

Planning and Zoning Board

Meeting Minutes

Held in the City of Mesa Council Chambers – Upper Level

Date: May 22, 2019 Time: 4:00 p.m.

MEMBERS PRESENT:

Vice Chair Dane Astle
Jessica Sarkissian
Tim Boyle
Deanna Villanueva-Saucedo

MEMBERS ABSENT:

Chair Michelle Dahlke
Shelly Allen
Jeffrey Crockett

STAFF PRESENT:

Nana Appiah
Tom Ellsworth
Wahid Alam
Evan Balmer
Ryan McCann
Charlotte Bridges
Charlotte McDermott
Rebecca Gorton

OTHERS PRESENT:

Christina Christian
Janet Jackim
Steve Adams
Michael Sarabis
David Benson
Jason Chacer
Gabe Gomez
Citizen who did not sign in

Call Meeting to Order.

Vice Chair Astle 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 May 8, 2019 study session and regular hearing.

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

Vote: 4-0 Approved (Chair Dahlke, and Boardmembers Allen and Crockett, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Villanueva-Saucedo

NAYS – None

Zoning Cases: ZON19-00123, ZON19-00125, and ZON19-00160; Preliminary Plat:
“Eastmark DU 3/4 North (Phase 5) MDR”

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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

MINUTES OF THE MAY 22, 2019 PLANNING & ZONING MEETING

- *3-a ZON19-00123 District 5.** Within the 5900 block of East Longbow Parkway (north side). Located south of the Loop 202 Red Mountain Freeway and west of Recker Road. (1.22± acres). Site Plan Review. This request will allow for the development of a restaurant with a drive-thru. Violet Thornton, Kitchell Development Company, applicant; Longbow CAS, LLC, owner.

Planner: Charlotte Bridges

Staff Recommendation: Approval with conditions

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

Boardmember Sarkissian motioned to approve case ZON19-00123 with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of case ZON19-00123 conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of Design Review approval.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. Due to the proximity to Falcon Field 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.
 - b. Prior to issuance of building a permit, provide documentation by a registered Professional Engineer or registered Professional Architect demonstrating compliance with noise level reductions required by Section 11-19-5 of the MZO.

Vote: 4-0 Approved (Chair Dahlke, and Boardmembers Allen and Crockett, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Villanueva-Saucedo

NAYS – None

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- *3-b ZON19-00125 District 3.** 1855 South Stapley Drive. Located north of Baseline Road on the east side of Stapley Drive. (2.3 ± acres). Site Plan Modification. This request will allow for the redevelopment of an existing restaurant building for a multi-tenant building with a drive-thru. Hunter Marcuson, MBA DWS Commercial, applicant; DSW Mesa Grand/Spectrum, 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 Sarkissian motioned to approve case ZON19-00126 with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of case ZON19-00125 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. Compliance with all conditions of approval from zoning case Z98-043, except as modified with this request.

Vote: 4-0 Approved (Chair Dahlke, and Boardmembers Allen and Crockett, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Villanueva-Saucedo

NAYS – None

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- *3-c ZON19-00160 District 6.** Within the 3300 and 3400 blocks of South 80th Street (west side) and the 7900 block of East Prairie Avenue. (south side). Located north of Elliot Road and east of Sossaman Road. (3.24 ± acres). Site Plan Review. This request will allow for an industrial development. Jared Malone, Associated Architects, applicant; Gateway Warner, LLC, 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 Sarkissian motioned to approve case ZON19-00160 which include updated conditions of approval provided at the study session. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of case ZON19-00160 conditioned upon:

1. Compliance with final site plan submitted.
2. Compliance with all requirements of Design Review
3. Prior to the issuance of a building permit, record with the Maricopa County Recorder's Office a lot line adjustment in accordance with section 9-6-6 of the City of Mesa Subdivision Regulations and section 11-7-3 of the City of Mesa Zoning Ordinance.
4. Prior to the issuance of a building permit, record with the Maricopa County Recorder's Office a cross-access agreement between the subject two parcels.
5. 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 Phoenix Mesa Gateway Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b. Provide written notice to future property owners that the project is within 3 mile(s) of Phoenix Mesa Gateway Airport.

Vote: 4-0 Approved (Chair Dahlke, and Boardmembers Allen and Crockett, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Villanueva-Saucedo

NAYS – None

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MINUTES OF THE MAY 22, 2019 PLANNING & ZONING MEETING

- *4-a ZON18-00891 District 3.** 535 West Baseline Road. Located west of Country Club Drive on the south side of Baseline Road. (1.4± acres). Rezone from NC to LI. This request will allow for the development of an industrial use. Matthew Rettig, applicant; PDE Investments, LLC, owner. **(Continued from April 17, 2019).**

Planner: Evan Balmer

Staff Recommendation:

Summary: Staffmember Evan Balmer presented case ZON18-00891 to the Board. Mr. Balmer explained to the Board that staff is recommending a condition of approval with case to require a Development Agreement to limit certain land uses on the property. The intent of limiting certain land uses is to ensure the rezoning of the property to Light Industrial does not negatively impact surrounding properties. Mr. Balmer informed the Board that uses allowed in the Neighborhood Commercial designation currently on the property will still be allowed with development agreement.

The property owner, Steve Adams, 535 W. Baseline Road, spoke to the Board. Mr. Adams stated he has had difficulty leasing vacant spaces in the building and believes the rezoning with the possibility of allowing a medical marijuana use will be compatible with the area. Mr. Adams stated he does not object if the P&Z include a requirement to construct a higher fence at the rear of the property.

David Benson, 2043 S. Orange Street spoke in opposition. Mr. Benson stated he owns two properties nearby and has mixed feelings about the rezoning. He stated he is not pleased to have a medical marijuana dispensary so close to his home, however, there are several homeless people trespassing on the property all the time and have an active use will deter the homeless from occupying the property. Mr. Benson questioned if there were not other type of retailers that could lease the space. In conclusion, he requested an increase to the wall on the south side of the property if the request is approved.

There was a card filled by the owner of the medical marijuana dispensary, Jason Chacon, 4353 N. Deserts Gate Circle, was in favor of the request and did not speak.

Attorney for the applicant, Janet Jackim, 4250 N. Drinkwater spoke in favor of the project. Ms. Jackim stated the owner will be relocating from another location and intends to continue to provide a professional facility.

Gabe Gomez, 2152 S. Vineyard is in favor of the project and did not speak.

The boardmembers discussed including a condition of approval to require a higher wall on the southern section of the property. Mr. Adams stated he would be amenable to adding to the existing wall if needed. The P&Z also asked staff if the Development Agreement will run with the land. Staff informed the P&Z that the Development Agreement will run with the land.

Boardmember Villanueva-Saucedo motioned to approve case ZON18-00891 with conditions of approval. The motion was seconded by Boardmember Sarkissian.

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That: The Board recommends the approval of case ZON18-00891 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Execute a development agreement, as approved by City Council, to restrict certain land uses on the property
3. Landscaping shall comply with the landscape plan approved with zoning case Z05-020. Any dead, dying or missing landscape materials shall be replaced in kind and all landscaping shall be trimmed to maintain natural surveillance.

Vote: 4-0 Approved (Chair Dahlke, and Boardmembers Allen and Crockett, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Villanueva-Saucedo

NAYS – None

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MINUTES OF THE MAY 22, 2019 PLANNING & ZONING MEETING

- *4-b ZON19-00064 District 2.** Within the 6000 and 6100 blocks of East Baseline Road (north side). Located west of Power Road on the north side of Baseline Road. (6.8 ± acres). Rezoning from RS-43, LC-AF and GC-AF to RM-2-PAD-AF; and Site Plan Review. This request will allow for the development of a multi-residential use. Ralph Pew, Pew and Lake, PLC, applicant; Pacific Rim Group, owner. **(Companion Case to Preliminary Plat "Zen on Baseline", associated with item *5-a).**

Planner: Ryan McCann

Staff Recommendation: Approval with conditions

Summary: Boardmember Boyle stated his concern there is an imbalance within the City of Mesa residential and commercial uses. Mr. Boyle feels that when any new high-density projects are discussed, the school district accepts additional student population without any comments or concerns. He stated he does not feel the city has a good way of providing the school system with enough information when new developments are submitted. Also, Mr. Boyle stated we should receive a significant amount of quality to project when a PAD is requested.

Ralph Pew, 1744 S. Val Vista spoke as the applicant. Mr. Pew explained the location a re-adaptive of a historic entertainment center and would likely never be used as a commercial site. He stated this is a well-designed multi-residential use which complies with the General Plan and is not a viable commercial location. Mr. Pew stated schools districts adapt to new development and with the addition of Charter Schools, additional student population is not an issue.

Boardmember Sarkissian motioned to approve case ZON19-00064 and associated preliminary plat "Zen on Baseline" with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of case ZON19-00064 conditioned upon:

1. Compliance with final site plan submitted.
2. Compliance with the elevations submitted.
3. Compliance with all requirements of the Subdivision Regulations.
4. Compliance with all City development codes and regulations, except as modified in Table 1 in the staff report.
5. 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 Phoenix Mesa Gateway Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b. Provide written notice to future property owners that the project is within 5 mile(s) of Phoenix Mesa Gateway Airport.
 - c. 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.

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- d. Prior to the issuance of a building permit, provide documentation by a registered professional engineer or registered professional 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: 4-0 Approved (Chair Dahlke, and Boardmembers Allen and Crockett, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Villanueva-Saucedo

NAYS – None

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MINUTES OF THE MAY 22, 2019 PLANNING & ZONING MEETING

- *5-a “Zen on Baseline” District 2.** Within the 6000 and 6100 blocks of East Baseline Road (north side). Located west of Power Road on the north side of Baseline Road. (6.8 ± acres). Preliminary Plat. Ralph Pew, Pew and Lake, PLC, applicant; Pacific Rim Group, owner. **(Companion Case to ZON19-00064, associated with item *4-b).**

Planner: Ryan McCann

Staff Recommendation: Approval with conditions

Summary: This case was discussed in conjunction with case ZON19-00064.

Boardmember Sarkissian motioned to approve preliminary plat “Zen on Baseline” and associated case ZON19-00064 with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of preliminary plat “Zen on Baseline” conditioned upon:

1. Compliance with final site plan submitted.
2. Compliance with the elevations submitted.
3. Compliance with all requirements of the Subdivision Regulations.
4. Compliance with all City development codes and regulations, except as modified in Table 1 in the staff report.
5. 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 Phoenix Mesa Gateway Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - b. Provide written notice to future property owners that the project is within 5 mile(s) of Phoenix Mesa Gateway Airport.
 - c. 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.
 - d. Prior to the issuance of a building permit, provide documentation by a registered professional engineer or registered professional 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: 4-0 Approved (Chair Dahlke, and Boardmembers Allen and Crockett, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Villanueva-Saucedo

NAYS – None

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- *5-b “Eastmark DU 3/4 North (Phase 5) MDR” District 6.** Within the 9200 through 9400 blocks of East Warner Road (south side); the 4400 through 4700 blocks of South Ellsworth Road (east side); and the 4400 through 4600 blocks of South Inspirian Parkway. Located south of Warner Road on the east side of Ellsworth Road. (78.8± acres). Preliminary Plat. Eric Tune, Brookfield Development, applicant; DMB Mesa Proving Grounds, LLC, owner. **(ZON18-00991)**

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 Sarkissian motioned to approve preliminary plat “Eastmark DU 3/4 North (Phase 5) MDR” with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of preliminary plat “Eastmark DU 3/4 North (Phase 5) MDR” conditioned upon:

1. Compliance with the preliminary plat submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Subdivision Regulations.
4. Development within the proposed plat shall be in conformance with the approved Development Unit Plan for Development Unit 3/4 (DU3/4) of the Mesa Proving Grounds Community Plan.

Vote: 4-0 Approved (Chair Dahlke, and Boardmembers Allen and Crockett, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Villanueva-Saucedo

NAYS – None

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5 Other Business.

None.

6 Adjournment.

Boardmember Sarkissian motioned to adjourn the meeting at 4:54 pm. The motion was seconded by Boardmember Villanueva-Saucedo.

Vote: 4-0 Approved (Chair Dahlke, and Boardmembers Allen and Crockett, absent)

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Villanueva-Saucedo

NAYS – None

Respectfully submitted,



Nana K. Appiah, AICP, Secretary
Planning Director