

GENERAL DEVELOPMENT COMMITTEE MINUTES

February 26, 2003

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 February 26, 2003 at 8:00 a.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Kyle Jones
Claudia Walters

COUNCIL PRESENT

Rex Griswold

OFFICERS PRESENT

Paul Wenbert

(Items on the agenda were discussed out of order, but for purposes of clarity will remain as listed on the agenda.)

1. Hear a status report on the development of a building rehabilitation code.

Deputy Director of Plan Review Dave Harding and Development Project Coordinator Orion Goff addressed the members of the Committee relative to this agenda item.

Mr. Harding highlighted a Power Point presentation in the Council Chambers and reported that staff is using the North Carolina Rehabilitation Code (NCRC), a nationally recognized document, as a basis for the creation of Mesa's Building Rehabilitation Code. He explained that staff was charged with identifying a code document that would be directed toward existing buildings, be flexible and "business friendly" towards the development and design communities, encourage the reuse of existing buildings, and not classify buildings that are being reused as "not as safe" as new structures. Mr. Harding added that the creation of a Building Rehabilitation Code is a rare opportunity for the City to adopt a code that is specifically designed to meet Mesa's requirements.

Discussion ensued relative to the fact that the land development community views many of the existing codes as too cumbersome; that Mesa's Building Rehabilitation Code is one among a series of initiatives that staff is working on to encourage the reuse of the City's existing buildings; that the Building Rehabilitation Code will provide staff an opportunity to be proactive in their approach regarding compliance, convey a special status to rehabilitation projects, and offer business owners the opportunity to identify problems early on in the process; that the Building Rehabilitation Code, which was initially developed in New Jersey, was directed toward the reuse of existing buildings; that North Carolina adapted New Jersey's Building Rehabilitation

Code and has successfully used it for approximately five years, and the process utilized to develop the Code.

Mr. Harding reported that the Building Rehabilitation Code is divided into six categories including repair, renovation, alteration, reconstruction, change of use, and the historical nature of a building. He explained that some of the benefits of the Code include the safe rehabilitation of a structure, promoting "smart growth," which results in a reinvestment in existing buildings and neighborhoods throughout the City, and simplifying staff's review and enforcement functions. Mr. Harding added that all buildings in the City constructed prior to 1996 would be subject to the Building Rehabilitation Code and structures built subsequent to that time would be subject to the 1994 Uniform Building Code.

Further discussion ensued relative to the fact that minimal local adaptations will be made to the NCRC; that the Code will be presented to various stakeholders (designers, contractors, developers), Mesa residents and the Development Forum to solicit their input and suggestions; that staff will conduct an educational program to apprise the public regarding the Code, and that the final document will be presented to the Council for consideration in approximately July of this year.

Committeemember Walters commented that the process of developing a Building Rehabilitation Code for Mesa has taken a long time and stated that she is anxious for the Council to finally be given the opportunity to consider Mesa's Building Rehabilitation Code.

Committeemember Jones requested that the members of the Committee be provided a draft of the proposed Code for their review prior to staff's presentation to the Council.

Chairman Kavanaugh concurred with Committeemember Jones' comments and additionally requested that the Committee be provided any materials that are distributed to the stakeholders.

Chairman Kavanaugh thanked staff for the presentation.

2. Discuss and consider changes in regulations regarding freeway signs.

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

Mr. Gendron reported that at the January 6, 2003 General Development Committee meeting, staff made a presentation regarding a series of "Car Dealer Issues" involving Mesa's current regulations governing special events, landscaping, screening and signage. He explained that relative to the issue of Council considering modifications to its long-standing policy of not allowing tall (over the Code limit of 12 feet) signs along the City's internal freeways, staff was directed to conduct further research and to provide the Committee with additional options.

Mr. Gendron advised that staff has prepared a draft amendment to the Sign Ordinance establishing a new definition for "Freeway Landmark Monument." He stated that if adopted by the Council, the amendment would specify a definition of the term and also provide the requirements for review and approval of that type of signage. Mr. Gendron noted that it is the intent of staff to draft an ordinance allowing larger signs along the freeways, given specific parameters, but added that the signs would be of very "high quality."

Discussion ensued relative to the fact that under current regulations, the City of Mesa has the ability to allow tall signs along the freeway as part of a Comprehensive Sign Plan; that although the ordinance provides for the Board of Adjustment to approve the signs, the Board has not done so in the past; that the Freeway Landmark Monument provision would provide the City with the flexibility to allow a small number of high quality sign structures that meet specific conditions, while at the same time would discourage height or size variances for conventional signs, and that in accordance with the draft ordinance, an applicant could request such a sign structure, but approval is not mandatory and the Board of Adjustment would render the final decision (with input from the Design Review Board).

Mr. Gendron referred to the draft ordinance, copies of which were distributed to the members of the Committee, and briefly outlined the Supplemental Provisions regarding Freeway Landmark Monuments. (See Attachment 1)

Mr. Sheffield displayed graphics in the Council Chambers and referred to a 1998 proposal concerning a freeway monument sign for the Superstition Springs Auto Park. He explained that although the Council did not pursue the proposal at that time, it represents a model upon which to base the draft ordinance. (See Attachment 2)

In response to a question by Committeemember Jones, Mr. Gendron clarified that the purpose of a Freeway Landmark Monument is not to visually overwhelm motorists on the freeway with a multitude of icons on the sign, but to attract an individual's attention regarding the location, for example, of a particular business. He added that if Fiesta Mall or Superstition Springs Mall utilized the Freeway Landmark Monuments, staff anticipates that the logos of the major retailers would be displayed at the top of the sign.

Further discussion ensued relative to potential sites for Freeway Landmark Monuments along the Superstition and Red Mountain Freeways.

Committeemember Walters stated the opinion that a Freeway Landmark Monument would not only provide a service to local businesses, but will also assist residents and visitors in finding their way around the community. She added that the monuments could be designed in an unobtrusive manner to eliminate visual clutter.

It was moved by Committeemember Walters, seconded by Committeemember Jones, to recommend to the Council that a draft amendment to the Sign Ordinance, establishing a new definition of "Freeway Landmark Monument" and specifying conditions for the approval thereof, be approved.

Chairman Kavanaugh expressed opposition to the motion and stated the opinion that the current Sign Ordinance is sufficiently effective. He commented that Freeway Landmark Monument signs create an impact on the City's skyline and neighborhoods adjacent to the freeways. Chairman Kavanaugh noted, however, that despite his opposition to the motion, the draft amendment does contain safeguards for the community regarding the application review process and is also designed to obtain monument signage of the highest quality.

Upon tabulation of votes, it showed:

AYES - Jones-Walters
NAYS - Kavanaugh

Chairman Kavanaugh declared the motion carried by majority vote.

Chairman Kavanaugh thanked staff for the presentation.

3. Discuss and consider the elimination of building permits for certain categories of residential appliances.

Deputy Building Safety Director Steve Hether and Administrative Support Assistant Robin O'Donnell addressed the Committee relative to this agenda item.

Mr. Hether reported that it is the recommendation of staff to eliminate required permits for specific types of new and replacement appliances in residential households. He explained that the requirement for permits and inspections for new and replacement appliances has been a part of Mesa's building codes since their inception. Mr. Hether commented that although the lack of built-in safety features and industry standardization made the installation of each appliance unique and inspections justifiable, because manufacturers have now added safety features and the industry has standardized items relative to site installation, the need for building permits for the various residential appliances no longer exists. He also noted that Mesa's permit fee has never covered the costs associated with issuing a permit and performing the inspection, and added that the elimination of the permit requirement will result in only a minor loss of revenue to the City.

Mr. Hether advised that staff's recommendations are as follows: 1) Eliminate permit and inspection requirements for "like for like" residential replacement appliances and for some identified new appliances (water conditioners, solar domestic water heaters, and solar pool and spa heaters only); 2) Provide Code information via the City's web site and pamphlets to facilitate self-inspections by customers; 3) Allow current permits in the system to be voided as they expire, and 4) Redirect staff and resources to higher priority projects.

Mr. Hether reported that staff conducted an "Appliance Permit Requirements Survey" with surrounding municipalities and determined that Phoenix is the only city that has addressed the issue to any great extent. (See Attachment 3)

In response to a question from Committeemember Jones, Mr. Hether clarified that the replacement of an air conditioning unit, for example, requires specialized expertise and that a contractor, as opposed to a private homeowner, would generally install such appliances.

It was moved by Committeemember Walters, seconded by Committeemember Jones, to recommend to the Council that the elimination of building permits for certain categories of residential appliances (as outlined above), be approved.

Carried unanimously.

Chairman Kavanaugh thanked staff for the presentation.

4. Discuss and consider regulations regarding portable storage containers.

Zoning Administrator John Gendron and Code Compliance Director Bill Petrie addressed the Committee relative to this agenda item.

Mr. Gendron referred to the contents of a report prepared by staff which addresses possible amendments to the Zoning Ordinance pertaining to the regulation of portable storage containers (PSC). He advised that PSCs (also known as Mobil Minis) have historically been used on a temporary basis in the City of Mesa as well as in surrounding communities. Mr. Gendron commented that the units are used primarily for temporary storage during a building remodel or to store excess inventory on a seasonal basis (i.e., holiday layaway items). He noted, however, that some retail businesses are now using the storage containers on a permanent basis in lieu of building a conventional structure.

Mr. Gendron stated that as a result of numerous complaints received by Code Compliance staff and the fact that current zoning provisions do not specifically address PSCs, a draft amendment to the Zoning Ordinance pertaining to the regulation of the units has been prepared. He explained that the ordinance would consist of a two-tiered approach, wherein storage containers used, for example, during a remodel project for a two to three month period of time would be issued an administrative Use Permit by the Building Safety Division similar to the permits issued to temporary construction trailers on construction sites. Mr. Gendron added that the applicant would submit a site plan indicating the location of the container and a letter of intent specifying the beginning and ending dates for its use.

Mr. Gendron further commented that with regard to PSCs which are used on a seasonal or isochronal basis, a Special Use Permit would be issued by the Zoning Administrator/Board of Adjustment. He explained that the applicant would be required to specify and limit the number, size, location and duration of the PSCs; ensure that the structure is compatible with the surrounding land uses, ensure that they are not placed in a location that may cause hazardous conditions or constitute a threat to public safety, or create a condition detrimental to the surrounding land uses and developments.

Discussion ensued relative to a series of photographs displayed in the Council Chambers depicting the location of various PSCs within the City of Mesa.

Mr. Gendron concluded his remarks by commenting that staff is seeking suggestions/input from the members of the Committee with regard to the draft ordinance.

In response to a series of questions from Committeemember Walters, Mr. Gendron clarified that if an applicant wishes to obtain a Special Use Permit on a seasonal (temporary) basis, the individual must renew the permit and participate in an annual public hearing process. He explained that as part of the Special Use Permit, language could be incorporated into the ordinance to identify specific time limits that a business could maintain the unit and limit the number of structures permitted on site. He added that as an alternative to using PSCs, some retailers are now renting warehouse space to store excess inventory.

In response to a question from Committeemember Jones, Mr. Gendron advised that when an applicant files a request for the placement of a PSC, the surrounding property owners will be apprised of the container's specific location and afforded the opportunity to provide input

regarding the specific requirements contained in the Special Use Permit (i.e., additional screening, increased wall height).

Committeemember Jones stated that although the draft ordinance refers to the use of a PSC on a temporary basis, it is important that applicants understand that the structure cannot be used on a permanent basis.

In response to a question from Chairman Kavanaugh, Mr. Gendron stated that PSCs may not be used for residential purposes.

Committeemember Jones recommended that staff incorporate language in the ordinance to exclude those individuals who use a PSC for the purpose of moving items from one location to another from obtaining a Use Permit.

It was moved by Committeemember Walters, seconded by Committeemember Jones, to recommend to the Council that an amendment to the Zoning Ordinance pertaining to the regulation of "portable storage containers," and including the modifications as previously outlined by Committeemember Jones, be approved.

Carried unanimously.

Chairman Kavanaugh thanked staff for the presentation.

5. Discuss and consider a request regarding the Tonto Forest Estates annexation (south of McDowell and west of Meridian).

(Councilmember Griswold arrived at the meeting at 9:00 a.m.)

Principal Planner Dorothy Chimel addressed the members of the Committee relative to this agenda item. She displayed a map in the Council Chambers and provided a brief historical overview regarding Tonto Forest Estates. (See Attachment 4) Ms. Chimel reported that in 2002, the developer of the property received approval by the Maricopa County Board of Supervisors for two subdivision plats – Tonto Forest Estates and The Enclave at Tonto Forest Estates; that the property lies west of Meridian Road (which has served as the dividing line between Mesa and Apache Junction), is located in Maricopa County, but within the City's planning area; that the developer initially advised that Mesa utility services would not be required, but subsequently approached the City regarding annexation in an effort to receive those services; that annexation did not occur because of the City's inability to annex an intervening County Park, the cost of extending utility lines to the area, and the fact that development as approved would not comply with Mesa's development guidelines.

Ms. Chimel further indicated that the developer then approached the City of Apache Junction seeking annexation westward across Meridian Road to enable the subdivisions to receive Apache Junction sewer service. She explained that Apache Junction has a Community Facilities District (CFD), which controls its sewer district, and stated that although Tonto Forest Estates is not located within the CFD, the CFD could be expanded to include the property. Ms. Chimel added that if Apache Junction annexed the property, it would set a significant precedent for other properties in the area to not comply with the traditional boundary of Meridian Road, and would facilitate development which is not in compliance with the Desert Uplands criteria.

Ms. Chimel advised that Patrick Brenner, Community Relations Manager for the City of Apache Junction, is present in the audience and has requested that he be allowed to address the members of the Committee.

Chairman Kavanaugh invited Mr. Brenner to address the Committee.

Mr. Brenner, 1001 North Idaho Road, Apache Junction, thanked Chairman Kavanaugh for the opportunity to provide input. He read a letter authored by Apache Junction Mayor Douglas A. Coleman, wherein Mayor Coleman conveyed the fact that he supports Mayor Hawker and City staff's recommendation that Meridian Road be maintained as the boundary between Mesa and Apache Junction; that the developer is free to proceed as approved by Maricopa County, and that Apache Junction is opposed to annexing the property west of Meridian Road.

Chairman Kavanaugh thanked Mr. Brenner for his input.

Chairman Kavanaugh commented that Mesa would have a difficult time bringing the development into the City given the lack of support by the County to allow the City to annex the intervening County Park. He added that it may be advantageous for the developer to work with Apache Junction, especially considering the fact it has a CFD which can be expanded to include the property.

Committeemember Walters questioned why this issue has been presented to the General Development Committee for consideration. She reviewed a variety of options that could occur relative to the property's development and concluded that in all of the scenarios she outlined, the development will still look the same. Committeemember Walters noted that the question then becomes whether an artificial boundary serves a City better than looking at the impact on the residents or establishments in the area. She added that she is unclear as to what the Committee could recommend that would change the outcome of this issue.

Committeemember Jones and Councilmember Griswold concurred with Chairman Kavanaugh's comments.

Chairman Kavanaugh commented on the February 3, 2003 letter from Mayor Hawker to Apache Junction Mayor Douglas Coleman regarding the possible annexation of Tonto Forest Estates by Apache Junction and advised that it is the consensus of the Committee not to make a statement of endorsement or opposition to the correspondence.

Chairman Kavanaugh thanked everyone for the presentation.

6. Discuss and consider regulations regarding electronic changeable message signs.

Zoning Administrator John Gendron reported that at the January 6, 2003 General Development Committee meeting, as part of the "Car Dealer Issues" and the City's current regulations governing special events, landscaping, screening and signage, the Committee directed staff to prepare an ordinance amending the Sign Code to specifically allow electronic message changers. He commented that in working with the Arizona Sign Association, staff has now formulated several options regarding the use and operation of electronic message changers and is seeking input from the Committee regarding this issue.

Mr. Gendron explained that since the Sign Code was first adopted in 1974, Mesa has prohibited flashing signs or signs that have motion and added that the only exception is for "time and temperature" units for banks and financial institutions. He advised that with regard to changeable message signs, the City currently permits manual or "zip change" signs, whereby businesses have the ability to change the message copy. Mr. Gendron stated that the "flip disc" system utilizes mechanical discs to cover portions of illuminated bulbs and thereby creates the written message. An example of this type of sign is located at the Mesa Centennial Center.

Mr. Gendron displayed graphics in the Council Chambers and provided a brief overview of the latest sign technology which employs the use of light emitting diodes (LED):

1. Static Display, wherein the message is created by the LEDs, but there is no movement or flashing or intermittent operation;
2. Dissolve, the message gradually "fades out" and a new message fades in after a brief interval;
3. Travel/Scroll, the message travels from left to right or from top to bottom across the screen, and
4. Video/Animation where full video effects are used to create animated images.

Discussion ensued relative to various alternatives that the Committee may wish to consider including: 1) Permit static display only with reasonable limits on display time and "off time" between message changes; 2) Permit some operations as a use by right (e.g., dissolve, travel or scroll); 3) Permit some operations with a Special Use Permit; 4) Permit some operations only in designated areas, and 5) A hybrid of the above.

Mr. Gendron concluded his remarks by requesting direction from the members of the Committee relative to amending the City's longstanding Sign Code.

Committeemember Walters voiced concerns that the electronic message changers could potentially create a hazardous environment for motorists who become distracted by the signs.

In response to Committeemember Walters' concerns, Mr. Gendron clarified that in speaking with a representative of the Arizona Sign Association, he has learned that a study was conducted which concluded that the use of moveable message signs has not resulted in an increased incidence of driving safety hazards. He stated that he would be happy to provide a copy of the report to the members of the Committee for their review.

Committeemember Walters commented that she would prefer to delay any decision regarding the various sign options to allow staff additional time to research the safety issues associated with the electronic message changers. She stated that she is supportive of the static display, but will reserve judgment on the other options until a future time.

Committeemember Jones concurred with Committeemember Walters' comments and added that he would like to see greater flexibility with the static display.

Chairman Kavanaugh commented that he too would prefer delaying action on this item until staff conducts further research. He stated that he would like to see greater flexibility in the current Code, and noted that as technology evolves, additional sign options will become available. Chairman Kavanaugh added that video/animation signs may be appropriate at

facilities such as Hohokam Stadium, Mesa Community College, Red Mountain Community College and the Mesa Arts Center.

Further discussion ensued relative to staff including more definitive language in the Special Use Permit with regard to Video/Animation signs.

It was moved by Committeemember Jones, seconded by Committeemember Walters, that action on the matter be postponed, and that the agenda item be presented to the Council at a future Study Session.

Carried unanimously.

7. Adjournment.

Without objection, the General Development Committee meeting adjourned at 9:40 a.m.

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 26th day of February 2003. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK