

COUNCIL MINUTES

September 4, 2003

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 September 4, 2003 at 7:30 a.m.

COUNCIL PRESENT

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

COUNCIL ABSENT

None

STAFF PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

1. Review items on the agenda for the September 8, 2003 Regular Council meeting.

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

Conflict of interest declared: 11a (Whalen)

Items deleted from the consent agenda: 3a, 3b, 3c, 9a, 9b, 10a, 10b, 10c, 10d

Items added to the consent agenda: 10e

Items removed from the consent agenda: 6a, 9.1

2. Discuss and consider modification of an existing Special Use Permit for a Comprehensive Sign Plan (Case No. ZA02-007TC) to include the permanent use of the 45-foot high freestanding sign at 145 East Main Street, Brown and Brown Chevrolet.

Senior Redevelopment Specialist Patrick Murphy addressed the Council and provided a brief historical overview of this agenda item. He reported that on August 1, 2002, the City Council permitted the retention of a 45-foot high freestanding sign at the Brown and Brown Chevrolet (Brown and Brown) dealership located at 145 East Main Street for a period of one year, at which time the Council directed the Downtown Development Committee (DDC) to consider the matter and issue a recommendation to the Council. He explained that on July 17, 2003, the DDC recommended, by a vote of 6 to 1, to extend the Special Use Permit until November 2005 to

allow temporary use of the 45-foot high sign with the stipulation that Brown and Brown submit conceptual designs for a replacement sign or identifier by January 2004 for DDC approval and subsequent implementation of the identifier by November 2005 (to coincide with the opening of the Mesa Arts Center).

Mr. Murphy commented that since August 1, 2002, Brown and Brown has implemented the comprehensive sign plan by removing a 14-foot high freestanding sign on Main Street and a 6-foot high freestanding sign on 1st Avenue, as well as installing wall-mounted signs on the facility's parking structure on the north side of Main Street. He stated that on June 2, 2003, Tim Brown, General Manager of Brown and Brown, submitted a letter to the City requesting an amendment to the dealership's comprehensive sign plan to include the 45-foot high sign on a permanent basis.

Mr. Murphy informed the Council that in a meeting yesterday with representatives of Brown and Brown, staff was apprised of the fact that Mr. Brown was in receipt of a letter from General Motors Corporation (GM) indicating that the company does not offer or support the use of custom retail signage at their retail dealerships. He noted that the letter was in response to the DDC's stipulation that to extend the Special Use Permit, Brown and Brown would be required to submit conceptual designs for a replacement sign or identifier. Redevelopment Director Greg Marek added that the DDC had expressed concerns that the current 45-foot high sign was dated and that a more "artistic" sign might be an appropriate option.

Mayor Hawker recounted his remembrance of this issue when it came before the Council in August of 2002. He commented that at that time, the palo brea trees located on Main Street near the dealership had not grown to a significant height to warrant that Brown and Brown install a ground-mounted sign; that it was the preference of the dealership to allow the trees to mature for a period of time, and that subsequently, Brown and Brown would return to the City with a sign package which would include the installation of a lower profile sign, as well as the removal of the 45-foot high sign. Mayor Hawker questioned whether there has been a change with regard to the focus of the case.

In response to Mayor Hawker's comments, Mr. Marek concurred that the palo brea trees have not grown substantially in the past year, and stated that it will probably take a minimum of four to five years before there will be a significant tree canopy. He added that although he does not wish to speak for Brown and Brown, it is his impression that they feel that the location of the trees does not provide the dealership with the necessary visibility and that a tall identifier sign is necessary so that customers can locate the facility.

Mayor Hawker suggested that as an alternative to the DDC's recommendation, it may be appropriate to place the issue in abeyance until such time as the trees have an opportunity to mature and said that the Council could then reevaluate the tree height and the need for a ground-mounted sign.

Councilmember Walters concurred with Mayor Hawker's comments and stated that she is not prepared at this time to declare the 45-foot high freestanding sign as a permanent structure.

It was moved by Councilmember Walters, that the Council review the Special Use Permit for a Comprehensive Sign Plan (Case No. ZA02-007TC) on a biyearly basis, commencing in November 2005.

Mr. Tim Brown briefly addressed the Council and expressed support for Councilmember Walters' motion.

Councilmember Jones seconded the motion.

Councilmember Jones stated that he finds it somewhat contradictory that the DDC is willing to let Brown and Brown keep the 45-foot high freestanding sign, but only if it is redesigned.

Councilmembers Whalen and Griswold expressed support for the motion.

Carried unanimously.

3. Discuss and consider amending the Sign Code by establishing a new definition of and establishing provisions regarding the regulation of Freeway Landmark Monuments.

Zoning Administrator John Gendron and Senior Planner Gordon Sheffield addressed the Council relative to this agenda item.

Mr. Gendron reported that an ordinance amending the Sign Code by establishing a new definition of "Freeway Landmark Monument" and specifying conditions for the approval thereof, was scheduled for introduction at the June 30, 2003 Regular Council Meeting. He explained that at the Study Session preceding the meeting, the Council voiced concerns relative to the manner in which the ordinance was written which would potentially permit an inordinate number of signs, especially along the Superstition Freeway, as well as no maximum height specifications. Mr. Gendron noted that staff was directed to address those issue and return to the Council with suitable modifications.

Mr. Gendron stated that Planning staff, in conjunction with the City Attorney's Office, has made a series of revisions to the proposed ordinance and is requesting Council input and direction relative to the document. He commented that in an effort to reduce the number of potential locations along the Superstition Freeway from 17 to 10, the proposed Code would tie the location of the freeway landmark monuments to the General Plan designation of "Regional Commercial" or "Public/Semi Public." Mr. Gendron referred to a map entitled "Freeway Landmark Monument Potential Locations" and briefly highlighted possible areas for the signs on the Superstition and Red Mountain Freeways. (See Attachment 1.) He added that with regard to the height of the signs, the ordinance provides that the maximum height is limited to what is necessary to be seen in time by a motorist to take an appropriate exit off of the freeway to proceed to a particular development.

Mr. Sheffield provided the Council with additional clarification relative to potential freeway landmark monument locations. He explained that in addition to the General Plan designation, another scenario to allow a freeway landmark monument could occur if a Planned Area Development (PAD) comes in as part of a rezoning case and part of the narrative for the PAD includes a freeway landmark monument. In that instance, the Council at its discretion could approve the sign as part of the PAD.

In response to a question from Councilmember Whalen, Mr. Gendron clarified that the intent of the ordinance is to display only a product, brand or development identification and does not include advertising messages. He stated that as an example, Superstition Springs Auto Mall

would be permitted to display auto logos (i.e., Ford, Chevrolet), but no scrolling, animation or streaming video.

Councilmember Whalen commented that in discussions he has had with local businessmen, including owners of sign companies, he was informed that the wave of the future will include signs which contain some type of advertising message. He suggested that prior to the Council proceeding forward with the ordinance, that staff obtain input from the City's business community relative to this item.

In response to a question from Councilmember Whalen, Mr. Gendron clarified that the scoreboard at Hohokam Stadium would not be regulated by the proposed sign ordinance. He added that at the September 22, 2003 Regular Council Meeting, staff intends to introduce the electronic message display ordinance which would permit the display of moving video on the scoreboard.

Discussion ensued relative to the current land designation of a previously proposed auto mall site at the Superstition Freeway and Greenfield Road, and that Wal-Mart is proposing the development of a store at that location.

Councilmember Thom expressed concerns regarding the definition of "Freeway Landmark Monument" as contained in the ordinance. (A sign structure of architectural quality which exceeds 12 feet in height or 80 square feet in area intended to be viewed from an adjacent freeway for purposes of identifying an associated commercial or non-commercial development.) She stated the opinion that such language would allow the display of an 80-square foot billboard sign which would not be as visually pleasing as an obelisk-shaped sign, an example of which was provided to the Council. (See Attachment 2.)

In response to Councilmember Thom's concerns, Mr. Gendron clarified that the ordinance would provide the City with the flexibility to allow a small number of high quality sign structures meeting specific conditions and also encouraging height or size variances for conventional signs. He stressed, however, that although the Code amendment provides an opportunity for an applicant to request such a sign structure based on specific locational and quality criteria, approval is not mandatory and would rest with the Board of Adjustment and Design Review Board. Mr. Gendron also stated that auto mall developers submitted the obelisk sign five years ago as an example of a possible landmark for a project that was never developed. He added that per the Sign Code, "billboard" is defined as an offsite sign, whereas the freeway landmark monument is not an offsite sign.

Vice Mayor Kavanaugh thanked staff for responding to Council's concerns which were expressed at the June 30, 2003 Study Session. He stated that the ordinance is much improved in terms of reducing the number of potential landmark monument locations along the Superstition and Red Mountain Freeways, as well as providing applicants with greater flexibility in terms of the height requirements.

Councilmember Walters concurred with Vice Mayor Kavanaugh's comments and noted that the articulation of the design standards will serve as a guideline requiring good architecture and quality materials. She stressed, however, that she views the freeway landmark monument as an identifier and would not be supportive of such signs displaying scrolling or moving parts.

Mayor Hawker stated that he is somewhat conflicted by the ordinance. He noted that although it is imperative that Mesa's retailers have adequate signage to attract customers and remain competitive with surrounding communities, it is equally important that commuters have an unobstructed view while traveling the Superstition and Red Mountain Freeways. He commended staff for reducing the number of potential landmark monuments from 17 to 10, but stated that he was hopeful there would be as few as two or three to advertise the large regional malls and car dealerships. Mayor Hawker requested that staff research the feasibility of a grouping of signs along the freeway which may be more informational and less obstructive to the traveling public.

Councilmember Jones stated that he would prefer that the freeway landmark monument signs be used solely as "identifiers" and that pending Council adoption of the electronic message display ordinance, advertising messages could be displayed on signs on the City's surface streets in closer proximity to the businesses.

Councilmember Griswold explained that this issue was first brought to his attention by business owners in the Superstition Springs area whose signs were not visible along the freeway because of the location of their businesses. He stressed the importance of Mesa businesses, especially car dealers and major retailers, remaining competitive with surrounding communities.

Further discussion ensued relative to staff including a stipulation in the ordinance to address view corridors with relationship to the width of the freeway landmark monuments.

Councilmember Whalen said that he hoped his earlier comments were not misinterpreted and reiterated the importance of staff garnering input from the business community and sign manufacturers prior to Council action on this matter. He stressed that he is opposed to sign proliferation within the City of Mesa.

Mr. Gendron provided a brief synopsis of the Council's input and direction and suggested that staff review the issue and return to the Council with additional revisions at a future time. He added that staff was not directed previously to solicit input from the business community and car dealers, but would be willing to do so.

Mayor Hawker reiterated that when driving along the Red Mountain Freeway at the present time, the view is quite beautiful and that he would be displeased to see a proliferation of freeway landmark monuments dotting the landscape. He noted that the freeways are funded by taxpayers through the half-cent sales tax and said that he is not so sure that citizens should not have input relative to this issue as well. Mayor Hawker requested that staff provide the Council with a comparative analysis of what Tempe, Glendale and other cities regarding the regulation of freeway landmark monuments.

Additional discussion ensued relative to the fact that under the current sign regulations, the City could allow the display of large signs because there is no height limit on the Comprehensive Sign Plan; that there are currently no large signs along the freeway as a result of Council policy and that staff has dissuaded applicants who have applied for such signs, and that the purpose of the proposed ordinance is to codify the regulations and convey Council policy in an ordinance which establishes specific standards.

Councilmember Thom suggested that when staff reviews this issue further, that they consider freeway locations that are truly appropriate for landmark monuments and also ensure that the design standards are pleasing to the eye and not left totally to the discretion of the various boards. She also encouraged the inclusion of the signs along the future Santan Freeway to promote commercial and industrial development in that area of the community as well.

City Manager Mike Hutchinson proposed that staff conduct a meeting with the business community relative to this issue and then come back to the Council for its final direction.

It was moved by Councilmember Whalen, that Council action regarding this item be held in abeyance until such time as staff solicits input from the business community/sign manufacturers relative to the proposed ordinance.

Councilmember Walters advised that she would be interested in viewing any preliminary sketches for a freeway landmark monument that have been generated by Fiesta Mall.

Mayor Hawker requested that staff also provide the Council with examples of freeway landmark monuments that have been created in other cities.

Councilmember Griswold seconded the motion, with the added stipulation that examples of freeway landmark monuments created for projects in other cities also be provided to the Council.

Councilmember Whalen concurred with the amended motion.

Carried unanimously.

4. Hear and discuss a presentation on the proposed Building Rehabilitation Code.

Deputy Building Safety Director Dave Harding and Administrative Coordinator Jane Albin addressed the Council relative to this agenda item.

Mr. Harding referred to graphics in the Council Chambers and provided a brief overview of the Building Rehabilitation Code including its purpose and history. He also highlighted a variety of guiding principles with regards to the development process including predictability, maintaining building safety, coordination and proportionality. Mr. Harding stated that some of the benefits of the Code include the fact that it will ensure safe and upgraded buildings, a reinvestment in existing buildings and neighborhoods, the promotion of "Smart Growth" and a more simplified and efficient building code enforcement process. He added that the Code would also encourage adaptive reuse and support main street programs.

Vice Mayor Kavanaugh expressed appreciation to staff for their efforts and hard work relative to this issue. He commented that the Rehabilitation Code has been a major priority for the General Development Committee as well as the Council and stated that it is one of the Council's most important decisions to ensure reinvestment in the community for years to come.

Councilmember Walters concurred with Vice Mayor Kavanaugh's comments and noted that the Rehabilitation Code's "cookbook" approach has far reaching effects and can easily be applied to infill development as well.

Mayor Hawker voiced support for the Rehabilitation Code and commented that it will remove many stumbling blocks and allow an individual the incentive to either remodel or update a building without demolishing the entire structure.

Councilmembers Whalen and Griswold expressed support for the Rehabilitation Code and thanked staff for their efforts.

Mayor Hawker thanked staff for the presentation.

5. Acknowledge receipt of minutes of boards and committees.

- a. Downtown Development Committee meeting held July 17, 2003.
- b. Police Committee meeting held August 25, 2003.

It was moved by Vice Mayor Kavanaugh, seconded by Councilmember Walters, that receipt of the above-listed minutes be acknowledged.

Carried unanimously.

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

The following members of the Council provided brief updates on various meetings/conferences they attended as follows:

Councilmember Walters	Meeting with the Salt River Pima-Maricopa Indian Community and the Corps of Engineers relative to the Va Shly'ay Akimel Salt River Restoration Project
Councilmember Griswold	Boulder Mountain HOA Meeting; ADOT/Neighborhood Meeting
Mayor Hawker	MAG Transportation Policy Committee Workshop
Councilmember Thom	Channel 3's "Water – Use It Widely" Campaign Kickoff; Central Arizona Project's "Drought 2003" Seminar
Councilmember Whalen and Vice Mayor Kavanaugh	East Valley Partnership's "The Arts Mean Business" presentation

7. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Monday, September 8, 2003, TBA – Study Session

Monday, September 8, 2003, 5:45 p.m. – Regular Council Meeting

Thursday, September 11, 2003, 7:30 a.m. – Study Session Cancelled

Thursday, September 18, 2003, 7:30 a.m. – Study Session

Thursday, September 18, 2003, Council Planning Session (Immediately following Study Session)

Monday, September 22, 2003 – 3:00 p.m. – General Development Committee Meeting

Monday, September 22, 2003, TBA – Study Session

Monday, September 22, 2003, 5:45 p.m. – Regular Council Meeting

Mr. Hutchinson reported that on Sunday, September 14, 2003 at 3:00 p.m., Balbir Singh Sodhi will be honored at a remembrance ceremony at his former business located at 80th Street and University Drive.

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 9:20 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 4th day of September 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK