

- *3-b ZON20-00538 District 1.** Within the 1200 to 1400 blocks of West Bass Pro Drive (south side) and the 1100 block of North Alma School Road (west side). Located south of the 202 Red Mountain Freeway on the west side of Alma School Road. (30.9± acres). Modification of the PAD Overlay; and Site Plan Review. This request will allow for a new office building and parking garage within an existing office development. Michael Edwards, The Davis Experience, applicant; Salt River Point. LL LLC, owner. **(Continued from February 10, 2021)**

Planner: Ryan McCann

Staff Recommendation: Approval with conditions

Summary: Staff Planner Ryan McCann presented case ZON20-00538 to the Board. Mr. McCann stated the request before the Board is a Modification to the existing Planned Area Development Overlay (PAD) and Site Plan Review. This request will allow for a new office building and parking garage within an existing office development. This subject site is located west of Alma School Road on the south side of Bass Pro Drive. The General Plan designation on the property is Mixed Use Activity District. In this area, we are looking for significant retail and commercial components, areas that can attract people from a large radius to the site. It is also located within the Regional Scale Subtype, which is intended for businesses to attract people to Mesa from the larger region. The existing zoning is Planned Employment Park (PEP) with a PAD. As part of the request for a PAD and Site Plan Review, staff looks at the criteria for review from the Mesa Zoning Ordinance (MZO) to ensure the project creates an innovative and high-quality design developed as a cohesive unit. We also evaluate if the request is consistent with the City's General Plan, Zoning, and Design Standards to determine if the scale and massing will enhance the appearance of the site and consistent with the City's Development Standards.

Mr. McCann presented a photo of the street view looking southwest from the intersection of Alma School Road and Bass Pro Drive, showing the entry into the existing two-office development. He presented the site plan showing the location of the proposed parking garage and building and stated this request will include a three-story office building as well as a four-level parking garage. There are four existing office buildings on the site along Alma School Road and along Bass Pro Drive that are two stories in height. The building along the canal in the southwest corner of the site is an existing three-story building.

Mr. McCann presented an image of a Council approved Site Plan from 2008 which included six, two-story buildings. In 2014, an Administrative Site Plan Modification was approved reducing the number of buildings on the site to four. Three of these buildings were approved for two-stories with the fourth being a three-story building. As a result, the overall building square footage for the center was reduced by approximately 11,000 square feet from what was originally approved in 2008. The administrative approval included two site plan options for parking on the site. One option showed at-grade parking, and the second showed a 2-level parking garage.

The project was reviewed by the Design Review Board in October and again in February. The Design Review Board had no major concerns with the design of the office building but did have specific recommendations for the design of the parking structure. The Board's recommendations included incorporating screening elements in the parking space to mitigate vehicular lights shining from the parking garage onto the neighboring

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properties, increased size of landscaping along the canal, as well as articulation of the elevations for the parking garage. As a result of the recommendations, the applicant modified the proposed landscape plan to show a landscape area along the southern property line, adjacent to the canal, that exceeds the minimum requirements from the zoning ordinance. In order to provide a more mature canopy at the time of development, the applicant is proposing to plant 48 inch box trees while the code requirement is for 24 inch box trees, with 25% being 36 inch box trees. The applicant is still working on completing final revisions from the Design Review Board. Staff will continue to work with the applicant to address those comments. Mr. McCann presented a couple of renderings illustrating the proposed landscape buffer and additional plantings.

From these renderings, you are able to see how the garage steps up in elevation from the canal. The renderings show the sight line which shows the transition in height from the neighboring properties. The applicant has stepped down the southern section of the garage and increases in height as it moves towards the main building.

The applicant did complete a Citizen Participation process which notified property owners, HOA and registered neighborhoods within 1,000 feet. The applicant held two virtual neighborhood meetings, the first one in October, and the second one was in November of 2020. Some of the neighborhood concerns included the proposed width for the landscaping on the site, lighting, the height of the parking garage, the potential glare from rooftop solar panels, as well as the location of refuse enclosures. The applicant has had modifications to the Site Plan to address these concerns. The changes include no longer including rooftop solar on the rooftops and solid waste enclosures have moved from the south side of the parking garage to the east and west sides. The applicant has also stepped down the parking garage to help with that transition in height and increased the landscaping.

In summary, the request complies with the 2014 Mesa General Plan and meets the review criteria for Site Plan Review. Staff is recommending approval with conditions.

Economic Development Director, Bill Jabjiniak stated he strongly supports this project. He explained there are three basic things that he wanted talk about. One, success breeds success and when you stop and think about it, this a site that allows for class A office development and is over 90% full. This is our opportunity to add a high value high wage jobs and continue to help the city grow. Secondly, part of that success is its location. But also, additionally, what is important is the amenities that a facility like this has, and part of those amenities, is parking. He can remember being around that site where there was not a whole lot of parking to be found. He stated having worked with this property owner that they have done a great job of adding additional quality features to the south side of the garage, stepping it back, adding landscaping and those are not inexpensive things. Adding those features allows us to attract higher quality tenants as well. And this is a great opportunity and a great part of the City to keep us growing in a proper way.

Boardmember Crockett stated he appreciates the Economic Development input as the Board considers these projects that come before us. He thanked Mr. Jabjiniak for taking the time out of his schedule to come and do this. And he encourages him to come back and see us as often as he is able.

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Boardmember Allen wanted to second those comments made by Boardmember Crockett. She stated she always questions what the Economic Development position is on different projects. She understands it is sometimes tough to get to give a definitive position.

Boardmember Sarkissian clarified the statement from the Economic Development Director that the development is typically full at 90% capacity and could he provide more detail on the parking. Mr. Jabjiniak confirmed that the four existing buildings have seen a lot of success and the last one drew some high profile names as well and the last two buildings have drawn some high profile names. He explained the last time they did search for available property, all the square footage in the entire Waypoint development was over 90% occupied. That gives you an idea of demand, and that we are a great alternative to some of the markets and competitive with our neighboring communities of Tempe and Scottsdale. Parking ratios are important and in pre-pandemic, we were starting to see parking ratios creep higher than 5 per 1,000 square feet which is a lot of parking. It is a lot more than what is overall planned here. If you do not have an appropriate number of parking, we are turned away by prospective tenants. He stated parking and parking ratios are an important component to even getting your foot in the door. If it is not available, you are eliminated as a viable space very quickly.

Chair Astle invited the applicant to speak. Michael Monroe and Adam Baum spoke to the Board. Mr. Baum presented a brief review of the request. The PEP is an important zoning district and is a key to creating a planned employment park. He feels Mesa always finds itself competing with the high-end class of office use along with Scottsdale and Tempe. He explained if Mesa wants to be serious about attracting those high wage jobs, they have got to have buildings that can support that.

Mr. Baum stated he wants to recognize the opposition to this case and appreciates their involvement. Because of their involvement, this plan has changed and have been improved. The residents feelings and sentiments and opinions on this has not been without any consideration. A lot of the sentiment that he has heard is that the residents have not been able to participate in the engagement process since this was originally zoned. When this was done back in 2007, it was always planned to have buildings along the canal. In fact, those two buildings each was to be 38 feet tall and 83,000 square feet a piece. And those right along the canal when this was first rezoned. Over the years, there have been a few modifications and feels respectfully, the neighbors do have a question that deserves an answer. The City Code requires major amendments that require a public hearing process, and minor amendments that can be administratively approved by staff. This is why the change in 2013, where they consolidated two buildings into one along the canal which became 50 feet tall, and 159,000 square feet were likely reviewed under.

Currently, the building today is only 26 feet tall on the side closest to the neighbors. And then it steps back to about 37 feet tall on the north side further away from neighbors. That's clearly less than the height when this plan was originally approved in 2007 for two, 38-foot tall buildings. The reason he wanted to share this is because even though this plan has changed over time, the original plan in 2007 plan still has buildings along the canal. And arguably our buildings are a little bit lower in height than what was originally contemplated.

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Mr. Baum stated the applicant is proposing a Class A office building with a detached accessory garage structure. The design and heights of the office building are complimentary to the rest of the park. The heights of the proposed buildings are at 50 feet, and the garage has a blend of 26 and 37 feet in height. When you look at the heights of the buildings that are existing in the park today, the building on the west side is 50 feet tall and the building on the east side is about 35 to 36 feet in height. What they are proposing today is not a departure from what is already present on the property. Because of the community feedback they have been able to make some strong changes. The one thing they simply could not do was eliminate a parking garage. What was addressed in the plan are things like height, lighting, parking ratios, canopies, etc. and removing the trash locations and increasing the landscaping.

Mr. Baum stated they did conduct two virtual meetings, one in October and another one in November, and had a site visit with the neighbors in December. What they did do was to lower one half of the garage on the side closest to the neighbors to 26 feet which is the height of a two-story home. They also removed the solar panels from the top of the garage because understandably that created greater height. They added perforated metal panels in between each for the garage and the purpose of that was to screen out lights which the neighbors were concerned that the lights would reflect into their backyards. They addressed some of the colors in the garage, removed our refuse enclosures that were previously behind the garage to different spots, added in more landscaping islands, more landscaping on the canal, eliminated about 100 parking spaces on top of the garage and added additional spaces at surface level. They are also adding pedestrian paths along the canal.

At the last Design Review meeting, the Board felt like the screening was too flat and so they wanted us to take out the mesh screen and add something a little bit more contextually interesting with reliefs and heights and variations and still have the same effect to screen out potential cars parked in there. We are trying to show that we are constantly evolving this plan to be responsive to those concerns of the neighbors.

Mr. Baum stated he appreciates this proposal is consistent with the General Plan and more importantly, it meet the Mixed Use Activity Character Area designation. He stated this is precisely the type of thing that the City Council has been encouraging and that development pattern has been affecting. We hope we can continue to be as effective at attracting those developments. He stated the request is also consistent with the underlying zoning and meets the Site Plan criteria outlined in the Mesa City Code. But most importantly, it hits some of the key City initiatives of trying to attract the type of employment and jobs. Mr. Baum feels one of the reasons why staff is able to recommend approval of the request is because in 2007 when this property was originally zoned, the plan was to construct buildings along the canal with approximately 166,000 combined square feet 38 feet tall buildings.

Mr. Baum stated he very much appreciates the neighbors participation in this case and it has affected positive changes. Mr. Baum thanked the Board for giving him the time to make this quick presentation.

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Chair Astle stated they have a number of comment cards that have been submitted and would like to hear from those residents to speak.

Staffmember Rebecca Gorton stated the first comment received was from Phillip Bramsen who wished to speak at a later time.

Joshua Boyle, 1328 W. Mountain View is opposed to the project and wished to speak. Mr. Boyle stated he is in unison with the rest of the residents and would like to request that the proposed parking garage be built underground so that no more than one story of the structure will be above ground. He would also like to request that the proposed commercial building be restricted to two stories tall, the equivalent height of the current Waypoint buildings which is the height that was originally anticipated in the 2007 site plan. There seems to have been some discrepancy about how high those buildings would have been. But it is his understanding it was approximately 26 feet tall, the same height as the original buildings there. The three story building came about because of the 2013 change, which some people, I believe maybe said that that should not have happened that way. Because something was done wrong before, the residents are asking that you not allow something to be done wrong again. By removing the solar panels and reducing half of the parking garage, they actually are saving some money in that regard. So, our request is for an underground parking garage. We are asking that the developers be a good neighbor and construct only a two-story building that still allows for the development and an underground parking garage. It would be more expensive for them, but to be a good neighbor, sometimes we have to spend more money.

Shawna Boyle, 1328 West Mountain View Drive, spoke. She stated they are planning to build a home there for their family. She is speaking in unison with the rest of the residents and would like to request that the proposed parking garage be built underground, that no more than one story of the structure will be above ground. She stated she would also like to request the proposed commercial building be restricted to two story, the equivalent heights of the current Waypoint One, Two and Three. They have heard the City of Mesa has a current goal of no longer being a bedroom community and to bring more business to Mesa and allow it to be a City where people can not only live but also work. If the goal is to have a balance in Mesa of both residential and commercial, it seems that City Planning decisions should reflect that goal not to favor one over the other but to compromise. Our Country Club Heights neighborhood should be rewarded by the city for its beauty, it is gem of a neighborhood. In contrast to many West Mesa neighborhoods, the large Custom Homes along Mountain View Drive are half million dollar homes. If you do not make compromises to protect nice neighborhoods while attracting commercial development Mesa, where do you expect the Executives from these businesses to live. Maybe they will offer a low-income apartment building instead. If there are no affluent neighborhoods for these business executives to live in, they will move to Gilbert or Scottsdale and shift the City to a 9 to 5 community and nightlife will stay in Gilbert and Scottsdale. Our suggestion to build the parking garage underground and adjust the commercial building to two stories is a compromise. They still get their development but our neighborhood keeps its dignity and most of its appeal. The developers will argue that putting the parking garage underground will be an increased cost to them. Well, that argument can be made for both sides, the engineers were in the process of finalizing their plans for our home. When we learned of this proposed development, we had to stop and redesign our house to account for the fact that there may be a large concrete box of a parking garage directly to the northeast of

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our new home. The redesign has cost us and added architectural fees and engineering fees. Additionally, if this development is allowed to be built as planned, the property value of all these nice Custom Homes is going to drop, not to mention many of the neighbors would be pouring money into large trees and barrier screens to block the unsightly building that will surely cause a pancake effect on our properties. Collectively, the cost to all of us as residents by allowing the structure to go up as currently planned, would cost us just as much as it would the developers to just dig it in the ground. I just like to say the pictures that you saw were if you were standing on the balconies of our nice home you get a different view then the picture you saw from the applicant. I encourage you all to come look in person totally different perspective.

Janice Jaicks, 1318 W. Mountain View spoke. Ms. Jaicks presented a photo of a scanned view from a designer friend. She stated she has a whole document about criteria to read and it is going to take me over three minutes. She stated the City approved Master Plan has been built out and the last two buildings along the south side with surfacing parking exists today and they want no more. This area cannot tolerate over half a million square feet of additional buildings, 150,000 square feet office building and 365,000 square foot parking garage. The entire Master Plan had previously been only 434,000 square feet and now this enormous parking garage is 365,000 square feet, almost the size of the entire Master Plan. This proposal doubles the size of the center at the expense of our quality of life. The Economic Development Director came on and the things he said about the parking, when the Board asked about the parking, you know it is too much. I am not against business, I'm a business owner in Mesa for over 30 years, and I've lived in Mesa over forty years. What they are planning is inappropriate. This Site Plan Modification request does not meet many of the criteria found in your own Zoning Ordinance. Ms. Jaicks spoke about the Review Criteria for Site Plan and stated the overall design of the project including its scale, massing, site plan, exterior design and landscaping enhance the appearance, appearance and feature of the project site and surrounding natural and built environment does not meet the criteria. The scale is a massive four-story parking garage and three-story office building adjacent to a single family residential custom home neighborhood. The massing is a giant flat box with no architecture, textural design or articulation to break up the large massing is not compatible with neighboring development. She stated she argues with what Mr. Baum stated about meeting the criteria. She has been corresponding back and forth with staff and want to ensure the Board hears what the concerns are.

Perry Jaicks, 1318 W. Mountain View Drive presented an aerial shot from Google Earth a photo that was taken about four to five months prior to Covid at around 10 or 11 o'clock during a workday period. The snapshot represents how Waypoint development was built and to help understand why Waypoint wants such a large parking garage. They should see how many parking spots are already installed. They are close to 2,203 parking spots that now exist on the site. He stated he also counted the cars that were being used during the middle of a workday and came up with 741 cars. That means that only 30% of the parking spots are being used. And 1462 parking spots are not being used. And this is with 90% occupancy, just like they were talking about earlier. The developer stated they want a total of 2757 parking spots after they build a new building. This is 1190 parking spots above what the City is recommended for this property which also requires 550 more spots above what the requirement is. Mr. Jaicks specified the ration of parking spots to what is being currently utilized and what is being requested. If the developer wants to create covered parking for its Class A clientele, why not put up

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covered shade structures that would give the neighborhood, some breathing room so we are not looking at this box. It will just be a heat zone and for us if they build that parking garage there. If you follow the math in the actual usage of the spaces, you will see that the parking garage really is not needed.

The next comment card comes from Diana Devine. 1263 West Mountain View. She states "I live at 1263 West Mountain View drive within the neighborhood of this project. The height of the parking garage and the lighting and aesthetics remain the major concern. I don't understand why the project proposes to be over parked".

Douglas Allsworth, 321 W. Portland Street stated he is representing some of the neighboring property owners in the Country Club Heights neighborhood, just across the canal. His clients include Perry and Janice Jaicks who reside at 1318 West Mountain View Drive. He stated he feels Mr. Baum somewhat misrepresented what happened in 2007 with the Site Plan. The original Site Plan that was approved was 443,000 square feet and what has been built out there is a 434,000 square feet building. Now, there are fewer buildings, but it's the same amount of square feet and what they are trying to do now is adding another 152,000 square feet of building, plus the garage, which is something on the order of 365,000 square feet. I feel it is misleading to suggest that what was originally planned is very consistent with what is going on here. The neighbors objected because of the proximity to their residential neighborhood. A compromise was reached, the neighbors were assured that none of the buildings would be taller than two stories. They were told that the full build out would be something on the order of 443,000 square feet. That is what is there now. The first two buildings that were built in phase one were both two stories. There have been six Administrative Site Plan Amendments and unfortunately no notice to the neighbors was provided. That should have been considered a Major Site Plan Amendment and since it was not, no neighbors were informed. It is not right that this proposed amendment more than doubles the total building area of the property and calls for taller structures than what was previously approved. The requested office building and garage should be denied as it is inconsistent with the City Site Plan Criteria and Design Guidelines. If the Board is interested in compromise, numerous neighbors have expressed a willingness to compromise by keeping the office building two-story and putting in a smaller parking garage. These are reasonable requests. My phone calls to Mr. Baum have not been returned and I hope that changes after today. I hope the Planning and Zoning Board will recognize that the neighbors have a serious interest here. And the scale of this project is too large.

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Erin La Grassa, 940 North Vale requested that Douglas Allsworth speak for her. Mr. Allsworth added that the scale of the structure is important here and what the neighbors are concerned about. This is what they are addressing and the changes that the applicant has made to their plan under the guise of Citizen Participation is only window dressing and does not address the substantive fundamental concerns. What the neighbors would really like is to not approve the Site Plan as amended. If further development of this office park is deemed in the best interest of the City, at least consider the past promises to these neighbors, about two-story buildings and about the size of the development and scale back this development.

Ruth Showalter, 1262 West Mountain View Drive stated she thinks she speaks for everyone that they all appreciate the Board consideration. The thoughtful comments that they heard both in the study session, and that they have actually gotten from one of the Boardmembers who accepted their invitation for a site visit where they had a great chance to have a discussion. Ms. Showalter stated the Board can see that it is more than just a case of the Mesa Zoning Ordinance and the right to build. Because this site, our neighborhood, has a very unique and intimate connection to this adjoining property and what would be built there. Although we also have issues that perhaps their landscaping renderings sort of misrepresent what would really get built and what would impact us. She has a rendering that shows the impact of what would be built and is a very different view than what the applicant is showing. She stated if the Board could continue this case for 30 days to the March 24 agenda to vote on it, it would give the board members a chance to visit the site and be better informed. We are trying to show how this development would impact the residents. And for all the reasons that everyone else has talked about the history of how this has been misrepresented to us or promises made and not kept to us. She said they are trying to say, slow down and try to get more of the picture from us. The renderings that you have, and projections that you're seeing from the developer, are not meant to be deceitful, but they are. And if you come here on site, as the member who did come here, is able to see, you can get a much better visualization. And it's actually sort of shocking.

Lisa Mills, 1360 West Esplanade, stated she and her husband wanted to add her voice in unison with my neighbors and the residents of the neighborhood. She asked that the proposed parking garage be built underground so that no more than one story of the structure is above ground. She also would like to request that the proposed commercial building be restricted to two-stories so that it is congruent with the equivalent height of the current Waypoint buildings. She is invested in Mesa, in this neighborhood, and wants to live here a long time. The projects affects her financially, her home value and wants to remain in the neighborhood. It has a significant impact on all of us. Thank you.

Anne Mae Showalter, 1262 West Mountain View submitted a comment card. Her daughter, Ruth Showalter spoke on her behalf. Ms. Showalter is asking for more time for the board to make their recommendation in order for the Board to be able to visit the site. She feels this is reasonable to ask because developers, architects, planners have had years to establish relationships with the City Planning Department. They have their credibility and the residents have had a very small window since they were only informed of the project 10 months ago. There has been no advocacy from the City at all. We are asking for more time to actually get to have more time. There should have been a way to have neighborhood meetings in person and feel that with the virtual meetings, they were limited with their time to make comments or ask questions. The Citizen Participation

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Report that was presented to the Board is not even a complete list of what our concerns were.

Phil Bramsen, speaking on behalf of his mother who resides at 1242 West Mountain View, stated she and her deceased husband built their home over 40 years ago and she is nearly 70 years old and a longtime resident of the City of Mesa. He stated they have heard a number of issues addressed today by numerous neighbors and hopes the Board will focus on one key question. That is the proposed three-story, 152,000 square foot, 50-foot-tall office building and the four-story, 40-foot-tall parking garage that sits less than 300 feet from single family residential custom homes. He doubts that anyone on this board would choose to have that scenario in their own backyard. The neighbors would like to request that the proposed office building and parking garage be denied as inconsistent with the City's site plan criteria and design guidelines. It is too great an intensification of this site and inconsistent with the 2007 and 2014 approvals. If for some reason you choose to recommend approval of the applicant's proposal the neighborhood asks to impose the following stipulations: 1) at a minimum the office building and parking garage be lowered to two stories; and 2) the parking garage could be lowered, providing one or two stories underground if they still feel they need additional parking. 3) as you've heard, the site is substantially over parked to code and we request the parking garage be redesigned to include a level of architectural detail that matches that of the office buildings, 4) the garage screening be solid, fully opaque, and not perforated metal that still transmits headlights, and interior garage lighting. 5) that the garage top floor lighting poles be as low as physically possible, 6) all garage lighting be consistent with dark sky requirements and shielded from the adjacent residential neighborhoods, 7) that nighttime renderings be submitted to the neighbors and the city showing light spillage and including photometric detailing and lighting, and lastly, that parking garage, rooftop solar panels not be added administratively in the future. Thank you for your time and consideration. There is a written copy of these requests and stipulations that was previously provided to staff.

Richard Gurtler, 1304 West Mountain View, stated he has lived in this home for 41 years and has seen many changes along the way. Initially, my view was wonderful with great views of the Papago Mountains, Camelback, McDowell Red Mountain and Four Peak Mountains. As the population of Mesa grew and development started occurring, we knew one day would come when there would be development on the field below us. We knew that we did not have any legal rights to preserve our view. But we hoped that the City and whoever developed the land would show some respect for our homes that were so close to the southern edge of the property. The development which took place in 2007, in which was described, and in neighborhood meetings showed three buildings were some distance from our homes and, of course block some of our view. We felt the owner had a right to develop the land and the three buildings were limited to two-stories of very reasonable height. But in 2014, when a fourth building was built, it seems the development approval process was behind closed doors, and the neighborhood had no knowledge of the approval process and no opportunity to object. In addition, the developers stuck their finger in our eyes by placing the buildings extremely close to several homes in our neighborhood and increased the height from two-stories to three without our knowledge or approval. This was a terrible invasion of privacy. Now the developers are once again showing total disregard of the homeowner's interest by proposing a three-story building and a four-story parking garage that is a massive

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invasion of mine and others privacy. My home is the closest to this proposed garage. This would be a massive structure dominating the view from my property and would increase noise and lighting on my property. I strenuously object to the proposed structures and so the development be denied entirely. Because it seems like we've had a lot of misinformation and things have happened without our full knowledge and what we have seen over the years is unrestrained greed. The proposed additions are to maximize profits without adequate consideration of the neighboring homes. The proposal is totally inappropriate. There should be limits as to how close and how high a structure can be placed adjacent to residential homes. If anything is allowed, it should start at a low height and increase slowly as the distance from the homes increases. This proposed parking garage should not be allowed to be higher than one story and then increase to the north to a maximum height of two stories for the added office buildings.

Chair Astle closed the public meeting and asked the applicant if they had any further comments they would like to address. Mr. Baugh stated, the Board has had much participation from the community here and wanted to just say that there is no interest in building the garage if it doesn't serve a need. If it was not required, we wouldn't go forward and build it. But what we know is what the user demands, expects and requires. The worst thing we could do is build an office building that did not have the parking demands needed based on the market, and as a result, have an obsolete building that is built with no functionality. I certainly respect and understand the sentiments and feelings shared with this Board, I did not participate in the prior decisions made by the city that led to this point. I just know that a two-story building about 30 plus feet was planned here back in 2007. What we have today is a garage building that is 26 to 37 feet in roughly the same location as originally planned. Thank you.

Boardmember Allen asked staff if there are any recorded promises made to the neighborhood surrounding this project back in 2007 or 2014. She stated some of the attorneys that spoke have brought this up. She believes it was the attorney that is representing some of those homeowners that brought that up. Principal Planner, Tom Ellsworth responded that staff has reviewed the minutes from those meetings and the conditions of approval from the ordinance that approved both the site plan and zoning through Council. There are no specific conditions of approval with such a stipulation.

Chair Astle asked, as it related from what they heard from the attorney, the comment that I heard was that this is designed far beyond the initial square footage requirement or thought for that initial site plan. He understands this is an amendment, and what it is for, is this additional square footage from the initial 2007 or 2014 approvals. Staffmember Ryan McCann clarified that was correct, and this is why this request is before the Board today. Chair Astle stated he believes all the Board is aware that we are voting today for that increase.

Boardmember Crockett asked staff if there is any opportunity at this point going forward for the neighbors to have input in finalizing the plans for landscaping on the south side of the garage or the screening for the garage. Planning Director Nana Appiah responded that the design of the building, including the parking garage, the screening, and the landscaping, is required from the Mesa Zoning Ordinance to go before the Design Review Board to review and make recommendation to the Planning Director who makes the final determination. This project went to the Design Review Board twice. The first time, based on the neighborhood concerns and input, the Board recommended the

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applicant revisit and make changes, which they did. They then went back again to the Board for the second time and the Board made further recommendations for changes, which now are very specific as to the screening and the increase in the landscape area, which they have done. So, in terms of process, the Design Review approval will occur when he is satisfied the applicant has made the changes for the final review. He expressed concern that adding a new process will be a deviation from the City's Code. Dr. Appiah further stated, the Design Review Board is the recommending body if this Board wants to request for the Design Review Board to review it again they can add that condition. However, if they were to review it again it would be to confirm the changes that have been made by the applicant are consistent with their recommendations, but ultimately the final approval will be through him, as the Planning Director.

Mr. Crockett stated he is not suggesting that we should add an additional process but was just wondering if there was still an opportunity to have input. He stated it sounds like we have gone beyond that point. Regarding the lighting, he would like to ask Mr. Baugh if there had been some changes to the lighting in the garage and could he just elaborate a little bit more on what the applicant has done with respect to the lighting in the parking garage to address some of the neighbor's concerns. Also, in terms of whether there would be much opposition from the applicant if there were to be an additional stipulation regarding the solar panels on the building. Could there be something to the effect that the solar panels could be added unless there was a review process coming back through the Planning and Zoning Board?

Mr. Baugh responded regarding the lighting for the garage, on the levels within the garage the light is recessed inside the ceiling and all the lighting on the upper level has shielding. In addition, the photometric plan is required by the City to make sure that it meets the requirement of zero-foot candles at the property line which we do as well.

Mr. Crockett clarified that the applicant stated earlier that instead of having light poles on the top floor of the garage that they have lowered those. Mr. Baugh responded initially they were planning to have several lights under the solar canopies, which would have been a lot more light on top of the roof. By removing the solar canopies, they are able to remove a substantial amount of light. Another thing we could at the top level is have a pole on each end and we could add wall pack lights along the parapet of that second floor.

Boardmember Crockett asked Mr. Baugh to respond to the issue of a stipulation regarding the solar panels, and the need to bring a request back before the Planning and Zoning Board if they were to be added in the future. Mr. Baugh responded that certainly they would, given the neighbors sentiment that some changes may have occurred administratively, we would not object to any stipulation to be added that would prohibit any future solar canopies to be added.

Chair Astle stated another concern is not necessarily the solar panels themselves but the view corridor. He stated his concern about something that specifies you cannot allow any kind of green energy, but it is mainly not to build above that upper level. Boardmember Villanueva-Saucedo stated instead of being so prescriptive about the exact building type or material that would trigger going back to a public review process, simply stating anything that will affect the ultimate height or adding anything that adds

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height to the top of the building then triggers a public review process. We do not know what kind of technology will be in the future. And that is ultimately the concern of residents, both from a height and view perspective, as well as a transparency perspective. She stated she would be more comfortable with just a stipulation that indicates public review needed if there is any proposed changes to the height of what is in the plan currently.

Boardmember Villanueva-Saucedo stated she appreciates the neighbors concerns and is always an advocate for neighborhood participation. She is glad that a few members went out to view the site. She wants to be clear that a couple of comments made by residents, it is correct that nobody has a legal right to a view. And we have seen multiple plans come before us where folks have sent in pictures of their kids on playsets, on swing sets, they may not be in affluent neighborhoods to use the language that we stated this evening. They might not be half million-dollar homes, as was stated this evening. She has no doubt that those same residents have the same level of pride and dignity about their neighborhoods as any other. And we have never used that as a justification to reject a plan outright. She can certainly understand the hard feelings and the wish for privacy, the wish for some sort of screening, she feels the changes that have been made satisfy those requests. She does not believe that however, there is any sort of legal right to a view. And again, she reminded the board that we have seen this repeatedly, a concern from residents to justify rejecting plans and at least to date, we have never used that outright. She further stated she was glad to see the citizen participation. We have lots of good neighborhoods out there, again, affluent or not so affluent, I have the same level of pride and dignity about their residents. That is the only stipulation that I would be in favor of. She is comfortable with that and moving forward as presented.

Boardmember Ayres stated he wanted to echo the last comments made as well, and he appreciates the comments that have come in from the public. He is very familiar with the area and lives near this site. He appreciates the comments that we have received today and wants to voice his thoughts as well on the stipulation and agrees with the additional condition.

Vice Chair Sarkissian stated this is a difficult case and the fact that the new screening the applicant provided today is much better, more artistic from the site plan despite what was proposed in 2004. Regarding the square footage of the overall office development, she believes does not look complete. She feels the new building and parking structure are warranted on the site and the existing three-story building there is actually more of an impact than what is proposed. It was unfortunate that was all administratively done and moving forward that step will definitely help in the future. She agrees with Boardmember Villanueva-Saucedo that she dislikes hearing the view issue. This is the time for the neighbors to come and speak and voice their opposition and I do support them doing that. She stated she has also been on the site. She does appreciate all the neighbors coming out and stated they have been heard.

Dr. Appiah stated the condition of approval to be added to existing conditions on the case is:

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“Any future site plan modifications to increase height, square footage, or both of any building(s), including the parking garage, on the property shall require review by the Planning and Zoning Board and City Council”.

Dr. Appiah stated, with the discussion regarding solar panels, his understanding from the board is the condition to address the height will take care of that because, in the future, there could be no increase to the height of the buildings without coming back through the public hearing process.

Boardmember Allen motioned to approve case ZON20-00538 with conditions of approval and to include the condition that was read in to the record by Dr. Appiah. The motion was seconded by Boardmember Villanueva-Saucedo.

That: The Board recommends the approval of case ZON219-00538 conditioned upon:

1. Compliance with the final site plan submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of Design Review (i.e building elevations and landscape plan, etc).
4. Compliance with the conditions of approval for case Z08-025, except comply with the site plan approved with this request.
5. Any future site plan modifications to increase height, square footage, or both of any building(s), including the parking garage, on the property shall require review by the Planning and Zoning Board and City Council.

Vote: 6-0 Approval with conditions (Boardmember Boyle, recused)

Upon tabulation of vote, it showed:

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

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