

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD SPECIAL MEETING

Held in the City of Mesa Council Chambers

Date: April 30, 2012 Time: 4:00 p.m.

MEMBERS PRESENT

Randy Carter, Chair
Beth Coons, Vice-Chair
Chell Roberts
Vince DiBella
Lisa Hudson
Brad Arnett
Suzanne Johnson

MEMBERS ABSENT

OTHERS PRESENT

John Wesley
Gordon Sheffield
Tom Ellsworth
Lesley Davis
Angelica Guevara
Wahid Alam
Debbie Archuleta

Chairperson Carter declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated April 30, 2012. Before adjournment at 5:09 p.m., action was taken on the following:

Code Amendment: Amending Sections

Zoning Cases: Z12-20

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Item: **Z12-20 (District 5)** 7555 East Eagle Crest Drive. Located east of Power Road and north of Thomas Road. District 5. Modifications to the existing PAD overlay for the Las Sendas Golf Club Planned Area Development and Site Plan Review. (5.2 ± acres). This request will allow the development of a banquet facility. PLN2012-00058. LSM Golf LLC, owner; David Iverson, applicant.

Comments: Boardmember Arnett declared a conflict due to close proximity of his personal residence and abstained..

Staffmember Angelica Guevara explained the case. She stated the request was for a modification to the PAD and Site Plan Review to allow the construction of a 6,000 sq. ft. banquet hall at the Las Sendas golf course. The applicant was present and made a presentation to the Board at the April 18, 2012 meeting. She stated staff had received an e-mail from a neighbor regarding this case. The neighbor's, Barbara Carpenter and Bob Sheilds, concerns were with one of the conditions of approval which requires development to be in compliance with City Development Codes and Regulations. She wanted that condition to receive the highest scrutiny by City staff. She was concerned about flooding that had occurred in the area previously. The letter statement will be made a part of the permanent file on this property.

Chair Carter stated there were no blue cards regarding this case. The applicant did not wish to speak.

It was moved by Boardmember Chell Roberts, seconded by Boardmember Beth Coons

That: The Board recommend to the City Council approval of zoning case Z12-20 conditioned upon:

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan, floor plan, and landscape plan provided.
2. Certificate of Occupancy shall not be granted until Zoning Ordinance required parking and landscaping are constructed for the building.
3. Compliance with all City development codes and regulations.

Vote: Passed 6 – 0 – 1 (Boardmember Arnett abstained)

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D. DISCUSS AND MAKE RECOMMENDATION TO CITY COUNCIL ON THE FOLLOWING CODE AMENDMENT:

Item: **Form Based Code** (Citywide) – Amending Title 11 of the Mesa City Code (the Mesa Zoning Ordinance) by adding a new Article 6, which consists of Chapter 56 through 64 of Title 11 governing the following items: Chapter 56 - Overview of the Form-based Code including Purpose, Authority and Applicability; Chapter 57 - Maps; Chapter 58 - Building Form Standards; Chapter 59 - Building Type Standards; Chapter 60 - Private Frontage Standards; Chapter 61 - Thoroughfare Standards; Chapter 62 - Civic Space Standards; Chapter 63 - Smart Growth Community Plans; and Chapter 64 - Definitions related to the Form-based Code.

This request involves adoption of a Form-Based Code for potential Citywide application, and with an initial application on land parcels within the vicinity of Downtown Mesa.

Comments: Boardmember Vince DiBella declared a conflict due to property ownership within the area covered by the regulating plan and abstained

Staffmember Jeff McVay explained staff had been presenting the Board with information on the Form Based Code as it was being written. He explained that by recommending approval of the FBC the Board would also be recommending approval of the regulating plan to City Council.

Vice Chair Beth Coons confirmed that the regulating plan map is part of the FBC, it was a separate chapter of the FBC, therefore, by recommending approval of the FBC they would be recommending approval of the map by reference. The agenda language described the boundaries of the regulating plan.

Boardmember Suzan Johnson confirmed that by recommending approval of the FBC they would be recommending modifications 1 through 8. Those modifications would be made part of the document taken forward to City Council.

Chair Randy Carter confirmed the staff recommendation would reference the regulating plan as the document. The agenda item lists the boundaries of the regulating plans in almost surveyors terms.

Boardmember Chell Roberts summarized that staff was asking for adoption of the FBC with a regulating plan and 8 conditions of approval.

Vice Chair Beth Coons was concerned that the public may not know there had been changes to the document, including the 8 conditions. She wanted to know how much outreach there had been. Mr. McVay stated there had been several neighborhood outreach meetings. He stated there had been attendance at the earlier outreach meetings. Staff had also sent out mailers for the public meetings this month. Mr. McVay had spoken to several people who had questions after receiving the mailers.

Planning Director, John Wesley, stated staff had mailed every property owner within the regulating plan area and those property owners within 500 feet a couple weeks prior a letter that explained the Code and included a map that showed their existing zoning and what their new zoning would be so they could easily compare. He stated there would be a follow-up letter prior

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to City Council which would include the eight recommended changes, most of which apply to City owned property. There would also be the opt-in before the rezoning would be effective on any individual property.

Boardmember Roberts confirmed this would affect the Downtown and Temple/Pioneer Park Neighborhoods. He was concerned with the opt-in option, and what would happen when one property opted in and their neighbor did not. Mr. McVay answered there could be situations where one property owner opted in and that allowed certain development rights that were different than what had been allowed in the area previously, and a neighboring property may not like that. The upside to that statement is the FBC is the key implementing tool of the Central Main Plan that is trying to create the vision that was adopted by that plan. The Central Main Plan was large public process that reflects the community's vision. Therefore the implementation of that plan should be something people should be prepared for in the long run.

Boardmember Roberts understood the City had been working on the plan for a long time, and he stated he was an advocate for FBCs. He liked the concept and the idea. He understood the City Council would vote on this. He confirmed that if the FBC was not opt-in there could be some 207 problems. Mr. McVay stated that if you look at the regulating plan, the hierarchy of how the districts are laid out, there is not a large departure from development intensity from what is allowed in the current Downtown Core district since there essentially is no limit to what is allowed in the Downtown Core, you can assume a 20 story building could be built next to you if it can get approved by Council. This plan makes it very well known what can happen next to you.

Boardmember Suzanne Johnson confirmed that if someone opts in to the FBC there would not be the same public process that there would be for someone under regular zoning, therefore the neighbor would not have the same ability to object. Staffmember McVay stated that one of the major incentives of the FBC is that it's so prescriptive that if you opt-in you have a level of confidence as to what would happen with that Code. That takes a way much of the need for the public review process.

Planning Director, John Wesley stated that this process is the rezoning, that is why staff published in the paper and sent mailers to everyone in the area, and 500 feet outside the area. This is the rezoning, it just doesn't become effective until the property owner opts in. He reiterated that the zones were very similar.

Vice Chair Coons wondered how many plans and how many times there have been changes to downtown. Staffmember McVay stated there had been many plans, the one thing that is different this time is light rail. There had been many good plans and many of the ideas in the Central Mail Plan were borrowed from previous plans. He stated the difference now was that most of the changes in the past had been public investment. With the Central Main Plan and light rail staff envisions more private investment.

Staffmember Gordon Sheffield stated that prior to 1980 there had been a few different Downtown zoning efforts. Between 1980 and 1988 the City Council tried several different redevelopment options, much of the area was declared a redevelopment site. The City tried different types of overlay districts, the problem was applicants had to go through a public hearing process and weren't sure what they would get in the end. This plan tries to provide predictability, here are the standards, if you meet the standards, you get to build without public hearings.

Vice Chair Coons confirmed there would be no cost to downtown business owners if they choose to opt-in.

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Boardmember Suzanne Johnson asked what would happen if a business owner who opted in made a submittal to staff and staff disagreed. Staffmember McVay stated their option would be through the normal public hearing process.

C.L. Recker P.O. Box 11115 Sun Lakes, Arizona, stated she was a property owner on Main Street. She stated she had not received any letter. She wanted to know how far east and west this covered and if this would have any effect on the sale of properties within the boundary.

Staffmember McVay explained the boundaries and the map was displayed on the elmo. He explained staff got their addresses from the County Assessors site. Boardmember Coons then confirmed that the sale of properties would not be affected by this. Chair Carter confirmed that once a property opted in the only way to "opt back out" would be a full rezoning process. The FBC would go with the property.

Boardmember Roberts confirmed that the public could still have input at the City Council meeting. Staffmember McVay stated staff would be sending out another mailer prior to the City Council meeting. Boardmember Roberts confirmed the other notifications were a full display ad in the Arizona Republic newspaper, two Saturdays prior to the meeting, the agenda was published on the City website, as well as the FBC website.

Bill Williams 50 East North Temple, Salt Lake City, Utah then spoke. He stated the City had been very cooperative with them, and they had received all of the mailers, and had been very supportive. He stated that he believed the FBC gave property owners more alternatives than conventional zoning. His only challenge was they thought the Temple would be entirely institutional/civic, the new map showed T4 Main Street and T4N. He wondered what the implications would be long term for the Temple block. Staffmember McVay stated the Temple was currently zoned RM-2 and DR-2 with a small piece of commercial at the corner, it was an odd situation, but how it was previously shown as civic institutional alone would have actually taken away zoning. Staff's recommendation was to add transect zones that would allow parks and open space, so from a use perspective the uses would not change. From a detail perspective there could be changes for setbacks for building additions. Staff tried not to make something urban there because it's a park. Where it was T4 Main Street, should it be redeveloped in a way that isn't the way it is today, you maintain the integrity of Main Street with buildings on the street. Should it be redeveloped as something other than the Temple the FBC would deal with that possibility. Planning Director John Wesley then stated the owners could choose to maintain the current zoning, opt in to the FBC or rezone the property to something else.

Chair Carter asked how the different events that occur on the Temple grounds would be affected if they choose to opt in. Also how would it affect remodeling or expansion of the visitors center or other buildings. Staffmember McVay stated civic space was allowed in every transect zone, so all the ancillary uses would be allowed as well. As far as remodeling, if they stay within their shell then it would be the normal process of going through Building Permits. If they enlarge, staff did not want to have non-conforming statutes within the FBC that would dissuade people from wanting to opt in, so they had made the non-conforming statutes to be more flexible. Applicants could expand up to 20% up to a maximum 1,000 square foot change before they have to conform to the FBC. So if someone wanted to opt in to the FBC but they were not ready to demolish and build a new building while still investing in their building staff tried to make it so they can be in the FBC and still accomplish that.

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Vice Chair Coons confirmed the south side of Pioneer Park was T4 Main Street so there could be high rise buildings. Staffmember McVay stated staff did not anticipate anything other than the park; however, they wanted the Transect that remains to strengthen Main Street. The height limit would be 2 or 3 story so there would not be high rises. The reality was staff did not expect Pioneer park to change.

Mr. Williams stated the only concern was they had been working with the existing zoning and they had done many things over the years, so he presumed that given a future decision there would still be the opportunity to make some changes provided it stayed that park like setting. He thought there needed to be some revisions, especially with the advent of light rail, so they wanted it to be as flexible as possible. His only concern was that there would be a minimum or maximum setback. Staffmember McVay stated it was the goal of the FBC to make an urban setting. He stated it was hard to answer the question without knowing what they may ask for. If the intent was to maintain it as civic space and have some development that still maintained it as civic in nature that would be one issue, if they wanted a different type of use and exceeded the 20% threshold then it might kick in requirements of the FBC which does have maximum setbacks for the T4 Neighborhood and the T4 Main Street. They would need to work with the property owner on the future goals in order to determine whether or not they choose to opt in.

Chair Carter stated he was surprised there was not a section of the FBC that dealt with certain areas of the downtown of historic nature such as the Temple. Areas where you might want to have the FBC as the basic Code but without the maximum setback attached to it. Staffmember McVay stated staff had tried to do that. The core downtown business area hatched on the map is designated as T5 Main Street. The reason was, T5 Main Street has a minimum of three stories and depending on what you want to do with the property could be out of character. That hatch would allow you to maintain a 2-story character. Within the standards for the T3 Neighborhood, where designated historic neighborhood a note was added for setbacks that allows building with a deeper setback than Code based on the prevailing setback pattern. The third thing, the model Smart Code includes a Special District. That district would be a lot like the downtown code with no form standards applied. The Temple may be good place for a Special District.

Mr. Williams then asked if they could take the visitors center, move it off to the side and flank that with something like a family history center which would be a new use on the site, but maintain the park like setting. Also if they were able to reconfigure so there was not the need for so much on street parking. Staffmember McVay then stated the 20% is capped at 1,000 square feet. The option would be a Substantial Conformance Improvement Permit (SCIP), which would allow applicants to modify their property without having to come into complete conformance with the Code. It was an option that was used with a lot of success for sites that could not expand if they had to be in full compliance with the Zoning Code in place. It was another avenue intended in the FBC to allow properties to improve and move in the right direction.

Chair Carter asked what the possibility was of having a Special District added to the Code. Staffmember McVay did not think it was possible prior to August, but as direction from the Planning and Zoning Board, he thought it was something staff could work into an amendment at a later date. Planning Director John Wesley then stated the existing zoning on the Temple would probably cause problems for the expansion Mr. Williams was talking about. So this was not making anything worse and probably made it better with the SCIP options available in the FBC. But a Special District was probably a good option. Chair Carter thought the Special District would be a good idea.

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Boardmember Coons was uncomfortable with some of the changes that had occurred at the last minute; however, property owners could stay with the zoning they currently had, they could sell their property with the original zoning they had. She thought the Temple and Pioneer Park were beautiful assets to downtown. She thought it should be a Special District.

It was moved by Boardmember Beth Coons, seconded by Boardmember Brad Arnett

That: The Board recommend to the City Council approval of the Form Based Code:

With the modifications to the regulating map recommended by staff and within the direction that staff will develop a Special District that will be added to the FBC as a transect zone that can be applied, with property owner approval, to Pioneer Park and the Temple Grounds.

Boardmember Roberts confirmed that if the Board directed staff to write the Special District it would delay the approval which would mean the City would not meet the time frame of the Performance Measure with the Department of Energy. Staffmember McVay stated staff agreed the Special District was a good idea.

Boardmember Suzanne Johnson asked if through the special planning areas, was there a way the Special District could be consistent with what is already in the special planning area. Staffmember McVay stated the special planning areas were not transect zones, they were areas of such size and potential that the consultant and staff felt it would be too premature to try to establish transect zones on them. They were established so that the transect zones could be established at a later date, with full public review for master planning.

Vote: Passed 6 – 0 – 1 (Boardmember DiBella abstained)

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Respectfully submitted,

John Wesley, Secretary

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Planning Director

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