminals and warehouses; Solar farms, Major utilities and outdoor display as an accessory use.**
7. **Completion of a lot line adjustment through a re-plat prior to issuance of a building permit.**
8. **All landscape design adjacent to Superstition Springs Boulevard shall be consistent with requirements of section 11-33 of the Zoning ordinance.**

**Vote: 4-3 (Nay Boardmembers Allen, Ikeda, and Hudson)**

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## MINUTES OF THE JANUARY 20, 2016 PLANNING & ZONING MEETING

**Other Business:**

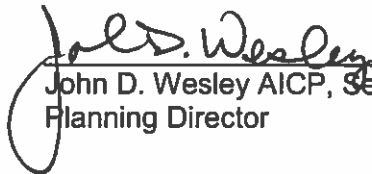
None.

**Adjournment**

Boardmember Allen made a motion to adjourn the meeting at 5:12 pm. The motion was seconded by Boardmember Hudson.

**Vote: 7-0**

Respectfully submitted,

  
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John D. Wesley AICP, Secretary  
Planning Director