

MINUTES OF THE APRIL 18, 2012 PLANNING AND ZONING MEETING

Item: **Z12-02** 6859 East Rembrandt Avenue. Located north of Warner Road and east of Power Road (14,100± sf). District 6. Council Use Permit. This request will continue to allow an existing charter school within an industrial zoned area. (PLN2011-00375) Daniel Deryke, Western Horizons Development LLC, owner; Steven Mills, University Public Schools, applicant. **(District 6)**

Comments: This case was removed from the consent agenda.

Boardmember Roberts declared a conflict.

Neal Caulfee, represented the case and stated they agree with the staff report and the conditions.

Trudy Licano, 6903 E Parkway Norte, an adjacent property owner, spoke in opposition to the case. Ms. Licano stated she owns property to the south of this site. She stated the school restricts the use of her property. She stated she was OK with the original approval for the school because it was supposed to be there for only 18 months, it has now been 4 years and they want another two years. She was concerned that there had been nothing to show they were moving forward. She stated she had spoken with Beatrice Renton at ASU and was told the applicant didn't even have construction drawings.

In response, the applicant stated that part of the delay in moving was that the VA hospital is still where they plan to move.

Staffmember Angelica Guevara explained this case was a request to allow a charter school CUP to be continued. She stated the original approval was in 2008 with a time limit of 18 months. The temporary approval was extended three years in 2009. The applicant was now asking another extension to June 2014. The staff report had been written based on the applicant's Citizen Participation Plan which stated there were no concerns from adjacent property's. Since that time staff had heard from neighbors who were opposed to the case.

Vice Chair Coons confirmed that surrounding business owners had stated they had issues with traffic congestion caused by the school. She asked if the applicants had addressed those issues. Mr. Calufee stated they were working with City staff and surrounding businesses to address the traffic issues. He stated the problem is only 15 minutes in the morning and 15 minutes in the afternoon. He stated they had made changes including not allowing egress in front of the businesses and pick-up on Rembrandt.

Boardmember Brad Arnett asked what staff would recommend if condition 3 were removed. Staffmember Guevara stated that staff would recommend approval until June 2013, with automatic extension to 2014 only if the applicant had submitted construction drawings. Boardmember Arnett asked how the Board could know the VA hospital would really move.

Mr. Caulfee stated they had issued a lease termination to the VA and that they would not renew the lease. They assumed the VA would honor that lease termination. Boardmember Arnett asked what the date was on the lease termination. Mr. Caulfee stated the date was December 2012 with a one year automatic option to renew to December 2013.

Vice Chair Coons stated she was supportive of the school, but it was in the wrong place. It started in 2008 as a temporary situation. That is a long temporary situation and other people are being affected by that.

Boardmember DiBella stated that the other option would be instead of an automatic renewal to 2014, they come back to the Board.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Brad Arnett

That: The Board recommend to the City Council approval of zoning case Z12-02 conditioned upon:

1. Compliance with the basic development of the Charter School as described in the project narrative.
2. Compliance with all City development codes and regulations, including comments from the Transportation Division.
3. This Council Use Permit shall expire on June 30, 2013.
4. The approval of this Council Use Permit is limited to the University Public School Initiative.

Vote: Passed 5 – 0 – 1 (Boardmember Roberts abstained) (Chair Carter absent)

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Note: *Audiotapes 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*