

# Planning and Zoning Board

## *Meeting Minutes*

Held in the City of Mesa Council Chambers – Upper Level

Date: September 25, 2019 Time: 4:00 p.m.

**MEMBERS PRESENT:**

Chair Michelle Dahlke  
Tim Boyle  
Shelly Allen  
Jeffrey Crockett  
Deanna Villanueva-Saucedo

**MEMBERS ABSENT:**

Vice Chair Dane Astle  
Jessica Sarkissian

**STAFF PRESENT:**

Nana Appiah  
Tom Ellsworth  
Lesley Davis  
Wahid Alam  
Rebecca Gorton

**OTHERS PRESENT:**

Lana Shumway  
Porter Shumway  
Jenny Crandell  
Emily Beardall  
Citizens who did not sign in

Call Meeting to Order.

Chair Dahlke declared a quorum present and the meeting was called to order at 4:15 pm.

1. Take action on all consent agenda items.

**Items on the Consent Agenda**

2. **Approval of minutes:** Consider the minutes from the August 28, 2019 study session and regular hearing.

- \*2-a** Boardmember Allen motioned to approve the minutes from the August 28, 2019 study session and regular hearing. The motion was seconded by Boardmember Villanueva-Saucedo.

Vote: 5-0 Approved (Vice Chair Astle and Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Boyle, Allen, Crockett and Villanueva-Saucedo

NAYS – None

Zoning Case: ZON19-00518

\* \* \* \* \*

**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)

## MINUTES OF THE SEPTEMBER 25, 2019 PLANNING & ZONING MEETING

- \*3-a ZON19-00434 District 3.** Within the 2600 blocks of West Guadalupe Road (south side) and within the 2800 block of South Carriage Lane (east side). Located east of 101 Price Freeway on the south side of Guadalupe Road. (1.2± acres). Site Plan Review; and Special Use Permit. This request will allow for the development of a convenience store with a drive-thru and associated fuel station. Angie Grendahl, Thompson Thrift Retail Group, applicant; Larry Toppenberg, JLT Office Complex, LLC, owner.

**Planner: Wahid Alam**

**Staff Recommendation: Approval with conditions**

**Summary:** Staffmember Wahid Alam presented case ZON19-00434 to the Board. Mr. Alam explained the request is for a new convenience store with a drive-thru, and staff has received concerns from residents regarding additional traffic and environmental impact to the neighborhood.

Wendy Riddell, 6750 E. Camelback presented the applicant's request to the Board. Ms. Riddell explained there is an existing commercial center that has become dilapidated and will be demolished to build a convenience store, fuel station and drive-thru coffee shop. She informed the Board the proposed development will maintain the egress/regress on both Guadalupe and Carriage Lane. She also informed the Board the proposed drive-thru is permitted by right and the fuel station and convenience store requires a Special Use Permit (SUP). Ms. Riddell explained the original elevations were reviewed by the Design Review Board and they had several recommended changes which has been incorporated in the current the design. She presented to the board an updated elevation and feels it addresses those concerns from the Design Review Board.

Ms. Riddell stated the neighborhood outreach was strongly pursued and began by talking with neighbors in July. The majority of the concerns from the neighbors were about potential increase in traffic. The City installed cameras at this intersection after an accident that occurred in 2018. There were discussions on how the roadway off the freeway and how it changes to two lanes in the City. This could create confusion and the applicant has approached City staff and City staff is willing to review this situation to improve the traffic condition.

Rich Williams, 2624 W. Naranja, spoke in opposition. Mr. Williams stated he is concerned that this is a calm area and the addition of a convenience store will disrupt the feeling of the area. He is also opposed to the increase of traffic and homelessness in the area that approving such development will attract.

Henry Stein, 2826 S. Carriage, stated he is in favor of the project. Mr. Stein owns the office building to the west of the proposed development and has a few questions for the applicant. Mr. Stein stated the egress off of Carriage Lane was described differently by the City Planner and the applicant and asked for clarification. He inquired if the mature trees on Carriage Lane will remain, if the buffer wall will be rebuilt and how will noise and dust during construction be managed.

Warren Elting, 2533 W. Onza, spoke in opposition. Mr. Elting, stated he attended the neighborhood meeting on August 27 and stated the neighbors were told that the tenants

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have been notified of the impending demolition of the building and they will have to vacate. He stated he spoke with all of the tenants of the building and found out they had not been notified. Mr. Elting feels everyone involved has been lied to and there is no need for an additional gas station in this area.

Gladys Elting, 2533 W. Onza, spoke in opposition. Ms. Elting feels the commercial center needs to be updated but development of a service station and drive-thru will result in increase in traffic and the development is not appropriate at this location.

Wendy Riddell responded to the concerns that were discussed. Ms. Riddell clarified the driveway will be moved a few feet as staff had stated. The walls be replaced which will be an improvement for the center. Ms. Riddell stated there is a landscape plan and she is unsure if the trees can stay but they are willing to work with Mr. Stein in order to come up with a plan that makes it an attractive center. She stated this is a commercial center and the convenience store is allowed by right. She feels having a an active use will be a better deterrent for homeless than a closed business at night. Ms. Riddell stated installing a right turn lane is simply not warranted or justified at this time. There are intense regulations during construction on how they manage dust and ensure they are not a nuisance to the neighbors.

Boardmember Allen asked for clarification that the tenants were not notified that the building will be demolished for the construction of the convenience store. Ms. Riddell responded that she and the owner do not recall stating they had been in communication with the tenants, but the tenants were aware that the building was on the market. They had been receiving a discounted rate on their rent because they were on month-to-month leases.

Boardmember Crockett inquired about the turn lanes off the freeway and what, if anything was reviewed and the conclusion of the traffic review. Sabine Ellis, City of Mesa Traffic Engineer, responded to Mr. Crockett's inquiry. Ms. Ellis stated there has been a concern about northbound traffic coming off the ramp going east and have discussed stripping layouts that could help. She stated this is ADOT right-of-way and has discussed meeting with ADOT to work with them to alleviate the issue, but ADOT would have to agree there is a need. Ms. Ellis stated Guadalupe Road is not at capacity and there is still room for additional traffic.

Boardmember Boyle inquired if traffic looks at stacking and challenges of traffic at this type of drive-thru business. Ms. Ellis responded for larger scale projects they do require traffic studies but on this type of drive-thru they do ensure that it meets General Plan and zoning requirements.

Boardmember Boyle stated what is the impression we creating of the image of the City of Mesa if there are two convenience stores so close off the freeway at the entrance to the City of Mesa. Mr. Boyle inquired if the applicant feels there is enough stacking for this type of drive-thru at a convenience store. Ms. Riddell responded for this specific business the stacking distance is sufficient.

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Chair Dahlke stated the request meets the criteria for a Special Use Permit and asked Mr. Alam if a Good Neighbor Policy would be appropriate. Mr. Alam responded the specifics of hours of operation and traffic are outlined in the project narrative provided by the applicant.

Boardmember Allen stated the center has been in existence for many years and feels the developer has gone to great lengths to provide a safe transition from three to two lanes. Ms. Allen stated with the Traffic Engineering stating the street is not at capacity for traffic she is in support of the project.

Boardmember Allen motioned to approve case ZON19-00434 with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

**That: The Board recommends the approval of case ZON19-00434 conditioned upon:**

1. Compliance with the final site plan submitted.
2. Compliance with the plan of operation and good neighbor policy submitted.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of Design Review.

Vote: 5-0 Approved (Vice Chair Astle and Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Boyle, Allen, Crockett and Villanueva-Saucedo

NAYS – None

\* \* \* \* \*

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## MINUTES OF THE SEPTEMBER 25, 2019 PLANNING & ZONING MEETING

- \*3-b ZON19-00477 District 4.** Within the 0 to 100 blocks of East Pepper Place (both sides), the 0 to 100 blocks of East Main Street (north side), the 0 to 100 blocks of East 1<sup>st</sup> Street (south side), the 0 to 100 blocks of North Center Street (east side) and the 0 to 100 blocks of North Centennial Way (west side). Located north of Main Street and east of Center Street (4.79 ± acres). Site Plan Review. This request will allow the development of a university campus and public plaza. Holly Street Studios Architects, applicant; City of Mesa, owner. **(Continued from August 28, 2019)**

**Planner: Tom Ellsworth**

**Staff Recommendation: Approval with conditions**

**Summary:** Principal Planner Tom Ellsworth presented case ZON19-00477 to the Board. Mr. Ellsworth explained the new building is proposed for a 3-story university campus building for ASU. The site is within the downtown core zoning and will be determined through site plan review. The building will sit next to the old city library which is a historic landmark and will require a modification to the former city library building. Mr. Ellsworth explained there is a condition of approval which addresses the modification to the historic landmark designation which requires review through our Historic Preservation Officer's review process. "

Mr. Ellsworth explained part of the review is a request for proposed parking. The downtown districts allow parking to be offsite and the City will be able to absorb the parking throughout the downtown area.

Planning Director, Dr. Appiah, stated staff is proposing a condition of approval and read into the record the recommendation; "Prior to approval of the Certificate of Appropriateness to remove the wavy canopies, the Historic Preservation Officer shall solicit input/advise from the HPB regarding the removal or re-purpose of the use of the canopy through a regular public hearing meeting."

Staffmember Tom Ellsworth stated that condition of approval as it was written reiterated the code requirements from the zoning code and the requirement from the zoning case which established the historic landmark. He stated the condition is not granting special approval but following the requirement of the previous conditions that the code requires.

Boardmember Allen confirmed there is no change from the discussion at the study session except it will require input from the Historic Preservation Board. She stated she has an issue with this condition of approval and feels there is no change whether there is input or approval by the Historic Preservation Board. She feels there should be a public process and feel the City needs to follow the same criteria that any developer is required to follow.

Chair Dahlke confirmed staff feels their hands are tied from the language of the zoning ordinance. Dr. Appiah replied approving a condition that would override a previous ordinance is not outside the purview of the site plan review. The Certificate of Appropriateness is reviewed, and approval is required to go through the Historic Preservation Officer. He stated staff has recommended to present changes to the Historic Preservation Board for input and advice. Mr. Jeff McVay, Downtown Transformation Officer has previously presented the plan to the HPB and their

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recommendation is as long as we find a way to repurpose the canopy, they did not object to the request.

Boardmember Boyle agrees with Boardmember Allen that it appears a city project has one set of rules and developers has a separate rule. Dr. Appiah responded that every project is required to conform to the City's Ordinance, including the City's Historic Preservation ordinance and this is the recommendation of staff to follow the ordinance. Boardmember Crockett stated he understands the concerns but recommended the Board to listen to the advice of Staff and Legal Department and move forward and make a decision.

Joni Stultz, 2763 W. Ironwood Drive, Chandler, spoke about the project. Ms. Stultz represents the Cimmaron Apartments which are east of the proposed building. The majority of the east elevation is planned as a service dock and is inquiring how this will meet the goal as a pedestrian focused use on the street. The loading dock use will have a negative impact on the apartments and is requiring if there will be any limitations to the hours that trucks are allowed to be at the docks.

Jeff McVay, Project Manager responded to Ms. Stultz concerns. Mr. McVay stated he has this board and it has been his commitment to the Historic Preservation Board since day one they will present and seriously solicit their input on the project. There has been positive feedback about the canopies and how it will be repurposed. The canopies will be used in a more prominent location. This is a large building and the back of the house is planned to be along Centennial with an entire studio backlot on the north side of the building. This area will function as the main loading area for the larger trucks. Mr. McVay referred to the project architects.

Diane Jacobs with Holly Street Studios Architects spoke about the design of the building and introduced Steve Chaitow, Bohlin-Cywinks-Jackson. Ms. Jacobs stated the dilemma for this project on the site is a full 360-degree building. She stated they have worked closely to minimize the amount of loading, unloading and trash pickup and have plans to close off and screen the area. the building is currently in the development phase of design and stated this is a preliminary design. Mr. Steve Chaitow explained there is no back to the building and this portion of the design is foremost on their minds. He stated there are large compactors for trash which will minimize the amount of pick up required.

Chair Dahlke inquired if the neighbors will have other opportunity to discuss the design. Mr. McVay responded the Design Review Board has received a presentation and it is planned to return to the board at their October 7 work session and final presentation at the November 4th meeting. He stated the neighbors can attend both meeting and provide their feedback.

Boardmember Crockett inquired if a Good Neighbor Policy would be appropriate in this case to address the concerns of the neighbors. Mr. McVay responded there has not been any discussions to provide a Good Neighbor Policy and has no concerns with having discussions about it. He stated ASU and the City want to be good neighbors to the surrounding community and feels putting down specific limitations could be something we would all agree to do.

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Boardmember Boyle feels the first design presented is underwhelming and needs to be a showcase, shining star and express the feeling that Mesa allow high quality designs that should be the Envy of surrounding cities. Mr. Boyle stated he does not see the “wow” factor for a building that is being put downtown and feels it should be an exceptional design for the downtown area. Mr. McVay responded the final design product is still going through the Design Review process. This is next to the most expensive building for ASU and is not a question of money. The program is driving the design and a unique program for ASU. He has every confidence that the final design will receive a unanimous vote for approval.

Boardmember Villanueva-Saucedo stated she looks forward to seeing what evolves in the design and is pleased with the project.

Boardmember Villanueva-Saucedo motioned to approve case ZON19-00477 with revision to condition of approval #4 as read by Planning Director. The motion was seconded by Boardmember Crockett.

**That: The Board recommends the approval of case ZON19-00477 conditioned upon:**

1. Compliance with final site plan submitted.
2. Compliance with all requirements of Design Review.
3. Compliance with all City development codes and regulations.
4. Prior to approval of the Certificate of Appropriateness to remove the wavy canopies, the Historic Preservation Officer shall solicit input/advise from the HPB regarding the removal or re-purpose of the use of the canopy through a regular public hearing meeting.”

Vote: 4-1 Approved (Vice Chair Astle and Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Allen, Crockett, and Villanueva-Saucedo

NAYS –Boyle

\* \* \* \* \*

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- \*3-c ZON19-00518 District 6.** Within the 9100 block of East Guadalupe Road (south side). Located west of Ellsworth Road on the south side of Guadalupe Road. (1.2± acres). Site Plan Review. This request will allow for the development of a retail tire sales and repair facility. Neil Feaser RKAA Architects, Inc., applicant; USTOR - Eastmark, LLC, owner.

**Planner: Wahid Alam**

**Staff Recommendation: Approval with conditions**

**Summary:** This case was on the consent agenda and therefore was not discussed as a separate individual item.

Boardmember Allen motioned to approve case ZON19-00518 with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

**That: The Board recommends the approval of case ZON19-00518 conditioned upon:**

1. Compliance with the final site plan submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of Design Review.
4. Apply for and receive approval of an Administrative Use Permit to allow the number of parking spaces to exceed 125% of the maximum required parking spaces or comply with Zoning Ordinance requirements for parking.
5. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Any proposed permanent or temporary structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. An FAA determination notice of no hazard to air navigation shall accompany any building permit application for the property.
  - b. Prior to the issuance of a building permit, provide documentation that a registered professional engineer or registered professional architect has certified that noise attenuation measures have been incorporated into the design and construction of the buildings to achieve a noise level reduction to 45 decibels as specified in Section 11-19-5 of the Zoning Ordinance.
  - c. Provide written notice to future property owners that the project is within 4 miles of Phoenix-Mesa Gateway Airport.

Vote: 5-0 Approved (Vice Chair Astle and Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Boyle, Allen, Crockett and

NAYS – None

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## MINUTES OF THE SEPTEMBER 25, 2019 PLANNING & ZONING MEETING

- \*4-a ZON19-00473 District 6.** Within the 3100 block of South Eastridge (east side). Located south of Guadalupe Road and east of Hawes Road (4.2± acres). Rezone from RS-6 to RM-2-PAD; and Site Plan Review. This request will allow for the development of a multi-residence development. Sean Lake, Pew and Lake, P.L.C., applicant; James Render, owner. **(Companion case to preliminary plat “Eastridge Manor”, associated with item \*5-a).**

**Planner: Wahid Alam**

**Staff Recommendation: Approval with conditions**

**Summary:** Staffmember Wahid Alam presented case ZON19-00473 and preliminary plat “Eastridge Manor” to the Board. Mr. Alam stated the applicant had a neighborhood meeting on June 19 and staff has not been contacted by any citizens.

Applicant Sean Lake, 1744 S. Val Vista, explained this project is an in-fill site, bound by Salt River Project (SRP) power lines on the south side and substation on the eastside. Mr. Lake reviewed the history of this parcel and stated there are several buildings on the site currently being used for storage. He stated the request is to develop 36 single family town homes which are for sale and not for rental. They received positive response at the neighborhood meeting and did make few changes from comments they heard at the neighborhood meeting.

Boardmember Allen requested clarification that there is a up to a 44' separation between buildings and Mr. Lake confirmed this.

Lana Shumway, 3112 S. Joslyn, spoke in opposition. Ms. Shumway stated she was not aware of the neighborhood meeting and raised concerns of additional traffic going through the neighborhood. She included concerns the new homes will use the two parks in the existing subdivision, increasing vandalism in the neighborhood and raised concerns that a multi-family complex decreases property value.

Blanca Swanson, 8951 E. Posada, spoke in opposition. Ms. Swanson stated there are school transportation issues due to a shortage of drivers and the children from the surrounding apartment complex are unable to be bused to school. She stated her concern with overflow parking from the addition of an apartment and that cars will have to park on the surrounding streets.

Amy Frei, 8537 E. Onza Avenue, is opposed to the project and did not speak.

Jenny Crandell, 8525 E. Posada, spoke in opposition. Ms. Crandell stated she was unaware of the proposal until she saw the sign posted on the property on September 6, 2019. She stated if this parcel is going to be developed in the middle of an existing subdivision, she would request it be zoned for single family homes and not multi-family residence. Ms. Crandell stated her concerns with the increase in traffic, parking and safety for students.

Emily Beardall, 8721 E. Plata, is opposed to the project and did not speak.

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Al Meloro, 8602 E. Ocaso Avenue, spoke in opposition. He stated he was not informed of the meeting and found out by seeing the posted sign. Mr. Meloro is opposed to the amount of homes proposed in this area and increase in traffic. He stated if the proposal was for single family homes he would not be opposed to the development. He stated concerns for increase in traffic, that the residents of the new development would utilize their recreation area and asked if the new development would have their own HOA.

Applicant Sean Lake responded to the concerns of the residents. Mr. Lake stated this is not an apartment complex but single-family duplex homes with two car garages with large driveways for guest parking. The development will not be for rent but for sale homes. In response to the concern of increased traffic, he stated there is only one access to this property that is on Eastridge which is a public collector road put in the middle of the development.

Mr. Lake stated there will be an HOA with substantial amenities in the middle of the development which will be maintained by the HOA and the homeowners will pay the HOA dues. In response to residents that stated they did not receive notice of the meeting he stated the mailing list is generated from the Maricopa County GIS map and the mailing list and envelopes and are stuff and addressed and then mailed. There was no intent to exclude any residents in the notices.

Boardmember Allen confirmed fire access and utilities come from Eastridge and this is a collector street and all egress and regress will come from Guadalupe. This information was confirmed.

Boardmember Boyle inquired if this type of development tends to be owner occupied or does it often turn into a rental. The developer, Mr. Sweeney stated he has developed several projects in Mesa and feels 90% of this type of development remains owner occupied.

Boardmember Crockett inquired how many guest parking spaces will be on the property and Mr. Lake responded each individual home has a two-car garage with additional parking in the driveway and parking is allowed on one side of the street for overflow.

Boardmember Villanueva-Saucedo feels the citizen participation plan was great. Ms. Villanueva-Saucedo stated it is a difficult location with the land locked infill space. She stated her concern to rezone the property to allow a large amount of homes at the end of a subdivision. She stated given Mesa's history she is not comfortable with this type of housing for long term sustainability.

Boardmember Boyle inquired why this parcel was not developed at the time of development of the surrounding subdivision. Mr. Lake responded it is his understanding that the land was unavailable. Mr. Boyle stated if this type of development does maintain 90% owner occupied then it lessens some of his concerns. However, he understands the increase of multi-family development can have a negative effect on surrounding areas.

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Boardmember Crockett asked how staff feels about the quality of the proposed design and if it represents the type of quality the City is looking for. Mr. Alam responded and said the elevations submitted are preliminary and the applicant will be required to submit for product staff approval through the Administration submittal process.

Chair Dahlke inquired about how what staff feels about compatibility of the development with the General Plan and Mr. Alam responded it is a compatible land use. He stated the product design requires a rezoning. Mr. Alam stated in 2006 there was a request to approved 18 lot subdivision and was not developed and stated staff has asked if the developer would consider the original approval. There was a discussion on the size and set back of the garage in reference to the livable area.

Boardmember Allen motioned to approve case ZON19-00473 and associated preliminary plat "Eastridge Manor" with conditions of approval. The motion was seconded by Boardmember Boyle.

**That: The Board recommends denial of case ZON19-00473 and associated preliminary plat "Eastridge Manor".**

Vote: 2-3 Denial (Vice Chair Astle and Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Allen

NAYS – Boyle, Crockett and Villanueva-Saucedo

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## MINUTES OF THE SEPTEMBER 25, 2019 PLANNING & ZONING MEETING

- \*5-a “Eastridge Manor” District 6.** Within the 3100 block of South Eastridge (east side). Located south of Guadalupe Road and east of Hawes Road (4.2± acres). Preliminary Plat. Sean Lake, Pew and Lake, P.L.C., applicant; James Render, owner. **(Companion case to ZON19-00473, associated with item \*4-a).**

**Planner:** Wahid Alam

**Staff Recommendation:** Approval with conditions

**Summary:** This case was discussed in conjunction with case ZON19-00473.

Boardmember Allen motioned to approve preliminary plat “Eastridge Manor” and associated case ZON19-00473 with conditions of approval. The motion was seconded by Boardmember Boyle.

**That: The Board recommends denial of preliminary plat “Eastridge Manor” and associated case ZON19-00473.**

Vote: 2-3 Denial (Vice Chair Astle and Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Allen

NAYS – Boyle, Crockett and Villanueva-Saucedo

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**5 Other Business.**

None.

**6 Adjournment.**

Boardmember Villanueva-Saucedo motioned to adjourn the meeting at 6:24 pm. The motion was seconded by Boardmember Boyle.

Vote: 5-0 Approved (Vice Chair Astle and Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Boyle, Allen, Crockett and

NAYS – None

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nana K. Appiah', is written over a horizontal line.

Nana K. Appiah, AICP, Secretary  
Planning Director