Planning and Zoning Board

Meeting Minutes

Held in the City of Mesa Council Chambers – Upper Level
Date: March 20, 2019 Time: 4:00 p.m.

MEMBERS PRESENT:
Chair Michelle Dahlke
Vice Chair Dane Astle
Jessica Sarkissian
Tim Boyle
Shelly Allen
Jeffrey Crockett
Deanna Villanueva-Saucedo

MEMBERS ABSENT:
None

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

OTHERS PRESENT:
Don Douglas
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 February 19, 2019 and the February 20, 2019 study sessions and regular hearing.

*2-a Boardmember Allen motioned to approve the Consent Agenda. The motion was seconded by Vice Chair Astle.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo
NAYS – None

Zoning Cases: ZON17-00998, ZON18-01002, ZON18-01010, ZON18-01014, ZON18-00775, ZON18-00806, ZON18-00993, and ZON19-00016, and ZON19-00070; and Preliminary Plat: "The Landing at 202".

Boardmember Crockett motioned to reconsider agenda item *4-c, ZON18-00980 and companion preliminary plat "Springs at Red Mountain" due to a mistake on the speaker card that incorrectly identified the item the resident had wished to speak on. The card incorrectly identified item number 4-d as the case the resident had wished to speak on. The motion was seconded by Boardmember Allen.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo
NAYS – None

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*3-a **ZON18-00998 District 6.** Within the 7200 block of South Ellsworth Road (east side). Located north of Germann Road on the east side of Ellsworth Road. (2± acres). Site Plan Review; and Special Use Permit. This request will allow for the development of a convenience store with associated fuel station and car wash. Jesse Macias, M3 Design, LLC, applicant; NEC E&G, 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 ZON18-00998 with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of case ZON18-00998 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.
5. 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; whichever comes first.
6. Written notice be provided to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.
7. Due to the proximity of the site to Phoenix-Mesa Gateway Airport, any proposed development of a 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.
8. Prior to the issuance of a building permit, provide documentation by 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 db as specified in Section 11-19-5 of the Zoning Ordinance.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Crockett and Villanueva-Saucedo
NAYS – None

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*3-b **ZON18-01002 District 6.** Within the 7200 through 7300 blocks of South Ellsworth Road (west side). Located south of Pecos Road on the west side of Ellsworth Road. (1.3± acres). Site Plan Review. This request will allow for the development of a restaurant with a drive-thru. Eric Gerster, Sustainability Engineering Group, applicant; Sunbelt Land Holdings, 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 ZON18-01002 with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of case ZON18-01002 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 approval.
4. 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; whichever comes first.
5. Written notice be provided to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.
6. Due to the proximity of the site to Phoenix-Mesa Gateway Airport, any proposed development of a 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.
7. Prior to the issuance of a building permit, provide documentation by 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 db as specified in Section 11-19-5 of the Zoning Ordinance.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Crockett and Villanueva-Saucedo
NAYS – None

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*3-c **ZON18-01010 District 5.** Within the 3400 to 3600 blocks of North Greenfield Road (east side) and the 4400 block of East Virginia Street (north side). Located at the southeast corner of the 202 Red Mountain Freeway and Greenfield Road. (10.8 ± acres). Site Plan Review. This request will allow for an industrial development. Jack Czerwinski, Majestic Reality, applicant; Colebank Family Ltd Partnership, owner. **(Companion Case to Preliminary Plat "Greenfield Industrial", associated with item *5-a).**

Planner: Ryan McCann
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 ZON18-01010 and associated preliminary plat "Greenfield Industrial" with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of case ZON18-01010 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. Compliance with the preliminary plat submitted.
5. Compliance with all requirements of the Subdivision Regulations.
6. 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 3 mile(s) of Falcon Field Airport.
   c. Due to the proximity of the site to Falcon Field Airport, development of 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 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 db as specified in Section 11-19-5 of the Zoning Ordinance.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Crockett and Villanueva-Saucedo
NAYS – None

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*3-d **ZON18-01014 District 1.** Within the 800 block of North Country Club Drive (east side). Located south of Brown Road on the east side of Country Club Drive. (4.5± acres). Site Plan Modification. This request will allow for the expansion of an existing Child Crisis Arizona facility. Brent Henderson, Henderson Engineering Group, LLC, applicant; Child Crisis Arizona and First Christian Church, Inc. of Mesa, owner.

Planner: **Veronica Gonzalez**
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 continue case ZON18-01014 to the April 17, 2019 meeting. The motion was seconded by Vice Chair Astle.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Crockett and Villanueva-Saucedo
NAYS – None

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*4-a **ZON18-00806 District 6.** Within the 3100 to 3400 blocks of South Ellsworth Road (west side). Located north of Elliot Road on the west side of Ellsworth Road. (67.5± acres). Rezone from LC-PAD and PEP-PAD to LI; Site Plan Review; and a Special Use Permit for a reduction in parking. This request will allow for an industrial development. Jeffrey Blilie, Beus Gilbert, PLLC, applicant; Sunbelt Land Holdings, LP, owner.

Planner: Ryan McCann
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 ZON18-00806 with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of case ZON18-00806 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. 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 3 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 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 db as specified in Section 11-19-5 of the Zoning Ordinance.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Crockett and Villanueva-Saucedo
NAYS – None

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*4-b **ZON18-00933 District 6.** Within the 10800 to 11600 blocks of East Williams Field Road (south side), the 6000 to 6300 blocks of South Signal Butte Road (east side), the 6000 to 6300 blocks of Mountain Road (west side) the 6000 to 6500 blocks of South Mountain Road (east side) and the 6000 to 6300 blocks of South Meridian Road (west side). Located south of Williams Field Road east of Signal Butte Road. (203± acres). Rezone to modify an existing PAD; and Site Plan Review. This request will allow for the modification of the PAD for single residential development. Sean Lake, Pew & Lake, PLC, applicant; Groh Revocable Trust, Demuro Properties, SB CLB 18, LLC, Tres Points, 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 ZON18-00933 with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of case ZON18-00933 conditioned upon:

1. Compliance with the final site plan and preliminary plat submitted.
2. Compliance with all City development codes and regulations, except as modified in Table 1.
3. Compliance with conditions of approval for cases ZON18-00247 and ZON18-00142; except as modified by this request.
4. Compliance with all requirements of the Subdivision Regulations.
5. Compliance with the Building Form Standards outlined in Chapter 5 of the Mesa Zoning Ordinance, as well as the City's Residential Development Guidelines.
6. Prior to submitting for a building permit for the homes, Administrative Review and approval shall be required for the design of the proposed homes. The design of the homes shall include the following:
   a. Additional detailing and real building materials and finishes on the exterior of the homes (i.e., wood, shutters, stone, metal, etc.) to create interest through color, material and texture.
   b. Fence returns and/or the 6-foot wall for lots which side on an interior street or landscape tract shall be set back a minimum of 15 feet from the livable portion of the house or the front edge of the garage.
   c. Elevations adjacent to the street or open space shall include additional architectural enhancements.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Villanueva-Saucedo and Crockett
NAYS – None

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*4-c **ZON18-00980 District 5.** Within the 2600 block of North Power Road (east side). Located south of McDowell Road on the east side of Power Road. (10.43± acres). Rezoning from RM-3-PAD to RM-3-PAD; and Site Plan Review. This request will allow for a multi-residence development. Timothy Tyson, Aquila Las Sendas, LLC, applicant; Continental 452 Fund, LLC, owner. **(Companion Case to Preliminary Plat "Springs at Red Mountain", associated with item *5-b).**

Planner: Wahid Alam
Staff Recommendation: Approval with conditions

Summary: Resident Don Douglas, 6713 E. Manning Street, had several questions for the applicant. Mr. Douglas inquired if this project will be a low-income rental development, asked if there will be curb cuts and a new entrance installed as part of the proposed development, and is there are plans to manage potential increase in traffic from the additional residential homes.

Applicant Reese Anderson, 1744 S. Val Vista responded to the Mr. Douglas questions. Mr. Anderson stated this is not a low-income housing project but a market rate apartment complex and will be managed locally. He stated there will be no additional curb cuts and access will be through the existing entrance to LA Fitness.

City Traffic Engineer, Sabine Ellis, explained the six-lane road was built with the capacity for additional traffic. Ms. Ellis informed the board the City expects some traffic if the road is functioning in its capacity. She also informed the Board adequate capacity on the road network to handle traffic to be generated from the proposed development.

Boardmember Allen motioned to approve case ZON18-00980 and associated preliminary plat "Springs at Red Mountain" with conditions of approval. The motion was seconded by Boardmember Crockett.

That: The Board recommends the approval of case ZON18-00980 conditioned upon:
1. Compliance with the final site plan and preliminary plan submitted.
2. Compliance with all City development codes and regulations; except as modified by the PAD to reduce the landscape and building setback along the eastern property boundary from 15-feet to 10-feet.
3. Compliance with all requirements of Design Review.
4. Compliance with all requirements of the Subdivision Regulations.
5. Install a wrought iron fence with a pedestrian access gate along the eastern property boundary.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Villanueva-Saucedo and Crockett
NAYS – None

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*4-d **ZON18-00984 District 4.** Within the 700 block of South Stapley Drive (east side) and the1200 block of East 8th Avenue (north side). Located south of Broadway on the east side of Stapley Drive. (0.9± acres). Rezoning from RM-3 and OC to NC-BIZ; and Site Plan Review. This request will allow for a commercial development. Adaptive Architects, Inc., applicant; Pro Tax Financial Services, 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 Villanueva-Saucedo motioned to approve case ZON18-00984 with conditions of approval. The motion was seconded by Boardmember Allen.

That: The Board recommends the approval of case ZON18-00984 conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with all City development codes and regulations except this BIZ reduces the setback along the north property boundary from 20 feet to 10 feet.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of a subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Compliance with all requirements of Design Review.
5. Prior to the issuance a building permit, record with Maricopa County a lot combination that combines parcel numbers 139-04-013A and 139-04-010A into one parcel.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Villanueva-Saucedo and Crockett
NAYS – None

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*4-e **ZON19-00016 District 6.** Within the 7100 to 7600 blocks of East Elliot Road (north side) and the 3100 to 3500 blocks of South Sossaman Road (west side). Located north of Elliot Road and west of Sossaman Road (187± acres). Rezone from LI PAD-PAD and PEP-PAD-PAD to EO to create the Red Hawk Employment Opportunity Zone. This request will establish zoning to guide future development of employment and industrial uses. W. Ralph Pew, Pew & Lake, PLC, applicant; MBR Land I, an Arizona General Partnership, MBR Land I, LLP, B&K Land Investment Co., et al, and Morrison Ranch, Inc., owners.

Planner: Lesley Davis
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 ZON19-00016 with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of case ZON19-00016 conditioned upon:

1. Compliance with the EO development plan dated March 12, 2019.
2. Compliance with all City development codes and regulations, except as modified by the Development Plan.
3. Compliance with all requirements of the Subdivision Regulations.
4. Compliance with all requirements of the Design Review.
5. Due to the proximity to Phoenix-Mesa Gateway Airport, 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. If required, an FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Villanueva-Saucedo, Crockett
NAYS – None

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*4-f **ZON19-00070 District 6.** Within the 8000 block of East Ray Road (north side). Located west of Hawes Road on the north side of Ray Road. (36± acres). Rezone from AG-AF to LI-AF-PAD; and Site Plan Review. This request will allow for an industrial development. Jack Gilmore, Gilmore Planning & Landscape Architecture, applicant; Kay & Judy Toolson Joint Trust/Crisko, LLC, owner. **(Companion Case to Preliminary Plat "The Landing 202", associated with item *5-c).**

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 ZON19-00070 and associated preliminary plat "The Landing 202" with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of case ZON19-00070 conditioned upon:

1. Compliance with final site plan submitted and preliminary plat submitted.
2. Compliance with all City development codes and regulations; except for the PAD modifications in Table 1 of the staff report.
3. Compliance with all requirements of Design Review.
4. Compliance with all requirements of the Subdivision Regulations.
5. 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; whichever comes first.
6. Written notice be provided to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.
7. 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.
8. Prior to the issuance of a building permit, provide documentation by 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 db as specified in Section 11-19-5 of the Zoning Ordinance.
9. Recordation of a cross access agreement with adjacent properties to the south and west.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Villanueva-Saucedo, Crockett
NAYS – None

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*5-a **"Greenfield Industrial" District 5.** Within the 3400 to 3600 blocks of North Greenfield Road (east side) and the 4400 block of East Virginia Street (north side). Located at the southeast corner of the 202 Red Mountain Freeway and Greenfield Road. (10.8 ± acres). Preliminary Plat. Jack Czerwinski, Majestic Reality, applicant; Colebank Family Ltd Partnership, owner. **(Companion Case to ZON18-01010, associated with item *3-c).**

Planner: Ryan McCann
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 "Greenfield Industrial" and associated case ZON18-01010 with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of preliminary plat "Greenfield Industrial" 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. Compliance with the preliminary plat submitted.
5. Compliance with all requirements of the Subdivision Regulations.
6. 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 3 mile(s) of Falcon Field Airport.
   c. Due to the proximity of the site to Falcon Field Airport, development of 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 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 db as specified in Section 11-19-5 of the Zoning Ordinance.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Crockett and Villanueva-Saucedo
NAYS – None

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***5-b** **"Springs at Red Mountain" District 5.** Within the 2600 block of North Power Road (eastside). Located south of McDowell Road on the east side of Power Road. (10.43± acres). Preliminary Plat. Timothy Tyson, Aquila Las Sendas, LLC, applicant; Continental 452 Fund, LLC, owner. **(Companion Case to ZON18-00980, associated with item *4-d).**

Planner: Wahid Alam
Staff Recommendation: Approval with conditions

Summary: This case was discussed with case ZON18-00980.

Boardmember Allen motioned to approve preliminary plat "Springs at Red Mountain" and associated case ZON18-00980 with conditions of approval. The motion was seconded by Boardmember Crockett.

That: The Board recommends the approval of case ZON18-00980 conditioned upon:

1. Compliance with the final site plan and preliminary plan submitted.
2. Compliance with all City development codes and regulations; except as modified by the PAD to reduce the landscape and building setback along the eastern property boundary from 15-feet to 10-feet.
3. Compliance with all requirements of Design Review.
4. Compliance with all requirements of the Subdivision Regulations.
5. Install a wrought iron fence with a pedestrian access gate along the eastern property boundary.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Villanueva-Saucedo and Crockett
NAYS – None

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6-a **ZON18-00775 District 6.** Within the 4900 to 5200 blocks of South Power Road (east side). Located south of 202 San Tan Freeway on the east side of Power Road and north of Ray Road. (58± acres). Rezone from AG to LC-AF-PAD; Council Use Permit to allow multi-residential, commercial entertainment, hotel, and college and commercial trade school uses in the AOA1 and AOA2 and LC District; and Site Plan Review. This request will allow for a mixed-use development. Vivo Partners, LLC, applicant; Arizona State Land Group, owner. **(Companion Case to Preliminary Plat "Gallery Park", associated with item 7-a). (Continued from February 20, 2019).**

Planner: Lisa Davis
Staff Recommendation: Approval with conditions

Summary: Staffmember Lisa Davis presented case ZON18-00775 and associated preliminary plat (Case name "Gallery Park") to the Board. Ms. Davis explained the project includes annexation of the property which will be considered by the City Council concurrently with the rezoning request. Staffmember Davis presented a map showing the areas of the property which fall within the AOA 1 and AOA 2 districts. She informed the Board that the project is consistent with the General Plan and policies. Ms. Davis also stated staff received a letter from Phoenix Mesa Gateway Airport expressing concerns with allowing residential on a section of the property, specifically the section of the property within the AOA2 overlay. The Mesa Gateway Airport, however, included recommending a number of conditions of approval to include as part of approval of the request, if the City decides to approve the request. Staff has included the recommendations as conditions of approval in the staff report, specifically conditions numbers 6a-d.

Staffmember Davis also informed the Board that the PAD modifications requested include an increase in building heights, reduction in landscape setbacks and materials, and reduction in parking requirements. As part of the justifications for the modifications, the applicant included Design Guidelines that show high-end design and materials for development of the site. The Design Review Board reviewed the guidelines on February 12, 2019 and recommended approval of the Design Guidelines to Council.

Chair Dahlke stated she requested the case be pulled off the consent agenda for discussion to showcase the project to residents who may be watching the meeting at home.

Ralph Pew, 1744 S. Val Vista, spoke to the Board for the applicant. Mr. Pew addressed the issue that the loft units requested with the development are within the AOA 2 district. He explained the airport in Mesa has encouraged surrounding Cities to not allow residential uses that are within the airport overlay areas. Mr. Pew stated the airport map states a single-family development is prohibited in the AOA 1 and AOA 2 districts. However, multi-family uses are allowed subject to a Council Use Permit in the overlay districts. Mr. Pew stated this project does meet the findings for a Council Use Permit.

Tony Bianchi, Planning Manager for the Phoenix-Mesa Gateway Airport Authority, spoke at the meeting and expressed opposition to allowing residential on a certain section of the property located in the AOA 2 district. Mr. Bianchi stated through this process they have worked closely with the applicant and staff and still have concerns with allowing residential on this section of the property. Mr. Bianchi stated when they review projects, they look at the compatibility of the overall land use, flight safety as well as airport capacity and operations. He stated they have provided a letter which addresses the airports long standing position that they do not support any type of new residential development within the AOA 1 and AOA 2 areas.

There was discussion on how to mitigate wildlife and birds through landscaping. Mr. Bianchi responded the need to coordinate with the communities on types of landscaping and trees would help lessen concerns of wildlife in those areas.

Boardmember Sarkissian inquired what the process would be if there were numerous complaints from the residents. Dr. Appiah responded the City typically will work with the property owner to resolve the violations as the first step. In addition, the mitigation measures recommended as part of the approval of the project will address such potential violations and impact. Ultimately the City Council has the authority to revoke a Council Use Permit based on violations of the permit.

Boardmember Allen motioned to approve case ZON18-00775 and associated preliminary plat "Gallery Park" to include additional conditions of approval items 10, 11, and 12 provided at the study session. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of case ZON18-00775 conditioned upon:

1. Compliance with the final site plan and preliminary plan submitted.
2. Compliance with all requirements of the Subdivision Regulations.
3. Compliance with all City development codes and regulations, except for the PAD modifications identified in Table 1 of the City's staff report. The Gallery Park Narrative is for informational purposes only and shall have no force or effect.
4. Except for the PAD modifications identified in Table 1 of the City's staff report, the PAD does not modify, amend or change any Mesa City Code, requirements, regulations, or processes.
5. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
    a. 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, whichever occurs first).

b. Written notice shall be provided to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.
c. Due to the proximity of the site to Phoenix-Mesa Gateway 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 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 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 db as specified in Section 11-19-5 of the Zoning Ordinance.

7. Compliance with the Gallery Park Design Guidelines. The Planning Director may refer an application for design review to the Design Review Board.
8. All phases of the development shall comply with the City's requirements for solid waste collection.
9. All off-site improvements and street frontage landscaping to be installed in the first phase of construction.
10. Prior to the submittal of a building permit, either record with Maricopa County an access easement to travel across the property along Ray Road owned by the Roosevelt Water Conservation District (RWCD) or obtain ownership of the RWCD property.
11. **The maximum height allowed on lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, as indicated on the final site plan, is 75 feet.**
12. **The maximum height allowed on lots 1, 2, 5, 6, and 13 as indicated on the final site plan, is 40 feet.**
13. **The maximum height allowed on lots 3, 4, 7, 8, 9, 10, 11, 12, and 14, as indicated on the final site plan, is 35 feet.**

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Villanueva-Saucedo and Crockett
NAYS – None

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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

7-a **"Gallery Park" District 6.** Within the 4900 to 5200 blocks of South Power Road (east side). Located south of 202 San Tan Freeway on the east side of Power Road and north of Ray Road. (58± acres). Preliminary Plat. Vivo Partners, LLC, applicant; Arizona State Land Group, owner. **(Companion Case to ZON18-00775, associated with item 6-a). (Continued from February 20, 2019).**

Planner: Lisa Davis
Staff Recommendation: Approval with conditions

Summary: This case was discussed along with item 6-a, case ZON18-00775.

Boardmember Allen motioned to approve preliminary plat "Gallery Park" and associated case ZON18-00775 to include additional conditions of approval items 10, 11, and 12 provided at the study session. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of preliminary plat "Gallery Park" conditioned upon:

1. Compliance with the final site plan and preliminary plan submitted.
2. Compliance with all requirements of the Subdivision Regulations.
3. Compliance with all City development codes and regulations, except for the PAD modifications identified in Table 1 of the City's staff report. The Gallery Park Narrative is for informational purposes only and shall have no force or effect.
4. Except for the PAD modifications identified in Table 1 of the City's staff report, the PAD does not modify, amend or change any Mesa City Code, requirements, regulations, or processes.
5. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit or at the time of the City's request for dedication, whichever comes first.
6. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
   a. 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, whichever occurs first).
   b. Written notice shall be provided to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.
   c. Due to the proximity of the site to Phoenix-Mesa Gateway 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 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 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 db as specified in Section 11-19-5 of the Zoning Ordinance.

7. Compliance with the Gallery Park Design Guidelines. The Planning Director may refer an application for design review to the Design Review Board.
8. All phases of the development shall comply with the City's requirements for solid waste collection.
9. All off-site improvements and street frontage landscaping to be installed in the first phase of construction.
10. Prior to the submittal of a building permit, either record with Maricopa County an access easement to travel across the property along Ray Road owned by the Roosevelt Water Conservation District (RWCD) or obtain ownership of the RWCD property.
11. **The maximum height allowed on lots 15, 16, 17, 18, 19, 20, 21, 22,23, 24, 25, 26 and 27, as indicated on the final site plan, is 75 feet.**
12. **The maximum height allowed on lots 1, 2, 5, 6, and 13 as indicated on the final site plan, is 40 feet.**
13. **The maximum height allowed on lots 3, 4, 7,8, 9, 10, 11, 12, and 14, as indicated on the final site plan, is 35 feet.**

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Villanueva-Saucedo and Crockett
NAYS – None

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6 Other Business.
None.

7 Adjournment.

Boardmember Allen motioned to adjourn the meeting at 5:18 pm. The motion was seconded by Boardmember Villanueva-Saucedo.

Vote: 7-0 Approved
Upon tabulation of vote, it showed:
AYES – Dahlke, Astle, Sarkissian, Boyle, Allen, Villanueva-Saucedo and Crockett
NAYS – None

Respectfully submitted,

Nana K. Appiah, AICP, Secretary
Planning Director