

Planning and Zoning Board

Meeting Minutes

Held in the City of Mesa Council Chambers – Upper Level

Date: September 11, 2019 Time: 4:00 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Jessica Sarkissian

STAFF PRESENT:

Nana Appiah
Tom Ellsworth
Lesley Davis
Cassidy Welch
Ryan McCann
Charlotte McDermott
Rebecca Gorton

OTHERS PRESENT:

Christine Ramos
Citizens who did not sign in

Call Meeting to Order.

Chair Dahlke declared a quorum present and the meeting was called to order at 4:00 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 with the changes discussed at the study session. The motion was seconded by Vice Chair Astle.

Vote: 6-0 Approved (Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

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

NAYS – None

Zoning Cases: ZON19-00444; preliminary plats "Baywood Square" and Eastmark DU-7 Parcel 53"

MINUTES OF THE SEPTEMBER 11, 2019 PLANNING & ZONING MEETING

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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

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- *3-a ZON19-00365 District 6.** Within the 9600 through 9700 blocks of East Hampton Avenue (north side). Located south of Southern Avenue on the west side of Crismon Road. (3.8± acres). Rezone from RS-43 to RM-2-PAD; and Site Plan Review. This request will allow for a multiple-residence development. Brennan Ray, Burch & Cracchiolo, applicant; Off Crismon Properties, LLC, owner.

Planner: Cassidy Welch

Staff Recommendation: Approval with conditions

Summary: Staffmember Cassidy Welch presented case ZON19-00365 to the Board. Ms. Welch stated the request includes a PAD with deviations to development standards for modifications to building and landscape setbacks, separation requirements and private and common space dimensions.

Brennan Ray, 702 E. Osborn, stated the proposal is within the General Plan designation of Neighborhood. Mr. Ray stated they have worked closely with staff to ensure a quality development. He stated they agree with the changes to condition of approval #6 and requests this proposal be approved.

Nana Appiah, Planning Director read into the record the agreed upon condition of approval #6: Prior to issuance of a building permit, the amenity package commensurate with what is shown on the site plan must be reviewed and approved by the Planning Director. The amenities shall include, at a minimum, a swimming pool and either a sport court, or alternative active recreational use of the areas shown as an amenity area on the site plan.

Vice Chair Astle motioned to approve case ZON19-00444 with conditions of approval. The motion was seconded by Boardmember Boyle.

That: The Board recommends the approval of case ZON19-00365 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, except as modified in Table 1 of the staff report.
4. Prior to the issuance of a building permit, comply with all Solid Waste requirements.
5. 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 the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. Prior to issuance of a building permit, the amenity package commensurate with what is shown on the site plan must be reviewed and approved by the Planning Director. The amenities shall include, at a minimum, a swimming pool and either a sport court, or alternative active recreational use of the areas shown as an amenity area on the site plan.

Vote: 4-2 Approved (Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Astle, Boyle, and Villanueva-Saucedo

NAYS – Allen, Crockett

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MINUTES OF THE SEPTEMBER 11, 2019 PLANNING & ZONING MEETING

- *3-b ZON19-00440 District 2.** 1728 South Greenfield Road. Located south of the US 60 Superstition Freeway and west of Greenfield Road. (7.2± acres). Rezone from Light Industrial (LI) with a Council Use Permit (CUP) to Limited Commercial (LC) with a Council Use Permit for a pawn shop; and Site Plan Review. This request will allow a pawn shop within an existing group commercial center. RKAA Architects, applicant; HH-Greenfield Gateway LLC, owner.

Planner: Lisa Davis

Staff Recommendation: Approval with conditions

Summary: Principal Planner, Tom Ellsworth presented case ZON19-00440 to the Board. Mr. Ellsworth stated the request is for rezoning, site plan review and a Council Use Permit for a pawn shop in a portion of an existing retail center. He stated this request conforms to the standards of development and read the criteria required for a Council Use Permit for a pawn shop.

Applicant Neil Feaser, 2233 E. Thomas Road, stated the rezoning request is to change the existing zoning to the correct zoning for the center, and a Council Use Permit for the pawn shop. Mr. Feaser stated the pawn shop is a retail use which conforms to the uses in the center. He feels the businesses opposed to the requested use work well together with a pawn shop and provides an additional resource for residents when turned away from the credit union. Mr. Feaser explained this is a family owned business and there is not another pawn shop within seven miles of the center. He also informed the Board the owner currently has a facility in operation in another location and is operated with high standards.

Owner Michael Cox, 40975 N. Ironwood Drive, spoke to the Board. Mr. Cox stated he is not surprised at the negative perception and the image of a pawn shop and its effects in a neighborhood due to how they are portrayed in movies and on TV. He stated he is sensitive to the negative perceptions and feels the surrounding businesses will not relocate if the pawn shop is approved. Mr. Cox stated he has reached out to businesses that are opposed to the business and has offered they visit his existing shop and to see how it is being run. He explained he is required to provide a police report daily to all law enforcement facilities across the country. His desire is to come into Mesa because it is more densely populated and will generate more business.

Boardmember Crockett asked Mr. Cox to explain what differentiates his family owned pawn shop from other pawn shops. Mr. Cox replied he is directly involved with operation of the business and care more, which is different from large corporations that are run by executive boards who hire employees to work that are less concerned with helping customers.

Christine Ramos, 4212 E. Juanita is the branch manager of Navy Federal Credit Union and is opposed to the Council Use Permit for the pawn shop. She stated they have over 24,000 members and feels they would see a reduction in membership if a pawn shop is allowed to be located in the shopping center. Ms. Ramos stated the credit union would consider a different location if the business is allowed to locate to the center. She stated there is an abundance of pawn shops and check cashing businesses in Mesa and there is a check cashing business located in the next shopping center to the south.

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Boardmember Boyle inquired where the check cashing facility is located. Ms. Cox replied it is in the shopping center to the south across from Juanita Street.

Chair Dahlke stated it would be a large endeavor for a business like the Credit Union to move. Ms. Ramos stated other locations of the credit union have relocated and are opening new locations on the west side and have actively looked for other locations in the past.

Boardmember Allen stated she understands the site meets the minimum requirements for rezoning and that the request to rezone a property can be a discretionary decision to be considered for approval. Ms. Allen stated that although it is acceptable for Mesa to have its fair share of pawn shops, payday loan, etc., she feels the number of pawn shops in Mesa is excessive. Ms. Allen also stated that she feels the pawn shop would be detrimental to the surrounding businesses and the City as a whole, as it will add to the already existing high number of pawn shops in Mesa.

Boardmember Villanueva-Saucedo reiterated how do we attract the type of economic development we want as a whole for the City if we don't consider uses that may impede our economic development goals. She stated the approval of a rezoning request can be at the discretion of the City Council with a recommendation of the Planning and Zoning Board and it is within the Board's purview to recommend to the City Council to approve or deny the rezoning request. Ms. Villanueva-Saucedo stated we need to attract a high standard of business and approval of this request will give a negative perception.

Boardmember Boyle stated he has shopped at pawn shops and agrees that Mesa has their fair share but most of them are located west of Gilbert Road. Mr. Boyle stated he is focusing on having a balance within the city and questions if a pawn shop in this location would balance the amount on the west side of Mesa. He stated when there are too many pawn shops close together, they do start to have a negative effect on the area. Mr. Boyle is considering if this request is approved, would it balance the amount on the west side.

Boardmember Crockett stated he feels the perception may not be fair but creates the potential of having a negative effect on the existing businesses in the shopping center. It troubles him that we work hard to bring in businesses and maintain them and this makes it hard for him to support the request.

Chris Hinkson, 5050 N. 40th Street is the owner of the shopping center. Mr. Hinkson stated he recently purchased the center and the original developer sold a piece of the property to Navy Federal Credit Union and Sportsman's Warehouse. They are important tenants to the center and the last thing he wants to do is bring in a tenant that would be detrimental to the center. Mr. Hinkson agrees there is a point when there can be too many pawn shops in an area but feels this would be a good location. Mr. Boyle confirmed that there was a payday loan business in the center at the same time Navy Federal Credit Union was there.

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Boardmember Allen motioned to deny case ZON19-00440. The motion was seconded by Boardmember Villanueva-Saucedo.

Vote: 3-3 Denied (Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Astle, Boyle

NAYS – Allen, Crockett and Villanueva-Saucedo

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- *3-c ZON19-00444 District 5.** Within the 7100 through 7200 blocks of East University Drive and within the 100 through 400 blocks of North Sunvalley Boulevard. Located West of Sossaman Road on the south side of University Drive. (11± acres) Modification of an approved PAD and associated conditions of approval; and Site Plan Modification. This request will allow amendment to remove a condition of approval limiting the square footage allowed for medical offices. Dorothy Shupe, Sketch Architecture Company, applicant; Baywood Square Owners Association, Arbor 5800, LLC, Balance Capital, LLC, Bodo Park Holdings, LLC, Shepherd Enterprises, LLC, Blackstone Charitable Trust, Pinion Properties, LLC, B&B Office Condo, LLC, Advanced Equity International, LLC, Kelley Shepherd Holding, LLC, Lodoc Investments, LLC, Branberger Investments, LLC, Bogle Building, LLC, JAI LAXMI, LLC, Faith Edward, LLC, G to G, LLC, owners. **(Companion case to preliminary plat "Baywood Square", associated with item *4-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 ZON19-00444 and associated preliminary plat "Baywood Square" with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of case ZON19-00440 conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with the plan of operation and good neighbor policy on page 5 of Exhibit A - ZON19-00440 dated August 5, 2019.

Vote: 6-0 Approved (Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

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

NAYS – None

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MINUTES OF THE SEPTEMBER 11, 2019 PLANNING & ZONING MEETING

- *4-a “Baywood Square” District 5.** Within the 7100 through 7200 blocks of East University Drive and within the 100 through 400 blocks of North Sunvalley Boulevard. Located West of Sossaman Road on the south side of University Drive. (11± acres) Preliminary Plat. Dorothy Shupe, Sketch Architecture Company, applicant; Baywood Square Owners Association, Arbor 5800, LLC, Balance Capital, LLC, Bodo Park Holdings, LLC, Shepherd Enterprises, LLC, Blackstone Charitable Trust, Pinion Properties, LLC, B&B Office Condo, LLC, Advanced Equity International, LLC, Kelley Shepherd Holding, LLC, Lodoc Investments, LLC, Branberger Investments, LLC, Bogle Building, LLC, JAI LAXMI, LLC, Faith Edward, LLC, G to G, LLC, owners. **(Companion case to ZON19-0044, 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 “Baywood Square” and associated case ZON19-00444 with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of preliminary plat “Baywood Square” conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with the plan of operation and good neighbor policy on page 5 of Exhibit A - ZON19-00440 dated August 5, 2019.

Vote: 6-0 Approved (Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

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

NAYS – None

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- *4-b “Eastmark DU-7 Parcel 53” District 6.** Within the 9800 through 9900 blocks of East Point Twenty-Two Boulevard (south side) and within the 4700 block of South Eastmark Parkway (west side). Located north of Ray Road and East of Ellsworth Road. (13.4± acres). Preliminary Plat. Clayton Neilsen, Bowman Consulting, applicant; DMB Mesa Proving Grounds, LLC, owner. **(ZON19-00475)**

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 preliminary plat “Eastmark DU-7 Parcel 53” with conditions of approval. The motion was seconded by Vice Chair Astle.

That: The Board recommends the approval of preliminary plat “Eastmark DU-7 Parcel 53” 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 7 (DU-7) of the Mesa Proving Grounds Community Plan.

Vote: 6-0 Approved (Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

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

NAYS – None

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5 Other Business.

None.

6 Adjournment.

Boardmember Allen motioned to adjourn the meeting at 4:47 pm. The motion was seconded by Boardmember Villanueva-Saucedo.

Vote: 6-0 Approved (Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

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

NAYS – None

Respectfully submitted,

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

Nana K. Appiah, AICP, Secretary
Planning Director