

Planning and Zoning Board

Meeting Minutes

Held by Virtual Platform
Date: March 24, 2021 Time: 4:00 p.m.

MEMBERS PRESENT:

*Chair Dane Astle
*Vice Chair Jessica Sarkissian
*Tim Boyle
*Shelly Allen
* Jeffrey Crockett
* Deanna Villanueva-Saucedo
* Ben Ayers

MEMBERS ABSENT:

None

(*Boardmembers participated in the meeting through the use of telephonic and video conference equipment)

STAFF PRESENT:

Nana Appiah
Tom Ellsworth
Lesley Davis
Rachel Prelog
Jennifer Gniffke
Charlotte McDermott
Rebecca Gorton

OTHERS PRESENT:

None

Call Meeting to Order.

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 March 10, 2021 study session and regular hearing.

*2-a Boardmember Allen motioned to approve the minutes from the March 10, 2021 study session and regular hearing. The motion was seconded by Vice Chair Sarkissian.

Vote: 7-0 Approved

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

Boardmember Allen motioned to approve the consent agenda. The motion was seconded by Vice Chair Sarkissian.

Zoning Cases: ZON20-004884, ZON20-00888, and ZON21-00057, ZON19-00832 and ZON20-00210

Vote: 7-0 Approved

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

MINUTES OF THE MARCH 24, 2021 PLANNING & ZONING MEETING

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MINUTES OF THE MARCH 24, 2021 PLANNING & ZONING MEETING

- *3-a ZON20-00884 District 6.** Within the 4000 to 4400 blocks of South Ellsworth Road (east side) and within the 4000 to 4400 blocks of South Eastmark Parkway (west side) and within the 9200 to 9800 blocks of East Warner Road (north side) and within the 9200 to 9600 blocks of the East Mesquite Street alignment (south side). Located north of Warner Road and East of Ellsworth Road. (181± acres) This request will approve a modification of the Development Unit Plan for Development Unit 2 within the Eastmark Community Plan, also known as the Mesa Proving Grounds Community Plan. Eric Tune, Brookfield Development, applicant; DMB Mesa Proving Grounds, LLC, owner.

Planner: Tom Ellsworth

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 ZON20-00884 to include the update to condition #3 discussed at the study session. The motion was seconded by Vice Chair Sarkissian.

That: The Board recommends the approval of case ZON20-00884 conditioned upon:

1. Compliance with the Eastmark Development Unit 2 Development Unit Plan dated March 1, 2021.
2. Compliance with the approved Eastmark Community Plan.
3. Prior to, or concurrently with, the submittal of the first site plan for DU2, if required by the City Engineer and Traffic Engineer, the applicant shall submit the following to the City for review and approval:
 - a. Updates to all Eastmark Community Plan Utility and Transportation Master Plans, and
 - b. Revised Development Unit Utility and Transportation Master Plans for DU2.
4. Compliance with all City development codes and regulations.
5. The Planning Director may approve grammatical, formatting, and other errors that do not affect or change the meaning of the substantive requirements or standards of the Development Unit Plan.

Vote: 7-0 Approval with conditions

Upon tabulation of vote, it showed:

AYES – Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

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MINUTES OF THE MARCH 24, 2021 PLANNING & ZONING MEETING

- *3-b ZON20-00888 District 6** Within the 9200 to 9600 blocks of East Elliot Road (south side) and within the 9200 to 9600 blocks of the East Mesquite Street alignment (north side) and within the 3600 to 4000 blocks of South Ellsworth Road (east side) and within the 3600 to 4000 blocks of the South Eastmark Parkway alignment (west side). Located south of Elliot Road and east of Ellsworth Road. (145± acres) This request will approve the Development Unit Plan for Development Unit 1 within the Eastmark Community Plan, also known as the Mesa Proving Grounds Community Plan. Eric Tune, Brookfield Development, applicant; DMB Mesa Proving Grounds, LLC, owner.

Planner: Tom Ellsworth

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 ZON20-00884 to include the update to condition #3 discussed at the study session. The motion was seconded by Vice Chair Sarkissian.

That: The Board recommends the approval of case ZON20-00888 conditioned upon:

1. Compliance with the Eastmark Development Unit 1 Development Unit Plan dated March 1, 2021.
2. Compliance with the approved Eastmark Community Plan.
3. Prior to, or concurrently with, the submittal of the first site plan for DU1, the applicant shall submit the following for review and approval by the City Engineer and Transportation Engineer:
 - a. All Development Unit Utility and Transportation Master Plans for DU1, and
 - b. Updates to all Eastmark Community Plan Utility and Transportation Master Plans.
4. Compliance with all City development codes and regulations.
5. The Planning Director may approve grammatical, formatting, and other errors that do not affect or change the meaning of the substantive requirements or standards of the Development Unit Plan.

Vote: 7-0 Approval with conditions

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

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MINUTES OF THE MARCH 24, 2021 PLANNING & ZONING MEETING

- *3-c ZON21-00057 District 6.** Within the 8800 to 9100 blocks of East Ray Road (north side) and within the 4900 block of South Ellsworth Road (west side). Located north of Ray Road and West of Ellsworth Road. (35.2± acres). Site Plan Review; and Special Use Permit. This request will accommodate an industrial development. Ryan Companies US, Inc., applicant; Prairie Dog Investments III LLC, owner.

Planner: Jennifer Gniffke

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 ZON21-00057 with conditions of approval. The motion was seconded by Vice Chair Sarkissian.

That: The Board recommends the approval of case ZON21-00057 conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with the conditions of approval from Z06-059.
4. Compliance with all requirements of Design Review.
5. All off-site improvements and street frontage landscaping to be installed with the first phase of construction.
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 Phoenix-Mesa Gateway Airport prior to the issuance of a building permit.
 - b. Due to the proximity to Phoenix-Mesa Gateway Airport, any proposed permanent, or temporary structure, as required by the FAA, 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.
 - c. Provide written notice to future property owners that the project is within 1 mile of Phoenix-Mesa Gateway Airport.

Vote: 7-0 Approval with conditions

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

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MINUTES OF THE MARCH 24, 2021 PLANNING & ZONING MEETING

- *4-a **ZON19-00832 District 3.** Within the 1800 block of West Main Street (north side) and within the 100 block of North Dobson Road (east side) and within the 0 to 200 blocks of North Sycamore (west side). Located east of Dobson Road and north of Main Street. (21± acres). Modification of the Sycamore Station Smart Growth Community Plan. This request will allow for a mixed-use transit-oriented development. Neil Calfee, Miravista Holdings, LLC, applicant; Dobson Station, LLC; City of Mesa; Pride Ventures, LLC, owners.

Planner: Cassidy Welch

Staff Recommendation: Continue to April 14, 2021

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

Boardmember Allen motioned to continue case ZON19-00832 to the April 14, 2021 meeting. The motion was seconded by Vice Chair Sarkissian.

Vote: 7-0 Approval with conditions

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

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- *4-b **ZON20-00210 District 5.** Within the 6800 to 7000 blocks of East University Drive (south side). Located east of Power Road on the south side of University Drive. (1.6± acres). Rezone from LC to LC-BIZ Overlay; and Site Plan Review. This request will allow for the development of a commercial center. John Reddell, Reddell Architects, applicant; ETR Enterprises LLC and United States Department of Interior Bureau of Land Management, owner. **(Continued from March 10, 2021)**

Planner: Charlotte Bridges

Staff Recommendation: Continue to April 14, 2021

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

Boardmember Allen motioned to continue case ZON20-00210 to April 14, 2021. The motion was seconded by Vice Chair Sarkissian.

Vote: 7-0 Continue to April 14, 2021

Upon tabulation of vote, it showed:

AYES – Allen, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

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- *4-c ZON20-00877 District 1.** Within the 2400 block of North Old Gilbert Road (east side) and within the 2000 block of East Hermosa Vista Drive (north side). Located south of the 202 Red Mountain Freeway and east of Gilbert Road. (4.55± acres). Rezoning from RS-35 to RS-15-BIZ. This request will allow for the development of a single residence subdivision. Jared Cox, Vist Design Group, LLC, applicant; Brent /Deborah Berge, owner. **(Companion case to Preliminary Plat “Los Nietos Residential Subdivision”, associated with item *5-a) Continued from March 10, 2021**

Planner: Jennifer Gniffke

Staff Recommendation: Approval with conditions

Summary: Staffmember Jennifer Gniffke presented case ZON20-00877 to the Board. It is located south of the 202 Red Mountain Freeway east of Gilbert Road. The General Plan Land Use Designation is Neighborhood Suburban which is primarily for single residence and includes use for schools, parks, churches, etc. This request is to Rezone from RS-35 to RS-15-BIZ as well as approval of a preliminary plat for Los Nietos Residential Subdivision for a six-lot residential subdivision. The intent of the single residential zone district is to provide areas for detached single residence housing.

The amenity area on the property includes tennis and basketball courts, covered patio and play areas. There is a perimeter wall around the subdivision which is eight feet in height and is designed to be of superior quality. The Bonus Intensity Zone Overlay is requested to allow for some variations to the residential zoning requirements which are listed in the staff report.

In summary, the request complies with the Mesa 2040 General Plan and complies with the requirements for a BIZ Overlay per section 11-21 of the Mesa Zoning Ordinance. Staff recommendation is approval with conditions.

Staffmember Rebecca Gorton stated staff received one comment card from Gregory Scaven at 2037 E. Hermosa Vista. Mr. Scaven stated “While I support the proposed rezoning, it’s important to discuss the related easements to the planned subdivision. We need to keep as much of the existing citrus trees as possible. And this will require a relocation agreement between SRP and the city of Mesa. Without the relocation agreement, this will impact both me as well as my neighbors who are directly south of the proposed development.”

Mr. Gregory Scaven, 2037 E. Hermosa Vista Drive, stated he has lived in Mesa at this address for 29 years. He purchased this property because of its location and proximity to the citrus groves. When he first learned of plans to develop the groves, which are immediately north of his property he expressed some concerns. There has been great transparency by the applicant Jared Cox and the property owners about their intention to develop the property. Mr. Scaven stated as part of his concerns, and discussions with the property owner, the owner is willing to entertain a provision in their CC and R’s that is consistent with everything in the surrounding community, which includes maintaining a minimum of five citrus trees per lot. Mr. Scaven stated one of the challenges though has to do with the related easements for both the City of Mesa and SRP for this particular property. And right now, he believes that the property owner has petitioned for a relocation agreement that will allow for five-foot overlap of the City of Mesa easement along with the SRP easement. The only way to keep as many citrus trees as possible to

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the most southern boundary of the walled-in locations the proposed subdivision will is to obtain an agreement approved. Otherwise, if the relocation agreement is not approved, that moves the wall five feet further to the north and SRP will not allow for any location of trees in this area. It would force the property owner to take out an entire row of citrus trees. Mr. Scaven asked for the approval to include conditions that an easement agreement be completed between SRP and the City of Mesa to agree to the five-foot overlap in the related easements to maintain the row of citrus trees.

Chair Astle stated he thinks one of the challenges here is the inability to dictate how SRP can move forward with the easements as that is somewhat of a crucial utility for the neighborhood and this site. Mr. Astle opened the time for the applicant to respond.

Applicant Dennis Porter and Jared Cox, with the Vist Design Group, 2715 E. Hermosa Vista Drive, responded to the resident comments. Mr. Cox stated Mr. Scaven is correct and that they are working with SRP and the City of Mesa to create a five-foot overlap of the SRP easement. If the overlap is approved, then we are able to place our wall in front of the row of existing citrus trees. If that overlap is not approved, then we do have to push our wall five more feet into our subdivision and that lines up directly with the existing row of trees. We are endeavoring to save that row of citrus trees. He stated SRP is in favor of the overlap and we have not heard back officially from the City of Mesa Real Estate Department if they are going to allow this request.

Chair Astle asked if staff had any comments on how to address this moving forward. Principal Planner, Tom Ellsworth stated, as it relates to this easement, in this situation you would be conditioning the approval of the relocation of an easement to meet a Code requirement. In this instance, the preservation of those trees is not a requirement of the Code and it is not within the Citrus Sub Area. The applicant is still working it out with the City Real Estate Division and will then be worked out through the Planning process.

Chair Astle stated this one is hard for him. He stated he has confidence in the developer and based on how the applicant is working with the resident, he feels we could at least expect that it will continue to work out. Boardmember Boyle stated he feels the same way as the Chair and thinks the existing plans that they have to work with is adequate. Mr. Boyle does not feel they need additional stipulations, which would be hard to manage in the future.

Boardmember Allen stated her only concern or question is that the five feet difference that would move the property line and the desire to save the trees. Ms. Allen stated her concern is legally it will change the dimensions of the lot if she understands this correctly. The applicant, Mr. Cox responded it would not change the dimension of the lot. It would only affect the PUE, and the lot size would remain the same. The change would be whether there is a PUE or public utilities which would be a three-foot PUE.

Planning Director Nana Appiah stated the easement agreement is outside the purview of this review. He stated staff will work with Real Estate and the applicant to make sure the issue is resolved and followed.

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Boardmember Allen motioned to approve case ZON20-00877 and associated preliminary plat “Los Nietos Residential Subdivision” with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of case ZON20-00877 conditioned upon:

1. Compliance with the preliminary plat submitted.
2. Compliance with the landscape plan submitted.
3. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIZ and shown on the following table:

MZO Development Standards	Approved
<u>Minimum Lot Width</u> – <i>MZO Table 11-5-3.A.1</i>	61.45’ for Lots 3 & 4:
<u>Minimum Front Setback</u> – <i>MZO Table 11-5-3.A.1</i>	5’ for Tract A
<u>Minimum Side Setbacks</u> – <i>MZO Table 11-5-3.A.1</i>	Minimum side setback of 10’ for lots 3 and 4 adjacent to the central amenity.
<u>Minimum Rear Setbacks</u> – <i>MZO Table 11-5-3.A.1</i>	10’ Rear setback for the east property line of lots 3 & 4
<u>Maximum Wall Height</u> – <i>MZO Section 11-30- 4(A)(1)(b)</i>	8’
<u>Retention Basin Design</u> – <i>Basin Layout</i> <i>MZO Section 11-33-6(B)</i>	Basin edges match the shape of the tennis court and adjacent gathering area (Exhibit 3.3)
<u>Retention Basin Design</u> – <i>Retaining Walls</i> <i>MZO Section 11-33-6(D)</i>	Retaining walls shall not exceed 70% of basin perimeter, measured at the high waterline. The maximum height is 36” (Exhibit 3.3)

4. Compliance with all requirements of the Subdivision Regulations.
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.

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Vote: 7-0 Approval with conditions

Upon tabulation of vote, it showed:

AYES – Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

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- *5-a “Los Nietos Residential Subdivision” District 1.** Within the 2400 block of North Old Gilbert Road (east side) and within the 2000 block of East Hermosa Vista Drive (north side). Located south of the 202 Red Mountain Freeway and east of Gilbert Road. (4.55± acres). Preliminary Plat. Jared Cox, Vist Design Group, LLC, applicant; Brent /Deborah Berge, owner. **(Companion case to ZON20-00877, associated with item *4-c). Continued from March 10, 2021.**

Planner: Jennifer Gniffke

Staff Recommendation: Approval with conditions

Summary: This case was discussed with companion case ZON20-00877 and therefore was not discussed as a separate item.

Boardmember Allen motioned to approve preliminary plat “Los Nietos Residential Subdivision” and associated case ZON20-00877 with conditions of approval. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of preliminary plat “Los Nietos Residential Subdivision” conditioned upon:

1. Compliance with the preliminary plat submitted.
2. Compliance with the landscape plan submitted.
3. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with this BIZ and shown on the following table:

MZO Development Standards	Approved
<u>Minimum Lot Width</u> – <i>MZO Table 11-5-3.A.1</i>	61.45’ for Lots 3 & 4:
<u>Minimum Front Setback</u> – <i>MZO Table 11-5-3.A.1</i>	5’ for Tract A
<u>Minimum Side Setbacks</u> – <i>MZO Table 11-5-3.A.1</i>	Minimum side setback of 10’ for lots 3 and 4 adjacent to the central amenity.
<u>Minimum Rear Setbacks</u> – <i>MZO Table 11-5-3.A.1</i>	10’ Rear setback for the east property line of lots 3 & 4
<u>Maximum Wall Height</u> – <i>MZO Section 11-30-4(A)(1)(b)</i>	8’
<u>Retention Basin Design</u> – <i>Basin Layout</i> <i>MZO Section 11-33-6(B)</i>	Basin edges match the shape of the tennis court and adjacent gathering area (Exhibit 3.3)
<u>Retention Basin Design</u> – <i>Retaining Walls</i> <i>MZO Section 11-33-6(D)</i>	Retaining walls shall not exceed 70% of basin perimeter, measured at the high waterline. The maximum height is 36” (Exhibit 3.3)

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4. Compliance with all requirements of the Subdivision Regulations.
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.

Vote: 7-0 Approval with conditions

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

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6. Adjournment.

Boardmember Villanueva-Saucedo motioned to adjourn the meeting at 4:24 pm. The motion was seconded by Boardmember Ayers.

Vote: 7-0 Approved

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Nana K. Appiah', written over a horizontal line.

Nana K. Appiah, AICP, Secretary
Planning Director