

# Planning and Zoning Board



## *Meeting Minutes*

Held in the City of Mesa Council Chambers – Upper Level

Date: January 17, 2018 Time: 4:00 p.m.

### **MEMBERS PRESENT:**

Chair Michael Clement  
Vice Chair Michelle Dahlke  
Dane Astle  
Jessica Sarkissian  
Tim Boyle  
Jennifer Duff  
Shelly Allen

### **MEMBERS ABSENT:**

### **STAFF PRESENT:**

John Wesley  
Tom Ellsworth  
Lesley Davis  
Lisa Davis  
Wahid Alam  
Charlotte McDermott  
Rebecca Gorton

### **OTHERS PRESENT:**

Steven Wiseman  
Rebecca Wiseman  
Richard Lutz  
Linda Lutz  
John Groves  
Betty Day  
Kathryn Hasslacher  
Valerie Classen  
Michael Lucey  
H. Louise Ziemann  
Marilyn Husted  
Other citizens who did not sign in

Call Meeting to Order.

Chair Clement declared a quorum present and the meeting was called to order at 4:00 p.m.

1. Take action on all consent agenda items.

### **Items on the Consent Agenda**

2. **Approval of minutes:** Consider the minutes from the December 19, 2017, and December 20, 2017 study sessions and regular hearing.

**\*2-a** It was moved by Boardmember Astle to approve the Consent Agenda. The motion was seconded by Boardmember Allen.

**Vote: 7-0**

Zoning Cases: ZON17-00289, ZON17-00324 and ZON17-00335

## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

- \*3-a ZON17-00289 District 6.** The 3500 block of the South Crismon Road alignment. (east side). Located north of Elliot Road on the east side of Crismon Road. (1.3 ± acres). Site Plan Review. Replace an existing temporary Parking Lot with a New Temporary Parking Lot. Farzana Yasmin, City of Mesa, applicant; City of Mesa, owner. **(Continued from December 20, 2017)**

**Planner: Kim Steadman**

**Staff Recommendation: Withdrawn by staff**

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Astle and seconded by Boardmember Allen to withdraw case ZON17-00289.

**Vote: 7-0**

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## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

- \*4-a ZON17-00324 District 2.** The 1800 block of South Recker Road (east side). Located north of Baseline Road on the east side of Recker Road. (3.80± acres). Rezoning from AG to RS-43-BIZ; and Site Plan Review. This request will allow the land to be divided for the development of detached single residence housing. Shane Urry, applicant; Lynn M. Urry, Scott W. Urry and Peggy A. Urry, owners. (Continued from December 20, 2017)

**Planner: Veronica Gonzalez**

**Staff Recommendation: Continuance to February 21, 2018**

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Astle and seconded by Boardmember Allen to continue case ZON17-00324 to the February 21, 2018 meeting.

**Vote: 7-0**

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## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

- \*4-b ZON17-00335 District 5.** The 1300 to 1400 blocks of North Power Road (east side). Located on the east side of Power Road and the north side and south side of Halifax Drive. (2.3± acres). Rezoning from OC to ID-1; and Site Plan Review. This request will allow for the development of a mini-storage facility. Sean Lake, Pew and Lake, PLC, applicant; David Darling, LLC, owner. (**Continued from December 20, 2017**)

**Planner:** Kim Steadman

**Staff Recommendation:** Continuance to February 21, 2018

**Summary:** This case was on the consent agenda and therefore was not discussed on an individual basis.

It was moved by Boardmember Astle and seconded by Boardmember Allen to continue case ZON17-00335 to the February 21, 2018 meeting.

**Vote:** 7-0

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## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

- 5-a ZON17-00572 District 5.** The 5800 through 5900 blocks of East Thomas Road (south side) and 3400 through 3500 blocks of North Recker Road (west side). Located at the southwest corner of Recker Road and Thomas Road. (27± acres). Minor General Plan amendment to change Character Type from Mixed Use Activity District to Neighborhood. The request will allow for the development of a single-residence subdivision. Sean Lake, Pew & Lake, PLC, applicant; DTD-DEVCO 13, LLC, owner. (Companion Case to ZON17-00320 and Preliminary Plat "Villas at Red Mountain", associated with Items 6-a and 7-a)

**Staff Planner:** Lesley Davis

**Staff Recommendation:** Denial

**Summary:** Staffmember Lesley Davis presented case ZON17-00572 to the Board. Ms. Davis stated the Minor General Plan Amendment is associated with a rezoning request and preliminary plat. Ms. Davis stated the proposal is inconsistent with the 2040 General Plan, the Falcon Field Strategic Sub-Area Plan and the Falcon Field Economic Activity Area Strategic Plan, and for that reason, staff recommends denial. Ms. Davis continued to explain the approval of this amendment would diminish the city's ability to achieve our community goals. Staffmember Davis stated the 2040 General Plan specifically states the need to do everything necessary to protect the City in these areas for economic growth from residential development and create jobs.

Staffmember Davis explained the rezoning request is for a small lot subdivision with private streets. Ms. Davis informed the Board there is interest for an additional residential development to the west and if the Minor General Plan amendment is approved, there will be more residential development in the area. Ms. Davis stated staff feels the design of this subdivision separates from other development and does not meet the city's goals for creating a neighborhood connection.

Staffmember Davis concluded by stating the rezoning and preliminary plat request cannot go forward without the approval of the Minor General Plan amendment.

Applicant Sean Lake, 1744 S. Val Vista, spoke to the Board on behalf of the owner. Mr. Lake reviewed the development history of this property. Mr. Lake stated there has been a significant diminishing for the need of commercial uses and an analysis of the site confirms residential to be the best use for this area. Mr. Lake stated the proposal for a residential development was presented to the

## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

neighboring residents and was very well received, with opposition to commercial development.

Mr. Lake stated accessibility to the property is not conducive for a commercial development as it is not on a major road or next to the freeway. Mr. Lake discussed the traffic pattern and compared this area to other busy intersections in the city. He concluded this location does not have adequate visibility or traffic for a commercial center to be successful.

Mr. Lake presented the vacancy rate and vacant land analysis in the Falcon Field sub-area. He stated the owner has been holding on to this parcel for commercial development without success. Mr. Lake stated they are in agreement with staff's comments and conditions of approval for the rezoning and preliminary plat. Mr. Lake stated they have over 200 residents that have signed documents.

Boardmember Tim Boyle inquired how the size of the lots for the proposed development compare with the size of lots of the nearby neighborhoods. Applicant Sean Lake responded they are comparable with the surrounding neighborhoods.

Resident John Groves, 3525 N. Reynolds Circle did not speak and is in support of the proposal.

Resident Kathryn Hasslacher, 6018 E. Viewmont spoke in support of the residential development. Ms. Hasslacher stated she is in favor of residential development and opposed to any commercial development.

Resident Marilyn Husted, 6128 E. Riverdale did not speak and is in support of the proposal.

Resident Betty Day, 6107 E. Roland Street spoke in support of the residential development. Ms. Day stated she prefers that the area not be developed. However, she favors a residential development and is opposed to any commercial development.

Resident Steven Wiseman, 3648 N. Tirol Circle did not speak and is in support of the proposal.

Mr. Lake responded to the comments from the residents and asked the Board to appreciate the fact that the owner has been unable to develop this land for over 12 years. He added the neighboring

## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

residents want the parcel to be developed with the least intense use.

Planning Director, John Wesley explained staff agrees this may not be a great place for retail because traffic is light at this time, however at the time the owner purchased this property there was a downturn in the economy. Since then the economy has turned around and the freeway has been completed. He stated we are seeing an increase in traffic and development in this area.

Corrine Nystrom, Falcon Field Airport Director, spoke in opposition of the development. Ms. Nystrom stated Falcon Field has over 300,000 aircraft operations per year and the majority of those flights will be flying over the proposed development which will increase the number of noise complaints they receive. She stated the airport logs every complaint they receive and there is a sizeable number of complaints coming from this area currently. Ms. Nystrom explained the airport did not take a position when the residential development to the south was proposed is because those properties were already zoned residential.

Boardmember Astle inquired if safety is an issue or concern and Ms. Nystrom responded anytime there is aircraft in an area, safety is a concern, specifically when the aircraft is taking off or landing.

Boardmember Sarkissian inquired what the procedure is when noise complaints are logged. Ms. Nystrom explained after they are logged, there is an immediate response to the complainant and if they can track the person causing the noise, they are contacted to discuss the noise complaint. She stated an increase in complaints could impact the future of the airport and result in a closure of the airport. A similar situation has recently occurred to the Santa Monica Airport which is shutting down due to receiving excessive noise complaints.

William Jabjiniak, Economic Development Director, spoke in opposition of the development. Mr. Jabjiniak stated the economy is growing again and office space is in demand, particularly in areas near a freeway. He confirmed their office is receiving inquiries for office and commercial space in this area. Mr. Jabjiniak reviewed and discussed numbers of prospective opportunity which exists in and around the City.

Boardmember Sarkissian inquired what the development to the west is zoned and why has the Board not seen any activity. Staffmember Lesley Davis replied the property to the west is zoned LI. Ms. Davis

## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

explained the development would include a hotel and is only conceptual at this time. The applicant would be required to come in with a site plan for approval before development.

Boardmember Allen asked Mr. Jabjiniak if this site is viable for Class A office space and Mr. Jabjiniak responded it is. He stated there is a push to develop this area and development is moving to the East side.

Sean Lake responded to Boardmember Allen's question by stating this is not a Class A site and spoke about several areas which he felt are better sites for office space around the City.

Boardmember Duff stated she feels this is the best use for this site and is not a place for employment. Ms. Duff stated the City is for the people that live here and their requests need to be taken into consideration.

Boardmember Sarkissian feels there is not enough traffic to support a commercial business and feels there is a lack of visibility from the freeway. Ms. Sarkissian feels there is not a safety issue from the airport. She stated some of the noise complaints are about the flights going in to the Phoenix airport, not Falcon Field.

Boardmember Allen feels there is an abundance of vacancies in the area and does not want to see an over saturation of the market.

Boardmember Astle feels the General Plan is important for the City which was voted on by the residents. However, he stated he feels there is no future for commercial in this particular location. Mr. Astle feels the property owner has been patient to develop this land and found no success to develop it for employment to date.

Boardmember Boyle stated he is in agreement with the City staff recommendation to deny this request. He stated there is a purpose to the 2040 General Plan and Mesa needs to think about what it is going to be in the future. Mr. Boyle stated the City needs to adjust what we are building and meet the trends of tomorrow. He stated residents are looking to work closer to where they live. Mr. Boyle stated the City has seen development for years with housing and not for commercial purposes. Boardmember Boyle has heard from many residents in this area that they are grateful for the new Sprouts and want more retail close by. For these reason, Mr. Boyle is opposed to approval.

## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

Vice Chair Dahlke stated after hearing from Economic Development and reading the communication from Richard Adams, she is opposed to the project. Ms. Dahlke stated the City has staff and volunteers that work hard to maintain our employment and we need to preserve our employment uses. Vice Chair Dahlke stated she is in support of staff recommendation for denial.

Chair Clement stated his support of property rights and is in agreement with the applicant request for a residential development. He stated the neighbors are coming out in support of the residential project and feels this is the best use of the property.

It was moved by Boardmember Allen to adopt case ZON17-00572, Minor General Plan Amendment, due to her belief there is an overabundance of existing properties vacant in the area for commercial uses; additional retail or mixed-use types would create an oversatuation of the market; and, a hotel use on the site is not feasible as the owner who has had this property for years has not been able to develop this site yet. The motion was seconded by Boardmember Sarkissian.

**That: The Board recommends the adoption of case ZON17-00572.**

**Vote: 5-2 (Vice Chair Dahlke and Boardmember Boyle, nay)**

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## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

- 6-a ZON17-00320 District 5.** The 5800 through 5900 blocks of East Thomas Road (south side) and the 3400 through 3500 blocks of North Recker Road (west side). Located at the southwest corner of Recker Road and Thomas Road. (27± acres). Rezoning from RS-90 to RSL-4.5-PAD; and Site Plan Review. This request will allow for the development of a single-residence subdivision. Sean Lake, Pew & Lake, PLC, applicant; DTD-DEVCO 13, LLC, owner. **(Companion Case to ZON17-00572 and Preliminary Plat "Villas at Red Mountain", associated with Items 5-a and 7-a)**

**Planner:** Lesley Davis

**Staff Recommendation:** Denial

**Summary:** This case was discussed in conjunction with case ZON17-00320 and preliminary plat "Villas at Red Mountain".

It was moved by Boardmember Allen and seconded by Boardmember Sarkissian to approve case ZON17-00320 and associated preliminary plat "Village at Red Mountain" with conditions of approval:

**That: The Board recommends the approval of case ZON17-00320 conditioned upon:**

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan and preliminary plat submitted, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines as well as the Building Form Standards established in the Zoning Ordinance.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
7. Written notice be provided to future residents, and acknowledgment received that the project is within 1 mile(s) of Falcon Field Airport.
8. Provide a 4-foot x 4-foot sign at the entrance to the sales office for this development, with notice to all prospective buyers that the project is within an Overflight Area for Falcon Field Airport as specified in Section 11-19-5 of the Zoning Ordinance.
9. A building permit cannot be issued until a registered Professional Engineer or registered Professional Architect has certified that Noise attenuation

## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

measures have been incorporated into the design and construction of the buildings to achieve a noise level reduction of 45 db as specified in Section 11-19-5 of the Zoning Ordinance.

10. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
11. **Provide a full access entrance to the subdivision along Thomas Road in compliance with Transportation Department requirements, including M-42.01 of the Mesa Standard Details.**
12. **Prior to submitting for a building permit for the homes, Planning Director approval is required for the design of the proposed homes. The design of the homes shall include the following:**
  - a. **Real building materials and finishes on the exterior of the homes (i.e., wood - or quality wood synthetic, shutters, stone, metal, etc.) to create interest through color, material and texture.**
  - b. **The side wall return shall be set back a minimum of 15' from the front of the livable portion of the house and 15' from the front of the garage for lots 1, 7, 8, 15, 23, 30, 31, 40, 41, 50, 51, 55, 56, 60, 61, 70, 71, 80, 81, 88, 95, 96, 103, 104, and 110, each of which side on an interior street or landscape tract.**
  - c. **All elevations adjacent to the street or open space shall include additional architectural enhancements.**

**Vote: 5-2 (Vice Chair Dahlke and Boardmember Boyle, nay)**

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## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

- 7-a **"Villas at Red Mountain" District 5.** The 5800 through 5900 blocks of East Thomas Road (south side) and the 3400 through 3500 blocks of North Recker Road (west side). Located at the southwest corner of Recker Road and Thomas Road. (27± acres). Preliminary Plat. Sean Lake, Pew & Lake, PLC, applicant; DTD-DEVCO 13, LLC, owner. (Companion Case to ZON17-00320 and ZON17-0572, associated with Items 5-a and 6-a)

**Planner:** Lesley Davis

**Staff Recommendation:** Denial

**Summary:** This case was discussed in conjunction with case ZON17-00320 and preliminary plat "Villas at Red Mountain".

It was moved by Boardmember Allen and seconded by Boardmember Sarkissian to approve preliminary plat "Village at Red Mountain" and associated case ZON17-00320 with conditions of approval:

**That: The Board recommends the approval of preliminary plat "Villas at Red Mountain" conditioned upon:**

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan and preliminary plat submitted, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines as well as the Building Form Standards established in the Zoning Ordinance.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
7. Written notice be provided to future residents, and acknowledgment received that the project is within 1 mile(s) of Falcon Field Airport.
8. Provide a 4-foot x 4-foot sign at the entrance to the sales office for this development, with notice to all prospective buyers that the project is within an Overflight Area for Falcon Field Airport as specified in Section 11-19-5 of the Zoning Ordinance.
9. A building permit cannot be issued until a registered Professional Engineer or registered Professional Architect has certified that Noise attenuation measures have been incorporated into the design and construction of the

## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

buildings to achieve a noise level reduction of 45 db as specified in Section 11-19-5 of the Zoning Ordinance.

10. View fences on residential lots shall comply with the City of Mesa pool fence barrier regulations.
11. Provide a full access entrance to the subdivision along Thomas Road in compliance with Transportation Department requirements, including M-42.01 of the Mesa Standard Details.
12. Prior to submitting for a building permit for the homes, Planning Director approval is required for the design of the proposed homes. The design of the homes shall include the following:
  - a. Real building materials and finishes on the exterior of the homes (i.e., wood - or quality wood synthetic, shutters, stone, metal, etc.) to create interest through color, material and texture.
  - b. The side wall return shall be set back a minimum of 15' from the front of the livable portion of the house and 15' from the front of the garage for lots 1, 7, 8, 15, 23, 30, 31, 40, 41, 50, 51, 55, 56, 60, 61, 70, 71, 80, 81, 88, 95, 96, 103, 104, and 110, each of which side on an interior street or landscape tract.
  - c. All elevations adjacent to the street or open space shall include additional architectural enhancements.

**Vote: 5-2 (Vice Chair Dahlke and Boardmember Boyle, nay)**

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## MINUTES OF THE JANUARY 17, 2018 PLANNING & ZONING MEETING

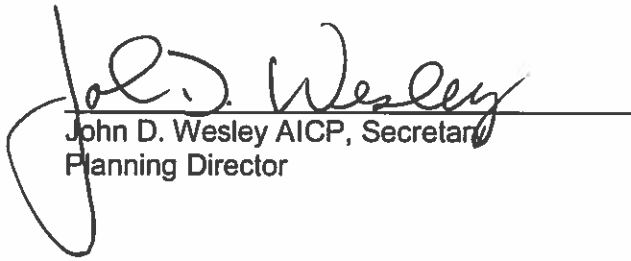
8. Other Business  
None

10. Adjournment

Vice Chair Dahlke made a motion to adjourn the meeting at 5:52 pm. The motion was seconded by Boardmember Allen.

**Vote: 7-0**

Respectfully submitted,



John D. Wesley AICP, Secretary  
Planning Director