



COUNCIL MINUTES

February 4, 2010

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on February 4, 2010 at 7:31 a.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

(Councilmember Richins participated in the meeting through the use of telephonic equipment.)

1. Review items on the agenda for the February 8, 2010 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflict of interest: 7f (Jones)

Items removed from the consent agenda: None

2. Hear a presentation and discuss the recommendations by ASU Urban Planning students regarding Fiesta District.

Zoning Administrator Gordon Sheffield introduced Dean Brennan, a 35-year planning professional, who is currently working as an instructor at Arizona State University (ASU).

Mr. Brennan reported that during the fall semester, students in his Urban Planning class studied the Fiesta District and made various recommendations relative to the area. **(See Attachment 1)** He thanked Councilmember Kavanaugh, Planning Director John Wesley, Economic Development Project Manager Patrick Murphy and Mr. Sheffield for their assistance and support throughout the process.

Mr. Brennan explained that the students envision the Fiesta District as a major urban center and economic development engine for Mesa and the Southeast Valley. He noted that the Fiesta

District also has the potential to include employment, entertainment venues, high-value retail, broad-based housing choices, and recreational and community facilities. Mr. Brennan said that the students utilized the “Fiesta District Design Handbook” as a starting point for their discussions, solicited input from the Fiesta District stakeholders and conducted a survey with the Dobson Ranch Homeowners Association.

Mr. Brennan highlighted various concepts for the Fiesta District that the students solicited from the stakeholders. (See Page 7 of Attachment 1) He commented that one of the most critical components was a pedestrian network, which would connect open spaces and destinations throughout the District, adjacent neighborhoods and the community.

Mayor Smith commented that most pedestrian corridors in the Fiesta District would cross private property and inquired if the students considered how the City could coordinate the creation of the pedestrian network between different property owners.

Mr. Brennan responded that students met with representatives of Banner Desert Medical Center, Mesa Community College (MCC) and Fiesta Mall, all of whom recognized the importance of developing pedestrian corridors in the Fiesta District.

Mr. Brennan further spoke regarding the challenges associated with the Fiesta District, its assets and opportunities, and the identification of guiding principles to provide direction for the land use proposals and development standards. (See Pages 8, 9 and 10 of Attachment 1)

Mayor Smith noted that the layout of the Fiesta District has the potential to make Southern Avenue “a unique place” and said he would be interested in seeing the students’ streetscape concepts for the area.

Discussion ensued relative to the development of the Fiesta Paseo, the pedestrian connectors that would create activities along paths, midpoints and provide diverse points of interest; various issues the students considered regarding the Fiesta District (i.e., sustainability, urban heat island effect, existing zoning); and the students’ Concept Plan, which outlined various land uses for Banner Desert Medical Center, MCC, Fiesta Mall and the Bank of America Financial District. (See Page 24 of Attachment 1)

Mr. Brennan also displayed schematic drawings illustrating a number of options to intensify the Fiesta Mall site. (See Page 26 of Attachment 1) He stated that it was the recommendation of the students that the major entrance into Fiesta Mall be situated off of Southern Avenue and that it be reconstructed so that individuals were aware of its location.

Additional discussion ensued relative to the redevelopment of the Fiesta Village site (See Pages 27 and 28 of Attachment 1), including the recommended addition of a Farmer’s Market and small, unique retail developments to create a more pedestrian friendly environment; and that a team of students would continue to focus on various concepts for the Fiesta Village that were generated last semester. (See Page 32 of Attachment 1)

Mr. Brennan reviewed a series of student recommendations related to pedestrian connectivity and public spaces. (See Pages 33 and 34 of Attachment 1) He also advised that next semester, the students would focus on a form-based code, the Fiesta Paseo Plan and the Fiesta Village.

Councilmember Kavanaugh commended the students for their creative and practical ideas and noted that for a number of years, the City has considered a paseo concept for the Fiesta District.

Councilmember Somers also thanked the students for their efforts and hard work and said that their ideas could be utilized to reinvigorate the Fiesta District.

Juventino Rodarte, one of ASU students, briefly reviewed various concepts that he researched during the previous semester.

Mayor Smith commented that he was very impressed with the students' efforts and said he especially liked their ideas regarding mixed-use projects, building types, streetscapes and retrofitting Fiesta Village. He requested that the students focus on concepts and ideas that the City could readily implement (i.e., related to the regulatory environment and zoning) so that it could work with private landowners in the area. Mayor Smith added that the streetscapes along the public right-of-way are projects that the City would have the potential to complete on its own if funding was available.

Councilmember Somers said that in order for the Fiesta District "vision" to be realized, it was essential that the major landowners in the area determine their individual responsibilities in an effort to move the process forward.

Mayor Smith thanked everyone for the informative presentation.

3. Hear a presentation, discuss and provide direction on revisions to the Council Use Permit requirements in the Zoning Ordinance Update.

Zoning Administrator Gordon Sheffield displayed a PowerPoint presentation (**See Attachment 2**) and reported that in December, staff met with each Councilmember to solicit input relative to the administration of Council Use Permit (CUP) requirements. He stated that he was seeking Council consensus with regard to incorporating those additional options into the draft language of the Zoning Ordinance Update.

Mr. Sheffield highlighted various base zoning districts, such as Social Service Facilities: Residential; Social Service Facilities: Commercial & Industrial; Correctional Transitional Housing Facilities; Heavy Industries; Recycling Centers; and Residential Uses in Commercial Districts, and also reviewed the proposed changes and the Council's suggested options, if any, for those land uses. (See Pages 2, 3, 4 and 5 of Attachment 2)

Mr. Sheffield commented that in speaking with various Councilmembers, they suggested allowing residential uses in commercial districts under certain circumstances. He cited, for example, if a developer proposed a mixed-use project in the C-2 District, rather than proceeding through a CUP process, and within specified density criteria, such a project would be allowed as a "use by right." Mr. Sheffield noted that the Council's suggested options included a minimum of 15 dwelling units/acre, a maximum density of 25 dwelling units/acre in C-2 and said that staff further recommended a minimum 40% commercial Gross Floor Area (GFA) requirement.

In response to a question from Councilmember Somers, Mr. Sheffield stated that an example of a 15 to 25 dwelling units per acre project would be a two to three-story apartment complex. He

stated that in such a scenario, staff has not specified where the GFA would be located on a by-right basis.

Councilmember Somers recounted the development of an apartment complex in a commercial area near Southern and Power Roads. He explained that a live-work space along the front strip of the property proved to be unsuccessful and said that the property was eventually rezoned residential. Councilmember Somers inquired if staff's proposal would lead to similar kinds of projects.

Planning Director John Wesley responded that the example outlined by Councilmember Somers would not occur under staff's proposal. He said it would be necessary for a developer to maintain a minimum 40% commercial GFA requirement under the zoning and added that the residential component would be secondary.

Vice Mayor Jones commented that he was "leery" with staff's proposal without including a stipulation that would require some form of vertical integration and not permitting "stand alone" apartments in the back of a property and retail in the front.

Mayor Smith concurred with Vice Mayor Jones' comments. He also stated that although he was uncertain how staff would craft the wording to accomplish such a goal, it was important to create an objective that would encourage "a true mixed use development and not a way to split zoning."

Discussion ensued relative to a form-based Code, which would focus on design and layout; that the C-2 District has certain height limitations and the development of a high-rise apartment would not be permitted; proposed changes and staff suggested options with regard to Large Format Retail (See Page 5 of Attachment 2); that the proposed Zoning Code would classify Swap Meets and Farmer's Markets as two different activities (See Page 6 of Attachment 2); and the current and proposed zoning requirements for Schools. (See Page 7 of Attachment 2)

Mr. Sheffield further reported that with regard to Payday Loan Stores (See Page 8 of Attachment 2), several Councilmembers suggested that C-1, TCB-1 and TCC Districts be deleted as eligible sites for such a use. He inquired if there was Council consensus concerning this issue.

Mayor Smith suggested that the Council delay discussing this item until it becomes apparent what action, if any, the State Legislature takes regarding the operation of such businesses, which is set to expire in June of this year.

Mr. Sheffield briefly reviewed staff's suggested options for Bars and Commercial Entertainment land uses. (See Pages 8 and 9 of Attachment 2)

Mayor Smith stated that there was Council consensus with regard to staff's suggested options for Bars and Commercial Entertainment land uses.

Mr. Sheffield advised that staff has not proposed any adjustments to Auto-Oriented Uses in the TCC District.

Mr. Sheffield further reported that concerning Tattoo Parlors and Body Piercing Salons (See Page 10 of Attachment 2), the proposed changes include a “use by right” in M-1 and M-2 Districts and also that a 1,200 foot spacing requirement be maintained (currently required with a CUP). He explained that the Council suggested that C-1 and all TC Districts be deleted as eligible sites.

Mr. Sheffield stated that staff further obtained input to “depoliticize” tattoo parlors by allowing such a use with a Special Use Permit (SUP) approved by the Board of Adjustment and not the Council. He said that the Board would conduct a public review process and consider issues such as spacing requirements and various management and standards questions that would occur as part of the submittal requirement.

Councilmember Higgins expressed opposition to the Board of Adjustment being given the authority to issue SUPs for tattoo parlors.

Councilmember Kavanaugh concurred with the “use by right” in M-1 and M-2, supported staff’s suggestion to delete C-1 and all TC Districts as eligible sites, but opposed the Board of Adjustment policy.

Mayor Smith commented that he would keep an open mind with regard to the Board of Adjustment being given the authority to issue SUPs for tattoo parlors, but said he would like to see the type of standards that the Board would apply in that regard. He added that he has long been a proponent of allowing tattoo parlors to be governed by how they conduct business and their impact on the neighborhood as opposed to what they do.

Councilmember Richins remarked that the “use by right” in M-1 and M-2 would open up most of the land along Broadway Road, for example, that was adjacent to a neighborhood and expressed uncertainty whether such a mechanism would be appropriate.

Councilmember Somers noted that although staff’s proposal would allow tattoo parlors and body piercing salons in M-1 and M-2 as long as they are 1,200 away from each other, such a change would not prevent those entities from being next door to a pawn shop, a payday loan store or a check cashing store. He said such businesses would attract “the same type of clientele” to a neighborhood and added that he would prefer some level of separation between such CUP activities.

Mayor Smith indicated that the approach the City took with regard to massage parlors, which was to focus on how the businesses operated, could be transferred to the other activities mentioned by Councilmember Somers. He also concurred that the clustering of a tattoo parlor, a pawn shop, a massage parlor and any other similar type uses “creates a problem.”

Vice Mayor Jones suggested that the Council have the ability to review the use permits to ensure that businesses do not commit Code violations.

Mayor Smith suggested that if a business maintains standards, that the use permit would automatically be renewed for a period of time.

Mr. Wesley explained that staff is in the process of completing a final draft of the Zoning Ordinance update for public review. He stated that based on the Council’s input this morning,

the document may not be ready to bring back to the Council prior to being published. Mr. Wesley said that various decisions would be made at a staff level, but assured the Council that they would have an opportunity to review/modify the document at a later date.

Mayor Smith summarized various input and concerns of the Council regarding Tattoo Parlors and Body Piercing Salons as follows: 1.) What would be the role of the Board of Adjustment; 2.) It was the consensus of the Council that staff eliminate the "use by right" requirement in M-1 and M-2, continue the CUP process, and delete C-1 and all TC Districts as eligible sites for tattoo parlors and body piercing salons; and 3.) That staff be directed to bring back to the Council the proposed standards that businesses must comply with before the City would grant approval.

Mr. Sheffield continued with his presentation and reviewed the proposed Zoning District requirements and criteria for Pawn Shops. (See Page 11 of Attachment 2) He explained that staff proposes to delete M-1 and M-2 Districts as eligible sites for pawn shops and stated that the Council suggested that the C-1 District also be deleted.

Councilmember Somers further suggested that the TCC District be deleted as an eligible site and added that his previous comments regarding the clustering of CUP activities would also apply to pawn shops.

Councilmember Higgins agreed with Councilmember Somers' comments and said that allowing pawnshops in the TCC District would be detrimental to the long-term development of the downtown area.

Mayor Smith stated that it was the consensus of the Council that the TCC District be deleted as an eligible site for pawn shops.

Vice Mayor Jones expressed appreciation to staff for their efforts and hard work relative to the Zoning Ordinance update and said he looked forward to completion of the project.

Mr. Sheffield stated that staff endeavors to present the final ordinance for Council adoption prior to their summer break.

Mayor Smith commented that in the future, he would like to address the creation of a regulatory framework for the Gateway area that would "lock in" zoning for long-term use on property that may not be developed for 20 years, but also allow for a temporary use so that the landowner and the City could garner economic benefit in the intervening years.

Councilmember Somers cautioned that while there are certain opportunities for interim land uses around Gateway, it was important to consider the quality of the development, the Mesa Gateway Area Plan, and how the City could work with the landowner to allow a use that would "not poison the well" for future development.

Mayor Smith thanked staff for the presentation.

4. Hear a presentation, discuss and provide direction on off-track betting facilities within Mesa.

Mr. Sheffield reported that representatives of Turf Paradise contacted City staff to obtain information relative to the approval mechanisms for allowing off-track betting (OTB) facilities in

Mesa. He stated that it was the opinion of Turf Paradise, which has several facilities located throughout the Valley, that there was “a massive black hole” in the East Valley and that Mesa “is in the middle of it.”

Mr. Sheffield explained that OTB facilities apply for a license through the Arizona Department of Racing and stated that the license is authorized by the local jurisdiction/City Council. He noted that if a City Council opposed the license, the application could not proceed further. Mr. Sheffield added that pending Council approval of the license, final authority to grant the license would rest with the Arizona Department of Racing.

Mr. Sheffield remarked that Mesa’s Zoning Code is “absolutely silent” on off-track betting and commented that as Zoning Administrator, he could interpret such activity as a use that was analogous to a pool hall or other type of commercial recreation or entertainment facility. He noted, however, that he would prefer that the Council create a policy in this regard.

In response to a question from Mayor Smith, Mr. Sheffield clarified that if OTB facilities were allowed in Mesa, the City would benefit from higher restaurant/bar sales tax revenues.

Councilmember Somers questioned whether there would be the potential for increased DUI enforcement if OTB facilities were permitted in Mesa.

Discussion ensued relative to the fact that Turf Paradise would operate the OTB facilities, but people could watch simulcasts of races from Turf Paradise and other tracks throughout the country; and that the Arizona Department of Racing monitors the operations of the OTB facilities.

Mayor Smith requested that staff contact other cities that have off-track betting to inquire regarding their experiences with such facilities. He stated that pending the conclusion of such research, staff could bring back the issue to the Council at a future date.

Mayor Smith thanked Mr. Sheffield for the presentation.

5. Acknowledge receipt of minutes of various boards and committees.

- a. Museum and Cultural Advisory Board meeting held October 14, 2009
- b. Library Advisory Board meeting held November 17, 2009

It was moved by Councilmember Somers, seconded by Vice Mayor Jones, that the above-listed minutes be acknowledged.

Carried unanimously.

6. Hear reports on meetings and/or conferences attended.

Councilmember Higgins:	Waxie Sanitary Supply Grand Opening
Councilmember Kavanaugh:	Mesa Arts Center Foundation Fundraiser
Councilmember Somers:	Regional Public Transit Authority meeting
Mayor Smith:	Mayor’s Breakfast
Vice Mayor Jones:	American Public Gas Association meeting
Councilmember Richins:	“State of the City” Address by Tucson Mayor Bob Walkup

Councilmember Somers reported that Governor Jan Brewer recently nominated Mark Killian, a District 6 resident, to the Arizona Board of Regents. He stated that he was hopeful that Mr. Killian's participation on the Board would be an asset for Mesa in bolstering "a higher education presence" in the community.

(Councilmember Richins left the meeting at 9:54 a.m.)

7. Scheduling of meetings and general information.

Deputy City Manager Bryan Raines stated that the meeting schedule is as follows:

Thursday, February 4, 2010, 6:30 p.m. – District 6 Building Strong Neighborhoods Kickoff meeting

Saturday, February 6, 2010, 8:00 a.m. – Household Hazardous Waste Event

Saturday, February 6, 2010, 10:00 a.m. – MACFest

Monday, February 8, 2010, TBA – Study Session

Monday, February 8, 2010, 5:45 p.m. – Regular Council Meeting

Wednesday, February 10, 2010, 7:30 a.m. – Joint Meeting with Dobson Association Board of Directors

Wednesday, February 10, 2010, 4:00 p.m. – Public Safety Committee

Thursday, February 11, 2010, 7:30 a.m. – Study Session (Central Police Station Community Room)

Thursday, February 11, 2010, 9:00 a.m. – Community & Neighborhood Services Committee (Central Police Station Community Room)

8. Items from citizens present.

There were no items from citizens present.

9. Adjournment.

Without objection, the Study Session adjourned at 9:56 a.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 4th day of February 2010. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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