

COUNCIL MINUTES

March 30, 2006

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 March 30, 2006 at 7:30 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

Tom Rawles

COUNCIL-ELECT PRESENT

Scott Somers

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Rawles from the meeting.

1. Review items on the agenda for the April 3, 2006 Regular Council meeting.

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

Conflicts of interest declared: 5f, 6h and 6i (Hawker)

Items added to the consent agenda: None

Items removed from the consent agenda: 6h and 6i

2. Discuss proposed amendment to Mesa City Code 11-13-2 of the Zoning Ordinance to allow the platting of condominium subdivisions without requiring a PAD overlay or frontage on a public street for individual units.

Planning Director John Wesley addressed the Council relative to this agenda item and advised that in accordance with the City's Zoning Ordinance, "every lot shall have frontage on a dedicated street unless the lot is part of an approved Planned Area Development (PAD)." He noted that although condominium plats do not create the traditional lot in terms of dividing off sections of real property into separately identified parcels, they do create areas of ownership that are still considered lots. He added that based on this requirement, those condominium lots must either have frontage on a dedicated public street or be part of an approved PAD. Mr. Wesley said that there has been a lot of interest expressed recently regarding converting existing apartment complexes into condominium projects and reported that research into this area has determined that the process for proceeding with such conversions in Mesa is more difficult than in other municipalities because of the City's requirement for the PAD zoning. He added that the developers are frustrated with the process. He stated that not only do other

municipalities not require a PAD, under State law zoning ordinances are not to impose any additional requirements on condominiums compared with the same development under a different form of ownership. He explained that if the rezoning to PAD cannot be used to address site improvements when changing from an apartment to a condominium, there is no real benefit to participating in the rezoning process.

Mr. Wesley informed the Council that when this issue was previously raised, concerns were expressed regarding the conversion of smaller apartments, dealing with multiple property owners and the formation of Homeowners' Associations.

In response to a question from Mayor Hawker relative to amenities, Mr. Wesley stated that staff shares concerns regarding this issue. He said that PAD requirements do not address the question of amenities when four-plexes change over to condos.

Mayor Hawker commented on the importance of sustainability and noted that some of the individual units may deteriorate over time and affect surrounding property values. Mr. Wesley agreed and said that it was a "buyer beware" type of situation that perhaps should be addressed by the State Legislature.

Councilmember Walters asked Assistant to the City Manager Jim Huling whether a law could be crafted to require people who want to convert to condominiums to address some of the amenity issues. City Attorney Debbie Spinner interjected that first they would have to change State statutes. Assistant City Attorney Jim Smith commented that it comes from the Uniform Condominium Law and added that there is no case law available that interprets that.

Councilmember Walters expressed the opinion that they should go to the Legislature and try to identify a remedy that addresses some of the issues. She said that she doubts that some of the units would be sustainable and suggested that during the next Legislative session they provide direction to the Legislators to begin working on this important issue.

Councilmember Jones also stated concerns regarding four-plex conversions and asked whether the City had the ability to put on a limit on what can be converted. Ms. Spinner responded that staff would look into this matter and get back to the Council with their results. She added the opinion that it may be inconsistent with State statutes and subject to challenge.

Councilmember Griswold noted that Mesa is the only city in the entire Valley that does not have a "slum landlord law" and said that he would like to pursue moving in that direction.

Councilmember Thom stated the opinion that ownership would improve the quality of the buildings and added that she would definitely support this issue. She commented that requiring older properties to be brought up to Code just because an owner wants to sell in pieces is "silly" in her estimation.

Councilmember Walters emphasized that they are not attempting to prohibit people from converting. She added that in the past they were required to go through a PAD process and this is to eliminate that. She agreed that they should look at a "slum landlord law" and noted that it would constitute a Charter change at a future election.

Mayor Hawker noted that this issue would be further discussed at Monday's Regular Council meeting and thanked staff for their input.

3. Discuss and provide direction regarding proposed revisions to the Freeway Landmark Monument Guidelines.

Zoning Administrator Gordon Sheffield addressed the Council relative to this agenda item. He said that the Council previously charged staff with the task of putting together a small Ad Hoc Committee, composed of two members each from the Planning & Zoning Board (Alex Finter and Rob Burgheimer, who were seated with him at the podium) and the Design Review Board (Pete Berzins and Jared Langkilde). He noted that the Committee reviewed the existing Guidelines and discussed options for possible modifications. He said that the Committee then recommended revisions, which were reviewed by the full Design Review Board (DRB) and the full Planning and Zoning Board (P&Z).

Mr. Sheffield informed the Council that the DRB recommended approval of the revisions and at the P&Z meeting, the Arizona Sign Association (ASA) voiced concerns over two items: a guideline calling for the principal wording of the sign to reflect the place or project name and a concern over how the focal point of the sign height will be determined. He added that the matter was continued to consider additional revisions and two minor changes were recommended by the Committee and forwarded to P&Z, which, in turn, recommended approval of the modified version. He noted that ASA's representative indicated that his organization agreed with the final version.

Mr. Sheffield stated that the proposed revisions may be generally categorized as a new "General Provisions" Section; revisions to the "Location and Siting" Section; revisions to the "Design and Construction" Section; (there were no revisions to the "Exterior Illumination" or "Electronic Message Display" Sections); revisions to the "Modifications and Alternatives" Section; a new "Required Submittals" Section and revisions to the "Approved Process" section (See Attachment 1).

Mr. Sheffield distributed copies of a letter received from the Arizona Sign Association to the Council indicating their support for the work that has been done.

Mayor Hawker thanked staff and the members of the Committee for their efforts in this regard.

Discussion ensued regarding the proposed 99-foot sign at the Sossaman site and the fact that the project will not be done as an auto mall, the developer wants to move forward with industrial development; the fact that Riverview permits are being issued for three of the four signs for that site and discussions are occurring relative to possibly modifying the fourth sign; the fact that they came in before the Guidelines were addressed; staff's intention to meet with Fiesta Mall representatives to discuss the issue; the fact that discussions have taken place about Longbow, but no applications have come forward; and the fact that there is criteria for denial because it is a regional commercial site in accordance with the City's General Plan.

Councilmember Walters questioned the status of "view corridors" and Mr. Sheffield reported that staff attempted to keep the focal point of the signs limited and place more space between the signs.

Additional discussion took place regarding "view corridors" and limiting signs for practical reasons (sections at freeway that may require higher signs and criteria for both higher and lower sign proposals); and the importance of having views looking back from the other direction so that homes are not impacted.

Councilmembers Walters and Griswold commended staff on their efforts. Councilmember Walters left the meeting at 8:40 a.m.

Ms. Spinner stated that if the Council wanted to move forward on this matter, the priority guidelines can be adopted by resolution.

Mayor Hawker commented that it is the general consensus of the Council that they proceed with this matter. He added that he does not support monument signs at that height and for that reason he will vote against the proposal.

Councilmember Thom stated the opinion that the changes are worthwhile and she hopes to see an industry endorsement come forward.

Mayor Hawker thanked staff for the presentation.

4. Hear an update on the Police Chief selection schedule.

Assistant City Manager Paul Wenbert addressed the Council relative to this agenda item and briefly outlined a proposed schedule for Police Chief interviews (See Attachment 2).

Mayor Hawker asked whether the proposed process was similar to what would be done in other cities and City Manager Christopher Brady responded that it was similar to the process that was being carried out across the country. He emphasized that the interview panel will not make recommendations, they will assist the City Manager in making his assessment and Mr. Brady would then present his recommendation to the City Council.

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

- a. Human Relations Advisory Board meeting held on February 22, 2006
- b. Human Services Advisory Board meeting held on February 23, 2006
- c. Design Review Board meeting held on March 1, 2006

It was moved by Councilmember Griswold, seconded by Councilmember Whalen, that receipt of the above-listed minutes be acknowledged.

The motion carried unanimously by those present (5-0).

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

Councilmember Thom: Grand Opening of Co-America Bank
Santan Little League Kickoff (Sponsors needed)

Councilmember Griswold: Special Olympics Basketball Tournament
Career Day at Red Mountain High School
Neighborhood Meeting at the new Red Mountain Police Station

Flood Control Meeting with MCDOT Re: Power Road &
McDowell area

Mayor Hawker: Regional Councils of Government Meeting (To be continued at
the Arizona League of Cities & Town's Meeting)

Councilmember Whalen: Last Cubs Spring Training game.

7. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Monday, April 3, 2006, TBA – Study Session

Monday, April 3, 2006, 5:45 p.m. – Regular Council Meeting

Thursday, April 6, 2006, 7:30 a.m. – Study Session

8. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the Study Session adjourned at 8:50 a.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, 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 30th day of March 2006. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

lgc

Attachments (2)

City Council Report

Date: February 28, 2006

To: City Council

Through: Christopher J. Brady, City Manager
Paul Wenbert, Deputy City Manager

From: Jack Friedline, Development Services Manager

Subject: Proposed Revisions to the Freeway Landmark Monument Guidelines (Citywide)

Purpose and Recommendation

This report accompanies proposed revisions to the Freeway Landmark Monument (FLM) Guidelines. Planning Division staff recommends approval of the changes as submitted.

On January 4, 2006, the Design Review Board voted unanimously to recommend approval of the proposed revisions. The Planning and Zoning Board recommended approval of an amended version with two minor wording changes at their February 16, 2006 meeting. The P&Z Board vote was unanimous, as well.

Background

At a joint meeting with the City Council, members of the Planning and Zoning Board indicated to the City Council a need to modify the FLM Guidelines. Members of the Board felt the existing Guidelines were too broadly written, and allowed too many alternatives. The Council agreed to the formation of a small Ad Hoc Committee, which was composed of two members each from the Planning and Zoning Board (Alex Finter and Jared Langkilde) and the Design Review Board (Pete Berzins and Rob Burgheimer). This Committee reviewed the existing Guidelines, and discussed options for possible modifications. The Committee then recommended revisions, which were reviewed by the full Design Review Board (DRB) and the full Planning and Zoning Board (P&Z).

The DRB recommended approval of the revisions with little debate. At the P&Z hearing, the Arizona Sign Association (ASA) voiced concerns over two items: a guideline calling for the principal wording of the sign to reflect the place or project name, and a concern over how the focal point of the sign height (top of the sign vs. legibility of the sign copy) will be determined. The matter was continued to allow the ASA representative (attorney Bill Allison), the Ad Hoc Committee and staff to meet to consider additional revisions. Two small changes were recommended by the Committee, and forwarded to the P&Z Board. P&Z, in turn, then recommended approval of the modified version. The ASA representative indicated his organization agreed with the latest version of the revisions.

Discussion

After hearing three separate applications for Freeway Landmark Monuments (FLMs) (the Sossaman Auto Center, the Riverview development, and the Superstition Gateway development), there were some thoughts about what aspects of the Guidelines worked, what parts needed to be strengthened, and the need to add new language. It should be noted that the Freeway Landmark Monument Guidelines are not mandated regulatory requirements, and are adopted by resolution, not as an ordinance. The intent is to provide both general and specific parameters for review and evaluation of freeway oriented signs. Deviations from the Guidelines may still occur, and such deviations may be

approved by City Council without the need for approval of a zoning variance by the Board of Adjustment.

The proposed revisions may be generally categorized as follows:

New "General Provisions" Section.

This section is being added to provide some general overall parameters to the review of FLM applications. In particular, it does the following:

- a. Limits the number of FLMs to one per development, unless the project has a very large land area (in excess of 60 acres) and a long freeway frontage (in excess of 2000 feet).
- b. The name of the project will be emphasized by placing it at the top of the sign, and devoting a minimum of about 20% of the available sign area to the place/project name. Tenant identification will be considered secondary with regard to placement, but may be used for the remainder of the available sign area.

Revisions to "Location and Siting" Section

- a. Increases the separation between FLMs (on the same side of the freeway) from 1320 feet to 2000 feet, primarily to reduce the number of potential FLMs within a given mile of freeway frontage from 4 to 3.
- b. Introduces a new setback. The FLM is to be at least 10 feet away from any residential uses for each one-foot of total FLM height. Example: If the sign were 60 feet tall, the setback would be 600 feet. The intent is to reduce the potential impact of the height of the sign on neighboring residential sites.

Revisions to "Design and Construction" Section

- a. Sets the focal point for determining height as the top of the sign, not the visibility of all of the sign copy. Again, the intent is to limit the impact of the sign on neighboring properties by providing a balance between the need for visibility of the sign and the desire to preserve aesthetic views of the surrounding landscape.
- b. Introduces a ratio for determining the maximum sign area for smaller eligible sites, and also sets an overall cap for the maximum sign area at 750 square feet for larger sites.
- c. Introduces design criteria to limit the degree of background light emanating from the FLM. The intent is to limit nighttime distractions, and to create a more aesthetic appearance of the FLM at night.
- d. The language of item IV.C.1. has been modified (page 4 of the FLM Guidelines, 3rd Draft). The intent of this section is to set a focal point for determining sign height based on the potential impact of the sign. The Arizona Sign Association is concerned that the emphasis on determining actual sign height will detract from the visibility of tenant ID sign panels. To give some flexibility to the review boards (P&Z and Design Review), rather than state that tenant panel visibility MAY NOT be used as an argument to increase the height of the FLM, the words SHOULD NOT are used. Staff would discourage the applicant from justifying a height increase on the basis of tenant panel visibility, but the applicant may bring the issue to the review boards as a discussion point during the public hearing review process.

There were No Revisions to the "Exterior Illumination" or "Electronic Message Display" Sections

Revisions to "Modifications and Alternatives" Section

This section allows the Council to approve "alternative" FLM requests that might not adhere to all of the FLM Guidelines. Under the existing approved Guidelines, the Council would have the option of allowing alternatives if any one of the five criteria were found to be in place. This proposed revision would keep the five criteria, but organize them to require findings in three of the five criteria. Specifically, there would be a requirement to find both superior design quality, and that the request would result in conditions equal or superior to conditions that would have resulted had the Guidelines been followed. In addition, there would also be a need to find that the "alternative" request involves one of the following: 1) extraordinary conditions related in some fashion to the development site; 2) the development itself represents a clear variation from conventional development; or 3) the FLM location is both a site designated Mixed Use/Employment by the Mesa General Plan, AND is within two (2) miles of two (2) intersecting freeways

New "Required Submittals" Section

The Ad Hoc Committee felt the submittal requirements were too lax, and did not provide them with enough information to get a true sense of the impact of the project, often leaving them to make educated guesses in developing their recommendations. In particular, they required a more substantial "empirical" test (or balloon test) and would also require a photo simulation or equivalent rendering. The simulations are intended to give a sense of the design and placement, as well as a review of the visual impact of the FLM from neighboring residential sites. It also requires a section drawing as a means to help determine the maximum height. The section drawing will help determine what objects may interfere with the visibility of the FLM from one-quarter mile (1320 feet) away.

It should be noted that the revised submittal requirements include documentation of four height options, including one higher and two lower than the requested height. Together with the use of photo-simulations and the added requirements to the empirical observation (balloon) test, the review boards should have additional material available to determine appropriate FLM height. (See item VI., beginning on page 8.)

Revisions to "Approval Process" Section

- a. The proposed revision introduces some language to standardize the Citizen Participation Process for FLMs, setting a standard notice radius of 300 feet plus 15 times the FLM total height. For example, a 60 foot high FLM would have a 1200 foot notice radius, a 75 foot high FLM would have a 1425 foot notice radius. It would also require a neighborhood meeting to explain the proposal, and notice sent to neighborhood groups within one mile of the FLM site.
- b. Sets the Order of Review. Previously, the Planning and Zoning Board reviewed requests without knowledge of any design changes that may be proposed as a result of the Design Review Board process. The proposed revisions would allow the Design Review Board to begin working with the applicant on the design while the Planning and Zoning Board reviews the case for issues relating to compatibility, number and size. The recommendation of the P&Z Board would then be relayed to the Design Review Board for incorporation into a final design recommendation.

Alternatives

1. Adopt the revisions as written.
Result: Advisory Boards and staff will review FLM request based on more stringent guidelines.
2. Do not adopt the revisions as written.

Result: Public reviews of FLM requests continue to be based on the existing Guidelines adopted by City Council in 2004.

3. Modify the proposed revisions.

Result: The revisions proposed reflect the direction of fourteen advisory board members, and have been recommended by the Arizona Sign Association. Still, something may have been overlooked. Additional modifications may be needed to incorporate concerns of Council members that were not a part of the Ad Hoc Committee discussions. Also, there may be a need to leave some portions of the existing guidelines with the present wording.

If there is a consensus for a change to the revisions being proposed, staff will alter the wording accordingly, and bring back the Guidelines for further review.

Concurrence with Mesa 2025 General Plan

Adoption of the revisions to the FLM Guidelines, as proposed, would be in compliance with the following Goals and Objectives of the Mesa General Plan:

ELEMENT 2.0 - LAND USE

Goal LU-1: Develop a land use pattern throughout the City that creates orderly municipal growth, achieves compatibility with surrounding communities, and is consistent with other plans and programs of the City.

Objective LU-1.1: Create the most advantageous economic and environmental balance of build-out land uses based on community and regional characteristics.

Policy LU-1.1 d: Coordinate land use planning projects with landowners, local neighborhood associations, nearby industry and developers to achieve consistency with City policies and compatibility among developments.

Goal LU-4: Provide for an adequate supply of commercial acreage and space that provides increasing levels of annual sales tax to the City.

Objective LU-4.1: Maximize opportunities for the use of the land adjacent to and within close proximity to existing and proposed freeways for large-scale non-residential uses.

Objective LU-4.4: Establish design criteria for the appropriate location and scale of commercial uses.

ELEMENT 7.0 - HOUSING

Goal H-2: Promote the preservation and development of high-quality, balanced, and diverse neighborhoods for persons of all income levels throughout the City of Mesa.

Goal H-3: Encourage the development of an appropriate mix of residential land uses throughout the City. Protect and preserve existing, stable neighborhoods and new residential developments from incompatible adjacent land uses.

Objective H-3.1: Preserve and protect the City's neighborhoods by minimizing internal and external impacts that may detract from a neighborhood's ability to offer a safe and aesthetically pleasing environment.

Policy H-3.1 a: Ensure that residential areas are adequately buffered from incompatible uses through the use of zoning and development regulations.

Citizen Participation

The Ad Hoc Committee met in an open meeting five times. An attorney/representative of the Arizona Sign Association was able to be present and listened to the Committee's general discussion at four of the five meetings, and specifically participated in the fifth meeting at the direction of the Planning and Zoning Board. A copy of the proposed revisions has also been sent to the Mesa Chamber of Commerce as an informational item.

ATTACHMENT 2

3/30/06

POLICE CHIEF SELECTION SCHEDULE

- Week of April 17-City provides news release on semi-finalist candidates to be interviewed.
- April 27, afternoon-Semi-finalist candidates are provided with tour of Mesa.
- April 27, 6:00 P.M.-Community Meet and Greet-- invitations as well as news release inviting general public will be sent.
- April 28-Semi-finalist candidates are interviewed by panel comprised of:
 - Mike Cowan
 - Henry Castillo
 - Sally Downey
 - Albert Ortiz
 - Everette Woods, Sr.
 - Susan Weidner
 - Paul Wenbert
- April 28--Chris Brady meets with interview panel to obtain their assessment of semi-finalist candidates.
- May-Videotapes of semi-finalist candidates' April 28 interviews are provided to Mayor and City Council for review.
- May-Chris Brady interviews finalist candidates and selects Police Chief candidate for recommendation to City Council.
- June 5, 2006-City Council meeting for appointment of Police Chief.