

Planning and Zoning Board

Study Session Minutes

Virtual Platform

Date: April 8, 2020 Time: 3:00 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

(*Boardmembers participated in the meeting through the use of audio conference equipment)

STAFF PRESENT:

Nana Appiah
Tom Ellsworth
Charlotte McDermott
Rebecca Gorton

OTHERS PRESENT:

None

1. Call meeting to order.

Chair Dahlke declared a quorum present and the meeting was called to order at 3:00 p.m.

2. Review items on the agenda for the April 8, 2020 regular Planning & Zoning Hearing.

Planning Director Nana Appiah informed the board the continuance date for case ZON20-00037 should read as May 13, 2020 and not May 18, 2020.

Staffmember Tom Ellsworth presented case ZON19-00507 to the Board. Mr. Ellsworth stated this is a request to rezone the site from LI and LC to LI with a PAD overlay. The purpose of the rezoning is to validate the existing development on the site. He informed the Board that the site was annexed into the city in 1998 and zoned LI and LC in 2005. The rezoning in 2005 was part of the City's effort to rezone all property within the Gateway area to be compliant with the General Plan at the time. He also informed the Board that at the time of the annexation in 199, the use on the site was agriculture and since the annexation the agriculture use has expanded to include special events, a farm stand, and has gradually become a large scale outdoor commercial entertainment facility.

Mr. Ellsworth also presented the site plan showing the areas which will be paved on the site which includes parking spaces for the farm stand and event parking. He informed that Board that staff is recommending a condition of approval that parking areas on the site that are not paved will be required to have dust proofing materials which will require approval by the Planning Director and the City Engineering. Mr Ellsworth explained that some of the modifications the applicant is proposing includes the perimeter and parking lot landscaping, screening, and pavement standards as well as pedestrian access to the site. He informed the Board that some of the reason for asking for the modifications is to keep the agricultural outdoor theme established on the property. Overall, the primary purpose of the request is to allow the existing uses on the site to continue in conformance with the zoning on the site. And any new and proposed changes on the site would be required to meet the City's code. As part of the project, the applicant will be removing all outdoor storage which is a requirement of one of the conditions of approval to the case.

Mr. Ellsworth discussed proposed revisions to the conditions of approval that were emailed to the Board prior to the study session. He informed the Board that some of the existing buildings on the site did not receive building permits. However, the City is in the process of executing a Compliance Agreement to handle all required permits for all structures on the property. Mr. Ellsworth informed the Board that condition #5 of the project includes a specific time limit to obtain the required permits. He also informed the Board that a sentence was added to condition #10 that the item will not be placed on a City Council agenda until the applicant has executed the discussed compliance agreement. And the condition (#10) will be removed once the Compliance Agreement is executed prior to the City Council hearing.

Boardmember Allen inquired if the applicant feels they can meet the same timeline mentioned in condition #5 that will be in the Compliance Agreement. Mr. Ellsworth stated the plan is to have the Compliance Agreement executed and all improvements completed prior to the fall season which is when the property owner typically come to request a Special Use Permit for special events on the site. Mr. Ellsworth further explained that as a result of the zoning request the applicant will no longer be required to obtain a special use permit for the events as those will be an allowed use in the LI zoning district and the authorization of the PAD.

Boardmember Boyle inquired how the City will monitor and prevent illegal signs will be on the property. Mr. Ellsworth stated the City's Code Compliance staff will monitor the requirements of the Ordinance and if the applicant wishes to, they can submit a separate application for a Special Use Permit for a Comprehensive Sign Plan to allow additional signage on the property.

Staffmember Jennifer Gniffke presented case ZON20-00024 to the Board. Ms. Gniffke stated the request is to rezone the Form-Based Code Regulating Plan transect designation on the property from T4NF to T5MSF. She informed the Board that the owner of the Cimarron Apartments plans to redevelop the site in the near future as an expansion of the existing apartment complex on the adjacent property which could include a 4-5 story multi-residential building with roof top amenities. Boardmember Boyle asked if the applicant plan to construct a 4 or 5 story building. Ms. Gniffke explained to the Board that the original plans showed a 4-story building and discussions, the applicant is planning to construct a 5-story building.

Chair Dahlke inquired if the design will be through an Administrative Review process. Ms. Gniffke confirmed this is the process. Boardmember Crockett inquired about the types of roof top amenities they may be included with the development. Ms. Gniffke responded and said staff has not received any details on the particular design. Dr. Appiah stated that the request is for a zoning change a not for the review of the specific development on the site. Specifically, the request is for the rezoning from one transect designation to another within the regulating plan of the form-based code. The review of the specific development will occur when the applicant submits an application for the zoning clearance after they have opted-in to the form-based code.

3. Discuss Bylaws for the Planning and Zoning Board.

Principle Planner, Tom Ellsworth presented an update on the suggestions and comments he received from several of the board members for the proposed bylaws.

He stated that some of the Board members asked questions about the intent for Section 101 of the bylaws, specifically if the entire board has to be present for the election of Chair and Vice Chair. Mr. Ellsworth informed the Board that such a standard is not required by the city charter or code but is a custom of each board to wait for the entire board to be present to choose the Chair and Vice Chair.

He discussed Section 112 of the proposed bylaws and said the section pertains to how the board makes recommendations to the City Council and whether a Boardmember should attend and speak at City Council meeting in any capacity at all.

Several of the Boardmembers discussed the matter that once a board member makes a recommendation to council, he/she should not attend and speak at the Council meeting in any capacity as it creates some level of biases. Some of the Boardmembers disagree and said Boardmembers should be able to attend and speak on items at City Council as individual residents. Dr. Appiah stated that the Board should also remember that their meeting discussions and minutes are always sent to the City Council and that also inform the Council of their position. Dr. Appiah also stated there appears to be two separate conversations while discussing this item; 1) the concern if a board member wants to speak as an individual on a specific item at Council once they have made a recommendation as a board member; and 2) if the board member has a conflict of interest on an item. Dr. Appiah informed the Board that staff will research the item and recommend proposed text for the Board to consider.

Mr. Ellsworth discussed Section 212, under hearing procedures, and informed the Board that staff received comments from some of the Board members to explain time limits for public hearing speakers and when the chair can close the public hearing. Mr. Ellsworth also informed the Board that the section on closing of the public hearing could be clarified, with language added, that the Chair declares the closing of the public hearing and not allow any more public comment at the time. Once the public hearing portion of the meeting is closed, the language can be added that specifies how the chair would handle any other citizen that may wish to speak on an item. The Board discussed several measures and determined there should be a baseline time limits for the speakers, but the chair should have some discretion to allow additional time for a speaker.

Mr. Ellsworth also informed the Board that some of the members asked for a clarification on Section 108 that staff is under the direction of the Secretary to the Board, which is the Planning Director. He informed the Board that intent is to clarify staff's communication is under the direction of the Secretary to the Board and if there is a discussion between a board member and planner, it is understood the planner is speaking under the direction of the Planning Director and will inform the Director of the conversation.

4. Planning Director's Updates.

- a. City's interim citizen participation process for land use application reviews.

Planning Director Nana Appiah stated staff is continuing to accept development and land use applications and conducting business as usual, but through online. He also informed the Board that he sent a memo outlining the Division's interim citizen participation process. He also informed the Board that staff is still encouraging applicants to conduct citizen participation meetings utilizing various electronic form of communication and receiving public input for land use and development applications.

- b. City's current land use and development application review processes and meetings.

Dr. Appiah stated staff continues to review projects and meeting with applicants through virtual meeting platforms.

- c. April 6 City Council's land use cases and decision.

Dr. Appiah stated Council approved the small lot development at the back of Princess Park, and east of Greenfield road.

5. Adjournment.

Vice Chair Astle motioned to adjourn the meeting at 4:10 pm. The motion was seconded by Boardmember Crockett.

Vote: 7-0 Approved

Upon tabulation of vote, it showed:

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

NAYS – None

Respectfully submitted,



Nana K. Appiah, AICP, Secretary
Planning Director

Note: *Audio recordings of the Planning & Zoning Board study sessions are available in the Planning Division Office for review. The regular Planning & Zoning Board meeting is “live broadcasted” through the City of Mesa’s website at www.mesaaz.gov.*