

## MINUTES OF THE OCTOBER 19, 2016 PLANNING & ZONING MEETING

***Discuss and make a recommendation to the City Council on the following zoning cases:***

- 3-a Z16-044 District 5.** Located east of the 200 to 400 blocks of North Power Road and south of the 6800 to 7000 blocks of East University Drive. Located east of Power Road and south of University Drive. (15.8± acres). Rezoning from LC to RSL-2.5-PAD; and Site Plan Review. This request will allow for development of a single-residence subdivision. Mark Pugmire, Highland Communities, LLC applicant; Highland Communities, LLC, owner. (Companion Case to Preliminary Plat "Skyview") (Associated with Item 4-a.) (PLN2016-00427)

**Staff Planner:** Lesley Davis

**Staff Recommendation:** Approval with Conditions

**Summary:** Staff member Davis explained the case to the Board.

The applicant, Mark Pugmire, 1465 S. 174<sup>th</sup>, Gilbert, presented additional case information.

Todd Lutz, 11244 E. Rembrandt Ave., owner of the property adjacent to the project, and representing Las Palmas Grand, spoke in support of the project, but he added that he has had very little time to review the plans, and that he was not sure if his concerns had been met.

Don Nace, of Precision Management Partners, spoke in opposition of the project. Mr. Nace explained that he is the owner of the development located north of the proposed project, and expressed that he was concerned about his parcel being encircled on three sides by the new subdivision. Mr. Nace explained that his building was formerly a restaurant, and he expressed concern that a nearby residential development may impact and restrict his future commercial uses. He also mentioned that he was concerned that the plat submitted by the applicant did not account for the current entrance at his commercial property. Mr. Nace ended by expressing his concern that his ability to sell alcohol, host live music, and other facility events may be restricted in the future, if the project is allowed to be developed as shown.

Lesley Davis, explained to the Board that the applicant has placed a condition of approval that allows the commercial property owner to maintain access from University Drive to his parcel, and Staff member Davis confirmed that the owner of the commercial property would be allowed to maintain the permitted commercial uses on the site.

Planning Director Wesley explained that obtaining a Liquor License is a process handled by the State, and there may be required separation

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distances between uses.

Mr. Pugmire stated that he did not think that the development will hinder any commercial uses, and the project meets all design standards. The applicant added that access comes through the property from University Drive from the east and north, and the property owner of the easement accepted responsibility of providing access to the proposed neighborhood and the existing commercial property.

In response to a question from Boardmember Boyle about school impact, staff member Davis explained to the Board that the potential number of students generated on an 83 lot subdivision would not be significant in an area that has not seen much residential growth recently, and added that she has not heard any comments or complaints from the School District. Ms. Davis added that the easement situation would be re-checked during the Subdivision Technical Review process, and that the project would go to an additional public hearing for Mesa City Council review, if Mr. Lutz wanted another opportunity to speak on the case.

Staff member Davis explained to the Board that the required setback was reduced by 2' because of the intention of including an extended garage within the homes to accommodate larger vehicles. Ms. Davis added that the quality of the architectural design features on the housing product justified the relaxation of the setback requirement.

Planning Director Wesley added that with every PAD subdivision, Staff evaluates the proposed modifications, in regards to practicality and the precedence set previously, and determines which deviations from Code are appropriate for the particular project.

Boardmember Sarkissian stated that the new access to the commercial property to the north has become more pronounced, and that she felt it was a good development.

Boardmember Astle liked the project and felt the modifications were appropriate.

Boardmember Boyle expressed concern with the reduction of required garage sizes and/or setbacks.

Vice Chair Dahkle stated that she was in favor of the project, and understood the commercial property owner's concern about future uses, but clarified that this issue is not in the legal purview of the Planning & Zoning Board to discuss.

Chair Clement stated that the project is a good use of the site, and an enhancement to the area.

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It was moved by Boardmember Sarkissian and seconded by Boardmember Dahlke to approve case Z16-044 with conditions and additional stipulations 8-12:

**That: The Board recommends the approval of the case Z16-044 conditioned upon:**

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Subdivision Technical Review Committee, including all required easements.
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.
4. Compliance with all City of Mesa Code requirements and regulations.
5. **Prior to the recordation of the final plat for Skyview provide a private easement across the western portion of parcel 218-10-004A, that includes allowances for necessary improvements as required by the City of Mesa related to the access point to this development from University Drive. The easement document must be submitted for review through the Subdivision Technical Review process, and must be recorded with the Maricopa County Recorder and referenced on the final plat.**
6. **Prior to recordation of the final plat, provide letter from adjacent property owner (parcel 218-10-004A) to confirm willingness to provide PUF for waterlines.**
7. **Revise the site plan and preliminary plat to accommodate a continued access point for the existing church located on parcel 218-13-001X.**
8. **The final Grading and Drainage Plan for the Skyview subdivision will not permit water to be retained against the existing separation wall along the east and south sides of the development.**
9. **The Skyview subdivision will maintain approximately 6-feet in height on both sides of the existing fence to visually separate Skyview from the property to the south and east.**
10. **The minimum rear setback for the garage shall be reduced to 2-feet to accommodate a minimum depth of 22-feet for all garages.**
11. **The applicant will provide documentation to the Planning Director that the owner of the Las Palmas Mobile Home Park has agreed to the plant palette along the south and east property lines, prior to submitting construction documents to the Development Services Department.**
12. **Lot 24 shall be limited to single story.**

**Vote: 7-0**

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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)**