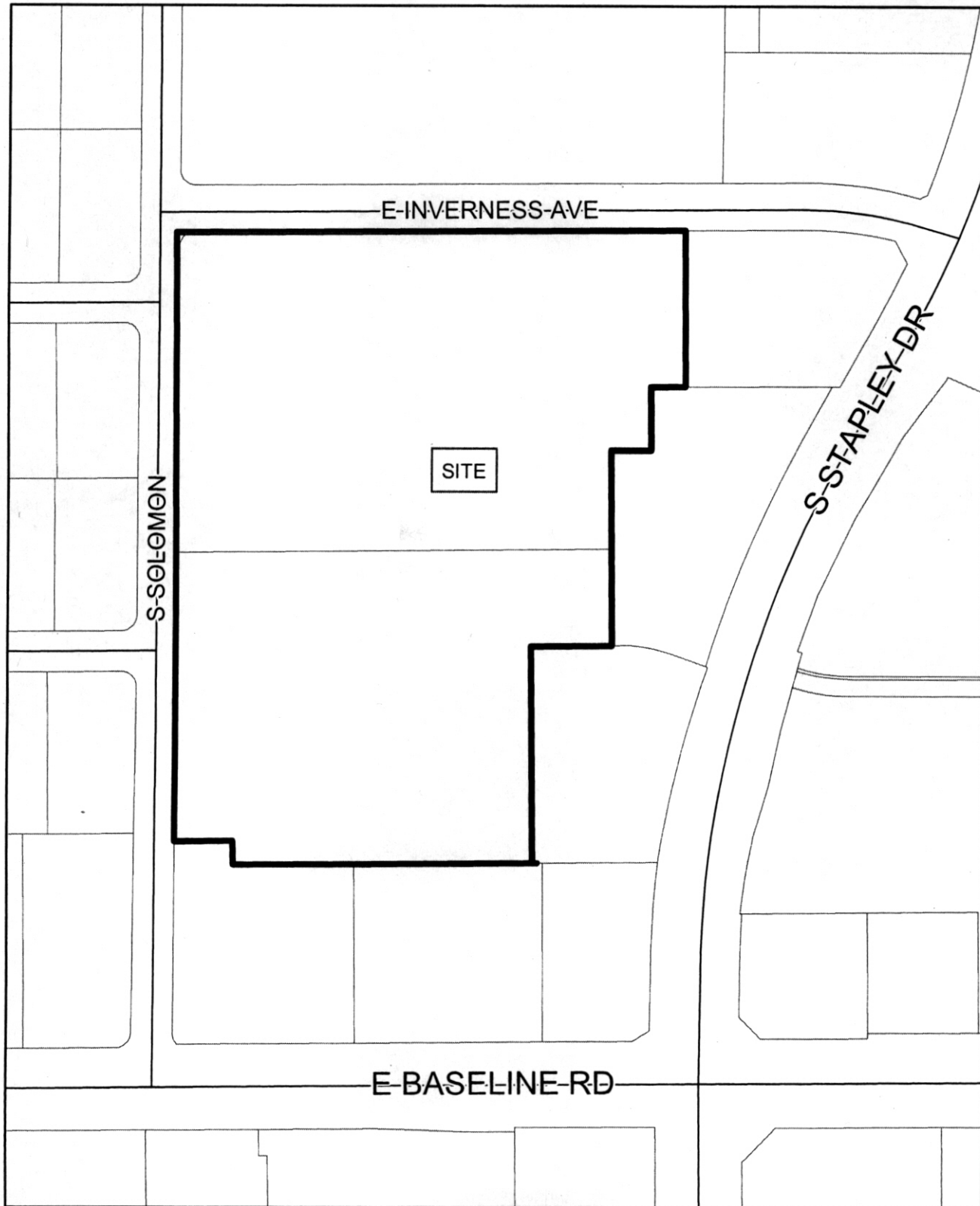


PLANNING AND ZONING VICINITY MAP



712-018
712-018
712-018
712-018
712-018

Gordon Sheffield

From: Gordon Sheffield
Sent: Wednesday, March 07, 2012 12:20 PM
To: Shea Joachim
Cc: John Wesley; Tom Ellsworth; Angelica Guevara
Subject: Ulthera - Stapley Corporate Center, Zoning Case Z04-034

Shea:

After meeting with you and the Ulthera group yesterday afternoon, I went back and researched the zoning case that resulted in the site having the present LC zoning district. As a reminder, the present LC district had been known as C-2 until the present zoning ordinance was updated in 2011. The present LI district was previously the M-1 district. The PEP district did not change names or abbreviations.

1. What I have determined is that there was a misunderstanding between the planner and the person who drew the ordinance map. The case was advertised as "Rezoning from M-1 to C-2, and site plan review" for a 14-plus acre site, and the ordinance adopted by City Council included conditions of approval that affect the entire site. Somewhat hidden within the interior of the report and on the site plans, there is documentation that the rezoning portion of request should have been limited to 3.5 acres, and that just the site plan review was to include the entire 14-plus acre site. When the ordinance map was introduced to City Council, it did not make any discernment between rezoning for a limited portion of the site, or rezoning for the entire site. As a result, the Council introduced, and then approved a request to rezone and the entire site to C-2 and also approved a site plan review request for the entire site. They did not see or approve a request to rezone just the 3.5 acres, and then a site plan review for 14-plus acres.

While my position has some authority to adjust zoning district boundaries, I do not have the authority to substitute what I believe should have happened for what the official record says actually happened. Therefore, I cannot simply "Switch it back". The City Council adopted an ordinance with a specific map that rezoned the entire 14-plus acre site to C-2, and it will take a subsequent ordinance map amendment to be approved by City Council to change it to something different.

Given this set of circumstances, I have instructed Planning staff to initiate a rezoning case to rezone the 11 or so acres that should not have been rezoned. The rezoning would be from LC to PEP, which will allow the R&D, assembly line, light fabrications, warehouse types of activities, but prohibit open air kinds of activities, and the high impact industrial activities like outdoor equipment repair, contractor's yards or chemical factories. I anticipate this staff initiated case to be heard by the P&Z Board on April 18, and the P&Z recommendation forwarded to City Council for introduction of ordinance on May 7 and consideration of ordinance on May 21.

2. In addition, I have given more consideration to the idea of the assembly area and its overall place within the context of the Ulthera project. Given a 35,000 sqft tenant space would only have approximately 1,000 sqft of assembly use, the assembly portion calculates to roughly less than 3% of the overall floor area of this project. Also, the scale of the activity remains small in light of similar fabrication activities that take place on surrounding sites in adjacent industrial districts, meaning there would appear to be little impact on surrounding sites. For this reason, I would agree that in this limited set of circumstances, the light assembly/fabrication use can be considered as "accessory" to the primary office activity permitted in the present LC zoning district.

In the event the application for rezoning from LC to PEP that is being initiated by staff is approved by City Council, then the assembly activity would no longer need to be considered "accessory", but could be authorized as a primary activity and larger than 1000 sqft through appropriate changes to the building (as authorized by the building code).

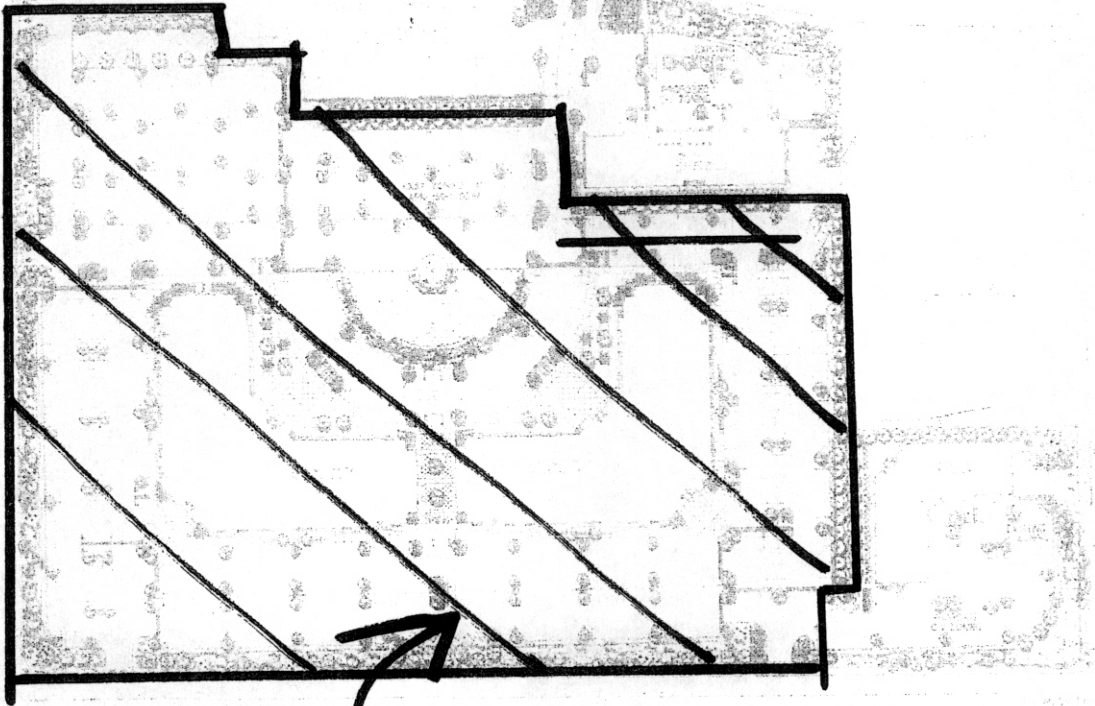
Please let me know if there are any questions.

Gordon Sheffield, AICP
Zoning/Civil Hearing Administrator
PO Box 1466, 55 N Center
Mesa, AZ 85211-1466

T 480-644-2199

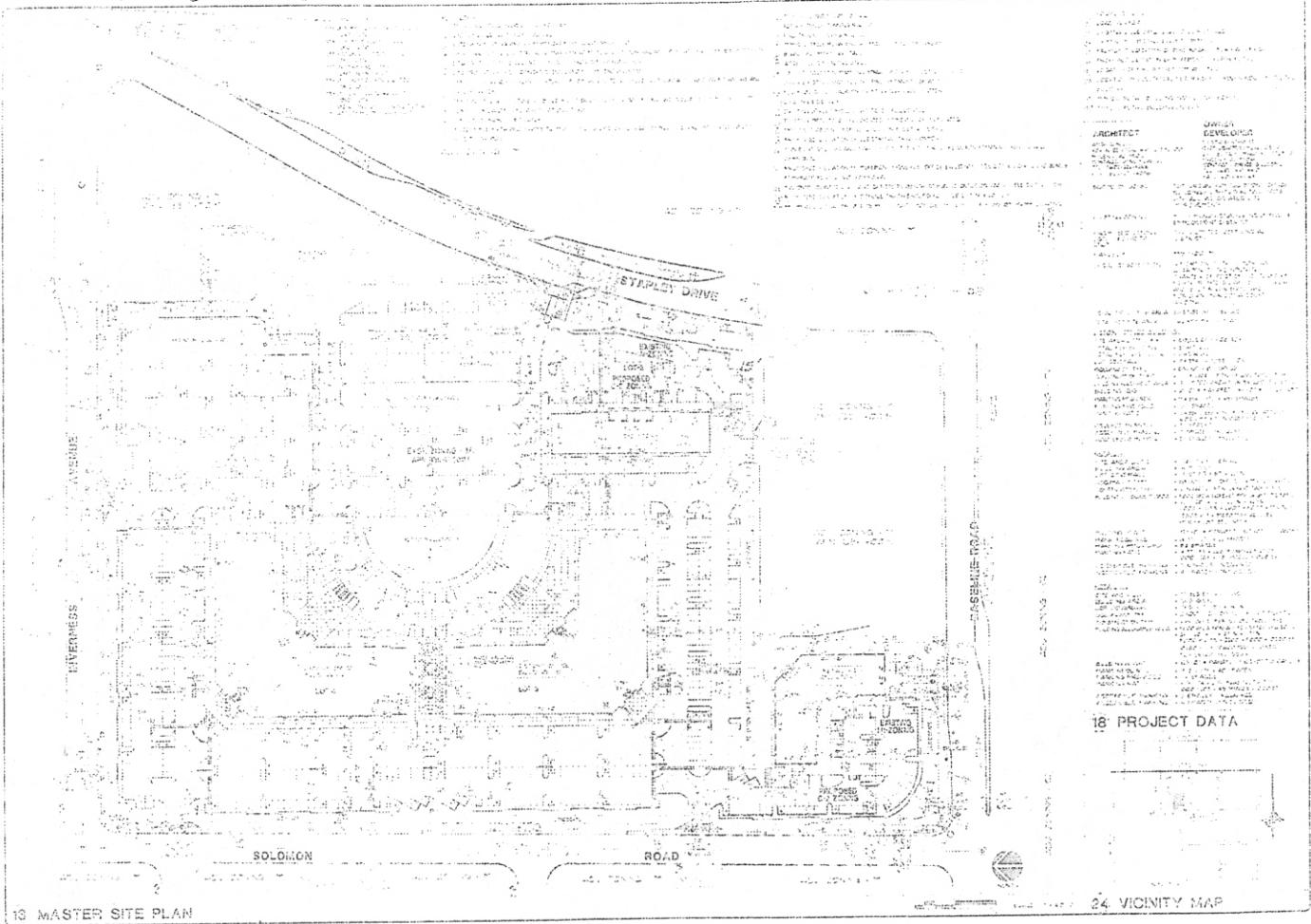
F 480-644-2757

Gordon.Sheffield@mesaaz.gov



AREA TO BE
REZONED TO TEP





13 MASTER SITE PLAN

1. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION (ADOT) AND THE ARIZONA DEPARTMENT OF WATER RESOURCES (ADWR).

2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF HEALTH SERVICES (ADHS).

3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ).

4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF LAND USE AND COMMUNITY DEVELOPMENT (ADLUCD).

5. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF REVENUE (ADREV).

6. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF CORRECTIONS (ADC).

7. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF EDUCATION (ADE).

8. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF AGRICULTURE (ADA).

9. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF NATURAL RESOURCES (ADNR).

10. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF PUBLIC SAFETY (ADPS).

11. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF SOCIAL SERVICES (ADSS).

12. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF TERRORISM PREVENTION (ADTP).

13. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF VETERANS AFFAIRS (ADVA).

14. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF WILDLIFE AND NATURE (ADWN).

15. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE ARIZONA DEPARTMENT OF WORKERS COMPENSATION (ADWC).

DATE	REVISION	BY	DESCRIPTION
01/15/2010	1	J. STAPLEY	INITIAL DESIGN
02/10/2010	2	J. STAPLEY	REVISED LAYOUT
03/05/2010	3	J. STAPLEY	ADDED PARKING
04/20/2010	4	J. STAPLEY	FINAL APPROVAL

18 PROJECT DATA

24 VICINITY MAP

STAPLEY CORPORATE CENTER
 NORTH OF THE SVC OF BARBERE & STAPLEY DR
 P.O. BOX 102 GLENDALE, ARIZONA

PS02 - 102 GS - 36D 20

ORDINANCE NO 4307

AN ORDINANCE AMENDING SECTION 11-2-2 OF THE MESA CITY CODE, CHANGING THE ZONING OF CERTAIN PROPERTY DESCRIBED IN ZONING CASE Z04-70, ADOPTING AN OFFICIAL SUPPLEMENTARY ZONING MAP AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That Section 11-2-2 of the Mesa City Code is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case Z04-70, signed by the Mayor and City Clerk, which accompanies and is annexed to this ordinance and declared a part hereof.

Section 2: The Official Supplementary Zoning Map annexed hereto is adopted subject to compliance with the following conditions:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc).
4. Compliance with all requirements of the Design Review Board.
5. All existing Billboards on site shall be removed when construction begins (ARS 9-462.02c)

Section 3. PENALTY.

CIVIL PENALTIES:

Upon finding that a person is responsible for a civil violation of this Title, the Civil Hearing Officer shall impose a civil sanction of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation. In determining the appropriate sanction the Civil Hearing Officer may assess against the responsible party the City's personnel, mailing, and other costs incurred in investigating and hearing the case, not to exceed a maximum of five hundred dollars (\$500.00).

EACH DAY SEPARATE VIOLATION:

Each day in which a violation of this Title continues, or the failure to perform any act or duty required by this Title or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER.

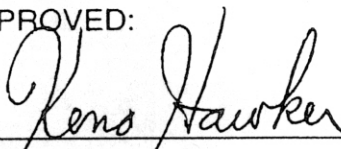
- A. A person who commits a violation of this Title after previously having been found responsible for committing three (3) or more civil violations of this Title within a twenty-four (24) month period – whether by admission, by payment of the fine, by default, or by judgment after hearing – shall be guilty of a criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal misdemeanor complaint in the Mesa City Court against habitual offenders. For purposes of calculating the twenty-four (24) month period under this Subsection, the dates of the commission of the offenses are the determining factor.

- B Upon conviction of a violation of this Section, the Court may impose a sentence of incarceration not to exceed six (6) months in jail; or a fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law; or both such fine and imprisonment. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.

- C Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 1st day of November, 2004.

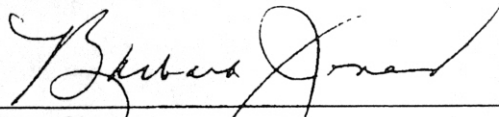
APPROVED:



Mayor

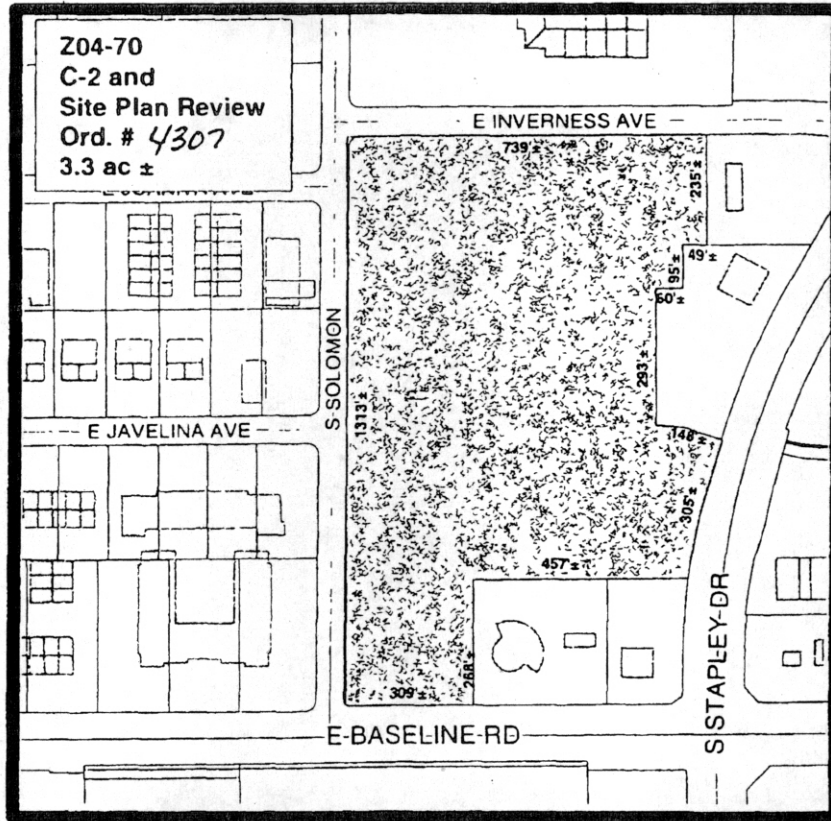


ATTEST:



City Clerk

OFFICIAL SUPPLEMENTARY ZONING MAP
AMENDING THE CITY OF MESA ZONING MAP



Please be advised that the attached zoning changes were approved by the Mesa City Council on *November 1*, 2004 by Ordinance # *4307*. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

Reno Hawker
MAYOR

ATTEST:

Barbara Jones
CITY CLERK

DATE: *11-1-04*



**CITY COUNCIL MINUTES
REGULAR MEETING
November 1, 2004**

9. Consider the following cases from the Planning and Zoning Board and possible adoption of the corresponding Ordinances.

a. **Z04-70 (District 4)** 1860 S. Stapley. Located north and west of Stapley Drive and Baseline Road (3.35 acres) Rezone from M-1 to C-2 and Site Plan Review. This request is to allow for two retail pads. Desco Southwest, Bruce Gillespie, owner; Archicon, Jere Planck, applicant – Ordinance No. 4307.

P&Z Recommendation Approval with Conditions (Vote: Passed: 7-0).

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board.
5. All existing Billboards on site shall be removed when construction begins (ARS 9-462.02c)

Vice Mayor Walters commented that she is not opposed to the proposed project, but requested information regarding the cross access agreement which was featured predominantly during the Planning and Zoning Board's discussion of this matter.

W. Ralph Pew, 10 West Main Street, an attorney representing Full Circle Auto Wash, the property owners immediately south of the zoning case, reported that the issue that came before the Planning and Zoning Board was one of access to the property to the south and onto Baseline Road. He explained that in 1998 when the car wash and gas station on the immediate corner of Baseline Road and Stapley Drive were built, a Special Use Permit was issued to the owners of those entities. Mr. Pew stated that one of the conditions of the Special Use Permit was that the property owner grant an access easement between what is now the Bank of America and the carwash that would extend north and provide access to the property under consideration tonight.

Mr. Pew advised that his clients are not opposed to the commercial development or the office project and said that he is merely requesting additional time in which to negotiate and finalize the language relative to the easement. Mr. Pew advised that the proposed Site Plan under consideration indicates an access way on the southern boundary of the commercial pad and that access point is at the property boundary with his client's land. He emphasized that in order to have that access point and to show it on the Site Plan, it is necessary that the two property owners enter into a reciprocal easement to allow this land to be used for such purposes. He commented that the parties involved in the document negotiations include the car wash, Bank of America and the applicant, and although there has been substantial progress in the drafting of the document, it is not finalized and discussions are still ongoing regarding under what conditions the easement could be terminated. Mr. Pew stressed that the Planning and Zoning

Board unanimously recommended approval of the case with the cross access reciprocal easement in place. He also noted that if the Council wishes to proceed forward with the case this evening, he would request, at a minimum, that staff be directed and applicant advised that no building permits will be issued until such time as the cross access easement has been resolved. He added, however, that he would prefer that the case be postponed to the November 15, 2004 Regular Council Meeting to enable the parties to finalize the easement.

**CITY COUNCIL MINUTES
REGULAR MEETING
November 1, 2004**

Jere Planck, 4041 North Central Avenue, Phoenix, an architect representing Desco Southwest, reported that the main point of contention concerning the cross access easement is the fact that Mr. Pew's client wants permanent access. Mr. Planck stated that if the property were ever redeveloped, his client would like the opportunity to renegotiate the easement. He explained that if his client comes back in front of the Council with any design changes, the Council would have the ability to change those stipulations and access points. He requested that the Council approve the zoning case tonight and that Desco not be "held hostage" by Mr. Pew's client. He added that he was confident that a cross access easement would ultimately be finalized.

Planning Director John Wesley indicated that staff's recommendation to the Planning and Zoning Board was that the case be approved without the additional access to Baseline Road, which would require the filing of the cross access easement. He stated that although the site has several points of access and functions adequately without the said easement, there would be a benefit and improved access if there was joint access as recommended by the Planning and Zoning Board. He acknowledged the ongoing conflict between the property owner and the applicant and stated that staff would support either position in this case.

Discussion ensued relative to the issuance in 1998 of a Special Use Permit by the Board of Adjustment for the operation of the car wash and gas station; that on the north property line, which was the common property between the two sites, the car wash owner showed City staff a landscape setback that was less than the Code required; that there is a provision in the ordinance that indicates if joint access is provided between two properties, the landscape requirement may be waived and the car owner elected to do so, which is the reason a stipulation was in place; that the stipulation was also in place because at the time the two properties were actually owned by the same person who agreed to place a cross access easement across his own property.

In response to a question from Mayor Hawker, Mr. Wesley clarified that in 1998, the Board of Adjustment met because the Special Use Permit was on the property to the south and not this particular piece of property. He said that there are now different owners. Mr. Wesley added that at this point, staff believes that a zoning stipulation on this site plan case could not be applicable to an adjoining piece of property.

Ms. Spinner added that if the Council wanted to add an additional condition to this ordinance, it would have to be reintroduced.

Mr. Pew acknowledged that when the subject property that is being zoned tonight seeks a future site plan modification or a change in its configuration, that property owner must come before the Council and obtain site plan approval. He stressed that his client is not asking for a permanent easement, but rather a reciprocal easement, which was recommended by the Planning and Zoning Board. He added that if the Council approves this case tonight, there would be an open space on their site plan that would allow for traffic, vehicular and pedestrian connection, but the parties have yet to reach a final agreement as to how that would be accomplished and that it would be reciprocal.

In answer to the Mayor's question regarding what occurred in 1998, Mr. Pew stated that the Special Use Permit was required and as part of that permit, his client did record an easement that is in place on this property, which shows this entire access way out to Baseline. He

**CITY COUNCIL MINUTES
REGULAR MEETING
November 1, 2004**

explained that monetary obligations existed that his client has agreed to remove and the new document to accomplish this has become complicated

Mr. Planck reported that an obvious disagreement exists between the parties and that the agreement for access is only on two parcels and does not include the 17-acre parcel. He stated that two parcels are actually being split off, and that is the case before the Council. Mr. Planck stated that the stipulation does not pertain to his client and he added that no crossover access agreement has ever been recorded on the property. He advised that his client has agreed to the crossover access, but the agreement proposed was not reciprocal. Mr. Planck noted that Mr. Pew sent a letter to the Council last Thursday regarding a permanent access agreement, but neither he nor his client received a copy. He expressed the opinion that Mr. Pew and his client are attempting to force his client into a permanent agreement in order to delay his client's projects from moving forward. Mr. Planck requested that the Council consider the item as presented and he stated that the parties involved would then attempt to reach an agreement. Councilmember Rawles stated that in the five conditions that he sees listed for this zoning case, there is no reference to the cross access easement, but he assumes the language is contained in a site plan that he has not seen. He questioned whether Council approval of this case tonight would include the cross access easement.

Mr. Wesley responded that the recommendation of the Planning and Zoning Board was that a reciprocal easement be obtained, but not as a condition of approval because the easement is on a separate piece of property. He stated that staff would continue to watch for and make it a part of the record before Desco could actually occupy the property.

Councilmember Rawles stated that if he understands Mr. Planck's position, he is comfortable with that and if an agreement cannot be reached with Mr. Pew, Mr. Planck would come back to the Council to request a modification.

Mr. Planck stated that the opinion he received from staff was that it could be administratively removed because there was no stipulation on his client's property.

Councilmember Rawles, in an effort to clarify the issues in the case, cited that the applicant is anxious for the zoning case to move forward today, which includes no barriers at the south end of the property that leads into the access to these two parcels and if an agreement cannot be reached, the applicant could request that the easement be removed administratively by the Council.

It was moved by Councilmember Rawles that Zoning Case Z04-70 be approved and Ordinance No. 4307 be adopted.

Vice Mayor Walters expressed support for the motion, but commented that the easement would not be removed by the Council, but rather approved administratively by staff. She indicated that she would not like to delay moving ahead with the site plan and noted that rather than giving direction to staff, she expects that there will be cross access at this site because it is heavily used and that it would make a difference in terms of people's safety moving in and out of the area off of Baseline Road instead of having to go on Stapley Drive. She said she anticipates that an agreement will be reached and that whatever feelings there are from the past will be set aside and they move forward because it is in the best interest of Mesa's residents.

**CITY COUNCIL MINUTES
REGULAR MEETING
November 1, 2004**

Councilmember Griswold seconded the motion.

Councilmember Griswold concurred that it is important for the project to move forward and to bring employment opportunities to the area.

Carried unanimously.

**CITY COUNCIL MINUTES
REGULAR MEETING
October 18, 2004**

5 Introduction of the following ordinances and setting November 1, 2004 as the date of public hearing on these ordinances:

*b. **Z04-70 (District 4)** 1860 S Stapley Located north and west of Stapley Drive and Baseline Road (3.35 ac) Rezone from M-1 to C-2 and Site Plan Review This request is to allow for two retail pads Desco Southwest, Bruce Gillespie, owner, Archicon, Jere Planck, applicant

At this time, all matters on the consent agenda were considered or were removed at the request of a member of the Council. All items identified with an asterisk (*) were approved with one Council action.

Item 7a was removed from the consent agenda at the request of a citizen

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, that the consent agenda items be approved.

Upon tabulation of votes, it showed:
AYES - Hawker-Griswold-Jones-Rawles-Thom-Walters
NAYS - None
ABSENT - Whalen

Mayor Hawker declared the motion carried unanimously by those present.

MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Item: **Z04-70 (District 4)** 1860 S. Stapley. Located north and west of Stapley Drive and Baseline Road (3.35ac.). Rezone from M-1 to C-2 and Site Plan Review. This request is to allow for two retail pads Desco Southwest, Bruce Gillespie, owner, Archicon, Jere Planck, applicant.

Comments: Jere Planck, 4041 North Central Avenue, applicant, stated that this is part of a greater project that includes two office buildings, noting that it has already been through Design Review and has been approved. He stated they had received a letter from the Full Circle Carwash noting their concerns about the amount of traffic coming from their property and a cross-access agreement behind Retail 1. They also wanted them to rearrange and move Retail 1 forward. Mr. Planck added that there is no easement recorded between the properties. He stated they were getting calls regarding a referendum to stop this project so they redesigned the project and were now getting complaints that they were causing trouble by removing it. Mr. Planck commented that there is an agreement to make an agreement, and no actual cross-access agreement exist. Our owner's position is they don't want to hold up their project. He stated they had worked very diligently to get to this point and that the cross-access agreement doesn't include their property, it only includes the two properties on the corner. The Special Use Permit was for the gas station, which no longer exists. Mr. Planck stated they would like to have it removed and have it approved with the revised site plan.

Ralph Pew, 10 West Main Street, on behalf of Full Circle Autowash, stated their request is to deal with the access point and are in support of the land use. He added that in 1998 there was a Special Use Permit that was approved for the gas station and the carwash. A condition was imposed upon the applicant for the carwash that an access easement be granted between the carwash and the service station going north. Mr. Pew stated that the site plan that was presented on Tuesday showed that connection and they are fine with that plan. We don't want them to move their building, we don't expect them to do anything different other than to leave that access point where it was when the use permit was approved in 1998. We designed and built our site based upon the 35-foot wide easement going from Baseline, north through our property and into the subject property. He noted that the easement is on the carwash property but it would benefit the land to the north. Mr. Pew apologized for the confusion that had occurred, but added that they never really objected to the access point. It allows better access to the site and there is a recorded document granting the access. He asked the Board to recommend approval of Z04-70 with the site plan showing the connection.

Chairperson Cowan asked Mr. Pew why no comments were stated at the Study Session when it was presented as a situational challenge. Mr. Pew responded that he had not been contacted by the owner until after the Study Session.

Boardmember Adams asked Mr. Pew if there is an existing dispute over monetary consideration between the two parties. Mr. Pew responded that he is unaware of any dispute and the recorded easement has a paragraph that states that either party may, but is not obligated, to contribute to the maintenance of that roadway.

Liz Zeller, Planner, stated she was involved in the telephone conversations and had immediately called the representative from Archicon expressing the concerns from the carwash representative. That is when the applicant decided to make the change to eliminate the driveway. She stated the applicant would prefer to go with the redesign of the site plan and staff is supportive adding that there is sufficient access into this site and closing off the access to the north would not create any adverse situations. Staff recommends approval of the redesign of the site plan.

MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

Gordon Sheffield, Senior Planner, provided background information on the Special Use Permit that went through in 1998 and stated that the parcels for the gas station and the carwash were split off from a larger parcel so the cross-access made sense. He added that when the property was designed the Code allowed for diminution of the landscape setback along the north side and when cross-access was provided between two properties the City did not require the full width of the landscaping. He stated that by providing a cross-access there was no need for a variance, that is why the cross-access was stipulated in 1998.

Boardmember Saemisch mentioned that every property is required to put in cross-access because of fire and emergency vehicles. He asked Mr. Sheffield if he saw a negative side to having this access and also asked if the bank had taken part in these discussions. Mr. Sheffield responded that as a general planning concept they try to encourage cross-access as much as possible. Mr. Pew responded that Mr. Hintz has had three or four conversations with the bank and they are in support of the access.

Boardmember Mizner stated that Mr. Sheffield's comments were very relevant because the owner received a break in the landscaping because they committed to the cross-access, which makes it function more as one shopping center. Mr. Mizner added that with Mr. Pew's assurance that his client will cooperate with the developer he would be in favor of the original site plan, which shows the cross-access and noted that this would also be a good asset for the community.

Boardmember Carpenter asked Mr. Pew if his client still wanted the building moved or was he satisfied with the original plan. Mr. Pew responded that they were not insisting that the building be moved they were asking that the access remain.

Chairperson Cowan asked Mr. Planck if he was agreeable in going with the original plan that was submitted. Mr. Planck stated that the reason they choose to change the site plan was because that was not Full Circle Autowash's original position on this matter. There is no agreement between them and us, the agreement is between the two parcels. He stated that when Mr. Hintz found out that they were closing off the access he changed his position. Mr. Planck added that it would be easier to close off the access than to deal with them. This has been a very unpleasant two weeks of us trying to get this solved and our owner's position is that they just don't want to fight with it.

Boardmember Mizner stated that he appreciates Mr. Planck's concern but the Board's role is to look at the overall welfare of the City. He added that they have Mr. Pew's commitment that his client will cooperate and if the applicant finds that the condition is impossible to comply with there are other avenues to try to address that situation but from a land use and urban design point of view cross-access is desirable.

Boardmember Adams agreed with Mr. Mizner's comments regarding the many attributes of cross-access and asked Mr. Pew if his client was satisfied with this outcome and there are no hidden messages. Mr. Pew responded that they are not asking for any money, nor for any compensation, just design the access point to match where we are.

Liz Zeller stated that if the Board decided to accept the original site plan, staff recommends that the landscape setback be changed from 14'6" to 15'.

It was moved by Boardmember Mizner, seconded by Boardmember Saemisch

MINUTES OF THE SEPTEMBER 16, 2004 PLANNING AND ZONING MEETING

That: The Board approve and recommend to the City Council approval of zoning case Z04-70 as originally presented at the Study Session with the amended 15' landscape setback and conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board.
5. All existing Billboards on site shall be removed when construction begins (ARS 9-462.02c)

Vote: Passed 7-0.



Planning and Zoning Board

Case Information

CASE NUMBER: Z04-70
LOCATION/ADDRESS: 1860 S. Stapley Drive
GENERAL VICINITY: North and west of Stapley Drive and Baseline Road
REQUEST: Rezone from M-1 to C-2 and site plan review
PURPOSE: This request is to allow development of two retail pad buildings.
COUNCIL DISTRICT: District 4
OWNER: Desco Southwest, Bruce Gillespie
APPLICANT: Archicon, Jere Planck
STAFF PLANNER: Liz Zeller, Planner I

SITE DATA

PARCEL NO.: 139-11-001M
EXISTING ZONING: M-1
CURRENT LAND USE: Vacant
GROSS SITE AREA: 29,338 sq. ft.
PARCEL SIZE: 3.35 acres (gross)
GENERAL PLAN DESIGNATION: Business Park
PARKING REQUIRED: 184,994 sq. ft. of office / 375 = **493 spaces**
 14,187 sq. ft. 12,912 sq. ft. of retail / 375
 1,275 sq. ft of restaurant /75 for total = **52 spaces**
 15,151 sq. ft. 11,926 sq. ft of retail / 375
 3,225 sq. ft of restaurant / 75 for total = **75 spaces**
620 total spaces required
PARKING PROVIDED: 935 spaces provided for the office
 53 spaces provided for Retail 1
 74 spaces provided for Retail 2
1,062 total provided

SITE CONTEXT

NORTH: (Across Inverness Ave) Existing office projects – zoned M-1
SOUTH: Existing offices – zoned M-1 and (Across Baseline Road) Town of Gilbert, existing commercial properties – zoned C-2
EAST: Existing offices – zoned M-1 and (Across Stapley Drive) existing office and retail properties – zoned M-1 CUP
WEST: (Across Solomon) existing office properties – zoned M-1

RECOMMENDATION: Approval with Conditions

ZONING HISTORY/RELATED CASES

June 18, 1973 Annexed to City (Ord.# 812)

REQUEST

The project request is for Rezoning and Site Plan Review. The applicant is requesting rezoning of two (2) parcels from M-1 to C-2 to allow retail development. The two parcels are approximately 1.65 and 1.7 acres. They are part of the overall plan, which will include two large office buildings (approximately 92,497 sq. ft. each) on the site. The site plan review is for the two retail-building parcels, as the office buildings will be located on unstipulated M-1 zoning and are a permitted use.

PROJECT DESCRIPTION

This site proposes (2) single-story retail buildings and (2) two-story office buildings. The office buildings are permitted in the existing M-1 zoning and are provided on the Master Site Plan for reference as to how the entire site will work cohesively. The retail buildings are designed for general retail and restaurant uses. All four buildings will be designed with compatible architecture and colors and will incorporate multi-sided architecture. There are pedestrian pathways that run throughout the site and connect to the adjacent roadways. This site provides an employee break/seating area for gathering or brown bag lunches in the central courtyard between the two office buildings. The entire site is approximately 863,303 sq. ft. and the lot coverage is approximately 214,332 sq. ft. yielding 25% lot coverage. The charts below further explain the unique attributes of the individual buildings and the site.

RETAIL 1

USE: General Retail and restaurant	PROPOSED ZONING: C-2	HEIGHT: 30' max allowed 23' proposed height Meets Requirements	AREA: 14,187 sq. ft
PARKING: 14,187 sq. ft 12,912 sq. ft retail 1 / 375 = 35 spaces 1,275 sq.ft. restaurant 1 / 75 = 17 spaces 52 spaces required 53 spaces provided	BUILDING AND SETBACKS 11-15-2 (A): 30' required from Stapley Drive 30' provided 15' required from adjacent development to the south 14'6" provided 8' provided to trash enclosures This project should meet current Chapter 15 code requirements		Miscellaneous -Bike racks provided near entrances -Complementary architecture to office building

RETAIL 2

USE: General Retail and restaurant	PROPOSED ZONING: C-2	HEIGHT: 30' max allowed 23' proposed height Meets Requirements	AREA: 15,151 sq. ft
PARKING: 15,151 sq. ft 11,926 sq. ft retail 1 / 375 = 32 spaces 3,225 sq.ft restaurant 1 / 75 = 43 spaces 75 spaces required 74 spaces provided	BUILDING AND SETBACKS 11-15-2 (A): 30' required from Baseline Road 30' provided 75' radius required from street intersection 75' radius provided 20' required from Solomon Road 20' provided from Solomon Road This project meets requirements		Miscellaneous -Bike racks provided near entrances -Complementary architecture to office building

DEVIATIONS FROM DEVELOPMENT STANDARDS

This project as described and shown does not require any variations and the applicant has not made any requests for any deviations from the standards.

SCHOOLS

The subject site is in the attendance boundary of the following schools, which are within the Gilbert Public School District:

- Oak Tree Elementary School
- Mesquite Junior High School
- Mesquite High School

This subject site will not impact the schools, there will be no students generated from this project.

NEIGHBORHOOD PARTICIPATION

The applicant has notified all property owners within 300-feet of the subject site via mailed notices, which included a copy of the proposed Site Plan. The applicants have been contacted by a neighbor regarding a driveway easement, location of the Retail 1 building and the possible back up of traffic onto neighboring sites. The applicant along with staff has reviewed the site plan and does not see this as a significant concern.

CONFORMANCE WITH THE GENERAL PLAN

The adopted Mesa 2025 General Plan Land Use Map designates this site to be Business Park. The General Plan defines Business Park land uses as: "Financial, insurance, real estate, tourism and other office uses." The proposed tenants will be small retail uses, with office space only for the immediate sales staff, and restaurant uses with open air eating.

- ❖ Goal LU-5
Provide for an adequate long-term supply of business park/industrial land that continues to enhance the City and regional employment base.
 - Objective LU-5.1
Provide a wide range of office/business park/industrial related uses that are optimally located in relation to their purpose, environmental considerations and transportation infrastructure needs.

- ❖ Goal ED-1
Foster and sustain long-term economic growth for the City of Mesa.
 - Objective ED-1.1
Increase and maintain Mesa's employment to population ratio to at least the top quartile of Maricopa County Communities by attracting and retaining competitive and quality jobs.
 - Policy ED-1 1a
Proactively market the City of Mesa to prospective employers and businesses seeking to expand or relocate in the metropolitan Phoenix area.

- ❖ Goal ED-2
Identify and prepare strategic locations for economic growth
 - Objective ED-2 1
Support the development of key employment centers/corridors throughout the City of Mesa.
 - Policy ED-2.1c
Continue to promote, improve, and protect transportation-related employment centers, including Falcon Field, Power Road Corridor, Red Mountain Freeway Corridor, **Superstition Freeway Corridor**, Union Pacific Railroad Corridor, and Williams Gateway Airport.

STAFF ANALYSIS

SUMMARY:

The applicant is proposing rezoning approximately 3.35 acres to develop two retail buildings. The request is for rezoning from M-1 to C-2 and Site Plan Review for the proposed retail buildings. The retail buildings complement the architecture of the proposed office buildings. Also they are consistent with the other surrounding uses in the area. This development is required to be heard by the Design Review Board.

CONCERNS:

Staff does not have any concerns with the proposed rezoning from M-1 to C-2 and site plan review to allow the two proposed retail buildings.

P&Z Hearing Date September 16, 2004
P&Z Case No Z04-70

CONCLUSIONS:

Staff recommends approval of the rezoning on the approximately 3.35 acres from M-1 to C-2 and site plan review for the two proposed retail buildings

CONDITIONS OF APPROVAL:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations as submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Compliance with all requirements of the Design Review Board
5. All existing Billboards on site shall be removed when construction begins (ARS 9-462.02c)

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Project Narrative

Ref: Stapley Corporate Center.
Location: NWC of Baseline Road & Stapley Drive
1860 S. Stapley Drive, Mesa Arizona

APPROVED PLANS
CITY COUNCIL

DATE: 11/1/04
WITH STIPS: YES NO

Stapley Corporate Center is a 17.5 acre mixed-use commercial development located at the Northwest Corner of Stapley and Baseline roads in Mesa, Arizona. The development consists of 2 small commercial pads and 1 large office pad.

One of the smaller commercial pads is located along Stapley Drive with a primary common entry drive for lot to existing lot to the north & to the Office PAD to the west. The second pad is located on the corner of Baseline Road and South Solomon. All of the pads will be connected to the office development, via pedestrian links. The pedestrian links will be concrete sidewalks with landscaping on side for shading.

The balance of the site, approximately 14.08 acres, is a 2 building office development. The buildings will be two stories and consist of approximately 92,497 S.F. each for a total of 184,994 S.F.

The building will be oriented to create a semi-circular main entry drive that extends east to Stapley Drive. The entry drive will be constructed in a way to enhance the overall project and create a sense of continuity among the separate pads. Along the drive will be commonly themed landscaping and a pedestrian link to the commercial pads along Stapley Drive.

Outdoor plazas will be created at all entries to the buildings as well as between the two buildings to provide pedestrian oriented spaces throughout the project.

This development will provide a high quality, exciting corporate environment and become a long term asset for the City of Mesa workforce and residents alike.