

MINUTES OF THE MARCH 20, 2019 PLANNING & ZONING MEETING

- 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.

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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).

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- 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