

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

- 6-a ZON21-00278 District 5.** Within the 1300 to 1500 blocks of North Power Road (east side), within the 6800 block of East Hobart Street (south side), and within the 6800 block of East Halifax Drive (both sides). Located north of Brown Road on the east side of Power Road. (6.13± acres). Rezone from Office Commercial (OC) and Single Residence 35 (RS-35) to Neighborhood Commercial with a Planned Area Development overlay (NC-PAD) and Site Plan Review. This request will allow for a development that includes food trucks. Sean Lake, Pew and Lake, PLC, applicant; Power Road Park, LLC, owner. **(Continued from October 13, 2021)**

Planner: Lesley Davis

Staff Recommendation: Approval with conditions

Summary:

Senior Planner Lesley Davis presented case ZON21-00278 to the Board. The site is north of Brown Road on the east side of Power Road. To the north of the property on the west side of Power Road, there is church and to the east of the property is single family residential zoned RS-35. On the west side of the property there is also some single family on that side of the road. South of the property there is an RS-35 Parcel owned by the City of Mesa intended to be a future fire station site.

The General Plan for the site falls within the Neighborhood Suburban Character Area within the City. That Neighborhood Character Area does allow for nonresidential uses along arterial frontages, which this property falls within along Power Road. That designation also allows for schools, parks, places of worship and local serving businesses. The goal of that character area is to provide safe places for people to live and enjoy their surrounding community.

The history of the approvals on this site began when it was first annexed into Mesa in 1983. As part of a larger parcel that came in 1984. The RS-35 zoning was established on the overall property. In 2007 the City Council rezoned a 2.3 acre portion of the property, the portion south of Halifax and the smaller portion north of Halifax from RS-35 to Office Commercial (OC) and Site Plan review to allow an office development on the property that was not constructed. In 2015 staff received an application to rezone the property from OC to Infill District (ID-1) and that was for a request for a self-storage on the property. That case was tabled at the Planning and Zoning Board hearing in December of 2015.

We received a similar request for the same zoning request in 2018 from OC to ID-1 again for a self-storage facility. That request was again tabled at the Planning and Zoning Board meeting. There was neighborhood opposition for the use on both requests for the Self-Storage and no City Council action was taken for either of those cases in October of 2021.

On October 13, the Board of Adjustment upheld an interpretation of the Zoning Administrator that the current use of the property primarily for food trucks did not conform to the City's definition of Public Park and Recreation Facility. And that is what brings us here today.

The applicant has requested to rezone the property from OC and RS-35. A portion of the

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

property still remains RS-35 and they are requesting to rezone it to Neighborhood Commercial (NC) with a Planned Area Development Overlay (PAD) and Site Plan Review. The purpose would be to develop the Power Road Food Truck development on the overall site. The zoning designation of Neighborhood Commercial (NC) allows for locally oriented retail and services. Commercial uses that can go into that district include retail stores, restaurants, gas stations and convenience stores. Going back to the restaurants that includes limited service restaurants, which is what the Zoning Administrator has determined that a food truck use falls within in the Zoning Ordinance.

The Site Plan the applicant has submitted was designed to create some mitigation of the use to the neighborhood. When you have commercial next to residential, that is always something we have to take a look at. To the east of the property is adjacent to the neighborhood with the existing homes. The applicant has proposed an eight foot masonry wall along that east property line and along the south border of the proposed parking area that also happens to be on the east side south of Halifax. There is a condition of approval incorporated into the staff report that would create some construction timelines for that wall to make sure it happens as a first phase of the development to make sure that proper buffering is provided, since that was something the neighbors have been interested in.

In addition to that, there is a 25 foot setback and landscape buffer that is being provided adjacent to that wall. And again, that follows that entire property line on the east and south side along parking. Some of the other buffers that are provided include what they call their great lawn. They have an amenity that is currently shown as a splash pad and could be a tot lot or something like that. They have a restroom facility that will also have some Administrative Offices. The tan areas that are identified on the Landscape Plan are identified as alternative surface and that is for parking for the site and includes parking south of Halifax. But primarily, the parking is provided south of Hobart, which is the northern boundary of the site and identified as alternative surface to provide some additional flexibility.

During the week when there is a lower number of food trucks, they could use this additional open space if somebody wants to kick a ball around when the parking requirement is not needed as much. That alternative surface is something that has to be approved by the Zoning Administrator. The City Engineer weighs in on that as well. The surface for that has not been determined yet for the alternative parking and will have to be worked out. The surface will be dustproof and something that is usable to create open space for the site. Beyond that open space within the Great Lawn there is a large area along Hobart for some outdoor seating area. Surrounding that there is some decorative pavement that will provide pedestrian walkways and access into the site for the food trucks.

The food trucks will circle into that area and then loop down along Power Road, which is where they will be parked. The outdoor seating areas will provide space for people to gather and enjoy the food and will create a distance from the residential properties a little bit to enjoy the open space as well. This will provide a bit of a uniqueness to the property, which goes towards the Planned Area Development (PAD) request that will provide that additional open space. The limited service restaurant area creates some unique features. As mentioned, the food truck area has been defined on the site plan as that area that bounds the four covered blue squares on the plan, that are covered space

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

and will provide shade for those seating areas. There is also landscaping there adjacent to the food truck areas close to Power Road.

The wall location plan describes what's happening along Power Road and it shows it a little bit better. It is a combination of a view fence and screen wall that'll be around the site and will create some additional security around the property. If somebody is waiting in line at one of the food trucks, their child's not going to run off and get away from them with the busy street. It will also provide a function to screen headlights and such going on to Power Road, but still provide visibility and security.

The applicant has requested a PAD for the site. The first item listed here relates to not having permanent markings for the spaces on the alternative surface parking area and is a difficult thing to provide on a porous surface. They will be working with the City to determine what that surface is going to be and what's appropriate there. But they have asked not to delineate those parking spaces and will have a traffic management plan which we're working with them on. This will be a part of the Development Agreement that will have somebody that will be out there that can take on making sure that they are efficiently parking that space and not having people haphazardly parking.

As a limited service restaurant, there are conditions of approval for the food truck area, and conditions that relate to the parking. Based on the fact that the property itself is being looked at as a limited service restaurant, we calculated the parking based on that. So we have taken the 1 space per 200 square feet of area for the seating to be considered for the parking as well as taking a look at the indoor space, which was considered with two spaces for food truck. That lines up with the calculation we would use for a restaurant indoor area for a restaurant because with our restaurant calculation, we do consider the entire indoor with the kitchen, whether there's patrons inside the building or not. This lines up with what is required for a limited service restaurant.

There is a condition of approval that the food trucks need to be located in that area that is been defined on the Site Plan. They will not be located anywhere else on the site or in those parking areas. The PAD request also requests an alternative parking area, not to have landscape islands in that area. This allows them to have flexibility of that space, being able to utilize it for people to go out there and kick a ball around or something when it's not being utilized for parking in their off peak hours. The third request for the deviation to code was to have a six foot fence within the street side setback along Power Road. And again, they are still creating that feeling of the three and a half foot wall that is allowed within that setback with the view fence above and will allow them to provide landscaping on both sides of that wall.

Another condition of approval will be that it has to go to the Design Review Board. Ultimately the Design Review Board will comment on the elevations. The applicant is proposing something a little more modern, a little playful with some upgraded materials but they will need to comply with all of our building form standards. We will be looking for that final approval to make sure that we're getting that quality for the PAD that these things are going to remain consistent. We don't have an application for that yet. Also, they will look at what some of those wall details could look like. Again, the Design Review Board will have a final view of those to make recommendations for approval through the Planning Director on the elevations.

The applicant did complete their citizen outreach. They did meet the required

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

notifications and held a neighborhood meeting on the subject site on April 20 of this year. They had approximately 50 people in attendance and staff was able to attend as well. Some of the concerns that were brought up related to the land use, the fencing, lighting, noise, traffic and parking. These concerns are also included in the materials that were submitted for this case. We also included letters and communication that staff has received from the neighborhood with opposition.

As far as what the concerns are, you have many people who want to speak tonight as well as a petition from that neighborhood that was included in your packet materials. Regarding the concerns of land use, that is one of the reasons that we're here tonight. There is a condition of approval which requires the construction timing for the fences to be constructed. The lighting is something that will be addressed with Design Review, but also City Code requires them to comply with our ordinance and our dark sky ordinance and making sure that we don't have lights that are projecting onto the residential properties from this site.

They are also including a Good Neighbor Policy. As this project moves forward to City Council, it's our understanding that noise will be a part of that discussion. As far as traffic goes, Transportation Department has taken a look at it and the roadways are adequate to support the additional traffic. This is something that they will be working out with the neighbors as far as some additional things that could be included in that will that be hours of operation, who they contact, if there is problems. Similar to what you just heard about on the previous case.

A Development Agreement is required to have City Council approval. Some of the things that will be included in the DA will address the wall locations, food truck location, lighting, construction timing, landscape and building design and parking requirements.

Staff's findings in reviewing this site against the General Plan is that it is in conformance with the General Plan and complies with the criteria in Chapter 22 for a PAD and the criteria in Chapter 69 for Site Plan Review. Staff has recommended approval with conditions and I'm happy to answer any questions that you have.

Chair Sarkissian has a couple of questions on the Site Plan with the access points on Hobart Street. I see that one of the access points on the pedestrian and food truck portion are gated. Are they going to be gated or will they have slide gates for access. Ms. Davis responded I believe there will be gated on all of the driveways, The intent is for most of the parking to happen off of Hobart to reduce the impact on Halifax, which is currently where people are parking at the site. There are gates at all of those areas so that it can be controlled. That way they can make sure that they're filling the parking lot on Hobart before they move to the Halifax site property.

Ms. Sarkissian asked as part of the Development Agreement, some of the stipulations show things in there regarding the timing of the impact of the neighbors. Since it is currently an ongoing thing right now, how will the wall and the lighting that are that are the most impactful right now, what are the conditions that staff is discussing about this right now. Ms. Davis responded. Those items that we're discussing will go along with this project as they're moving forward with their phasing and Ms. Sarkissian confirmed as far as getting these issues resolved and if this is improved, what would the timing be of resolving the conflicts. Ms. Davis responded those are being worked out, and there

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

are some timelines that are established in the stipulations of approval. And through the Development Agreement, we'll be working out those details. That's why we are trying to move things along quickly, but still understanding that there are constraints that the applicant has to deal with such as availability of labor and materials.

Planning Director Nana Appiah added, there is a specific condition that addresses the wall, condition #12 and #13. Condition #13 specifically talks about when construction will commence. Also, condition #12 discusses when the applicant has to submit the permit for review. After it's approved, when they have to start construction. Typically, when you review projects, we really don't get into timing of when they have to submit plans and when they have to start construction. But in this case, we believe that is critical for them to do that. It is really a number of conditions of approval that lays out this timeline and it will also be carried into the Development Agreement. We want to make sure all these measures are put in place at specific times and not just left open.

Boardmember Boyle stated food trucks are somewhat of a newer fad, at least becoming popular again. Typically, if I'm driving around and I see a food truck in the City, is it most likely operating illegally. When I see them I wonder if anyone is getting the permits or approval to set up the food truck. Ms. Davis responded there are certain regulations and places they can be located. And they are expected to follow that criteria. Mr. Boyle stated there are some very strict ordinance and rules about where food trucks can and can't be located.

Dr. Appiah responded based on the interpretation that food trucks fall under are limited restaurants. We have a Zoning District where limited restaurants are allowed and it is no different for any of them and where they are allowed in the zoning district. However, we also have public right of ways so most of the trucks you see within the public right of way falls outside the zoning district and where they go. So, if you see a food truck in a public right of way, that's not something that we really regulate.

City Attorney Sarah Staudinger added a further point of clarification for the Board. In May of this year, City Council adopted an ordinance regulating food trucks and that regulates the licensing and location and public right of ways. That would be the type of operation that has to get a license and operate within certain constraints. So that would be outside of what Dr. Appiah is talking about

Mr. Boyle had a second question about the alternative parking material. What are some examples of what the applicant is thinking of putting there. Ms. Davis responded you will see on the landscape plane it shows decomposed granite, but they also have the option of doing a turf on that area. One of the examples that they've utilized is how the parking is run for the Cubs and for the A's and to be able to allow that turf parking area which creates a softer environment, but also allows the parking on it. Mr. Boyle said I thought it was granite, but when there was discussion about kicking a ball around on it, I was confused by what material may be there.

Vice Chair Villanueva-Saucedo said, I just want to make sure I'm reading the staff report correctly. Prior to the Zoning Administrator's designation that these are limited service restaurants, we had no classification for food trucks anywhere in our Zoning Ordinance. Is that correct?

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

Dr. Appiah responded that is correct. We currently do not have a specific use listed as food trucks. However, the Zoning Ordinance allows as one of the requirements the function of the Zoning Administrator to look at the use and see what similar uses are comparable and make a determination as to what the use falls under. As of now, it was a Board of Adjustment, the information of my interpretation that are found that the food trucks are limited restaurant uses.

Applicant Sean Lake, 1744 S. Val Vista presented on behalf of the property owners, Ray Johnson and David Darlene. I'm going to clarify a couple of things and then I'm going to get into our presentation and what I want to talk about. First, working with Lesley and Nana in the Planning Department has been a pleasure to try to come to some compromise. Your agreement to allow this as something that could work but still addresses a lot of neighbors concerned. The property owner still believes that this existing operation is in conformance with State Law. I just want to put that on the record that the operation is consistent with State Law.

Having said that, you may recall that this project was on the October 13th Planning Commission meeting and was continued from that meeting. Since that time, we've spent extensive time working with the City to try to come up with a plan, not only a site plan and making changes to the site plan, but a list of conditions that address the issues that have been addressed. When I started looking through the conditions of approval, we're used to seeing the standard form conditions with projects that go through. This one for example, addresses a specific issue to tie the site plan and exactly what is going to be built so it's not a bait and switch situation. Condition 2 talks about the wall plan, again, addressing the wall, which was a big issue. There is a condition that addressed the Good Neighbor Policy and trying to work with the property owners going forward.

We know there's been some animosity in the past, but we want to put that behind us and try to work together cooperatively and in doing that we came up with a Good Neighbor policy. Number six deals with parking specific parking, there is no requirement for food trucks and we had to come up with a new one. So, we worked with staff and prepared a parking study which condition six deals with that.

Again, to try to address a lot of those buffer things. And so, in that two week period, we've worked extensively with staff to try to come up with conditions of approval that address the buffering to address compatibility with this community. We are coming before you this evening with a recommendation for approval from the Planning Staff, so that this Board would have something that they feel comfortable recommending approval.

And so that's where we have come to now and what we've tried to do. I've also met with Mr. Sloan a couple of times, he invited me into his home, and he came into my office again today. We've had some email exchanges, but that will be an ongoing discussion and we will continue to work with Mr. Sloan and we will commit to have those ongoing discussions with those neighbors today.

For many of us, that have been out in Mesa for a long time, I look at Power Road as old Bush Highway. When the City annexed a lot of the property up there, it became Power Road. And then as you go farther north it became Bush Highway, but Power Road is a major north south arterial, I think it's probably the busiest north south arterial in the City,

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

if not the first or second busiest street in the City of Mesa, excluding US 60. Of course, it is a busy road full of a lot of different uses, a lot of commercial and retail. Power Road has a lot of different uses on it and is a very busy road. And it has become more and more busy as the City has grown all the way up to the northern boundaries of the property.

This property itself has a long history. Going back as staff pointed out of a lot of different uses that have been proposed. There were some uses that we proposed to put on this site in addition to the mini storage that was pointed out. We also looked at doing multifamily on this site. In working with Planning staff to try to come up with a land use on this property, to try to work to make something happen here. And so that's one of the additional things that we've tried on this site, we think we've come up with a good use to utilize this property.

For a commercial venture, it's a park that will allow food trucks on it that are tailored down and have a lot of conditions that regulate what happens on that. We think that's a good proposal. We believe the proposal is consistent with the General Plan. So I won't spend a whole lot of time of what we're proposing to go from Office Commercial and RS-35 to Neighborhood Commercial. We think this is a good proposal that does address a lot of the concerns and provides good adequate buffer. And we think after working extensively with staff it is finally ready to come to the Planning Commission and addresses those things with the conditions of approval.

So that's why we're here today. Let me identify some of the things in working with staff over the many, many months of working on this, that are identified on the site plan that's presented. Condition number one is compliance with the site plan. And so what we incorporated was the walls that sets forth the timeframe in which that eight foot wall will be built adjacent to the residential homes on the east and south sides. It is very specific on when the permits have to be submitted, when we have to start and when we have to finish. We have submitted a lighting plan where lights will go if this project is approved, we will remove the existing lighting for those that have been out to the site and install more permanent, attractive, more compatible lighting plan. When I met with Mr. Sloan today and said we'll work with you to make sure that there's not glare onto the property. Again, there's a condition of approval dealing with lighting and how that works and how that will be reviewed by the City.

Mr. Lake continued, as this operation started, parking was a significant issue. We didn't have the larger property up to the north of the site. And so, in working with the City, we tried to identify what is a solution and the land to the north was available. The property owners acquired that property so that they could provide or come forward with a plan that does address parking and has sufficient parking on site so that there isn't a parking problem. And that's the plan that's presented before you today. As far as coming up with those numbers, there's a lot of studies out there about food trucks, but there are other cities and other operations that have them. We think given our operation, that there is sufficient parking on site to address the parking issue so that you won't have people parking up and down those public roads. I can't stop people from parking on a public road unless the city wants to do that. But we think we have a sufficient onsite parking. We've also had discussions with a church directly adjacent to provide some overflow parking and hope that a good relationship with the church can continue to provide parking there.

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

We've tried to address the walls, the landscaping, the buffers, lighting, parking, and one of the other things was permanent power. There are generators out there right now and with this approval, we'll be able to bring permanent power and get rid of the generators. And so that will help address some of the noise issues and concerns. In addressing the noise issue and bathrooms, we will build bathrooms on the site which are on the site plan and will be able to remove the portable facilities.

And then last on that is the food truck area. These property owners have identified an area on the plan adjacent and along Power Road, which is the busiest area again, the one of the busiest arterials in the City of Mesa. This is where they will stack all the food trucks down to that area along Power Road. And that's contained on the site plan and regulated by condition number one of compliance with the site plan which labels food truck area.

We have tried to do everything we can. I want to focus a lot on the buffers and what we've done. There will be a lot of amenities associated with this park, you'll be able to come and have a fire pit, cook s'mores with your kids and sit and just gather. We think it's a great wholesome environment for people to come. For those that have been to it, it's hugely successful in the City of Mesa, right now. It's operating and people love it. This is something that's unique and attractive along Power Road and we think the successfulness that we've had so far says, this is something we want to have, we want to try to encourage to promote the small businesses and have a place for the people to go. But we think it will be even better with this plan, because this plan can address a lot of the concerns that are currently existing on the property today.

We feel the elevations are very creative and unique. It's just not the standard beige stucco box with a tile roof and we think along Power Road is a good place to do that. Again, it will go to the Design Review Board. Should this move forward, again with the other areas. And this was done before we reached an agreement. But we now are in agreement with the Planning Director and the staff report on all of the conditions of approval. We think all the conditions represent a good method to address a lot of the concerns to provide the appropriate buffer and create a plan that is consistent and compatible with the neighborhood.

With that we would request that you recommend approval to the City Council so that we can move forward and try to reach a compromise to make this very nice, popular place even better. And address a lot of these issues with the improvements that will be done as part of this approval. With that we'd request your approval and would be happy to answer any questions.

Boardmember Crockett asked how extensive the restroom facilities are going to be. Mr. Lake responded they are working with the architect on the number of depositories and fixtures. They currently have temporary facilities and have a good idea of how many they will need to install permanently. They do not anticipate a lot more traffic with this new plan and there's more amenities and seating area. So we think we have a feel but we'll work with our architect to make sure that there are enough fixtures.

Boardmember Peterson said this is obviously an evolution from what it started to where it is now and has been evolving and it will likely continue. It is a new concept and some

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

new territory here. Up to this point, it's been seasonal, and weekend dominated and if these improvements go in what is the anticipated amount of use moving forward. Mr. Lake responded; this is a seasonal thing. There's not a lot of people that like to go out in 120-degree weather to go get a waffle crush or a proof bakery loaf of bread. We find as the weather cools off right now, it's starting to pick up and the popularity increases. The weekends are obviously more popular than the weekdays. They are open Monday through Saturday right now and they find that the more traffic occurs on the Friday and Saturday than they do on the Monday through Thursday. They're also extremely popular with groups that want to come out and hold a birthday party, or they've got three high school reunions of people that want to come. People can come onto the site. But if they choose to go purchase anything from the food trucks, they're more than welcome to and then take them back to the picnic areas and eat them there or sit around the fire pit and enjoy that.

Vice Chair Villanueva-Saucedo read into the record comment cards staff received.

Karen Jenkins, 1634 East Halifax Drive opposes the project and did not wish to speak.

Marilyn Bernsen, 6908 East Hobart Street opposes the project and did not wish to speak. She is opposed to the excessive traffic, bright lights and blocks for you to enter on Power.

Philip Rodriguez, 7035 East Hobart Street opposes the project and did not wish to speak.

Jeff Ruiz, 6931 East Indigo Street opposes the project and did not wish to speak. He wonders how they can do business when none of this has been approved.

Jay Wickstrom, on Hobart Street opposes the project and did not wish to speak.

Edward Bisbee, 1635 East Halifax Drive opposes the project and did not wish to speak. The food park has an apparent inability to follow through with what they say. Traffic is the biggest problem.

Ray Leo, 6951 East Hobart Street opposed to this item.

Kylie Reynolds, 6821 East Halifax Drive is opposed to this item.

James Schaller, 6821 East Halifax Drive opposed to this item.

Laura Enosara, 6951 East Hobart Street is opposed to this item. Ms. Enosara wrote: Dear Lesley Davis, I would like to voice my opposition to ZON21-00278. I would like to say that many in our neighborhood are not unreasonable people. Our concerns over the Power Food Park are because the owners of the properties have no regard with obtaining proper permits and have proceeded with their plan without approval our neighborhood has suffered because we have not been allowed to have a say we urge you to reconsider and give this neighborhood a chance. We would welcome constructive and meaningful conversations regarding the impact of our streets and neighborhood. Thank you.

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

Stephanie Elliott, 6965 East Hobart Street is opposed to this item. She said, we are opposing this change due to the high traffic and reckless driving taking place in our private neighborhood. Our family does not feel this is the right area for this type of venue.

Dale Thorson, 7004 East Hobart Street opposes this item. Please DENY – I am a 33-year resident of this quiet and peaceful, safe upper middle class single family neighborhood. This is no place for a food beach park or apartments or other similar commercial operation. It is an introduction of unwanted elements of society leading to drugs, injury and robbery.

Tom Bade, 7030 East Halifax Drive is opposed to this project. I'm writing you to ask you to recommend to not approve the zoning changes for the subject property for the following reasons. It does not fit with the existing neighborhood and is not more than 250 feet from residential homes. The applicant for over a year has had a total disrespect for the city and existing City zoning.

Richard Allen, 6945 East Halifax Drive opposes and did not wish his comment to be read.

Karen and David Paynter, 6701 East Princess Drive opposes this food truck operation. It has been devastating to our neighborhood after working all day we want to come home to relax and enjoy our family and yard. If this rezoning goes through instead, we come home to noise from crowds of people, excessive lighting traffic and garbage then comes the homeless and crime we do not want to live in this environment. When the Board of Adjustment votes 6-0 stating this food truck operation currently is illegal. Why hasn't the City shut him down? Do laws only apply to certain people. Who is the City protecting and why? We need answers.

Russell and Marilee Bernsen, 6908 East Hobart Street are opposed to the project. I oppose the rezoning of the properties on Power Road between Hobart and Halifax Streets. I live across the street from this property, so I see firsthand six nights a week all of the safety and code violations. Please do not allow this to continue by approving the rezoning of this property. Please support shutting down this food park under its current unsafe and unsanitary conditions. Thank you.

Thomas Bade, 7030 East Halifax Drive is opposed to the project. Contrary to the applicant's narrative, the incompatible project has not been well received by the neighborhood. The narrative also states that the existing subject property is an allowed use, using residential zoning property for commercial parking is not an allowed use. If the so-called Park is allowed there would be no need for changing zoning. If this application is approved, the following should be included in conditions of approval. Parking should not be an alternate material and should be marked pavement with access for the handicapped, don't lock out the handicap.

Ryan Wozniak, 1301 West Ninth Street is in support. I'm in support of the Power Road food truck. The proposal is a creative placemaking concept for enhancing entrepreneurial opportunities for small business ventures and so wish them to succeed. As an appointed Transportation Advisor, for me so the residents voiced concern to TAB about the traffic this proposal generates. I expect signs placed in the middle of Hobart

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

Street and Halifax Drive discouraging cut through traffic would be adequate for residential impact. I would advise deregulating arbitrary parking requirements.

Lana Braunstein, 6915 East Halifax Drive is in opposition and did not wish comments read.

John Morgan, 7027 East Halifax Drive is in opposition.

Calvin King, 6919 East Hobart Street is in opposition. Safety, security, noise, unsafe traffic are all concerns. This is not wanted in our neighborhood. Permits are not required in the City of Mesa apparently.

Anne and Doug Gerber, 1435 North 71st Street are in opposition. Our once quiet and clean neighborhood has now been overrun with loud music every night, hundreds of cars driving through our neighborhood every night. Our roads do not have sidewalks and no city lights and is extremely dark in the evenings. With so many vacant office building parking lots and so many large public parks in our City, it makes sense that the food trucks would be more suited to an area that can better accommodate the car and foot traffic that this park brings with it.

Dwight Bare, 1342 North Power Road is in opposition. Commercial zoning and businesses will depreciate the property values in our neighborhood. The traffic when the food truck operates is inconvenient and disturbing to those of us who live adjacent to the park. The lights from the food park as well as the cars pulling in and outshine directly into the window of my house for the whole evening when the food park is open. This is an annoying disturbance. Thank you for listening to our concerns.

Patricia McEwen, 6928 E. Hobart Street is in opposition. Hobart, Halifax and 71st Street are residential streets with no outlet other than Power Road. There is no infrastructure that exists to support business traffic. Only two lanes are available for access and other businesses along Power are not accessed via neighborhoods. If this park is approved, it needs to include the requirement for infrastructure to support direct access from Power. Only the neighborhood requires easy access to and from homes. The venue produces noise, trash, blinding lights and the smell of old cooking oil. The current fence blocks the view of traffic northbound on Power from Hobart. Please vote no. Thank you.

Shannon Martinsen, 1643 East Halifax Drive is opposed to the project. The food trucks have brought a new usual and dangerous traffic patterns to my neighborhood. The crowds have been difficult to navigate. There's an increase in trash and I can't come and go from my own home. Without serious delays and hazards I am so frustrated it is damaging my property values. There is no escape because it's at my doorstep, please protect my neighborhood by not allowing the rezoning to pass. If we have no choice but to accept the business plan steamrolling our way of life, please make allowances to leaving the streets clear for residents and trash removal by the businesses. And those are all the comments submitted into the record.

David Sloan, 6822 East Halifax Drive spoke in opposition. I am right in the armpit of the new proposed park. I share a property line on two sides with the Food Park and we also share history that I'll mostly leave out in the interest of building bridges. However, suffice it to say it has been contentious and generally unproductive. There are two sides to

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

every story, I've got to say I don't think it's unreasonable for me to want to live in my house and raise my family on my quiet street without being subjected to a rock and roll block party next door six nights a week. I've actually talked to the owners several times, and I've told them on multiple occasions that I'm actually a big fan of food trucks. My wife doesn't agree. She's not happy about that for me, that I could even be supportive. However, I've also told him in the same breath, it needs to be in compliance with the law. And it needs to be operated in a manner that does not overly impact the neighbors. That's considered of all everybody's property rights. The impact of the food park for my life, the impact on my life over the last year can't be overstated. You've seen the dozens of letters that we've sent in that pretty well nail it down. Hopefully you've seen the photograph that I've taken out of my window and from the window of my son's bedroom right into the park. Granted, there can be a wall but that doesn't solve everything. You can't see as easily as the number of times that I've gone to Ray and Dave, and I've asked him to move a generator away from my child's bedroom and ask them to turn the music down or ask them to address the street parking. Put some effort into it and be greeted by shoulder shrug. You can't see the impact of a father trying to read a six year old son to sleep at night. On a weeknight over the sound of people partying, driving in and out, air horns blowing, car alarms chirping. I like people having a great time, too. But when people are having a great time living next door to you, every single night, it's different. You can't see the frustration when I asked for simple remedies to these things. And I'm told, okay, Dave, what are you complaining about now? Well, your problem is you live next to a commercial property. And then as though that just absolves them of any obligation to be a good neighbor, they knew full well that they were buying a commercial property in the midst of a sea of residential. And the portion to the north that's currently zoned as residential only very recently came onto the market. And so, as a point of clarity, there's not a ton of things that have been tried there. And most recently, that property was acquired by somebody who did want to build six single family homes. And he was actually told that the usage was probably too intense for the neighborhood. I'm not sure how this is less intense than that. So, although I am frustrated with the last year of the operation and our previous interactions, I believe it is possible for the operation to potentially coexist with a neighborhood, but it will require the cooperation and the effort on behalf of the owners. To that end, I have hired an attorney specifically to help negotiate a reasonable solution that can work for everyone. Obviously, personalities get involved and things get heated. That becomes a challenge.

There is a condition for a Good Neighbor Policy in the staff report, however, that remains undefined. It's vaporware at this time, instructed to be written by the property owners themselves. And at this point, it's completely unenforceable. This is a key item. How can we demonstrate compatibility with a neighborhood without that I don't see how we can support this project without actually seeing that piece of paper. To have it as a condition is a great start. But it's meaningless unless everybody gets to know what it actually says. And the way the condition is written, currently it leaves it entirely up to the food park to determine for themselves, what being a good neighbor consists of. This meeting was continued for two weeks primarily to allow for this exact type of discussions. However, due to misunderstandings and availability, we've only been able to have our first actual meeting just this morning. I believe that both sides are actively engaged in good faith to work out terms, but there's significant ground that still needs to be covered. And we just need more time to see where that goes. This is an unknown and extremely intense retail use on a midblock parcel surrounded completely by long standing residential area, 50% of which everything to the east of Power is all large lots. And if this operation can't be

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

run, without spilling over into the surrounding neighborhood, and having an unreasonable impact, then it's either being managed badly, or it's just the wrong place. And those are key issues I think that are relevant to the Board here today. So based on all of these events, I ask you not to support this proposal in its current state, there are too many critical things that are still undefined or unresolved right now. And without the time to see where they go, it would be irresponsible to vote for approval. Having said that, we have had a productive meeting today. I think that with much more work, we may find the common ground that we're looking for. But the engagement must be strong and continuous. Thank you.

Boardmember Crockett asked Mr. Sloan what he feels the applicant's explanation of what they've done to try to accommodate the concerns of the neighbors. It like you haven't seen everything quite yet that you'd like to see or is it more an issue of getting something in a kind of an enforceable format. Are there pieces that are still missing?

Mr. Sloan responded, yes. And so certainly something that's not enforceable. It strikes to the heart of the matter. If something's not an enforceable agreement, then I'm left to just assume everything's going to be fine. And clearly the details matter. And one thing that I would point out too is its sort of being posed as a false choice between where you can either have generators running and no fence, or you can approve this project and get all of the enhancements.

Roger Jenkins, 6834 E. Halifax Drive spoke in opposition. Mr. Jenkins stated there is noise every night from the generators and there is total lack of concern for the neighborhood.

Patricia Venisnik, 6903 E. Hobart Street is opposed to the project. I strongly oppose a rezoning of all the properties being discussed in this case. Now that the owners of these properties have further chosen to disregard the City of Mesa Zoning standards and expand their operation onto the residential property next to me. I am now having to live with Unwanted music, noise, cars slamming doors, a mix of cooking odors, very bright, light shining, into my bedroom windows. These property owners and anyone representing them have shown absolutely no regard or concern for anyone living in this neighborhood. I believe these four parcels should all be rezoned back to residential as they had been. Let someone who was interested in building homes on this property and add to our neighborhood and in a positive way put an end to this mess. And it is a mess. Thank you.

Alan Thom, 116 N. Sunrise Street is opposed to the project. Mr. Tom stated his family were one of the oldest Chinese families in Mesa. My point is the residents here on Hobart and Halifax, they did nothing wrong and they're being punished with this food park on Power Road. I spoke with the CEO of the Arizona Restaurant Association and was told last year the annual gross sales of brick-and-mortar restaurants has decreased and having a food truck park will dimension their sales even greater. I'm pleading with the City of Mesa not to destroy the brick-and-mortar operations and please deny this request.

Ted Sparks, 7010 East Halifax Drive is opposed to the project. I'm not here to complain about the food trucks but want to give you a better insight as to what our neighborhood is. We have a really unique neighborhood here with two streets coming off of power

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

Halifax and Hobart and they connect to 71st Street at the bottom. We generally have little or no automobile traffic on here, at least until the food truck came in. It's a nice quiet neighborhood. Now we have hundreds of cars driving up and down the street. There's got to be some way that you could allow them to operate in there on the frontage and save the zoning. Thanks very much for this.

Russell Beruzrm, 6908 E. Hobart Street spoke in opposition to the project. I live across the street from the operation north and east of the current for food park operation. I ask that you do not recommend this zoning change request. There are just too many questions that still need to be answered. And these are from the owners own comments tonight. There is still a lot to work out. As you know, the City of Mesa has determined two times that this is not the proper use for this land. However, the food park continues to operate today. And you've heard already from a bunch of people under unhealthy and unsafe conditions.

Linda Vossler, 1451 North 71st Street is opposed to the project. Thank you for allowing us to join the meeting and to share our thoughts and concerns regarding these properties. While I would love to rehash all the years of listening to these individuals promises I will not waste my breath or your time as that has been outlined in many emails and many other things that have been given to you already and you're in for the board to review. If you have not visited the area, I encourage you to do so prior to making this decision. What is being proposed does not fit into the interests of our neighborhood. Our homes are on large residential lots as you've already heard and many of us purchased in this neighborhood for that specific reason. These owners have done nothing to demonstrate that they have any concern for the neighborhood. The City of Mesa should provide some assurance to the neighborhood, a neighborhood agreement is zero protection. Lastly, I want you to know that our neighborhood is not against business growth, or even food trucks as we have been portrayed. We cannot sit outside and enjoy our own land and our own neighborhood. Without the noise, the lights, the food smells and unsafe traffic coming through our neighborhood. Please consider this. And please do not approve this. Thank you.

Craig Vossler, 1451 North 71st Street is opposed to the project. We've been there just about 20 years and in my opinion, we're here today under false pretenses. But first we need to go back to May of 2019 when the applicants had proposed the Power Beach Park as an Administrative Application, ADM19-00541, which has not been discussed tonight. The Planning staff was made aware of the food truck idea on November 11th and pictures of such were sent on November 23. The City of Mesa had time to shut this down before it ever opened. The property owners clearly had different plans. The question remains, who in the City knew of this change and who gave them the green light to proceed with a food truck park because there is no mention of food trucks in this plan.

Kevin Venisnik, 6903 East Hobart Street is opposed to the project. This request should be rejected until the applicant actually put some effort into working with the neighbors. I think you can see based on all the comments, emails and everything that have been submitted that the applicant is not actively doing that. When listening to the previous applicant, and his representative talk about how many interfaces and interactions he had with the neighbors, I kind of felt a little envious because they were actually trying to do something versus in this case where he just has not indicated not given any indication

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

he's willing to work with or be reasonable with the neighbors. Again, I think this should be rejected, till such a point that the applicant starts to actually work with the neighbors. They talk about that the process is ongoing. Well, the reality is the process really just started with the meeting yesterday. And that process needs to be worked through quite a bit more before this should be approved. Thank you.

James Connelly, owns 6910 East Halifax Drive with his mother and is opposed to the project. My mother has been in that home since 1977, before the City of Mesa annexed that area. I have a question for you folks. Do you expect us on that street to have to go through traffic control on Halifax six nights a week in perpetuity. Because that's what is there right now. Why on all of these plans, there not access from Power Road and why is there no turnout. It's quite dangerous on either one of those streets to have to pull in.

Scott Bodrero, 6952 E. Hobart Street spoke in opposition. I lived there 25 years and I guess I don't want to reiterate too many of the prior comments. But a couple things I observed. I was excited when we heard those parcels were bought. We thought that would make a nice little 15 home subdivision that would of complement our larger lots. I thought the food truck was temporary. So certainly, I was disappointed when I heard it was expanding to the other four acres. Who doesn't love food and eating out at food trucks. Well, the people that live right next to it. I respectfully ask that you deny this request and for the rezoning and, maybe give it a little extra thought. Thank you for our time.

Applicant Sean Lake responded. I'm not going to go into and address some of the comments that were made personally about us but we do disagree with a lot of the comments. Let me highlight some of the things that were touched on. The first one is traffic, we have worked with the City Traffic Engineer, and the Traffic Engineer has evaluated the street system and the street system does have capacity to accommodate this type of use. Hobart and Halifax are public streets, and a lot was brought up about people using those public streets or parking on those public streets. We can have a Good Neighbor Policy and we can direct our parking people to direct people out to Power Road. But I can't force someone's car and prohibit them from driving on a public street or parking on a public street. We are going to try to work with the neighbors and put in a Good Neighbor Policy as far as direction and addressing parking. Certainly, when the entrance is moved from Halifax up to Hobart, which is directly across from the church, the impact will move further north and west.

There was talk about brick-and-mortar stores and brick and mortar restaurants. But the reality is 1,000s of brick-and-mortar restaurants started as a food truck. These are mom and pop operators that come here to have an opportunity in this very nice environment to provide an income for their family. This is a small business opportunity for people to come to this park and talk to the operators, and how they're providing for their family, especially during COVID.

We are working with Maricopa County Health Department, the Maricopa County Dust Control, the City of Mesa, and we do not have any violations. So, it's been mentioned we did not get any permits. The reality is, we don't have any outstanding violations that we haven't addressed. These are good operators. But most importantly, we think with this new plan it is a good plan.

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

We feel we have worked extensively to create an extensive list of conditions of approval to help address a lot of these concerns. We're not going to make everybody happy. We've tried and to imply that I won't work with the neighbors is frustrating. A few months ago, I met with neighbors, not only on the site, but in their homes and we are willing to continue those discussions. But we're to the point now where we need to just move forward and move forward with this project. We would urge you to recommend approval to this to the City Council. I give you my commitment I will continue to work with the neighbors going forward between now and Council and even after.

Chair Sarkissian had a quick question for the applicant. I believe it's mentioned about overflow parking or utilizing the nearby church. How are you going to direct people to the church and not through the neighborhood as some of the neighbors are mentioning. Is there going to be signage and how would that work. How does that work?

Mr. Lake responded the main parking on this plan will be off of Hobart which is on the north side of the site. Our main parking area is directly aligned with the church entrance parking lot. So as that parking lot fills up, people could drive across the street directly across Hobart and not have to circle around since it is directly north and that can be overflow parking in there. The smaller parking area on the south side of Halifax is adjacent to the City of Mesa future fire station. There are many spaces there that can accommodate excess parking.

Boardmember Boyle said when you said there are no violations you mean there have never been any. Or have they been corrected when there has been a violation issued. Mr. Lake responded we got a code complaint that we had shovels and rakes outside, and they needed to be in an enclosed area. So, we moved the shovels and rakes into a trailer and we got a violation that we had grass growing around a utility pole that exceeded the weed height limitation for the City. We address that issue and the City came out to the site and told us that we needed to put more DG down on the parking lot on the south side. As things have come up, we've tried to address them. I'm not going to stand here and tell you there hasn't been animosity on both sides. But as I committed to David this morning, in our meeting, we're trying to put that behind us and move forward instead of looking backwards in the past and to work with the neighbors. And that's the commitment that a Good Neighbor Policy will help with. It will deal with direction of traffic, having people on site, to direct traffic to the proper locations, putting signage of where to go and where the parking and the excess parking is going to be, handling of any noise issues. But we want to go beyond that in working with the neighbors as well.

Mr. Boyle asked is there a timeframe on that Good Neighbor Policy? Mr. Lake responded it's an ongoing operational issue. We will be working between now and Council on that, and then after Council, and as it gets developed, and as things come up in operational issues, we will try to work with the neighbors. But some things are doable, and some things are not.

Chair Sarkissian asked how those Good Neighbor Policies work with the neighbors that say they have had issues in the past. If they have a concern and things keep happening, is there a point with this where they can complain. Is there any recourse for it if it gets out of hand. Planning Director Nana Appiah responded. As we have seen there is a condition of approval. Typically, before the case goes to City Council, we do get the final Good Neighbor Policy for us to know what is going to be in the policy. So, we have

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

at least the final policy to show to City Council however, because of the ongoing discussion, we cannot have a final agreement between the neighbors. But at least our hope is to get a final draft form of the policy for City Council to review. The main question is how do we enforce the neighborhood policy? It will depend on what makes it into the content of the policy. In addition, there is going to be a Development Agreement to go with this case. The rezoning case is limited in a certain way and with a Development Agreement, if there is a violation, then it becomes enforceable to the Development Agreement. We are still working on finalizing the DA and may be able to extract or incorporate some of this into the agreement.

Boardmember Crockett asked if I could just follow up on that point. The Good Neighbor Policy is one of the conditions of approval today. Does that mean that before this would be placed on a Council agenda, the Good Neighbor Policy would need to be completed or would Council hear this case without having the policy completed?

Dr. Appiah stated our goal and wishes are to have at least the draft policy before City Council because their condition is for them to comply with the Good Neighbor Policy. And one of the conditions could be to require the applicant to continuously work with neighbors as issues come up. We will want to see certain things being addressed in the draft policy for Council to approve and not just a blanket neighborhood policy. For example, how do they address the complaints and what they will be doing for the parking directions. So, updates to the neighborhood policy as those come up, so we definitely want to see there is some open way of addressing those issues as well. But we definitely want to see some drafts as we present the case before City Council.

Boardmember Crockett asked, then do you know what the neighbors think of the neighborhood policy, and would you get feedback directly from the neighbors if they are supportive? How do you know that the neighborhood have seen the policy and are supportive with this policy?

Dr. Appiah responded that the applicant has been communicating with the neighbors as well. And what I've heard from the neighbors is they are open to discuss certain content, but they haven't come to a resolution. So, we will hear back from them. And sometimes what happens in situations like this where the neighbors have come up with certain things that they want to be addressed, the applicant or the developer is at a point where some of the items will not be agreed upon. And there are a substantial number of them that they will agree to that we will take and include in the policy and present that to City Council. At that point, we'll make a decision whether that's adequate, or can refer back again to the applicant. There are times where we've gone back and forth on a few projects where it's been continued because the neighborhood policy has not been finalized.

Mr. Crockett stated I think that the neighbors may have expressed a concern about the enforceability of a Good Neighbor Policy. And I thought you said that there may be some of that that could be incorporated into a Development Agreement. Dr. Appiah responded, it does. There are a few reasons why sometimes it is not really a straight condition of approval because some of them are really discussions. For example, if there is complaint, you will call the property owner or the property manager. And the property manager will listen and find solutions to the complaint. It then becomes difficult to really operationalize it or put it in a specific condition because if the call is not answered, it

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

could become a violation. The intent of the Good Neighbor Policy is really to create a forum and opportunity for some of these discussions and places where we feel and believe that this should be absolute stipulation or requirements.

Boardmember Peterson confirmed with staff that the current situation is legal. Dr. Appiah responded this is not the issue we are discussing at this meeting. The case before you is the rezoning from OC and Residential to Neighborhood Commercial. So, the discussion at the Board of Adjustment was a determination of the definition of public park and recreation facilities. Mr. Peterson responded, that is what I am trying to wrap my head around. A lot of neighbors have concerns over the existing operation. As the P&Z Board, what are we focused on and what we do not have purview over. Because it's rare that you have a case that's already halfway into the use. If this application didn't happen or didn't get approved, can the existing use of the facility continue like it is right now?

Dr. Appiah stated, so just to answer your question, the case before you is a rezoning case. That is a decision for the Planning and Zoning Board to recommend to the City Council. It is whether the proposal before you meets the zoning, and criteria for rezoning or not. Any activities that have been happening on the site, and whether the intended use has also been mitigated enough. What are the measures, whether you believe that is going to be compatible because what they are considering here is an intent of what they want to use a property for.

Chair Sarkissian stated, I believe what you're asking is more of what was stated earlier is that the owners believe it is a legal use. But that's still up for a different body to determine. This one is just for this rezone.

Boardmember Crockett said Mr. Lake, back to you. Did I hear you say earlier this evening that you had delayed this a couple of weeks to give you time to work with the homeowners in the area. This case was on the last agenda, but it was continued. Mr. Lake stated, yes, and in that time, we delayed it so that we can continue to work with staff and to talk with the neighbors as well. There was extensive work with the staff to try to develop conditions of approval that addressed mitigation measures. Mr. Crockett said as I've listened to the comments tonight, it sounds like there's a place that you could get to with the neighbors where they would be in agreement with you. And I just wonder if there has been enough time for that to happen. Given that you had a meeting this morning, I'm just wondering if you think there would be a benefit to a little bit more time to see if you could continue the meetings with the neighbors and try to get to a place where they were supportive of the current plan.

Mr. Lake responded, I don't believe so. I met with one of the neighbors in their home months ago where we presented a plan very similar to what is before you, not as detailed, but very similar to what is before you and we put forth the effort to try to reach a compromise. Now, up until just a few days ago, we haven't seen and quite honestly some of the people saying, we can try to work something out, we think we can agree on something. That is something very new. And so, I think there's been a lot of animosity and giving us two weeks or four weeks to try to reach an agreement with the neighbors. Now, I think there is an opportunity to come up with some policies on how we're going to operate this facility and how they will continue to operate this facility and ongoing to create a Good Neighbor Policy. But I don't know that there's a special condition that we

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

can add or change with a site plan, any different than what we already have that would make it so we're all in agreement.

Mr. Boyle had another comment. I think Mr. Connolly had this comment about accessing off of Power rather than going down Halifax or Hobart. Was that ever looked at as an idea to have a turn off lane or something like. And this is just in the concept of, if something that could be a nuisance is coming into a neighborhood, you want to avoid interrupting that as much as possible. So has that been looked into as a possibility as well? Mr. Lake responded we did look into that issue. Currently, as you travel south on Power Road from McKellips, there is a left turn median with stacking at Hobart. There's a left turn break at Halifax. And I think if we tried to put one between those two roads there would be too many curb cuts. The main entrance, which is directly across from the existing church and our driveway into our parking lot would be a directly across from the church parking lot driveway. So that's what we felt was the best solution for that.

Boardmember Peterson said, we're looking forward and trying to separate past actions and looking forward, which is our purview here. We look at the site, and it was annexed 40 years ago and for numerous reasons it hasn't been developed yet. And, if zoning you try to plan ahead with a lot of those zoning tools, General Plans and other things. And sometimes zoning is market driven. Looking at the Neighborhood Commercial use for zoning here and Neighborhood Commercial on an arterial street it occurs there's a lot of it there. If it is Neighborhood Commercial, then there's setback buffers between the eight foot wall, the landscape buffer and other things that are common practice. And the question in my head is, is this is approval of this project better than the status quo. From us as the Planning and Zoning Board, is approving this better than denying it.

Vice Chair Villanueva-Saucedo said I think it's a little frustrating that we're being presented with, what I consider a false dichotomy, having to choose between what we are hearing from residents who have come with their testimony. We have to take that into consideration, a bad status quo, versus changing the zoning to allow for something better. But what confidence do we have based on actions today that that will occur? That's just a really hard false dichotomy. It's one thing to say that there's commercial on Power, which I totally agree with that. But to borrow a phrase from my colleague here, this is a unique animal, this is something different and we are specifically looking at development of a food truck park and is that compatible with large lot single family homes that have been there for a while. So, I think we do have to consider the case in its totality. There's one thing about commercial and there's another thing about this new unique animal, abutting residential properties. If it were a different location, I'd say it's a cool site plan. I think there are lots of mitigating factors. I love the wall location, love the stacking, don't love the location for this site, given the limited residential access and given the large lot configuration. To have that abutting again, this new crazy animal that we have to consider what we do with in the City of Mesa, against this residential property. For me doesn't feel like a good decision. So, I won't be in supportive of this just because one can, and obviously has been allowed to today doesn't mean one should. And that's my opinion on this case.

Boardmember Allen said I understand where Vice Chair Villanueva-Saucedo is coming from. But I also understand that along Power Road, that's where commercial goes on any kind of an arterial street like that. But yeah, I live near Greenfield Road. That is what is out there on Greenfield. It is all retail out there. It's all commercial property and this is

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

how they lay out the subdivisions these days. I am leaning a little differently towards this project. With Sean Lake being involved, hopefully we find we can find some way to incorporate this Good Neighbor Policy into the Development Agreements so that the City has some teeth to use to make sure that they are going to do what they say they're going to do. And the neighbors have something also so they're comfortable that they feel like they have something that's a little more substantial. I am leaning towards supporting this project.

Boardmember Ayers said, I'm curious as far as the traffic and the parking control on Hobart, 71st Street and Halifax. The submittal, they do not control that, but does the neighborhood have the ability to control the parking? And, can they look at ways to control both public parking along those streets as well as traffic calming or traffic control?

Dr. Appiah responded, sure. One of the things that Transportation Department did earlier on when they started was to work with the neighborhood to put some signs up in the neighborhood. But that had to be agreed upon by the majority of the neighbors and there was not a consensus to do this. But as part of the neighborhood agreement, which I know the property owner does, it is my understanding they do have off duty police officers directing traffic and I think the applicant can speak to it. But it could be something that could be incorporated into the Good Neighbor Policy because they will be visible when the person is standing there and directing traffic. And if there needs to be traffic calming devices, that's something we need to talk to the Transportation Department for them to assess the site. One of the things that we looked at, is stacking, stacking distance between the entry to the property actually to the parking area.

Mr. Ayers said I understand that. The question was, is that if this were to be approved, that the neighborhood does have some options to be able to look at control, calming the traffic, as far as parking control along those streets, which is I think one of the larger issues at hand, in my opinion. So I was just curious if that is another potential opportunity for the neighborhood. With what we've seen tonight if there is consensus if it is a path that they can take, as far as with those specific issues.

Boardmember Peterson, does passage of this case, give the City and Planning staff down the road, better capabilities than you have right now to resolve the existing issues? I understand they are adding parking. There's a lot of things that this works to get closer to resolve. And I assume it is, yes, because otherwise you wouldn't have processed the case and gotten to this point. Is approving this zoning case better than the status quo?

Dr. Appiah responded, If Council decides to approve it, number one parking, there has been no approved parking surface parking standards for this use. Secondly, there has not been any approved wall to basically buffer the use from adjacent neighborhoods where the food trucks are going to be parked. There's not been any approval for that. And so, to answer your question, yes, approval of this will basically approve a site plan that is enforceable. As of now there's not been an approved site plan. So, this will ensure the development policies and also there is an approved plan that the developer needs to develop according to that approved plan.

Boardmember Boyle stated I teach a Graphic Arts class at ASU and I often tell my students, if you're going to invent something new, you have to nail it the first time. If you can't, you can't do something halfway because someone will not understand what you're

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

doing. I think the site plan is good and moving in a good direction. I feel like the work with the neighborhood is significantly lacking. And so, I feel the same with Boardmember Crocket that may be a delay in approving the project with the Good Neighbor Policy finalized is very critical here given the animosity that's happened. I feel this should probably have some more time to finalize the policy and give some more time for communication between the developer in the neighborhood.

Chair Sarkissian stated my comments are I don't think the delay will do anything. I think we've delayed and continued and continued and continued. I think the fastest way to get a resolution is have a timeframe on the City Council agenda, so that they have to finish it and work toward something. I'm really frustrated with this case, honestly. I go by this site all the time. And I want to say when I first saw it, I thought awesome, this is so cool for the holidays. And then it is still there and operating.

So, my frustration is they didn't follow the process. Everyone knows you go in to talk to staff, you do a Pre-Submittal and follow the procedure. And that's the problem, you follow the process. And so that's what really bothers me. It really bothers me, and I feel that they were not doing what they're supposed to, not following the process. As an applicant, I don't believe that they've done everything on the up and up, and I don't believe the neighbors are being truthful of everything. However, I see the site plan, the issues with the wall, the lighting, landscaping, where they're trying to fix things are compatible with what they should be following what they should be to match the neighborhood with the Good Neighbor Policy.

And for that reason, I can't vote on who the applicant is or who the owner is and what I believe they will or will not make good on. But I feel that based on the site plan, if somebody else had come in and they had come to the neighbors right up front and hadn't started to build, it might be a different discussion. But it is not what happened, they were not upfront. And the frustrating part is that they continued to operate. I've driven down the street, I've seen the obscene parking lights that have no reason to be shining into houses down on these large lots is absurd.

City Council can vote the way they are going to do too, but I don't feel based on what I have in front of me, I feel like it fits was what, on that corner along power. And they've done only improvements. And I want to see the improvements done like tomorrow to just fix this instead of dragging it out. I would hate to see all these people go through the holidays and all that stuff and having this thing going on. It frustrates me and I really do feel upset about what the neighbors are going through. And if a commercial site or office had the landscaping setbacks, trees, and the walls, it would be very similar except for the traffic.

Boardmember Allen motioned to approve case ZON21-00278 with conditions of approval to include the modified condition #9 that was read in at the study session. The motion was seconded by Boardmember Peterson.

That: The Board recommends the approval of case ZON20-00278 conditioned upon:

1. Compliance with the final site plan.
2. Compliance with the final wall location plan.
3. Compliance with all requirements of Design Review.

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

4. Property owner shall create a Good Neighbor Policy to address the concerns of the neighbors.
5. The subject site shall have a minimum of 30,000 square feet of outdoor seating area.
6. The minimum parking spaces required for the subject site to have sufficient parking capacity is:
 - a. One parking space for every 200 square feet of outdoor seating area; and
 - b. An additional two parking spaces for each food truck.
7. Of the minimum required parking spaces required by Condition of Approval No. 6, at least 170 parking spaces shall be located on the subject site (the subject site is only the property depicted on the final site plan).
8. Mobile food units on the subject site shall operate only in the area identified on the final site plan as the "food truck area" so that mobile food units operating within 250 feet of any lot or parcel that is zoned for residential use in a residential zoning district (Mesa Zoning Ordinance, Title 11, Article 2, Chapter 5) are restricted to operating only in the area identified on the final site plan as the "food truck area". The distance from the mobile food unit to the residential lot or parcel will be measured in a straight line from all points along the property line of the subject lot or parcel to the nearest point of the mobile food unit.
9. In addition to the "food truck area" restrictions in Condition of Approval No. 8, as mobile food units arrive on the subject site, mobile food units will generally locate in the northern portion of the "food truck area" and thereafter generally proceed to locate in a manner moving south in the "food truck area"; provided however, mobile food units that are part of a private or special occasion on the subject site may locate in any order and location in the "food truck area".
10. Submit a photometric plan to the City that complies with all City development standards.
11. Construct an 8-foot tall CMU perimeter wall along the following perimeters of the subject site (as shown on the final site plan):
 - a. Eastern perimeter of Assessor Parcel Number 218-04-003A;
 - b. Southern perimeter of Assessor Parcel Number 218-04-003A;
 - c. Eastern perimeter of Assessor Parcel Number 218-04-005F; and
 - d. Eastern perimeter of Assessor Parcel Number 218-04-007C.
12. Apply for all required permits, including building permits, to construct the 8-foot tall CMU perimeter wall described in Condition of Approval No. 11 within five days of the date this ordinance is adopted by the Mesa City Council.
13. Commence construction of the 8-foot tall CMU perimeter wall described in Condition of Approval No. 11 within 30 days of issuance of the required permits.
14. Complete construction of the 8-foot tall CMU perimeter wall described in Condition of Approval No. 11 within 45 days of issuance of the required permits.
15. Execute and comply with the Development Agreement. The deadlines contained in Conditions of Approval Nos. 12 through 14 may be modified by the Development Agreement.
16. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication, whichever comes first.
17. Compliance with all City codes and regulations, except the modifications to the development standards in the Mesa Zoning Ordinance approved with the PAD overlay and shown in the following table:

MINUTES OF THE OCTOBER 27, 2021 PLANNING & ZONING MEETING

MZO Development Standards	Approved
<u>On-site parking, loading and circulation standards</u> MZO Section 11-32-3	The parking spaces in the parking areas identified as alternative surface material on the final site plan are not required to be permanently marked.
<u>Interior parking lot landscaping</u> MZO Section 11-33-4	The parking areas identified as alternative surface material on the final site plan are not required to have landscape islands.
<u>Maximum Fence Height –</u> MZO Section 11-30-4(B)(1)(a)	A six-foot (6') tall fence shall be installed the entire length of the front yard of the subject site along Power Road.

Vote: 4-3 Approval with conditions

Upon tabulation of vote, it showed:

AYES – Sarkissian, Allen, Crockett and Peterson

NAYS – Ayers, Villanueva-Saucedo, Boyle

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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