

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

- 6-a Z15-020 District 6.** 6400 block of East Test Drive. District 6. 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. (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 see the land use case as a moral

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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.

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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 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. Ridell 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

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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 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

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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.

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.**

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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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**Note: Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at [www.mesaaz.gov](http://www.mesaaz.gov).**

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