

MINUTES OF THE MARCH 22, 2017 PLANNING & ZONING MEETING

- 4-b** **Z17-005 District 6.** The 9700 through 9800 blocks of East Southern Avenue (south side) and the 9700 through 9800 blocks of East Hampton Avenue (north side). Located west of Crismon Road and south of Southern Avenue. (19.4± acres). Rezone from RS-43 to PEP and RM-2-PAD; and Site Plan Review. This request will allow for a multi-residential development and a future office development. Brennan Ray, Burch and Cracchiolo, applicant; Montgomery 320, LLC, owner. (PLN2016-00943).

Planner: Kim Steadman

Staff Recommendation: Denial

Summary: Staffmember Kim Steadman presented case Z17-005 to the Board. Mr. Steadman stated the request is for rezoning for two different zoning districts and that Staff's recommendation is for denial. Mr. Steadman explained that the Zoning Ordinance is a tool for enacting our General Plan which is designed to build out a fully functioning city that has residential neighborhoods and employment areas. Mr. Steadman stated as we enact the General Plan, it is staff's responsibility to protect the employment areas. Staff finds that placing a residential neighborhood in this district is not in keeping with the General Plan.

Mr. Steadman stated staff has been working with the applicant to ensure the residential development could be viable and are on board with the residential neighborhood as designed. With the exception that they have requested reduced setbacks on the west and east sides which could effect any future development. If the Board recommends approval of the request, staff has a set of conditions which would require 20' setbacks.

Applicant Brennan Ray, 702 E. Osborn, presented the project to the Board. Mr. Ray stated the proposed office and multi-family makes a lot of sense for the area. They have worked closely with staff and this is a high quality, attractive development and is supported by the Design Review Board. Mr. Ray stated he respectfully disagrees with staff and feels the use is appropriate in this area and believes the development meets the requirements of the General Plan.

Mr. Ray stated he was surprised by condition #5 which requires a 20' setback on the east and west side. He explained the property owners to the west and east side are in support of the project and feels the site plan would significantly change if this is made a requirement. Mr. Ray is requesting approval of the rezoning and site plan with the removal of condition #5.

Brennan Ray discussed the justification that the project meets the General Plan requirements. Mr. Ray stated the General Plan states it is to be used as a general guide. He continued that Section 4 states it is a community

MINUTES OF THE MARCH 22, 2017 PLANNING & ZONING MEETING

wide vision to assist the community as a whole and gives the opportunity to be deviated provided proper justification is provided. Mr. Ray stated in the narrative provided to the Board, there are several pages which supports the reason this project meets the General Plan requirements. The applicant believes there is significant justification that the development meets the General Plan requirements.

Vice Chair Dahlke asked for a clarification if the neighbor on the vacant piece on the west is aware of the staff requirement of the 20' setback when they provided their support. Mr. Ray confirmed the property owner is aware of staff's requirement and in agreement with the site plan as presented.

Reese Anderson, 1744 S. Val Vista, #217, spoke as the representative of the property owner to the south and is in favor the rezoning request. Mr. Anderson also read from an email sent by Ms. Susan Demmitt as the representative of the owners to the southeast.

Director John Wesley clarified the purpose of the 20' setback requirement. Mr. Wesley stated that based on the existing adjacent zoning, a 25' setback is required. The intent of the General Plan for the area is for development of an employment character. Future development of the adjacent parcels is planned for employment type zoning designations, therefore staff is recommending a 20' setback requirement along the east and west sides of the proposed development. Mr. Wesley also suggested that with the potential development of employment type uses on the adjacent properties and with recent discussion of potential development of surrounding sites, an alternative would be for a continuance to present a conceptual plan for the area that would show how this proposal would fit with future development plans for the area.

Mr. Ray stated the 20' setback would have a detrimental effect on the site plan. It would require the elimination of a lot of the open space, removal of the individual court yard area and the realignment of the north and south linear open space area.

Boardmember Sarkissian stated if the Board continues the case, we would be reviewing a conceptual plan and not necessarily what is going to be built. She feels the proposed development will be supportive of some of the employment developments that are growing in this area. Ms. Sarkissian stated she has no concerns with the setbacks as shown on the site plan and the elimination of condition #5.

MINUTES OF THE MARCH 22, 2017 PLANNING & ZONING MEETING

It was moved by Boardmember Ikeda to approve case Z17-005 with the elimination of condition #5 because it is a high quality development and there is a lot of support for the project in the surrounding area. The motion was seconded by Boardmember Boyle:

That: The Board recommends the approval of the case Z17-005 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 except as otherwise conditioned;
2. All street improvements to be installed with the first phase of development;
3. Compliance with all City development codes and regulations;
4. Compliance with all requirements of DR17-012 Design Review approval
5. **Modify the site plan for acceptance by the Planning Director to show the ordinance required 20-foot setbacks along the east and west property lines.**
6. Future Site Plan Review, through the Planning and Zoning Board, of the PEP portion of the property. Site plan to be consistent with the elements of the conceptual site plan as described in this report.

Vote: 5-0 (Chair Clement and Boardmember Duff, absent)

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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