

Planning and Zoning Board

Meeting Minutes

Held in the City of Mesa Council Chambers – Upper Level

Date: January 18, 2017 Time: 4:00 p.m.

MEMBERS PRESENT:

Chair Michael Clement
Vice Chair Michelle Dahlke
Steve Ikeda
Dane Astle
Jessica Sarkissian
Jennifer Duff
Tim Boyle

MEMBERS ABSENT:

None

STAFF PRESENT:

John Wesley
Tom Ellsworth
Charlotte McDermott
Mia Lozano
Lesley Davis
Wahid Alam
Rebecca Gorton

OTHERS PRESENT:

Brian Bradshaw
Jose Florian
Brooke Hallsted
Mark McAvoy
Joe Ortega
Jim Hollard
Taya Hollard
Lucy Kidwell
Dave Kidwell
Other citizens who did not sign in

Call Meeting to Order.

Chair Clement declared a quorum present and the meeting was called to order at 4:01 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 20, and December 21, 2016 study sessions and regular hearing.

***2-a** It was moved by Boardmember Ikeda to approve the Consent Agenda. The motion was seconded by Boardmember Astle.

Vote: 7-0

Zoning Cases: Z16-061

MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

- *3-a Z16-061. District 6.** The 7300 through 7500 blocks of East Ray Road (south side). Located east of Power Road on the south side of Ray Road. (5.22± acres). Site Plan Review. This request will allow for the development of an industrial building. Eric Zitny, Ware Malcomb, applicant; Phx-Gateway Airport 193, LLC, owner. (PLN2016-00803).

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 Ikeda and seconded by Boardmember Astle to approve case Z16-061 with conditions:

That: The Board recommends the approval of the case Z16-061 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and landscape plan submitted, and preliminary elevations as approved by the Design Review Board.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of Design Review case # DR16-044 for architectural and landscaping design.
4. Prior to submittal of a building permit:
 - a. Demonstrate compliance with all requirements of Land Split case # LS16-018 including execution and recordation of the associated Development Agreement; and,
 - b. Provide a copy of recorded cross-access easements and reciprocal-parking agreement assuring access and connectivity between the parcel for Building A (Phase 1) and the property to the east and west (sites for Buildings B, C and D as shown in the conceptual site plan).
5. Compliance with all requirements of the Airfield (AF) Overlay District including:
 - a. Owner shall grant an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport that will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map/land split, prior to the issuance of a building permit).
 - b. Noise attenuation measures be incorporated into the design and construction of the homes/buildings to achieve a noise level reduction of 25 db.
 - c. Any proposed structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77.9, (form 7460), to determine any effect to navigable airspace, air navigation facilities. A completed form with response by the FAA must accompany building permit application for structures on this property. The report to FAA must include both permanent and temporary structures such as cranes, antennas, mechanical units, or screening that could be above the roof line.
6. Signs (detached and attached) require separate approval and permit for locations, size, and quantity.

MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

7. All limits of construction shall have temporary landscaping at least 5 feet in width and curbing along the edges of east and west property lines.
8. Future Site Plan Review and Design Review shall be required for all future phases of development as shown on conceptual site plan.
9. Screening of the truck bays on the west side of Building A (Phase 1) shall be designed and constructed according to the Zoning Ordinance for screening with a permanent wall, unless an alternative temporary solution for screening is approved in an executed and recorded Development Agreement.

Vote: 7-0

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MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

- *3-b Z16-062. District 3.** The 2200 block of West Ella Street (north side). Located west of Dobson Road and north of Main Street. (2.41 ± acres). Site Plan Review. This request will allow for the development of a multi-residential building. Tristram Kesi, Perlman Architects, applicant; Terra AZ, LLC, owner. (PLN2016-00819)

Staff Planner: Mia Lozano

Staff Recommendation: Approval with Conditions

Summary: Staff member Mia Lozano presented the case to the Board. The applicant, Jose Ortega explained the process in which his organization ensured all requirements of the code were met. Mr. Ortega stated they also met with the West Mesa group and confirmed the project provides housing for seniors, 55 and over.

Chair Clement inquired if the project is allowed as a use by right and staff member Lozano responded that it is and that the height is also within the standards of the Ordinance. There was discussion of the role of the Board pertaining to this request for a Site Plan Review for a property that is already zoned for the proposed land use. It was confirmed that the existing zoning on the site allows the proposed use and that the review of this case was just for the review of the site plan and the Board is not reviewing the case in regards to the proposed use.

Resident Salvador Acosta, 122 N. May Street, spoke in opposition to the project due to the fact he was unaware of what the proposed project is.

Blaine McHone, 122 N. May Street spoke in opposition. Mr. McHone stated he was made aware of the development just prior to this Board meeting. He is opposing the height and additional traffic in the area.

Chair Clement inquired if there was adequate notice to the surrounding citizens. Staff clarified the notification and citizen participation processes and affirmed the applicant implemented a citizen participation plan and submitted the citizen participation report in compliance with the citizen participation requirements in the zoning code.

W. Dee Montague, 553 N. Orange spoke in opposition. Mr. Montague stated his objection is the height of the building and feels the project does not fit the area. He continued to state this is a high crime area and the addition of this type of community does not fit the 2040 General Plan for balanced housing.

Claud Cluff, 2028 W. 2nd Street spoke in opposition to the project and feels it is too large for the neighborhood.

MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

Jose Florian, 2057 W. 1st Street, spoke in opposition. Mr. Florian stated his concern is the height which will obstruct his view of the sunset from his back yard.

Randall Harding, 1347 W. Devonshire, is in opposition and did not speak.

Norman Johnson, 635 W. Camino Circle, is in opposition and did not speak.

Applicant Jose Ortega addressed the citizen comments and stated the development will provide seniors with a secured, moderate priced living space. Mr. Ortega stated there was a public meeting in which only four residents attended. He explained the project will help revitalize the neighborhood.

Boardmember Sarkissian confirmed the development will be gated and Mr. Ortega stated it will be gated.

Boardmember Boyle inquired if the applicant properly notified the community and if the process needs to be evaluated to increase the notification procedure. Planning Director John Wesley responded the applicant adhered to City procedure which includes notifying property owners within 1,000 feet and ½ mile for HOA of the meeting.

Mr. Wesley explained this entire block is zoned RM-4 and, although much of it is developed as single family homes, the project is consistent with the zoning in the surrounding area. He continued to state the purpose for the Board to discuss and recommend if the site plan fits the neighborhood and not the use.

Chair Clement opened discussion of the role of the Board and the purpose of the General Plan. Boardmember Sarkissian reviewed the setback requirements for RM-4 zoning and stated the setbacks for the proposed site plan are in excess of what is allowed. Ms. Sarkissian confirmed the allowable height for a single family residence is 30' which leaves the proposed structure only 10' taller than residential development.

Mr. Wesley explained either an applicant or resident has the right to appeal decisions of the Planning and Zoning Board to the City Council within 15 days of the meeting.

Boardmember Boyle inquired about the prior development which was mentioned by a resident. Staff member Lozano responded that it may have been approved for a condominium project in 2006. Mr. Boyle inquired if he would be correct in saying it clearly fits the zoning but does not fit the neighborhood as it is developed.

MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

Boardmember Duff stated the purpose of the light rail is to provide transportation access to residents, and the City will continue to see more of these transitioning properties and neighborhoods because of developing more intense density. Ms. Duff continued to state there is opposition because it is a low-income project and feels low income does not mean it will be poor quality. She stated that she is seeing a lot of properties that are maintained and done well even though they are low income. Boardmember Duff stated that the purpose of the Board is not to decide income level but to determine if it is in accordance with the plan of the city and meets requirements.

Boardmember Ikeda stated his concern has been for the management and maintenance of the property. Mr. Ikeda visited two of the applicant's other developments and was impressed by the overall projects and felt they were well managed. Mr. Ikeda stated he feels the project will enhance the area.

It was moved by Boardmember Astle and seconded by Boardmember Ikeda to approve case Z16-062 with conditions:

That: The Board recommends the approval of the case Z16-062 conditioned upon:

1. Compliance with the request as described in the project narrative and as shown on the site plan, landscape plan and preliminary elevations submitted except as otherwise conditioned.
2. Compliance with all requirements of a Design Review approval.
3. Compliance with all City development codes and regulations.
4. Future signage will require a separate review and approval for a sign permit.

Vote: 6-1 (Boardmember Boyle, nay)

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MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

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

- *4-a Z16-056 District 6.** 11500 block of East Warner Road. Located at the southwest corner of Warner Rd and Meridian Dr. (8 ± acres) Rezoning from LC to RSL-4.0; Site Plan Review. This request will allow single residence development. Jeff Giles, Clouse Engineering, applicant; 56th MD, Inc., owner. **(Companion Case to Preliminary Plat "Warner Enclave") (Associated with Item 5-a.) (PLN2015-00450).**

Staff Planner: Lesley Davis

Staff Recommendation: Continuance to February 15, 2017

Summary: Chair Clement clarified case Z16-056 would be continued to the February 15, 2017, several residents wished to speak.

Jeff Tenney, 11224 E. Ramona Avenue is opposed to the project and requested an explanation for the purpose of the case being continued. Staff member Lesley Davis explained with the neighborhood meeting having been held the previous evening, and that the neighbors had not been invited to previous neighborhood meetings. The continuance would allow the neighbors an opportunity to attend another meeting and would be able to gain a better understanding of the proposed project.

David Kidwell, 4611 S. Adelle, stated he had attended the developers' previous meetings and wants to see it rezoned as residential. Mr. Kidwell stated he is opposed to the site plan and will be attending the February 15, 2017 meeting to speak again.

Lucy Kidwell, 4611 S. Adelle, spoke in opposition and stated she received a notification letter, but feels there needs to be a better way to inform the neighbors of zoning changes. Also if it is continued, she would like to know that another meeting will be held with the developer. Chair Clement responded that there is a public process with posting and mailings. They now have time to get with the applicant and voice their opinions.

Mark McAvoy, 11408 E. Ramona Avenue spoke in opposition. Mr. McAvoy stated his development does not have an HOA. Mr. McAvoy stated he did not receive a notification letter and heard of the proposed project by here say. He feels pleased that staff and the developer will be interacting with the neighborhood. He is concerned that the density and the quality of the units feels like blight which breeds crime. Mr. McAvoy does not want a high density development at that location.

R.C. Hard, 11544 E. Sebring Avenue spoke in opposition. Mr. Hard believes this project has not satisfied the citizen participation process set

MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

by the City and feels that commercial zoning is best for the location. He stated the nearest location for services is some distance away from the area. Mr. Hard stated he would prefer a service station at this location.

Boardmember Astle inquired if there were other public meetings prior to the previous evening. Applicant Dan Mikalacki, 1807 E. Menlo, confirmed that there was an attempt to reach out to the Homeowner's Association on two separate occasions. Mr. Mikalacki stated he attended the meetings to present their project and unfortunately, he was pulled from the agenda and was not able to present the project until the previous evening. He stated the main question he was asked is if the project is a low income project. He feels there has been misinformation about the project and is requesting time to have another meeting.

James Holland, 11504 E. Rutledge Avenue stated he feels there is a lack of communication and did not receive adequate notice.

Jonelle Lively, 11461 E. Roscoe Avenue is opposed and did not speak.

Michelle Bridges, 4604 S. Chatham did not receive any notice until last evening on Facebook.

Carma Lively, 11503 E. Roscoe Avenue is opposed and did not speak.

Carolina Griffith, 11515 E. Roscoe Avenue is opposed and did not speak.

Randy Simmons, 4343 S. Adelle, is opposed and not sure what the project is about.

Jyl Simmons, 4343 S. Adelle, spoke in opposition and stated she received paperwork from the City that this will be low income housing. Ms. Simmons stated she is concerned about the density and that it is low income housing. Ms. Simmons stated she was not notified of the meeting.

Chair Clement requested clarification that the project is not low income housing. Staff member Davis confirmed that it is not low income housing and stated she is not aware of any mailing from the City regarding this request.

Boardmember Boyle inquired if this is an unusual amount of residents that indicate that they did not receive notification. Staff member Davis responded it is unusual and staff had understood that the homeowners were invited to other HOA meetings. Ms. Davis continued that staff did not find out until today that this is not the case and is the reason for the request for continuance. Chair Clement stated that another mailing would be an appropriate form of outreach.

MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

It was moved by Boardmember Astle and seconded by Vice Chair Dahlk to continue case Z16-056 to February 15, 2017.

Vote: 7-0

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MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

Discuss and take action on the following preliminary plats:

- *5-a "Warner Enclave" District 6.** 11500 block of East Warner Road. Located at the southwest corner of Warner Rd and Meridian Dr. (8 ± acres). Preliminary Plat. Rezoning from LC to RSL-4.0; Site Plan Review. This request will allow single residence development. Jeff Giles, Clouse Engineering, applicant; 56th MD, Inc., owner. (Companion Case to Z16-056) (Associated with Item 4-a.) (PLN2015-00450).

Staff Planner: Lesley Davis

Staff Recommendation: Continuance to February 15, 2017

It was moved by Boardmember Astle and seconded by Vice Chair Dahlk to continue preliminary plat "Warner Enclave" to February 15, 2017.

Vote: 7-0

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MINUTES OF THE JANUARY 18, 2017 PLANNING & ZONING MEETING

Other Business:

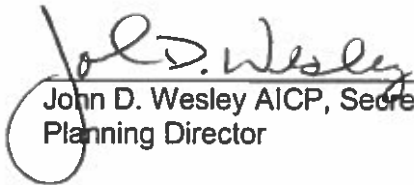
None.

Adjournment

Boardmember Ikeda made a motion to adjourn the meeting at 5:41 pm. The motion was seconded by Boardmember Boyle.

Vote: 7-0

Respectfully submitted,



John D. Wesley AICP, Secretary
Planning Director