

From: [John Conover](#)
To: [Joshua Grandlienard](#); [Rachel Nettles](#)
Cc: [Danny de Julio](#)
Subject: Re: Illegal Mixed Use Zoning
Date: Wednesday, November 2, 2022 7:33:32 AM

Josh,

During the hearing the Chairman asked you a very important question. He in effect said that it seems odd that the Parking for Self Storage, and the retention for Self Storage, and the trash enclosure for Self Storage are all being done on a piece of property that does NOT allow for Self Storage. The parking, retention, and trash enclosures are mandated for a self storage structure and you are mixing uses without a CPU. Self Storage is not an allowable use on a large portion of this proposed project as these are clearly a crucial part of this project and must be fully zoned appropriately with a CPU in order for this project to move forward or to be legal or viable. The current site plan is NOT properly zoned. And the Chairman and Vice Chairman recognized that something was not right. They trusted you but trying to mix uses on this project or any project would mean that you would have to allow this mixed use for all properties and projects in the City of Mesa. If you are going to skirt the zoning on this project by saying, well the physical building doesn't quite touch those zones or well they can be mixed because they are independently operating then you would have to allow this type of low zoning ordinance and law interpretation for all properties in the City of Mesa. The Self Storage cannot be done without the proper parking, retention, and trash enclosure and therefore they would need to do it all and include it all on the lot that is zoned for Self Storage or they need to get the appropriate CPU for Self Storage use.

If you allow mix uses here you will have to allow mix uses everywhere. It would be like allowing Diesel trucks to pass over and Park and turn around on a residential zone because they are adjacent and therefore it is acceptable because the industrial building isn't on the residential zone and doesn't quite touch the other zoning but they can still use it and bring in their trucks across it and use it for parking. This would not be appropriate and they would need to get a CPU for this type of mixed use would never and should never get approved. How is this any different? Can you show me and cite other projects where this mixed use and non zoned use has been allowed without a CPU?

Please find attached my official Appeal to this erroneous case vote.

Please confirm receipt.

The zoning must be done to the best of your ability and this is not the best and we request this appeal and that a legal review be done on the mixed use without a CPU.

LEGAL REVIEW: WE request that you please have the legal council for the planning and zoning department review this case and the triple zoning being mixed without a CPU and please have them give a legal Opinion for the City of Mesa.

Thoughts Josh?

Written Appeal below and attached

October 31, 2022

Re: Appeal of 6-1 Vote of Approval of the Mesa Planning and Zoning Board on October 26, 2022 on ZON22-00829

To whom it may concern,

My name is John Conover, and I own the single-family residential home at 410 S. Morris. I am filing this document to serve as an appeal under Section 77-4 of the City of Mesa Zoning Ordinance (Title 11 of the Mesa Code of Ordinances). I am hereby appealing the 6-1 vote of approval of the Mesa Planning and Zoning Board on October 26, 2022 on ZON22-00829.

My property at 410 S. Morris Street is directly adjacent to the property that is the subject of ZON22-00829. The address of the subject property is both 410 S. Morris and 409 S. Country Club Drive, Mesa AZ 85210. The decision of the Planning and Zoning Board was in error in several fundamental ways. First, the site plan covers three zoning districts, one of which does not allow for self-storage without an additional Conditional Use Permit, which has not been obtained. Because of this defect, the Planning and Zoning Board lacked proper authority to approve the site plan.

Second, the City's public participation requirements were not met in this case.

Third, the Planning and Zoning Board's decision failed to add basic protections to the conditions of approval that would properly protect the rights of my property.

I am requesting that this case be re-heard in front of the Mesa City Council, for the Council to table the site plan case and direct that an additional CUP must be obtained for the portion of the property that requires that additional zoning action.

Notices related to this appeal should be sent to 410 S. Morris Street, Mesa, AZ 85210. My contact information is as follows: john.azhomes@gmail.com; 480-570-7100.

Kind regards,



John Conover
Cell: [480-570-7100](tel:480-570-7100)

On Thu, Oct 27, 2022 at 8:05 AM Joshua Grandlienard <Joshua.Grandlienard@mesaaz.gov> wrote:

John,