



Housing and Community Revitalization Division

2nd Round CDBG
Funding Recommendations
FY 2009/10

September 10, 2009



Purpose:

- Provide direction to allocate \$266,795 in remaining CDBG funds for FY 09/10.
- Authorize City Manager to proceed with an Annual Plan Amendment adding approved activities.

- Reductions in Human Services funding led Council to open a 2nd Round of Community Development Block Grant Requests for Proposals (RFP).
- Human Services agencies were informed they could apply for CDBG funds to restore some funding.

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2nd Round CDBG – Funding Summary

Source of Funding	Available
Unspent CDBG Funds from Prior Year (FY 08/09)	\$50,000
Increased CDBG Allocation from Housing and Urban for FY 09/10 From 08/09 Allocation	\$44,573
Unallocated CDBG Funds Remaining from Round 1 for FY 09/10	\$172,222
2nd Round CDBG Funds Available for Distribution	\$266,795

Type of Funding	Available	Requested	Recommended
Public Service	\$110,822	\$234,417	\$110,822
General (Non-Public Service Activities)	\$155,973		
Technical Assistance	-	\$20,000	\$20,000
Economic Development	-	\$176,311	\$70,000
Public Facility	-	\$197,669	\$65,973
2nd Round CDBG Funding Totals	\$266,795	\$628,397	\$266,795

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CDBG 2nd Round – Public Service Applications

Organization	FY 09/10 Request	FY 09/10 Recommended
Advocates for the Disabled, Inc.	\$20,000	\$17,732
East Valley Adult Resources, Inc. f/k/a East Valley Senior Services	\$19,500	\$19,500
House of Refuge, Inc.	\$24,087	\$21,349
Housing Our Communities, Inc.	\$59,170	-
Lutheran Social Services of the Southwest	\$38,610	\$34,241
Southwest Fair Housing Council	\$15,000	-
The House of El-Elyon	\$13,050	-
West Mesa Community Development Corporation	\$25,000	\$18,000
YMCA	\$25,000	-
Total CDBG 2nd Round Public Service Applications	\$239,417	\$110,822

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CDBG 2nd Round – Non-Public Service Applications

Organization	Activity Type	FY 09/10 Request	FY 09/10 Recommended
A New Leaf	Public Facility	\$48,520	-
Arizona State University (ASU)	Technical Assistance	\$20,000	\$20,000
Child Crisis Center	Public Facility	\$32,549	-
Economic Development, City of Mesa	Economic Development	\$25,000	\$25,000
Economic Development, City of Mesa	Economic Development	\$100,000	\$45,000
House of Refuge, Inc.	Public Facility	\$37,400	-
Maricopa Community Colleges Small Business Development Center	Economic Development	\$51,311	-
Martin Luther King Celebration Committee	Public Facility	\$79,200	\$65,973
Total CDBG 2nd Round Public Service Applications		\$393,980	\$155,973

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Public Comment Period

- Public Comment Period begins September 18 and ends October 18, 2009.
- Public Hearing #2 – Mesa City Plaza Building, 20 E. Main Street, Room 170W, September 28, 2009, at 10:00 a.m.
- Any comments submitted will be forwarded to Council and the U.S. Department of Housing and Urban Development (HUD).

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Please address comments to:

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City of Mesa
P.O. Box 1466
Mesa, Arizona 85211-1466

Or email: Carolyn.Olson@mesaaz.gov

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Questions and Discussion

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Conditional Use Permits

City Council Study Session
September 10, 2009

Development & Sustainability Dept.
Planning Division

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"By-right" Uses

- ...describes land uses the Council identifies as being consistent with the purpose and intent of that zoning district.
- ...are based on classifying similar uses w/ consistently predictable impacts & effects on surrounding properties. Therefore, no additional review is needed.

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Conditional Uses

- ...a use the Council identifies as consistent with the purpose and intent of the zoning district ***if the context is correct & it meets all Council policies.***
- Additional review is needed to make sure the context is correct, and to apply whatever conditions are needed to mitigate the adverse impacts in that context.

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Delegation of Authority

- Council may delegate authority.
- Three levels of decision making for conditional uses:
 - 1) **Use Permit** – Staff
 - 2) **Special Use Permit** - Board of Adjustment & the Zoning Administrator Hearing Officer
 - 3) **Council Use Permit** - City Council
- Generally, the adopted Council policies allow less discretion as the decision moves from Council to Board to Staff

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Conditions May Change by Zoning District

- As Purpose and Intent (P&I) for each district changes, the need for a conditional use permit may also change.
- Example: Bars and Commercial Entertainment :
 - OS and C-1: Not allowed;
 - C-2: Council Use Permit
 - C-3: Use by right
 - All Industrial Districts: Use by right

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Use Permits

- Staff administered
- Based on Adopted Council Policies
- Used for items that may need additional conditions to be compatible or kept under control, but are otherwise benign
- No public hearings, no public notice
- Quick, 1 day to a few weeks process, depending upon permit application queue

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Use Permit Examples

- RV or Manufactured Building as Office during Construction
- Weekend Subdivision Directional Signs
- Outdoor Seating in TCC (proposed)
- Temporary Subdivision Directional Signs

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Use Permit Criteria

- Less discretionary
- Criteria Specific to Circumstance
- Generally Spell out Time and Place Restrictions
- Often used for temporary activities

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Special Use Permits

- Review and Decision Authority given to Zoning Administrator Hearing Officer (ZAHO) and Board of Adjustment (BoFA)
- ZAHO decisions may be appealed to BoFA
- Decision Criteria based on Adopted Council Policies and/or State adopted criteria
- Neither Board nor ZAHO are permitted to make up different policy
- 4 to 7 week process, 1 public hearing (if no appeal), significant public notice

Special Use Permit Examples

- | | |
|---|--|
| • Gas Stations | • Comprehensive Sign Plans |
| • Car Washes | • Extra Special Events |
| • Outdoor Dining in Restrictive Districts | • Accessory Residence in Commercial & Industrial |
| • Outdoor Receptions | • Day Care/Athletic w/ Place of Worship |
| • Animal Kennels in Restrictive Districts | • Downtown Auto-related |
| • Garden Center/ C-2 | • Farm-sales Stands |
| • Cemetery in AG | |

Special Use Permit Criteria

- All Special Use Permits are required to: "be compatible with and not detrimental to surrounding properties, and to be consistent with the General Plan and other adopted Council Policies".
- Additional Criteria added for frequent requests
- Ex: Comprehensive Sign Plans

Council Use Permits

- Decision Authority rests with Council
- Mandatory Review & Recommendation by P&Z Board, based on Sec. 406 of City Charter
- Council Use Permits tend to be:
 - items of large citywide impact,
 - controversial uses impacting neighborhoods
 - uses thought to need strong added controls
- Approximately 3 to 4 month process, from filing application to Council decision, involves two public hearings (P&Z and Council) and significant public notice

Council Use Permit Examples

- Tattoo Parlors
- Pawn Shops
- Payday Loan Stores
- Social Service Facilities
- Bars in C-2 District
- Schools in Commercial & Industrial Districts
- Industrial uses involving Hazardous Materials
- Drive-throughs in Downtown
- Residential Uses in Commercial Districts
- Major Utility Facility
- Salvage & Wrecking

Council Use Permit Criteria

- All Council Use Permits are required to: "be compatible with and not detrimental to surrounding properties, and to be consistent with the General Plan and other adopted Council Policies".
- Additional Criteria added to conditional uses with heightened concerns (by ord. or resol.)
- Ex: Social Service Uses have the "Social Service Facility Guidelines"

"By-right" vs. Conditional Use Permit

- CUP Discretion includes ability to apply conditions, including:
 - Measures to mitigate sound (walls, trees, time limits, placement), control lighting and signs
 - Measures to control traffic impacts (limit driveway cuts, parking, right-of-way dedication)
 - Measures to improve aesthetics (screen walls, setbacks, architecture, landscaping)
 - Measures to mitigate or limit structure height (setbacks, landscaping, screening)

Summary and Questions

- Council determines if and what decisions should be delegated
- Conditional Uses **MAY** be considered Compatible, based on context
- Council sets Review Criteria (by ord. or resol.)
- Criteria may include judgment items (ex: What is definition of "compatible"?)
- Approval Discretion becomes greater as move from Staff to Board to Council

	A	B	C	D	E	F
1	<u>Land Use Classification</u>	<u>Required Zoning District(s)</u>	<u>Present Conditional Use Permit Process</u>	<u>Proposed Z-code Update</u>	<u>Review Criteria</u>	<u>Notations and Comments</u>
2	Agriculture & Single Residence (AG, R1-90, R1-43, R1-35, R1-15, R1-9, R1-7, R1-6)					
3						
4	Commercial Recreation (< 10 acres)	AG	Not Permitted	Not Permitted	Definition	
5	Commercial Recreation - Sports Ranch (10 acre minimum)	AG	SUP	SUP	Definition & Criteria	
6	Public Utility Storage Yard	AG	SUP	Major - CUP, Minor - By right		
7	Dairies (10 acre minimum)	AG	SUP	SUP	Definition	
8	Extractive (Mining) Industries	AG	SUP	SUP	Definition	
9	Kennels	AG	SUP	SUP	Definition	
10	Animal Hospitals	AG	SUP	Not Permitted	Definition & Criteria	
11	Veterinary Services	AG	Not Permitted	SUP	Definition & Criteria	
12	Cementaries	AG	SUP	SUP	Definition	
13	Group Homes for the Handicapped (GHH)	All R1 districts	Registration	Registration	Criteria	
14	Day Care Group Home 6-10	All R1 districts	Registration	Registration	Criteria	
15	Temporary Model Home Sales Office	All R1 districts	UP	Temp Use	Criteria	
16	Livestock > 2 head per acre	All R1 districts	SUP	Not Permitted	Definition & Criteria	
17	Detached Accessory Living Quarters (ALQ)	AG, All R1 districts	SUP	By-right	Definition & Criteria	
18	Attached ALQ	All R1 districts	UP	By-right	Definition & Criteria	
19	Plant Nurseries & Greenhouses	AG, R1-90, R1-43	AG-By right, R1-90 & R1-43 - SUP	By-right	Definition	
20	Farm/Orchard Sales Stands	AG	SUP	By right (Sale Limited to Items grown on-site)	Definition & Criteria	
21	Farm/Orchard Sales Stands	R1-90, R1-43, R1-35	SUP	SUP(Sale Limited to Items grown on-site)	Definition & Criteria	
22	Church Accessory Athletic Facilities	AG, All R1 districts	SUP	SUP	Definition	
23	Church Accessory Day Care Center (> 10)	AG, All R1 districts	SUP	SUP	Definition	
24	Community Center	All R1 districts	PAD or DMP Overlays reqd.	SUP	Definition	
25	Livestock Boarding Stables (> 10 head/ac, minimum 10 acres)	AG, R1-90, R1-43	SUP	SUP	Definition & Criteria	
26	Schools, K through University	AG	By-right	CUP	Note: Staff redline indicates "By-right"	

	A	B	C	D	E	F
	<u>Land Use Classification</u>	<u>Required Zoning District(s)</u>	<u>Present Conditional Use Permit Process</u>	<u>Proposed Z-code Update</u>	<u>Review Criteria</u>	<u>Notations and Comments</u>
1						
27						
28	Multiple Residence (R-2, R-3, R-4)					
29	Temporary Model Home Sales Office	All Multiple Residence districts	UP	Temp Use	Criteria	
30	Social Service Facilities					
31	Homeless Shelters	R-4	CUP	CUP	Defintion & Criterna	
32	Rescue Missions	R-4	CUP	CUP	Defintion & Criteria	
33	Substance Abuse & Detoxification	R-4	CUP	CUP	Defintion & Criteria	
34	Similar to Uses Above	R-4	CUP	CUP	Defintion & Criteria	
35	Church Accessory Athletic Facilities	All Multiple Residence districts	SUP	SUP	Defintion	
36	Church Accessory Day Care Center (> 10)	All Multiple Residence districts	SUP	SUP	Defintion	
37	Boarding Houses > 5 Rooms or > 10 Guests	All Multiple Residence districts	SUP	SUP	Defintion	
38	GHH > 5 Rooms or > 10 Guests	All Multiple Residence districts	SUP	SUP	Defintion	
39	Assisted Living Facilities	All Multiple Residence districts	SUP	By right	Defintion	
40	Hospitals & Accessory Group Medical Centers	R-4	SUP	SUP	Defintion & Criterna	
41	Nursing & Convalescent Homes,	R-4	SUP	SUP	Defintion & Criteria	
42	Hospices	R-4	SUP	By right	Defintion	
43	Fraternal Clubs & lodges	All Multiple Residence districts	Not Permitted R-2, R-3; By-right R-4	All Multiple Residence Districts: SUP	Defintion	
44	Office and Commercial S, C-1, C-2, C-3)	(O				
45	Group Homes for the Handicapped	C-1, C-2, C-3	Not Permitted	By right	Defintion	
46	Social Service Facilities					
47	Plasma Centers	C-1, C-2, C-3	CUP	CUP	Defintion & Criteria	
48	Charity Dining	C-1, C-2, C-3	CUP	CUP	Defintion & Criteria	
49	Homeless Shelter	C-1, C-2, C-3	CUP	CUP	Defintion & Criteria	
50	Day Labor Center	C-1, C-2, C-3	CUP	CUP	Defintion & Criteria	
51	Substance Abuse Detoxification & Treatment	C-1, C-2, C-3	CUP	CUP	Defintion & Criteria	
52	Rescue Mission	C-1, C-2, C-3	CUP	CUP	Defintion & Criteria	
53	Similar Social Service Uses	C-1, C-2, C-3	CUP	CUP	Defintion & Criteria	
54	Correctional Transitional Housing	C-3	CUP	CUP	Defintion & Criteria	
55	Pawn Shops	C-1, C-2, C-3	CUP	CUP	1200' Separation from Similar Use and from Schools	
56	Tattoo Parlors	C-1, C-2, C-3	CUP	CUP	1200' Separation from Simiar Use and from Schools	Note: P&Z suggested SUP or By rig.
57	Non-chartered Financial Inst. (Payday Loan Stores)	C-1, C-2, C-3	CUP	CUP	1200' Separation from Similar Use and from Schools	
58	Multiple Residence Development	C-1, C-2, C-3	CUP	CUP	Defintion	Note: By right in new MX District
59	Schools, K through University	C-1, C-2, C-3	CUP (K-12, University: By right)	CUP (K-12, University: By right)	Defintion	
60	Bars, Night Clubs, Cocktail lounges	C-2	CUP (By-right in C-3)	CUP (By-right in C-3)	Defintion & Criteria	
61	Pool or Billiard Halls	C-2	CUP (By-right in C-3)	CUP (By-right in C-3)	Defintion & Criteria	
62	Swap Meets, Flea Markets, Farmer's Markets	C-3	CUP	Not Listed	Defintion & Criteria	
63	Drive-through Window for Bank or Financial Office	O-S, C-1	SUP (By-right in C-2, C-3)	SUP (By-right in C-2, C-3)	Defintion	

	A	B	C	D	E	F
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64	Accessory Dwelling Unit	O-S, C-1, C-2, C-3	SUP	SUP (Live-Work Units)	Definition	Note: By right in new MX District
65	Outdoor Activities w/ Wedding Reception Center	O-S, C-1, C-2, C-3	SUP	By right	Definition	Note: Redlines require conditions to be written for outdoor activities
66	Assisted Living Facility	O-S, C-1	SUP	SUP	Definition & Criteria	
67	Outdoor Seating w/ Restaurant	C-1	SUP (By-right in C-2, C-3)	SUP (By-right in C-2, C-3)	Definition	
68	Outdoor Seating w/ Restaurant	O-S	Not Permitted	SUP	When Office Complex > 20,000 sf, Restaurant Use may be < 1,500 sf	
69	Outdoor Seating & Entertainment w/ Restaurant or Bar	C-2, C-3	SUP	SUP	Definition & Criteria	
70	Accessory Limited Outdoor Display w/ Retail	C-2	SUP	SUP	Definition	
71	Car Rental Agencies (No large trucks)	C-2	SUP (By-right in C-3)	SUP (By-right in C-3)	Definition & Criteria	
72	Crematories Accessory to Mortuary	C-2, C-3	SUP (By-right in C-3)	By right	Definition	
73	Small Animal Boarding Kennel	C-1, C-2	SUP (By-right in C-3)	SUP	Definition & Criteria	
74	Fraternal Clubs & lodges	C-1, C-2, C-3	By right	By right	Definition	
75						
76	Car Wash	C-1, C-2, C-3	SUP	SUP	Definition & Criteria	
77	Auto Service (Gas) Stations	C-1, C-2, C-3	SUP	SUP	Definition & Criteria	
79	Industrial, Manufacturing & Employment (PEP, M-1, M-2)					
80	Auto Towing & Impound Yard (No dismantling)	M-1	SUP	SUP	Definition	
81	Auto Towing & Impound Yard (No dismantling)	M-2	By right	CUP	Definition	
82	Auto Service (Gas) Stations	PEP, M-1, M-2	SUP	SUP (Not Permitted in M-2)	Definition & Criteria	
83	Car Wash	PEP	SUP	SUP	Definition & Criteria	
84	Car Wash	M-1	SUP	By right	Definition & Criteria	
85	Car Wash	M-2	SUP	Not permitted	Definition & Criteria	
86	Banks & Financial Institutions	PEP	By right	SUP	Definition	
87	Banks & Financial Institutions	M-1	By right	By right	Definition	
88	Banks & Financial Institutions	M-2	By right	Not Permitted	Definition	
89	Convenience Store w/ Gas Pumps	M-1	SUP	SUP	Definition & Criteria	
90	Accessory Living Quarters (Live-Work)	PEP	SUP	SUP	Definition	
91	Accessory Living Quarters (Live-Work)	M-1	By right	SUP	Definition	
92	Accessory Living Quarters (Live-Work)	M-2	SUP	SUP	Definition	
93	Individual Retail Stores > 10,000 sf	PEP, M-1	CUP	@	@Retail Limited to 10,000 sf for ind store, 50,000 sf for center	
94	Group Commercial Centers > 50,000 sf	PEP, M-1	CUP	@	@Retail Limited to 10,000 sf for ind store, 50,000 sf for center	
95	Schools, K through University	PEP, M-1, M-2	CUP (K-12, University: By right)	CUP (K-12, University: By right)	Definition	
96	Day Care Centers	PEP, M-1	By right	SUP	Definition	
97	Medical Clinic	PEP, M-1	By right	SUP	Definition	
98	Hazardous Materials as Principal Use*	M-2	CUP	CUP	Definition & Criteria	

	A	B	C	D	E	F
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99	Tanneries*	M-2	CUP	#	# Reclassified as Hazardous Use	
100	Oil refineries*	M-2	CUP	#	# Reclassified as Hazardous Use	
101	Cement (Manufacture) Plants*	M-2	CUP	#	# Reclassified as Hazardous Use	
102	Metal Smelting, Casting, Extrusion*	M-2	CUP	By right, indoors	Defintion	
	Disposal of Garbage or Organic Matter*					
103	Slaughterhouses & Meat/Poultry Packing Plants*	M-2	CUP	CUP	Defintion & Criteria	
104	Packing Plants*	M-2	CUP	By right, indoors only	Defintion	
105	Wrecking/Junkyards*	M-2	CUP	CUP	Defintion	
					% Reclssified based on Scale. Smaller Recycling Centers are by right, and SUP, Larger collection centers are SUP, and processing centers are CUPs	
106	Recycling Centers*	M-2	CUP	%		
	Uses Similar to those w/ Astenisk (*) based on ZA Determination					
107		M-2	CUP	Not Permitted	Defintion	

	A	B	C	D	E	F
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110	Town Center Residential Districts (TCR-1, TCR-2, TCR-3)					
112	Offices in Historic Structures	TCR-1, TCR-2, TCR-3	SUP	Not Permitted in TCR-1, SUP in TCR-2, TCR-3	Defintion & Criteria	
113	Church Accessory Athletic Facilities	TCR-1, TCR-2, TCR-3	SUP	SUP	Defintion	
114	Church Accessory Day Care Center (> 10)	TCR-2, TCR-3	SUP	SUP	Defintion	
115	Day Care Centers (>10)	TCR-2, TCR-3	SUP	SUP	Defintion	
116	Day Care Group Home (6 to 10)	TCR-2, TCR-3	SUP	By right	Defintion	
117						
118	Town Center Business Districts (TCB-1, TCB-2)					
119	Auto Service (Gas) Stations	TCB-1	CUP	TCB-1 - Not Permitted; TCB-2 SUP	Defintion & Criteria	
120	Car Wash	TCB-1	CUP	TCB-1 - Not Permitted; TCB-2 SUP	Defintion & Criteria	
121	Drive-in Restaurants	TCB-1, TCB-2	CUP	TCB-1 - Not Permitted; TCB-2 SUP	Defintion & Criteria	
122	Banks w/ Remote Tellers	TCB-1	CUP		Defintion & Criteria	
123	Drive-through Window w/ Any Permitted Use	TCB-1, TCB-2	CUP	CUP in TCB-1, not permitted in TCB-2	Defintion & Criteria	
124	Trade School	TCB-2	By right	SUP	Defintion	
125	Schools, K through University	TCB-1, TCB-2	CUP	CUP (K-12, University: By right)	Defintion	
126	Social Service Facilites					
127	Plasma Centers	TCB-1, TCB-2	CUP	CUP	Defintion & Criteria	
128	Charity Dining	TCB-1, TCB-2	CUP	CUP	Defintion & Criteria	
129	Homeless Shelter	TCB-1, TCB-2	CUP	CUP	Defintion & Criteria	
130	Day Labor Center	TCB-1, TCB-2	CUP	CUP	Defintion & Criteria	
131	Substance Abuse Detoxification & Treatment	TCB-1, TCB-2	CUP	CUP	Defintion & Criteria	
132	Rescue Mission	TCB-1, TCB-2	CUP	CUP	Defintion & Criteria	
133	Similar Social Service Uses	TCB-1, TCB-2	CUP	CUP	Defintion & Criteria	
134	Pawn Shop	TCB-1, TCB-2	CUP	CUP	1200' separation from similar use or school	
135	Tattoo Shop & Body Piercing Salon	TCB-1, TCB-2	CUP	CUP	1200' separation from similar use or school	
136	Auto Repair (Excludes Gas, Auto Body and Paint)	TCB-1, TCB-2	SUP	CUP	Defintion & Criteria	
137	Restaurant w/ Outdoor Seating	TCB-1, TCB-2	SUP	SUP	Defintion & Criteria	
138	Outdoor Activities w/ Wedding Reception Center	TCB-1, TCB-2	SUP	By right	Defintion	
139	Outdoor Entertainment w/ Restaurant or Bar	TCB-2	SUP	By right	Defintion & Criteria	
140	Heavy Equipment Sales, Rental & Repair	TCB-2	SUP	TCB-1 - Not Permitted; TCB-2 SUP	Defintion & Criteria	
141	Vehicle Sales & Rental	TCB-2	SUP	TCB-1 - Not Permitted; TCB-2 SUP	Defintion & Criteria	
142	Commercial Parking Lots	TCB-2	SUP	SUP	Defintion & Criteria	
143	Plant Nurseries (Outdoor)	TCB-2	SUP	SUP	Defintion	
144	Outdoor Amusement (Mini Golf, etc.)	TCB-2	SUP	Not Permitted	Defintion	

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145	Construction Yards	TCB-2	SUP	TCB-1 - Not Permitted; TCB-2 SUP	Defintion & Criteria	
146	Accessory Outdoor Storage w/ Permitted Use	TCB-2	SUP	TCB-1 - Not Permitted; TCB-2 SUP	Defintion	
147	General Auto Repair	TCB-2	SUP	TCB-1 - Not Permitted; TCB-2 SUP	Defintion & Criteria	
148	Crematories Accessory to Mortuary	TCB-2	SUP	By right	Defintion	
149	Single Residence as a Primary Use	TCB-1, TCB-2	By right in TCB-1, CUP in TCB-2	By right in TCB-1, CUP in TCB-2	Defintion	
150	Multiple Residence as a Primary Use	TCB-1, TCB-2	By right in TCB-1, CUP in TCB-2	By right in TCB-1, CUP in TCB-2	Note: Minimum 20 du/ac	
151	Accessory Dwelling for Owner/Night Watchman	TCB-2	SUP	By right (attached)	Defintion	
152						
153	Town Center Core (TCC)					
154	Auto Service (Gas) Stations	TCC	CUP	CUP	Defintion & Criteria	
155	Car Wash	TCC	CUP	CUP	Defintion	
156	Schools, K through University	TCC	CUP	CUP	Defintion & Criteria	1200' spacing
157	Pawn Shop	TCC	CUP	CUP	Defintion & Criteria	1200' spacing
158	Tattoo Shop & Body Piercing Salon	TCC	CUP	CUP	Defintion	
159	Social Service Facilities					
160	Plasma Centers	TCC	CUP	Not Permitted	Defintion & Criteria	
161	Charity Dining	TCC	CUP	Not Permitted	Defintion & Criteria	
162	Homeless Shelter	TCC	CUP	Not Permitted	Defintion & Criteria	
163	Day Labor Center	TCC	CUP	Not Permitted	Defintion & Criteria	
164	Substance Abuse Detoxification & Treatment	TCC	CUP	Not Permitted	Defintion & Criteria	
165	Rescue Mission	TCC	CUP	Not Permitted	Defintion & Criteria	
166	Similar Social Service Uses	TCC	CUP	Not Permitted	Defintion & Criteria	
167	Auto Repair (Excludes Gas, Auto Body and Paint)	TCC		CUP	Defintion & Criteria	
168	Restaurant w/ Outdoor Seating	TCC	SUP	UP	Defintion & Criteria	
169	Outdoor Activities w/ Wedding Reception Center	TCC	SUP	SUP	Defintion & Criteria	
170	Outdoor Entertainment w/ Restaurant or Bar	TCC	SUP	SUP	Defintion	
171	Heavy Equipment Sales, Rental & Repair	TCC	CUP	CUP	Defintion	
172	Vehicle Sales & Rental	TCC	CUP	CUP	Defintion & Criteria	
173	Commercial Parking Lots	TCC	Temp - SUP	Structured Parking - by right Surface Parking - CUP	Defintion	
174	Accessory Outdoor Storage w/ Permitted Use	TCC	SUP	SUP		
175	General Auto Repair	TCC	CUP	CUP	Defintion	
176	Crematories Accessory to Mortuary	TCC	SUP	CUP		

	A	B	C	D	E	F
1	<u>Land Use Classification</u>	<u>Required Zoning District(s)</u>	<u>Present Conditional Use Permit Process</u>	<u>Proposed Z-code Update</u>	<u>Review Criteria</u>	<u>Notations and Comments</u>
180						
181	Age Specific Overlay Districts					
182	<18 year old Resident to stay > 90 days	Any Base w/ AS Overlay	SUP	UP	Defintion & Criteria	
183						
184						
185	Air Field Overlay Districts					
186	All Height Exceptions	Any Base w/ AF Overlay	SUP	SUP	Defintion & Criteria	
187						
188						
189	General Land Uses					
190	Commercial (Wireless) Communications Towers	Any Base District	SUP	Provides design criteria for Staff Review, and a SUP option for partial compliance	Defintion & Criteria	
191	Golf Courses	Any Base District	SUP (By-right w/ PAD or DMP Overlay)	SUP (By-right w/ PAD or DMP Overlay)	Defintion & Criteria	
192	Special Events > 4 days OR > 4 times per year	Any Base District	SUP	SUP	Defintion & Criteria	
193	Portable Stor Cont - w/ Construction Permit	Any Base District	UP	UP	Defintion & Criteria	
194	Portable Stor Cont - Periodic Use Same time each year (Isochronal)	Any Base District	SUP	SUP	Defintion & Criteria	
195	Temporary Parking Lot	Any Town Center Base District	SUP	SUP	Defintion & Criteria	
196	Commercial Parking Lot/Structure	MX (New Mixed Use District, not yet adopted)	n/a	CUP	Defintion & Criteria	
197						
198	Special Allowances					
199	Height Exceptions for Bldgs	Any Commercial or Industrial District	Design Review Board Approval	Design Review Board Approval	Defintion & Criteria	
200	Exposed Exterior Lighting (typ. Neon, Argon Outlining)	Any Commercial or Industrial District	Design Review Board Approval	Design Review Board Approval	Defintion & Criteria	
201	Murals	All Districts	Design Review Board Approval	Design Review Board Approval	Defintion & Criteria	
202	Comprehensive Sign Plans	All Districts	SUP	SUP	Defintion & Criteria	
203	Freeway Landmark Monuments	Any Commercial	CUP	CUP	Defintion & Criteria	
204	Electronic Message Panels message changes > once per hour	Any Commercial or Industrial District	SUP	SUP	Defintion & Criteria	



August 28, 2009

Mr. Christopher J. Brady
20 E. Main Street, Suite 750
Mesa, Arizona 85211

Dear Mr. Brady,

This letter is to request an extension to the closing date of January 11, 2010 as prescribed in the (date) Real Estate Purchase Agreement between the City of Mesa ("City") and Waveyard Development, LLC, a Delaware limited liability company ("Waveyard"). As you are aware, the global economic market in the last 12-18 months has severely impacted the capital market and an ability to secure financing, especially for complex, multi-million dollar ventures such as Waveyard. Despite these economic challenges, Waveyard continues to explore progressive leads for both financial and operational partners and remains fervently committed to this project, its vision and to Mesa. Our commitment is further demonstrated by the investments and progress completed thus far:

- Land entitlements received, i.e. rezoning approval (C-3-DMP w/ Biz and CUP Overlays)
- ALTA Survey completed
- Design guidelines presented to DRB
- Economic and fiscal analysis completed and Market and Economic Feasibility Report completed
- Pre-submittal provided to City of conceptual plans
- Preliminary drafts of map of dedication, utility infrastructure, traffic reviews, water and well agreement, five-acre lease agreement, park agreement, wall agreement
- Geotechnical site report completed and archeological testing and canal mitigation projects completed
- Also, see the attachment for dozens of other efforts completed and underway by Waveyard.

With all this in mind, Waveyard respectfully requests an extension from January 11, 2010 to July 11, 2011 (18 months). We also request that the City Manager, in his sole discretion, be authorized to grant one additional six-month extension. In exchange for this 18-month extension, option for an additional six-month extension and to further demonstrate our commitment to Mesa and this project, we agree to the following additional provisions in the agreements:

- **Mid-Point Accountability:** On or before January 11, 2011, Waveyard shall have either: established a contractual commitment from an amusement of waterpark operator experienced in owning and/or operating parks of a similar size or nature, or (ii) established that Waveyard has obtained, through a partnership or other contractual or financial commitment, the financial ability of Waveyard to perform the obligations in the Development Agreement. The City Manager, in his sole discretion, will determine whether Waveyard has satisfied this requirement. If this requirement is not met, the City may terminate the agreement.
- **Commitment Pledge:** To further demonstrate how important Waveyard believes this project to be and our commitment to the City of Mesa, we pledge that if for whatever reason Waveyard decides that we are unable to complete this project, Waveyard will work with the City to find another qualified entity, and if the City agrees, we will assign the existing agreement to that qualified entity at fair market value.
- **Regular updates to the City:** On at least a quarterly basis, Waveyard will provide an update directly to the City Manager or his office to report on our progress and efforts during that quarter.
- **Community information-sharing:** In our ongoing efforts to connect to our community, Waveyard has established pages on the social network platforms Facebook and Twitter. We will be using these communication platforms as well as our current website as outlets to provide relevant updates and new information.

And finally, along with these additional provisions and assurances for the City, Waveyard will recommit to meet all existing conditions and requirements.

Mr. Brady, we have appreciated yours and City staff's efforts to date and look forward to continuing to jointly pursue this project for Mesa. We respectfully request as timely of a decision as possible. This will ensure that the financial agreements we are currently pursuing will continue to make progress.

If you have questions about the proposed extension timeline and the conditions we have offered as a way to provide assurances and transparency for the City, the Council and the community about Waveyard's intentions and commitment, please do not hesitate to contact either of us at 480-563-8881. We look forward to hearing your feedback and direction. Once we have that direction, Waveyard will immediately work with our attorneys to draft an amendment to the existing agreement.

Sincerely,

Waveyard Development, LLC

Jerry Hug
Co-Founder

Richard Mladick
Co-founder