

CITY OF MESA

MINUTES OF THE PLANNING HEARING OFFICER

Held in the City of Mesa Planning Division Conference Room
20 East Main Street, Suite 130
Date January 4, 2007 Time 1:30 p.m.

HEARING OFFICER

William "Bill" Petrie

STAFF PRESENT

Dorothy Chimel
Tom Ellsworth
Maria Salaiz
Cory Whittaker

OTHERS PRESENT

Eric Blumsack

The Planning Hearing Officer (PHO) Bill Petrie welcomed everyone present and approved the minutes of the November 2, 2006, meeting as submitted.

Before adjournment at 1:50 p.m., action was taken on the following item(s):

Zoning Cases: Z07-01, Z07-02, Z07-03, Z07-04, Z07-05, and the preliminary plat for "Eastgate Mesa North, A Condominium."

The public hearing was recorded on Flash Card one and track titled PHO 01.4.07.

MINUTES OF THE JANUARY 4, 2007 PLANNING HEARING OFFICER HEARING

Item: **Z07-01 (District 5)** The 2169-2183 block of North Sossaman Road (east side). Located on the northeast corner of Sossaman and McKellips Roads (4.7 ±ac.). Rezone from Maricopa County R1-35 RUPD to City of Mesa R1-35 PAD. For the establishment of City of Mesa zoning on recently annexed property. Glen Duke, Michael Parish, Borbala Csaki & Carl Lytikainen, owners; City of Mesa, applicant.

Comments: Cory Whittaker, GIS Specialist, representing the City of Mesa, gave an overview stating that this is a comparable zoning request for recently annexed property.

Bill Petrie, Planning Hearing Officer, asked how many lots there would be and if there was any right-of-way to the lots in the back. He also asked if the County had already approved the plans.

Mr. Whittaker responded that the preliminary plan presented by the applicant showed four lots with plans to build a roadway and cul-de-sac for access. He stated that the County has already approved the plans and the main reason for annexation was for access to water services.

The Planning Hearing Officer recommends to the City Council **approval** of zoning case Z07-01 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Reason for Recommendation: The Hearing Officer determined that the rezoning request would bring the property's zoning designation into conformance with the Mesa 2025 General Plan.

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Note: CD's of the Planning Hearing Officer Hearings are available in the Planning Division Office for review.

MINUTES OF THE JANUARY 4, 2007 PLANNING HEARING OFFICER HEARING

Item: **Z07-02 (District 5)** The 10202-10238 block of East Broadway Road (north side). Located on the northeast corner of Broadway and Crismon Roads (2.3±ac.). Rezone from Maricopa County R1-8 to City of Mesa R1-9. For the establishment of City of Mesa zoning on recently annexed property. John Brauchler, owner; City of Mesa, applicant.

Comments: Cory Whittaker, GIS Specialist, representing the City of Mesa, gave an overview stating that this is a comparable zoning request for recently annexed property with homes under construction and some vacant lots with plans to construct new homes. The reason for annexation was to provide City of Mesa utilities to the existing homes.

Bill Petrie, Planning Hearing Officer, asked if the lots were going to have access off of Broadway Road and if they were established through the County. Mr. Whittaker responded Yes, and their permits for construction were also approved through the County.

Discussion ensued regarding adding more information in the History Section of the staff report to help Divisions know what the County and the City of Mesa approved.

The Planning Hearing Officer recommends to the City Council **approval** of zoning case Z07-02 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Reason for Recommendation: The Hearing Officer determined that the rezoning request would bring the property's zoning designation into conformance with the Mesa 2025 General Plan.

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MINUTES OF THE JANUARY 4, 2007 PLANNING HEARING OFFICER HEARING

Item: **Z07-03 (District 5)** The 9310-9346 block of East Main Street (north side). Located on the northeast corner of Main Street and Ellsworth Road (20.1±ac.). Rezone from Maricopa County C-3 & R-5 to City of Mesa C-3 & R-4. For the establishment of City of Mesa zoning on recently annexed property. Silver Spur MHP, LLC, Geff Gunsalas, General Manager, owner; City of Mesa, applicant.

Comments: Cory Whittaker, GIS Specialist, representing the City of Mesa, gave an overview stating that this is a comparable zoning request for recently annexed property; he noted that this is an exiting mobile home park and during annexation a few issues come up regarding services, which have been resolved through the Solid Waste Division.

Bill Petrie, Planning Hearing Officer, asked staff to notify the park manager that any new additions or construction to their homes would need permits and the requirements in the City of Mesa may be different than in the County.

The Planning Hearing Officer recommends to the City Council **approval** of zoning case Z07-03 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Reason for Recommendation: The Hearing Officer determined that the rezoning request would bring the property's zoning designation into conformance with the Mesa 2025 General Plan.

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MINUTES OF THE JANUARY 4, 2007 PLANNING HEARING OFFICER HEARING

Item: **Z07-04 (District 6)** The 9030-9112 block of East Southern Avenue (north side). Located on the northwest corner of Southern Avenue and Ellsworth Road (3.17±ac.). Rezone from Maricopa County Rural-43 & R1-7 to City of Mesa R1-43 & R1-7. For the establishment of City of Mesa zoning on recently annexed property. Mark Kohner, owner; City of Mesa, applicant.

Comments: Cory Whittaker, GIS Specialist, representing the City of Mesa, gave an overview stating that this is a comparable zoning request for recently annexed property; he added that this case involves three properties and the reason for annexation was to gain access to City of Mesa services. He stated that the owner is contemplating changes to the site.

Tom Ellsworth, Senior Planner, noted that staff has received a pre-submittal request for a change to the site.

Bill Petrie, Planning Hearing Officer, commented that there are several nuisance code violations on the lots and stated that the City has a more aggressive process than the County for violations. Mr. Whittaker stated that the applicant was made aware of the violations prior to being annexed.

The Planning Hearing Officer recommends to the City Council **approval** of zoning case Z07-04 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Reason for Recommendation: The Hearing Officer determined that the rezoning request would bring the property's zoning designation into conformance with the Mesa 2025 General Plan.

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MINUTES OF THE JANUARY 4, 2007 PLANNING HEARING OFFICER HEARING

Item: **Z07-05 (District 5)** The 6000-6400 Block of East Evergreen Road (south side). Located south and east of the southeast corner of Recker and Brown Roads (6.85±ac.). Rezone from Maricopa County R1-6 SC to City of Mesa R1-6 AS. For the establishment of City of Mesa zoning on recently annexed property. Robert Dethlefs, Joseph Dziedzic, Alfred Ellis, Scott Erdman, Richard Fessler, Donald Forness, Oscar Gansky, Clayton Gourley, Ricky Hanson, Robert Jandeczek, Robert Karraker, Phyllis Kowaluk, Joseph Kuka, Sandra Legrand, Robert Lenhart, Albert Loucks, Cheesman McIntosh, David Leo Meyer, James Partida, Kathryn Pugnier, Gaither Robinson, Raymond Roslan, Victoria Rovenko, Clarence Schilperoort, Frank Shirey, Michael Stone, Darlene Taylor, Delbert Tice, Claude Torbit, Jaunita White, Joseph Wilson, owners; City of Mesa, applicant.

Comments: Cory Whittaker, GIS Specialist, representing the City of Mesa, gave an overview stating that this is a comparable zoning request for recently annexed property; he added that this case involves one street of the "Dreamland Villa" subdivision. He stated one issue that was brought up was the SC (Senior Citizen) overlay in the County. The comparable zoning in the City of Mesa is AS (Age Specific), which is not a typical zoning overlay and there was concerns by the applicants to keep the AS overlay. In discussing it with Dorothy Chimel, Principal Planner and Gordon Sheffield, Zoning Administrator, it was determined appropriate to keep the AS overlay zoning.

Bill Petrie, Planning Hearing Officer, asked if there was any differences between the County SC overlay and the City of Mesa AS overlay.

Dorothy Chimel, Principal Planner, stated that there is one significant difference, which is that Age Specific districts may be established only on parcels of 40 or more contiguous acres.

The Planning Hearing Officer recommends to the City Council **approval** of zoning case Z07-05 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Reason for Recommendation: The Hearing Officer determined that the rezoning request would bring the property's zoning designation into conformance with the Mesa 2025 General Plan.

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MINUTES OF THE JANUARY 4, 2007 PLANNING HEARING OFFICER HEARING

Item: 540 West Iron (north side) **(District 3)**. Located west of the southwest corner of Country Club Drive and US 60 Superstition Freeway (0.16± ac.). This request will allow for the individual ownership of condominium units. Consider the preliminary plat for "Eastgate Mesa North, A Condominium." Eastgate Mesa, LLC, Eric Blumsack, Managing Member; owner; Eric Blumsack, applicant.

Comments: Eric Blumsack, 2150 East Highland, Ste 207, Phoenix, applicant, noted for the record that he is not the managing member but represents the owner and manages the property.

Tom Ellsworth, Senior Planner, gave an overview stating that this is a preliminary plat request for a condo conversion of an existing commercial complex. He added that the standard conditions of approval have been applied and noted that all dead/dying landscaping be replaced prior to recordation of the subdivision plat. Staff is recommending approval.

Discussion ensued regarding the replacement of all dead/dying landscaping.

The Planning Hearing Officer **approved** the preliminary plat for "Eastgate Mesa North, A Condominium" conditioned upon:

1. Replace all dead/dying landscaping prior to recordation of the subdivision plat.
2. 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.
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
5. Compliance with all requirements of the Subdivision Technical Review Committee.

Reason for Recommendation: The Hearing Officer determined this proposal adhered to the goals of the General Plan and requirements of the Subdivision Regulations.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

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