

Planning and Zoning Board

Meeting Minutes

Held in the City of Mesa Council Chambers – Upper Level

Date: January 16, 2019 Time: 4:00 p.m.

MEMBERS PRESENT:

Chair Michelle Dahlke
Jessica Sarkissian
Shelly Allen
Deanna Villanueva-Saucedo
Jeffrey Crockett

MEMBERS ABSENT:

Vice Chair Dane Astle
Tim Boyle

STAFF PRESENT:

Nana Appiah
Tom Ellsworth
Lesley Davis
Lisa Davis
Wahid Alam
Cassidy Welch
Evan Balmer
Charlotte McDermott
Rebecca Gorton

OTHERS PRESENT:

Jason Guillian
Tom Sliskovich
Rick Lucches
William Brafford
Denny Lish
Other citizens who did not sign

Call Meeting to Order.

Chair Dahlke declared a quorum present and the meeting was called to order at 4:00 pm.

1. Take action on all consent agenda items.

Items on the Consent Agenda

2. **Approval of minutes:** Consider the minutes from the December 13, 2018 special study session and special public hearing and Written Detailed Description; and, the December 18, 2018 and December 19, 2018 study sessions and regular hearing.

- *2-a** Boardmember Allen motioned to approve the Consent Agenda. The motion was seconded by Boardmember Villanueva-Saucedo.

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

Upon tabulation of vote, it showed:

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

NAYS – None

Zoning Cases: ZON17-00827, ZON18-00859, ZON18-00861, ZON18-00687, ZON18-00840 and ZON18-00862; and Preliminary Plat: "Heritage Crossing III"

MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

- *3-a ZON18-00827 District 1.** Within the 1700 through the 1800 blocks of North Country Club Drive (west side). Located south of McKellips Road on the west side of Country Club Drive. (5± acres). Site Plan Review. This request will allow for the expansion of a self-storage facility. Lori Knudson, Vertical Design, applicant; David Brown, owner.

Planner: Wahid Alam

Staff Recommendation: Continuance to February 20, 2019

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

Boardmember Allen motioned to continue case ZON18-00827 to the February 20, 2019 meeting. The motion was seconded by Boardmember Villanueva-Saucedo.

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

Upon tabulation of vote, it showed:

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

NAYS – None

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MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

- *3-b ZON18-00847 District 4.** Within the 500 block of South Drew Street (east side). Located south of Broadway Road and west of Center Street. (2± acres). Site Plan Review. This request will allow for the expansion of an existing industrial building. John Manross, Design Professionals, LLC, applicant; Drew Street Properties, LLC, owner.

Planner: Cassidy Welch

Staff Recommendation: Approval with conditions

Summary: Staffmember Cassidy Welch presented case ZON18-00847 to the Board. Ms. Welch explained this request will allow the applicant to expand the existing business and will include 8 loading docks facing onto Drew Street. Ms. Welch stated the existing building does not meet front landscape, foundations and parking requirements and a request for a Substantial Conformance Improvement Permit will be heard by the Board of Adjustment for approval.

John Manross, 2215 S. 48th Street, spoke as the architect for the project. Mr. Manross stated the applicant has a need to minimize the truck traffic on the street and this design will provide 8 loading docks with storage to get the trucks off the street.

Jason Guillian, 514 S. Drew Street spoke in opposition of the request. Mr. Guillian stated he feels this will have a negative impact on his business. He stated if the request is approved, there will be an increase in truck traffic and Drew Street is extremely narrow and cannot retain more traffic.

Chair Dahlke inquired if the Traffic Engineers reviewed the request and staffmember Cassidy Welch stated the City Transportation Department reviewed the request and made no comments regarding traffic concerns.

Boardmember Allen inquired how the addition will move the trucks off of the street. Mr. Manross stated there will be truck wells that will allow the trucks to pull into the property and unload, taking them off of the streets where they are currently off loading product.

There was further discussion of the concerns Mr. Guillian has brought to the Board and how to rectify parking situations. Boardmember Crockett inquired if it was possible to ask the applicant to produce a Good Neighbor Policy. Staffmember Ms. Welch explained a Good Neighbor Policy are typically required for land uses that require Special Use Permits and this request is a permitted use by right and is not a requirement of a Site Plan. She stated the reduction in parking is part of the request for a SCIP along with a SUP for off-site parking and a reduction in parking spaces in front of their property. This request will go before the Board of Adjustment for approval.

Steve Perkins, 539 S. Drew, owner of the project stated he has implemented a spotter when the trucks are loading in the street. Mr. Perkins stated the addition of truck wells will allow the trucks to get off of the street during loading.

MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

Boardmember Allen motioned to approve case ZON18-00847 with conditions of approval and seconded by Boardmember Villanueva-Saucedo:

That: The Board recommends the approval of case ZON18-00847 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 through the Board of Adjustment of a Substantial Conformance Improvement Permit to address existing non-conformities on the site or bring the site into conformance with all requirements of current development standards.
5. Prior to submittal of a building permit, record a lot combination for parcels 139-38-114B & 139-38-113B.

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

Upon tabulation of vote, it showed:

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

NAYS – None

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MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

- *3-c ZON18-00854 District 1.** 534 and 550 West McKellips Road. Located west of Country Club Drive on the north side of McKellips Road. (3± acres). Site Plan Review. This request will allow for the development of industrial and commercial buildings. Michael O'Brien, Pitchfork Partners, LLC, applicant; Kirby and Ann Martin, owner.

Planner: Wahid Alam

Staff Recommendation: Approval with conditions

Summary: Staffmember Wahid Alam presented case ZON18-00854 to the Board. Mr. Alam stated the request is for a Site Plan Review and the proposed use is compatible with the current zoning and General Plan. He stated the applicant has done an extensive neighborhood outreach and conducted several neighborhood meetings.

Applicant Michael O'Brien, 312 N. Alma School Road, spoke. Mr. O'Brien explained there are a set number of licenses issued from the State of Arizona and the process for approval for a medical marijuana license begins with verifying a site meets the requirements of location. In order to receive the license, they will need to build the facility and receive a Certificate of Occupancy from the City, then the state will approve their request for a license. Mr. O'Brien stated his group currently has a valid operating medical marijuana certificate with the state in another City and will be transferring that license to this site.

Resident Tom Sliskovich, 2042 N.Center Street, stated he is opposed to the request for the approval as a medical marijuana dispensary and feels the distance requirements to schools and residences should be increased.

William Brafford, 507 W. Fairway Circle, spoke in opposition. Mr. Brafford stated he is opposed to the use and inquired if the filtration system will eliminate the odor emitted from marijuana grow houses.

Denny Lish, 625 W. McKellips, is opposed to the request. Mr. Lish stated he is concerned there will be an odor from the facility and an increase in traffic.

Rick Lucches, 540 W. McKellips, spoke in opposition. Mr. Lucches stated he has relayed his concern with Councilmember Freeman and would request this case be continued for an impact study. He stated the surrounding neighbors were not aware of the request.

Charlotte McDermott, City Attorney, stated the State of Arizona had on the ballot an initiative to allow medical marijuana facilities and that initiative passed. Ms. McDermott explained there are State regulations regarding those facilities cities which allow cities to put in reasonable zoning regulations for this type of use and the City cannot prohibit them.

Chair Dahlke reminded the audience this Board has the authority to approve the site plan and not regulate the use of the business. Ms. Dahlke confirmed the site plan meets the zoning regulations and intent of the General Plan.

MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

Applicant Mr. O'Brien addressed the citizen concerns and stated the location does meet the distance requirements to surrounding schools. Mr. O'Brien added a professional surveyor was hired to measure the distance and was verified by city staff.

Mr. O'Brien responded to comments about the odor coming from the facilities that would disturb the surrounding neighbors. He explained the odor emitted is when the product is being used and not while the plants are growing. Mr. O'Brien stated the facility is set up with enclosed clean rooms with air systems that maintain 100 of any odors.

He explained notifications for both Design Review and Planning and Zoning were sent to registered property owners within 1200', surrounding HOA's and schools. These notifications were sent to owners of properties and not renters.

To address the concerns from the resident of increased traffic, Mr. O'Brien stated there will be a reduction in traffic. He explained they have created an extra entrance off of Date Street and hours of operations are not at peak traffic times.

Boardmember Villanueva-Saucedo motioned to approve case ZON18-00854 with conditions and seconded by Boardmember Allen:

That: The Board recommends the approval of case ZON18-00854 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. Install enhanced material (pavers, color concrete or similar material) in the pedestrian crossings located in the parking lots or driveways.
5. Issuance of an active Medical Marijuana Dispensary registry certification from the Arizona Department of Health Services.
6. Prior to the issuance a building permit, record with Maricopa County a parcel combination that combines parcel numbers 135-01-002J and 135-01-002K into one parcel.

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

Upon tabulation of vote, it showed:

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

NAYS – None

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MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

- *3-d ZON18-00859 District 5.** Within the 5200 through the 5500 blocks of East Longbow Parkway (south side) and the 3100 block on North Higley Road (east side). Located north of McDowell Road on the east side of Higley Road. (18.6± acres). Site Plan Review. This request will allow for the development of three industrial buildings. Brian Carroll, OPUS Group, applicant; Dover Street, LLC, owner.

Planner: Cassidy Welch

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 ZON18-00859 with conditions and seconded by Boardmember Villanueva-Saucedo:

That: The Board recommends the approval of case ZON18-00859 conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with requirements of Design Review.
4. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Owner shall execute and record the City's standard Avigation Easement and Release for Falcon Field Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b. Written notice shall be provided to future property owners, and acknowledgment received that the project is within 1 mile(s) of Falcon Field Airport.
 - c. Due to the proximity to Falcon Field Airport, all proposed structures require 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 shall be required with for the submittal of a building permit to construct a structure(s) on the property.
 - d. Prior to the issuance of a building permit, provide documentation by a registered Professional Engineer or registered Professional Architect demonstrating compliance with noise level reductions as required by Section 11-19-5 of the zoning ordinance.
5. Compliance with all conditions of approval for case Z08-063.

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

Upon tabulation of vote, it showed:

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

NAYS – None

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MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

- *3-e ZON18-00861 District 2.** 2937 East Main Street. Located east of Lindsay Road on the south side of Main Street. (2.4± acres). Site Plan Review. This request will allow for the expansion of an existing warehouse facility. Tom Barker, XACT Construction, applicant; Seat Covers Unlimited, Inc., owner.

Planner: Cassidy Welch

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 with conditions case ZON18-00861 and seconded by Boardmember Villanueva-Saucedo:

That: The Board recommends the approval of case ZON18-00861 conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with all City development codes and regulations.
3. Apply for and receive approval through the Board of Adjustment of a Substantial Conformance Improvement Permit to address existing non-conformities on the site or bring the site into conformance with all requirements of current development standards.
4. Apply for and receive approval of the proposed elevations through the Administrative Design Review process.

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

Upon tabulation of vote, it showed:

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

NAYS – None

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MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

- *4-a ZON18-00687 District 5.** Within the 1600 through the 1800 blocks of North Higley Road (east side) and 5200 through the 5300 blocks of East McLellan Road (north side). Located south of McKellips Road on the east side of Higley Road. (21± acres). Rezone to modify an existing PAD and to remove conditions of approval. This request will allow amendment to the existing landscaping requirements. Villas at Alta Mesa Property Owner's Association, applicant; Multiple owners.

Planner: Evan Balmer

Staff Recommendation: Continuance to February 20, 2019

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

Boardmember Allen motioned to continue case ZON18-00687 to the February 20, 2019 meeting and seconded by Boardmember Villanueva-Saucedo.

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

Upon tabulation of vote, it showed:

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

NAYS – None

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MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

- *4-b ZON18-00840 District 6.** 4207 South Power Road. Located north of Warner Road on the east side of Power Road. (1.5± acres). Rezone (1.1± acres) from LC-AF-PAD to LI-AF-PAD; Site Plan Modification (1.5± acres). This request will allow for industrial uses in an existing building. Zoning Strategies, LLC, applicant; Powergate Investments, LLC, owner.

Planner: Lisa Davis

Staff Recommendation: Tabled by applicant

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

Boardmember Allen motioned to table case ZON18-00840 and seconded by Boardmember Villanueva-Saucedo.

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

Upon tabulation of vote, it showed:

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

NAYS – None

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MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

- *4-c ZON18-00862 District 6.** The 8200 to 8500 blocks of East Baseline Road (north side). Located east of South Channing (Hawes Road) alignment on the north side of Baseline Road. (69± acres). Rezoning 15± acres from AG to RSL-2.5-PAD incorporating the acreage into the approved 54± acre Baseline Mixed-Use PAD (Z14-021, ZON16-004, ZON17-00326, ZON18-00169 and ZON18-00171); and Site Plan Review. This request will allow for the incorporation of additional acreage into an existing PAD to allow for the development of a residential small-lot subdivision. Drew Huseth, AICP, Woodside Homes, applicant; NSHE Powell, LLC, owner. **(Companion case to preliminary plat “Heritage Crossing III”, associated with item *5-a).**

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 ZON18-00862 which include updated conditions of approval provided at the January 16, 2019 Study Session and associated preliminary plat “Heritage Crossing III”. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of case ZON18-00862 conditioned upon:

1. Compliance with the site plan and preliminary plat submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all City development codes and regulations, except as modified by the Baseline Mixed Use PAD.
3. Compliance with the Baseline Mixed Use Planned Area Development Design Booklet.
4. Compliance with all requirements of the Subdivision Regulations.
5. Dedicate the right-of-way and easements, including the twenty-foot public water easement adjacent to the eastern property line, 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.
6. Prior to submittal for a building permit, submit building product including floor plans, elevations, material, color and texture for the City's Planning Director review and acceptance.
7. Prior to final plat approval, submit a site plan to the Planning Director for review and acceptance. The site plan, at a minimum shall include the following items:
 - a) Widen the width of the green space to 35' between the Irvine Avenue and the amenities to the south.
 - b) Remove the perimeter wall located between phase II and phase III.
 - c) Install street lights along the public streets and photocell coach lighting on each lot along the alleys that provide access to garages.
 - d) Path lights along the pedestrian connections.
 - e) Install landscaping with shrubs, groundcover and vines on both sides of the proposed trail/pedestrian path along the eastern property line.

MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

8. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map or prior to the issuance of a building permit).
9. Written notice be provided to future property owners, and acknowledgment received that the project is within 5 mile(s) of Phoenix-Mesa Gateway Airport.
10. Due to the proximity to Phoenix-Mesa Gateway Airport, 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.
11. Provide a 4-foot x 4-foot sign at the entrance to the sales office for this development, with notice to all prospective buyers that the project is within an Overflight Area for Phoenix-Mesa Gateway Airport as specified in Section 11-19-5 of the Zoning Ordinance.
12. A building permit shall not be issued until 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 of 45 db, as specified in Section 11-19-5 of the MZO.

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

Upon tabulation of vote, it showed:

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

NAYS – None

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MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

- *5-a "Heritage Crossing III" District 6.** The 8200 to 8500 blocks of East Baseline Road (north side). Located east of South Channing (Hawes Road) alignment on the north side of Baseline Road. (15± acres). Preliminary Plat. Drew Huseth, AICP, Woodside Homes, applicant; NSHE Powell, LLC, owner. **(Companion case to ZON18-00862, associated with item *4-c).**

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 preliminary plat "Heritage Crossing III" which include updated conditions of approval provided at the January 16, 2019 Study Session and associated case ZON18-00862 and seconded by Boardmember Villanueva-Saucedo:

That: The Board recommends the approval of preliminary plat "Heritage Crossing III" conditioned upon:

1. Compliance with the site plan and preliminary plat submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all City development codes and regulations, except as modified by the Baseline Mixed Use PAD.
3. Compliance with the Baseline Mixed Use Planned Area Development Design Booklet.
4. Compliance with all requirements of the Subdivision Regulations.
5. Dedicate the right-of-way and easements, including the twenty-foot public water easement adjacent to the eastern property line, 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.
6. Prior to submittal for a building permit, submit building product including floor plans, elevations, material, color and texture for the City's Planning Director review and acceptance.
7. Prior to final plat approval, submit a site plan to the Planning Director for review and acceptance. The site plan, at a minimum shall include the following items:
 - a) Widen the width of the green space to 35' between the Irvine Avenue and the amenities to the south.
 - b) Remove the perimeter wall located between phase II and phase III.
 - c) Install street lights along the public streets and photocell coach lighting on each lot along the alleys that provide access to garages.
 - d) Path lights along the pedestrian connections.
 - e) Install landscaping with shrubs, groundcover and vines on both sides of the proposed trail/pedestrian path along the eastern property line.
8. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map or prior to the issuance of a building permit).
9. Written notice be provided to future property owners, and acknowledgment received that the project is within 5 mile(s) of Phoenix-Mesa Gateway Airport.
10. Due to the proximity to Phoenix-Mesa Gateway Airport, any proposed structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77.9, (form

MINUTES OF THE JANUARY 16, 2019 PLANNING & ZONING MEETING

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.

11. Provide a 4-foot x 4-foot sign at the entrance to the sales office for this development, with notice to all prospective buyers that the project is within an Overflight Area for Phoenix-Mesa Gateway Airport as specified in Section 11-19-5 of the Zoning Ordinance.
12. A building permit shall not be issued until 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 of 45 db, as specified in Section 11-19-5 of the MZO.

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

Upon tabulation of vote, it showed:

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

NAYS – None

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6 Other Business.

None.

7 Adjournment.

Boardmember Allen motioned to adjourn the meeting at 5:06 pm. The motion was seconded by Boardmember Villanueva-Saucedo.

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

Upon tabulation of vote, it showed:

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

NAYS – None

Respectfully submitted,



Nana K. Appiah, AICP, Secretary
Planning Director