

GENERAL DEVELOPMENT COMMITTEE MINUTES

October 21, 2002

The General Development Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on October 21, 2002 at 2:35 p.m.

COMMITTEE PRESENT

Kyle Jones
Claudia Walters

COUNCIL PRESENT

Rex Griswold
Janie Thom

OFFICERS PRESENT

Mike Hutchinson

COMMITTEE ABSENT

Dennis Kavanaugh

(Acting Chairman Claudia Walters excused Chairman Kavanaugh from the meeting.)

1. Hear presentations, discuss and consider Site 21 redevelopment proposals.

Acting Chairman Walters advised that due to the illness of Chairman Kavanaugh, this agenda item will be postponed until a future meeting. She also noted that Craig Prouty, a representative of Lexington Capital, submitted a memo regarding the Site 21 redevelopment proposals selection process and requested that it be distributed to the Committeemembers prior to the next General Development Committee meeting. (See Attachment 1.)

2. Discuss and consider a concept for conducting a Housing Master Plan.

Neighborhood Planner Ben Patton addressed the members of the Committee and provided a brief overview of the purpose, scope and background of the Housing Master Plan for the City of Mesa.

Mr. Patton explained that on June 24, 2002, the Council approved and sent to Mesa voters major modifications to the City's General Plan. He reported that although the Housing Master Plan will be developed separately from the General Plan, it is intended to be an expansion of the Housing Element within the General Plan. Mr. Patton advised that the Housing Master Plan, a policy guide much like the City's other Master Plans, will identify major housing and neighborhood issues within Mesa; address topics such as affordable and high-end housing needs, balanced infill, existing housing stock, and revitalization within the community, and will be integrated with Mesa's other Master Plans.

Mr. Patton commented that the creation of the Housing Master Plan is the result of the combined efforts of City staff and a hard working group of Mesa residents, and that in particular, the Housing Policy Subcommittee of the Housing and Neighborhood Revitalization Roundtable provided the foundation for the Housing Element of the General Plan. He also stated that a wide array of stakeholder representatives and City staff will continue to participate in the ongoing project. Mr. Patton noted that the Community Housing Task Force, which represents a variety of housing interests, will meet on a regular basis throughout the creation of the Plan; that the Resource Group, comprised of a number of housing or housing-interest experts, will provide the necessary expertise, and that the Staff Team will offer guidance to both teams, as well as the Technical Assistant who will be selected in the latter part of 2002.

Mr. Patton reported that the City of Mesa has been awarded a Technical Assistance Grant through the Department of Housing and Urban Development (HUD). He said that the funding will enable the City to employ a housing consultant who will provide a wide array of services to the project, and that the scope of the consultant's work will be limited to low income/affordable housing issues.

Mr. Patton commented that in the event the City's updated General Plan is not approved by Mesa voters at the November 5, 2002 General Election, Mesa can still proceed with the development of the Housing Master Plan. He added that pending Council approval to proceed with the project, it is anticipated that the kickoff meeting for the Housing Plan will take place in early December.

In response to a question from Councilmember Thom, Mr. Patton clarified that the rehabilitation of Mesa's older neighborhoods will be a major topic of discussion during the process.

Acting Chairman Walters stated the opinion that it is unnecessary for the City to assess the affordable housing needs of the surrounding communities when it assesses its own. She emphasized that it is imperative that Mesa has a well balanced housing stock containing not only affordable, but also high-end homes. Acting Chairman Walters also questioned whether the HUD grant would create a bias relative to low income/affordable housing issues.

In response to concerns expressed by Acting Chairman Walters, Mr. Patton assured the Committee that the Community Housing Task Force will include participants who represent not only the custom home industry, but affordable housing interests as well.

Acting Chairman Walters noted that the term "affordable housing" should not be equated with "low income housing."

In response to a question from Acting Chairman Walters, Mr. Patton clarified that despite the formation of the Community Housing Task Force, the Housing and Neighborhood Revitalization Roundtable will continue to meet on a quarterly basis and added that many of the group's members will remain active in the Housing Master Plan project.

It was moved by Committeemember Jones, seconded by Acting Chairman Walters, to recommend to the Council that staff's recommendation to proceed with the creation of the Housing Master Plan, be approved.

Acting Chairman Walters declared the motion carried unanimously by those present.

Acting Chairman Walters thanked Mr. Patton for his presentation.

3. Discuss and consider the potential annexation of approximately 38 acres bounded by Broadway Road, Mountain Road, Wier Avenue, and 110th Street.

Planning Director Frank Mizner addressed the Committee relative to this agenda item and provided a brief overview relative to the annexation process that has historically occurred in the City of Mesa. He stated that many well known areas such as Dreamland Villa, Leisure World, the General Motors Proving Ground, the Desert Uplands and much of the land north of Williams Gateway Airport are still under County jurisdiction; that the City's boundaries have become somewhat irregular over the years due to annexation at the request of land developers or existing neighborhoods requesting City utility services; that Mesa no longer conducts strip annexations, and that the Council has historically entertained annexation from entities inside the City's planning area unless there are serious issues which would prevent completion of the process.

Mr. Mizner commented that the purpose of today's presentation is to obtain direction and input from the Committee relative to the proposed annexation of 38 acres bounded by Broadway Road, Mountain Road, Wier Avenue and 110th Street. (See Attachment 2.) He reported that the annexation process began when James Stoltzner, a citizen residing within the annexation area, approached the Planning Division requesting annexation for the purpose of receiving City Fire and Police protection. Mr. Mizner stated that staff requested that Mr. Stoltzner conduct an informal survey of the surrounding neighborhood to determine if there was interest in annexation, and that the survey results indicated that 74% of the surrounding property owners were supportive of the process.

Mr. Mizner advised that as a result of the neighborhood survey, the Planning Division contacted various City departments (Police, Fire, Solid Waste, Engineering, Code Compliance, Transportation, Building Safety and Parks and Recreation) to solicit input relative to the manner in which the annexation would affect City services within those departments. He provided a breakdown of the financial impact to the City as follows: The estimated cost to the City for annexation is \$2.3 million; monetary gains to the City would include approximately \$62,835 annually in State-shared revenues to be received after the 2005 Census if a special census is conducted, and an estimated \$4860 annually in revenues from Solid Waste service to 81 homes.

Mr. Mizner noted, however, that staff's analysis is based on the estimated infrastructure costs and that it does not include staffing needs for the various departments. He also stated that in order for Mesa to recoup the annexation costs, it would be necessary for the neighborhood to remain within the City limits for approximately 35 years. Mr. Mizner added that if the annexation were to occur, Mesa Police, Fire and Solid Waste service would be implemented immediately; however, the paving of streets and the installation of streetlights are not required, although it is often the expectation of the residents in the area that those services will be provided.

Discussion ensued relative to the fact that the proposed annexation area is currently served by septic tanks and receives its water through the Arizona Water Company.

Councilmember Thom requested that staff furnish her with a copy of the informal survey conducted by Mr. Stoltzner so that she could familiarize herself with the comments and concerns of the surrounding property owners regarding this issue.

Acting Chairman Walters stated that it is imperative that staff convey explicitly to those individuals considering annexation into the City of Mesa the short-term and long-term improvements (i.e. conversion from septic tanks to sewer service, paved streets, streetlights) that will be provided by the City once the annexation process has been completed.

In response to concerns expressed by Acting Chairman Walters, Mr. Mizner clarified that prior to a neighborhood entering into a formal annexation process, staff prepares an annexation fact sheet which appraises the residents in the area of the current condition of various items such as utilities, streets, streetlights, and whether they are or are not guaranteed to receive such improvements from the City. He added that the residents are also informed that upon annexation into the City, they are under the jurisdiction of Mesa's zoning regulations and Maricopa County's regulations are no longer applicable.

Mr. Mizner advised that if the Council directs staff to initiate annexation of the area, the process includes an initial public hearing, after which time the annexation petition is distributed for the property owners' signatures; that the public hearing for the annexation ordinance would be heard by the Council within six months, and that upon annexation, the City would assume Police and Fire protection and also incur the cost of maintenance, repair, and potential long-term improvements to the existing infrastructure.

It was moved by Committeemember Jones, seconded by Acting Chairman Walters, to recommend to the Council that staff's recommendation that the City proceed with the annexation of Case A01-3 (The areas south of Broadway Road to Wier Avenue, west of 110th Street to Mountain Road), be approved.

Acting Chairman Walters declared the motion carried unanimously by those present.

Acting Chairman Walters thanked Mr. Mizner for his informative presentation.

4. Discuss and consider modifying the current ordinance regarding construction start times for the months of May through September.

Development Project Coordinator/Acting Building Official Orion Goff, addressed the members of the Committee relative to this agenda item and introduced Field Inspection Administrator Steve Hether. Mr. Goff discussed complaints received by staff relative to the inordinate amount of construction noise that occurs during the early morning hours in residential neighborhoods. Mr. Goff noted that in response to the large amount of citizen complaints received relative to this issue, Vice Mayor Kavanaugh, who also serves as a member of this Committee, requested that Building Safety staff conduct a survey to determine construction start times in other Valley cities. He added that the Building Safety staff has allowed contractors to work "after hours" as long as they obtained a permit and provided written notification to adjacent residents. Mr. Goff also informed the members of the Committee that the City's current ordinance allows unrestricted "after hours" work as long as the activity is not taking place within a residential area or within a radius of 500 feet from a residential area.

Mr. Goff reported that staff surveyed all of the major cities in the metropolitan area and said that among the cities that have adopted a construction noise ordinance (Avondale and Chandler do not have an ordinance in place), Mesa's ordinance is more liberal in terms of early morning construction times. He added, however, that many of the cities do allow concrete to be poured during the early morning hours as long as a permit is obtained from the Building Safety Division prior to the start of that work.

Mr. Goff also stated that Building Safety staff conducted a survey at the Development Advisory Forum this past summer relative to this issue in an effort to encourage dialogue between City staff and development community representatives regarding an acceptable construction start time, particularly in areas close to residential neighborhoods, and reported that the respondents indicated that a 5:00 a.m. start time would be acceptable. Mr. Goff said that staff supports changing the ordinance to allow a 5:00 a.m. construction start time and expressed the opinion that the revision is reasonable and appropriate and will allow the City to be more in line with start times allowed in other cities in the Phoenix metropolitan area. He also emphasized that staff is not recommending any changes to the guidelines contained in the City's current ordinance.

Mr. Goff discussed staff's recommendation that the construction start time in Mesa be modified for the City's designated summer months, May through September, from 4:00 a.m. to 5:00 a.m.

Discussion ensued relative to the fact that the City of Peoria's ordinance contains an exception and allows concrete to be poured one hour earlier than the regular 5:00 a.m. start time; the fact that staff's recommendation does not include an earlier start time for concrete pouring but instead would allow all construction work to begin at 5:00 a.m.; the fact that exceptions (permits) may be granted for special concrete pourings on a case-by-case basis, neighborhood notification and the importance of working with the neighbors, and the fact that the City's noise ordinance governs situations where construction work is not within 500 feet of a residential area but still generates noise complaints.

Councilmember Thom discussed the intersection widening at Gilbert and Baseline Roads and impacts on businesses in that area. She said that during that project, she recommended that funding be allocated for the rental/purchase of lighting so that the work could begin earlier in the day before the businesses even opened. Councilmember Thom commented on the fact that there is much less traffic during the earlier morning hours and work can progress faster, lessening impacts on businesses. She questioned whether an ordinance should be in place at all and whether the absence of one would allow work to be completed in a more timely manner, particularly for projects such as the Gilbert/Baseline Road widening, when residential complaints were not an issue.

Mr. Goff commented that he was in contact with some of the neighbors in that area and they were advised of the importance of proceeding with the work.

Mr. Hether commented that over the years, staff has been pretty flexible as far as issuing permits when requested to do so. He said that unless contractors have gone ahead and started work without first obtaining a permit and/or failed to provide required written neighborhood notification, staff expends every effort to work with them.

Councilmember Griswold agreed with the importance of public notification and commented that for the most part, people are willing to go along with the work as long as they receive the notification and are aware of schedules and deadlines. He said that open, honest communication goes a long way in situations such as this.

It was moved by Acting Chairman Walters, seconded by Committeemember Jones, to recommend to the Council that staff's recommendations modifying the current ordinance regarding construction start times for the months of May through September, be approved.

Acting Chairman Walters declared the motion carried unanimously by those present.

5. Discuss and consider an ordinance establishing a Redevelopment Committee.

Planning Director Frank Mizner addressed the members of the Committee and reported that at the September 19, 2002 Study Session, it was the consensus of the Council to remove this agenda item from introduction and to refer the issue to the General Development Committee for further discussion.

Mr. Mizner provided a brief historical overview of this issue and stated that formal redevelopment efforts in Mesa (generally limited to the Town Center Redevelopment Area) have been underway for 20 years; that in 1987, the Council adopted new zoning districts specific to the Redevelopment Area and rezoned the area accordingly; that requests for rezoning, site plan review and design review approval were sent initially to the Redevelopment Advisory Board (RAB) for review and recommendation and then onto the Planning and Zoning Board (P & Z) or Design Review Board (DRB) and subsequently a formal recommendation presented to the Council; that in 1990, the Council adopted amendments to the Zoning Ordinance that transferred to the RAB those powers and duties otherwise granted to the P & Z Board and DRB for projects within a designated Redevelopment Area.

Mr. Mizner advised that the possibility exists that the City could establish new redevelopment areas which are geographically separated and distinct from the existing Town Center Redevelopment Area (TCRA). He explained that the manner in which the City Code is currently written is such that if the Council supported the establishment of new redevelopment areas, the Downtown Development Committee (DDC) would retain jurisdiction over reviewing the proposals and making recommendations to the Council. Mr. Mizner added that such a scenario raised concerns among the Council and staff regarding which citizen board should have the authority to review and make recommendations on the new areas.

Mr. Mizner commented that in an effort to address these concerns, staff proposed that the current ordinance remain as it is currently written and that the DDC maintain the jurisdiction for all designated redevelopment areas. He stated that a second alternative that was suggested by staff and the Council is the creation of a new Redevelopment Committee, a five-member advisory committee composed of two members from the DDC, two members from the P & G Board and one member from the DRB. Mr. Mizner explained that this Committee would assume the duties of the P&Z Board and DRB within designated redevelopment areas outside the TCRA. He also stated that staff's proposal was reviewed by the DDC and the P & Z Board prior to its submission to the Council at the September 19, 2002 Study Session.

Mr. Mizner noted that there are currently three options that the Committee may wish to consider regarding this matter:

- Option 1. The Council may proceed with the proposed ordinance, conduct a public hearing and determine whether to establish the new Redevelopment Committee even though there are currently no designated redevelopment areas in the City.
- Option 2. The Council may adopt the ordinance, but defer the appointment of the Redevelopment Committee members.
- Option 3. The Council may elect to make no changes to the ordinance as it is currently written.

Acting Chairman Walters provided the Committeemembers with a brief history of how this issue first came to the attention of the Council, including the efforts on the part of the residents in Mesa's first Opportunity Zone to pursue the possibility of having the area surrounding Mesa Lutheran Hospital declared a redevelopment area. She stated that she would prefer that the language in the proposed ordinance not be limited to "designated redevelopment areas," but also include redevelopment projects and infill projects.

Discussion ensued relative to the fact that over time, the Redevelopment Committee would develop expertise on redevelopment infill issues as compared to new development issues; that it would serve as a "one-stop" public hearing board which would address zoning issues, variances, use permits, architecture and landscaping, and that it would provide better customer service to the applicants.

Committeemember Jones suggested that it would be appropriate for staff to consider the establishment of a Redevelopment/Rehabilitation Committee.

In response to a series of questions from Acting Chairman Walters, Mr. Mizner clarified that staff will make every effort to revise the language in the proposed ordinance to include her previous suggestions. He added that initially, it was determined that the Redevelopment Committee would be staffed by the Redevelopment Office, but that with the Committee's suggested modifications to the ordinance, it is uncertain at this time whether additional staff will be necessary.

Deputy City Manager Paul Wenbert informed the Committee that Mr. Mizner has established a Citywide staff committee to examine, among other things, Mesa's infill policy. He suggested that the issue of a Redevelopment Committee could be included in those discussions and that this agenda item brought back to the Committee at a future date.

Acting Chairman Walters concurred with Mr. Wenbert's suggestions and urged staff to provide the Committee with a timeline relative to when the Committee could anticipate reviewing this matter again.

6. Adjournment.

Without objection, the General Development Committee meeting adjourned at 3:57 p.m.

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the General Development Committee of the City of Mesa, Arizona, held on the 21st day of October 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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Attachments