



COUNCIL MINUTES

June 9, 2011

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 June 9, 2011 at 7:33 a.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Christopher Glover
Dina Higgins
Dennis Kavanaugh
Dave Richins
Scott Somers

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Linda Crocker

1-a. Hear a presentation, discuss and provide direction on the Zoning Code Update.

Zoning/Civil Hearing Administrator Gordon Sheffield displayed a PowerPoint presentation (**See Attachment 1**) and stated that the purpose of today's presentation was to provide a brief overview of the Amended Final Draft of the Zoning Ordinance Update. He stated that if the Council concurred with staff's recommendation to introduce the updated Zoning Ordinance, the item would be included on the June 27, 2011 Regular Council meeting agenda, with possible adoption on July 7, 2011.

Mr. Sheffield explained that the ordinance was vetted through the normal public hearing process, the Planning & Zoning Board (P&Z), the Design Review Board (DRB), and the Historic Preservation Committee.

Mr. Sheffield reported that in September 2006 when staff first began this project, they conducted stakeholder interviews to solicit input from those individuals who use the Zoning Ordinance on a regular basis. He noted that staff also conducted a Community Workshop to garner feedback from the public. Mr. Sheffield commented that in addition, staff made numerous presentations to the Development Advisory Forum, posted updates of the project's progress online, and provided a direct e-mail link for citizens who wished to make comments on the document.

Mr. Sheffield advised that recently when staff began its vetting process, they sent out notices to over 131,000 Mesa property owners. He said that in addition, staff conducted numerous

presentations to interested citizen and professional groups, conducted neighborhood and topical workshops, received public comment at numerous public hearings, and made presentations to six citizen advisory boards and the City Council.

Mr. Sheffield outlined the major goals of the Zoning Ordinance Update as follows:

1. Make zoning easier to use.
2. Streamline development reviews.
3. Address infill development.
4. Achieve a high level of design quality.
5. Promote housing variety and choice.
6. Support economic growth.
7. Enhance environmental quality.
8. Increase administrative flexibility.
9. Enact the General Plan policies, goals and procedures.

Mr. Sheffield briefly reviewed each of the above-listed goals and the various processes that would be implemented in the updated Zoning Ordinance in order to achieve those goals. (See Pages 5 through 21 of Attachment 1)

Mr. Sheffield stated that with respect to achieving a high level of design quality, the Zoning Ordinance Update would reward developers for better designed projects by streamlining the review process through staff as opposed to public hearings. He stated that the document also offers an Alternative Landscape Plan (ALP), which would allow creative alternatives to landscaping requirements.

Responding to a question from Councilwoman Higgins, Mr. Sheffield clarified that approval of an ALP is an administrative action that would be determined by the Zoning Administrator.

Mr. Sheffield remarked that with respect to promoting housing variety and choice, the Zoning Ordinance Update provides an option for by-right residential uses in Commercial Districts, which would remain subject to Site Plan Review by the Council.

Mr. Sheffield further reported that with respect to supporting economic growth, staff reorganized the industrial districts, with more of an emphasis on employment. He stated that the Zoning Code Update also includes a new Heavy Industrial (HI) District, which would tend to be more exclusive toward industrial uses and limit the amount of commercial activity. Mr. Sheffield added that staff has also created various small business options that include, for example, the reuse of residential properties on arterial streets and also authorizing small scale retail/restaurant uses in office districts.

Mr. Sheffield noted that relative to enhancing environmental quality, the updated Zoning Ordinance includes alternatives regarding how to calculate the parking spaces required for developments with multiple activities present, including a shared parking analysis. He stated, for instance, if a dentist office had peak parking hours in the morning and a restaurant in the same development had peak parking hours in the evening, both entities could share the common parking lot space without having to create additional asphalt.

Mayor Smith expressed appreciation for the shared parking analysis alternative and said that he would characterize such an alternative as “common sense and reality played out in proposed regulations.”

Mr. Sheffield advised that regarding the goal of increasing administrative flexibility, a number of issues remain concerning Temporary Use Permits. He explained that in the Final Draft, the only two Temporary Use Permits relate to swap meets and farmers markets. He explained that it was necessary for staff to distinguish between temporary use of a property as compared to a use that is already allowed on a permanent basis. Mr. Sheffield said that staff proposes to continue working on this issue and bring back to the Council an amendment to the Zoning Ordinance possibly in the fall.

Mayor Smith commented that there were actually two separate items that staff needed to address: short-term Temporary Use Permits that could extend for weeks or months; and the type of temporary uses that will occur in the Gateway area, which could last for years until the property is “ripe” for the high quality development that is anticipated will occur in the area.

Mr. Sheffield reiterated that an ALP would allow modifications in landscaping that meet or exceed the standard requirements. He also noted that the site plan must demonstrate certain design principles, such as the use of innovative design, native vegetation, plant variety or use of natural topography.

Mr. Sheffield further commented that updating the Zoning Ordinance was actually a General Plan policy. He said that staff has aligned the Zoning Districts more closely with General Plan policies; referenced the General Plan in their review of discretionary applications; developed Mixed-Use options; recognized Transit Oriented Development (TOD); and reorganized the industrial districts.

In response to a question from Councilwoman Higgins, Mr. Sheffield clarified that the updated Zoning Ordinance contains a standard regarding electric vehicle charging stations.

Mr. Sheffield introduced Chuck Gunn, who assisted staff in creating hyperlinks on the updated Zoning Ordinance web page. He said that the links are designed to make the site more user friendly.

In response to a question from Vice Mayor Somers, Mr. Sheffield stated that the updated Zoning Ordinance includes various illustrations and graphics to assist individuals in visualizing certain options/requirements in the document.

Vice Mayor Somers stated that the inclusion of graphics, for example, in the Gateway Strategic Development Plan, was very beneficial in helping individuals to visualize future development in the area. He noted that the more graphics included in the updated Zoning Ordinance, the easier it will be to read and understand.

Mr. Sheffield reported that there were a few last minutes items regarding the updated Zoning Ordinance that he wanted to bring to the Council’s attention. He stated that staff met with representatives of Circle G Properties to address various concerns regarding changes in the Zoning Ordinance related to large format retail in Industrial Districts. (See Pages 22 and 23 of

Attachment 1) He stated that after such discussion, the company was no longer opposed to the changes.

Mayor Smith stated that as the updated Zoning Ordinance is implemented, there will be elements of the Code that require greater clarification or perhaps even unanticipated “gaps” that it will be necessary for staff to address.

Mr. Sheffield advised that the DRB added an amendment to the Zoning Code related to lighting and illumination of non-single residence buildings and sites. (See Pages 24 and 25 of Attachment 1) He noted that the amendment was also endorsed by P&Z.

Mr. Sheffield further reviewed criterion that was added by P&Z and the DRB with respect to the Alternative Landscape Plan. (See Page 26 of Attachment 1) He stated that in particular, P&Z wanted to allow for creative designs under aerial power lines and to use plant materials that would be appropriate for placement near utility lines.

Mayor Smith stated that he has seen many developments in which 40-foot trees have been planted underneath power lines. He suggested that staff create a Plan Review checklist that would require applicants to acknowledge whether, in fact, there is a power line on the site, and if so, to indicate what types of trees do they intend to plant underneath it.

Mr. Sheffield also remarked that staff received complaints from Dobson Ranch residents living adjacent to existing restaurants with respect to live entertainment. He explained that staff developed a Special Use Permit (SUP) option for Accessory Live Entertainment at eating and drinking establishments located within 500 feet of residential zoning districts. He noted that the purpose of the SUP review was not to discourage live entertainment, but to attenuate noise. Mr. Sheffield stated that it was the opinion of P&Z that the existing noise ordinance was sufficient to address noise complaints and deleted this requirement. He added that the requirement was not included in the Amended Final Draft.

Discussion ensued relative to the fact that the updated Zoning Ordinance received unanimous recommendations of approval from DRB, P&Z and the Historic Preservation Committee; that citizens can view the Final Draft on the City’s website; and that copies of the document are also available for review in the City Clerk’s Office and at all City libraries.

Councilmember Kavanaugh complimented Mr. Sheffield on his patience, diligence and hard work throughout this lengthy process. He stated that updating the Zoning Ordinance was “a legacy kind of project,” and commented that if the City had such a document 20 years ago, the landscape of the community would be very different. Councilmember Kavanaugh added that he looked forward to passage of the Zoning Ordinance which, in his opinion, would probably be one of the most important issues he would ever vote on in terms of its long-term effect on the community.

Mayor Smith remarked that the updated Zoning Ordinance is “cutting edge” and grants flexibility, recognizes how Mesa has changed, and identifies “the new needs” in the community. He also commented that areas of the community that were formerly suburban development are now infill and said the updated Zoning Ordinance “accommodates that reality, makes it easier for development without lowering standards, and also reduces regulatory restrictions.” Mayor Smith expressed appreciation to staff for their hard work and also acknowledged all of the

citizens, the boards and commissions, and stakeholders who participated in this arduous process.

Mayor Smith thanked Mr. Sheffield for his presentation.

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

Mayor Smith: Attended the Valley Hotel and Resort Association and City Officials Luncheon

Vice Mayor Somers: Superstition Farms Ribbon Cutting Ceremony; "Amputees Across America" cycling event

3. Scheduling of meetings and general information.

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

Thursday, June 9, 2011, 9:00 a.m. – Government Affairs Committee

Friday, June 10, 2011, 7:30 a.m. – "Coffee with the Councilmember" at the Mesa Hilton

Monday, June 13, 2011, 8:30 a.m. – Community and Cultural Development Committee

Monday, June 13, 2011, 10:00 a.m. – Groundbreaking for Fire Station 219

Thursday, June 16, 2011, 7:30 a.m. – Study Session

4. Items from citizens present.

There were no items from citizens present.

5. Adjournment.

Without objection, the Study Session adjourned at 8:21 a.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, 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 9th day of June 2011. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

pag
(attachment – 1)



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Planning Division
Development and Sustainability Department

City of Mesa

ZONING ORDINANCE UPDATE

Amended Final

DRAFT ZONING ORDINANCE

Presentation to:

City Council Study Session

June 2, 2011

PRESENTATION AGENDA

1. **Citizen Involvement**
2. **Goals for the Z-Code Update**
2. **How Project Achieves Goals**
3. **Last Minute Items**
 - a) CUP Option for Large Format Retail in GI (formerly M-2) District
 - b) Lighting and Illumination
 - c) Criteria for Alt. Landscape Plans
 - d) Live Entertainment

Citizen Involvement

- Stakeholder Interviews
- Community Workshop
- Development Advisory Forum
- Continual Webpage Updating
- Direct E-mail Links for Comments from Webpage
- First Class Mail Notice to over 131,000 property owners
- Presentations to Interested Citizen Groups
- Presentations to Professional Groups
- Neighborhood & Topical Workshops
- Public Comment at Public Hearings
- 6 Citizen Advisory Boards and City Council

GOALS OF THE UPDATE

1. Make Zoning Easier to Use
2. Streamline Development Reviews
3. Address Infill Development
4. Achieve a High Level of Design Quality
5. Promote Housing Variety and Choice
6. Support Economic Growth
7. Enhance Environmental Quality
8. Increase Administrative Flexibility
9. Enact the General Plan Policies, Goals & Objectives

Goal 1: Ease of Use

Organizational Clean-Up

- *Order by Hierarchy: Most to Least Referenced*
- *Definitions & Administration Moved to End*
- *Alphabetize*
- *Greater Use of Tables and Cross-References*

Goal 1: Ease of Use

Organizational Clean-Up

TABLE 11-6-2: COMMERCIAL DISTRICTS

<i>District</i>	<i>NC</i>	<i>OC</i>	<i>MX</i>	<i>Additional Regulations</i>
<i>(Numbers in parentheses refer to notes at the end of the table.)</i>				
Public and Semi-Public Use Classifications				
Hospitals and Clinics				Section 11-20-10
<i>Hospitals</i>	P	--	--	
<i>Clinics</i>	P (3)	--	P	
Places of Worship	P	P	P	Section 11-20-17
Public Safety Facilities	P	P	P	
Schools, Public or Private	CUP	--	CUP	Section 11-20-19
Social Service Facilities	CUP	--	--	Section 11-20-21

3. A CUP is required for Plasma Centers and Substance Abuse Detoxification and Treatment Centers. All other Clinics are by right

Goal 1: Ease of Use

Consolidation of Development Standards

1. Article 2: Zone-specific standards

2. Article 4: Standards for all zones

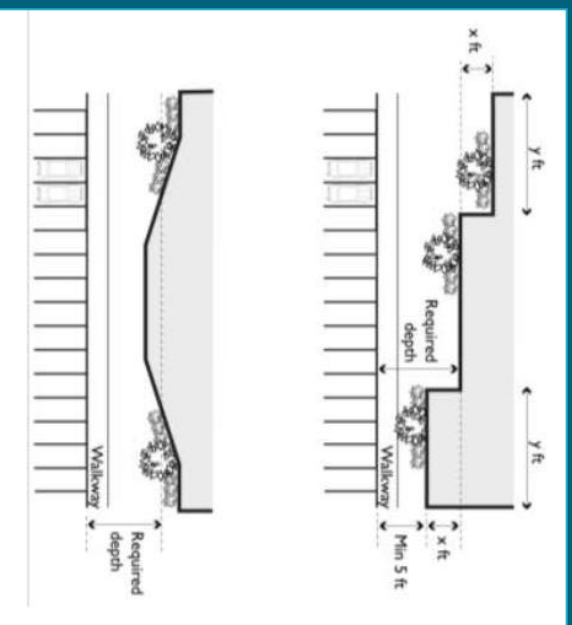
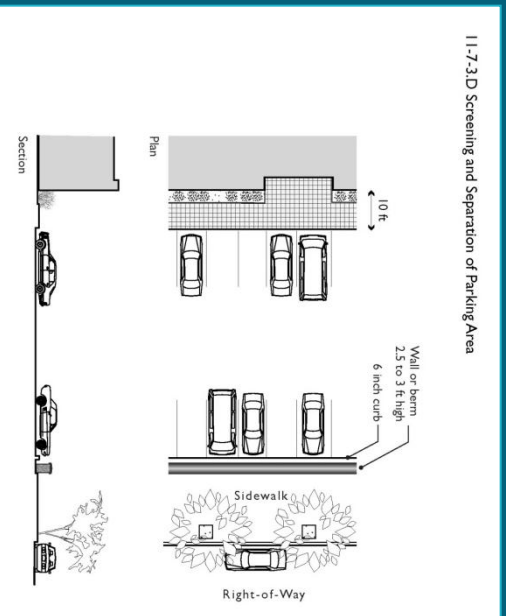
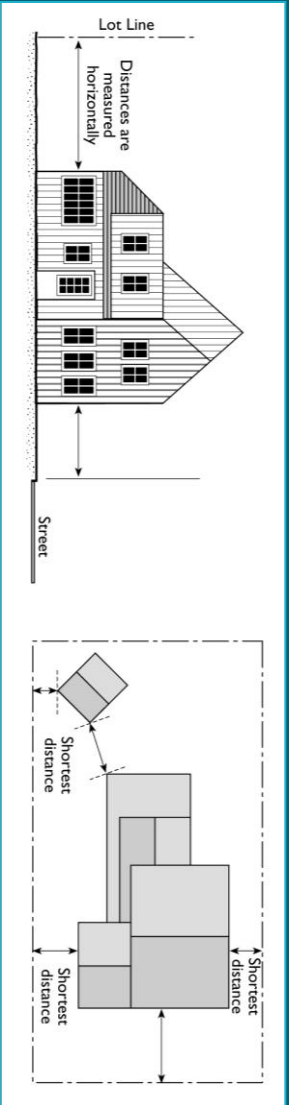
- *General development standards*
- *Use-specific standards (e.g. pawn shops)*

3. Design Guidelines

- *Non-mandatory “should” guidelines removed or reformatted to “Shall”*
- *Mandatory “shall” elements retained*

Goal 1: Ease of Use

Increased the Number of Illustrations



Goal 2: Streamline Reviews

- 1) **Increases Staff Options**
- 2) **Concurrent Scheduling**
- 3) **Hearing Officer Options:**
 - P&Z: Planning H.O.
 - Bd. of Adjustment: Zoning Adm. H.O.
- 4) **Consolidated Applications**
 - Special Use Permits and P&Z applications

Goal 3: Infill Development

- 1) Development Incentive Permits (DIPs)
- 2) Substantial Conformance Incentive Permits (SCIPs)
- 3) Reduces building setbacks in single residence districts and increases lot coverage allowance (allows more building on smaller lot)

Goal 3: Infill Development

4) Mixed-Use Options

- Multiple Residence in Commercial Districts
- Small Scale Commercial in Industrial Districts
- Small Scale Commercial in O-C District
- New MX District

5) Special Use Permits

- Limited Commercial Uses at Residential Sites on Arterial Streets

6) Reduces Street Setbacks in Multiple Residence, Commercial and Industrial Districts

Goal 3: Infill Development

7) ID - Infill Development Districts

Encourages

- a. Re/Development of By-passed Parcels
- b. Sustainable Development Practices
- c. Mixing of Uses
- d. Using Existing Assets and Infrastructure
- e. Re/Investment in Existing Neighborhoods
- f. Minimize Sprawl

Available Incentives:

- a. Choice of Land Use Options
- b. Negotiate On and Off-site Development Standards
- c. Potential Streamlining of Plan Reviews
- d. Potential Partnering of Off-site Improvements

Goal 4: Higher Design Quality

- **Reward Better Designed Projects**
 - Administrative Options/No Hearings
- **Cafeteria Options**
 - Pick a Few From Several Different Choices
 - New RSL – Reward with Higher Density
 - Alt Landscape Plan – Creative Design

Goal 4: Higher Design Quality

- **Varying Development Designators**
 - Mixed (default)
 - Auto (Suburban or Auto Oriented)
 - Urban (Pedestrian Oriented)
- **Differing Standards = Differing Places**
- **Avoids Monotonous Design**
- **Applies to Multiple Residence & Commercial Districts**

Goal 5: Housing Variety and Choice

- **Increase Maximum Densities in Multiple Residence Districts**
- **By-right Residential Uses in Commercial Districts**
- **New RSL District**
- **New MX District**

Goal 6: Economic Growth

- Reorganized Industrial Districts – Employment Emphasis/New HI District
- Infill District Options
- PC District Options
- MX District and Mixed Use Options
- Emphasis on Quality Standards

Goal 7: Environmental Quality

- Increased Use of Mixed-Use Options
- Discounts Parking Requirements
When Adjacent to Bus or Transit Stops
- Alternative Vehicle Parking
Requirements
- Infill Development Options

Goal 8: Administrative Flexibility

- **Concurrent Reviews**
- **Consolidated Applications**
- **Increased Administrative Options**
- **Temporary Use Permits**

Goal 8: Administrative Flexibility

- **Alternative Landscape Plan (ALP)**
 - Allows modifications in landscaping that will meet or exceed the standard requirements of the chapter
 - Site plan must demonstrate certain design principles, such as use of innovative design, native vegetation, plant variety, or use of natural topography

Goal 8: Administrative Flexibility

Parking & Loading: New Standards

- *Shared Parking Analysis*: Option for mixed use project w/ differing peak hrs
- *Parking Reductions* allowed through demand study, & proximity to transit
- *Alternative compliance options*: off-site, valet, transit access, residential special needs (senior, handicapped)
- *Bicycle & Motorcycle/Motor Scooter* parking requirements

Goal 9: Enact General Plan Policies

- Overhaul of Zoning Code
- Align Zoning Districts with GP Policies
- Reference GP Policies in Review of Discretionary Applications
- Development of Mixed Use Options
- Recognition of Transit-Oriented Dev.
- Reorganized Industrial Districts

Last Minute Items

Large Format Retail in Industrial Districts

Intent of Changes

- 1) Separate High Impact Industrial Uses from High Impact Commercial Uses
- 2) Provide for Limited Scale “Warehouse” Store options for PEP (Often called Mini-majors)
- 3) Retain CUP options in LI/M-1 to avoid non-conforming uses (ex: Stapley & Baseline)
- 4) No Current Approved CUP sites for Large Format Retail located in any present M-2 District
- 5) Allow only “support” oriented retail uses in higher impact industrial districts

Last Minute Items

Large Format Retail in Industrial Districts

Z-CODE UPDATE

Large Format Retail (LFR):
General Retail taking place
in excess of 25,000 sqft

- **PEP:** LFR allowed up to 50,000 sf. No LFR allowed over that area
- **LI/M-1:** Any LFR over 25,000 sf Requires Council Use Permit.
- **GI/M-2:** Retail uses limited to max of 25,000 sf.
No Large Format Retail,
Requires Rezoning

EXISTING Z-CODE

Large Format Retail (LFR):
General Retail taking place in a
store of **greater than 10,000 sqft**

- **PEP:** No retail over 10,000 sf, group retail over 50,000 sf
- **M-1:** CUP required for any retail over 10,000 sf or group retail over 50,000 sf
- **M-2:** CUP required for any retail over 10,000 sf or group retail over 50,000 sf

Last Minute Items

Design Review Board Amendment

Lighting and Illumination

- *Limit Applicability.* Does not apply to single family & duplexes.
- *Control Light Trespass.* Minimize glare & light trespass to adjacent sites.
- *Light Spillage.* Limit the light level at project boundary
- *Illuminate Pedestrian Paths* during evening hours.
- *Consistent Fixture Design.* Use Fixtures Harmonious with the building design, and with the architectural theme of the overall project

Last Minute Items

Design Review Board Amendment

Lighting and Illumination

- *Gradual Transition of Exterior Lighting Levels.*
Allows varying levels of brightness, provided there is a gradual transition from light to dark.
- *Highlight Building Entries.* focus attention on primary building entries and adjacent architectural details.
- *Lighting to Enhance Design.* Call attention to details of the building design & highlight the relief of building features and/or the texture of building materials.

Last Minute Items

DR and P&Z Amendments

1. *Each Board Added Criterion for Alternative Landscape Plans*
 - a. Allow for Creative Designs Under Aerial Power Lines
(added by P&Z Board)
 - b. Allow Designs that take Consider Maturation and Long-term Health of Plants *(added by DR Board)*
2. *Addition of these two choices, options increased from 9 to 11*
3. *Approval stayed at meeting 6 of the 11 options*
4. *Voluntary, not Mandatory*
5. *Allow Designer to address unique context and circumstances affecting the site*

P&Z Board Amendment

Live Entertainment

- Staff received complaints from residents living adjacent to Existing Restaurants with Live Entertainment
- Developed SUP Option for Live Entertainment within 500-ft of residential district
- Purpose of SUP review was to attenuate noise based on context of site
- P&Z felt existing noise ordinance was sufficient to address noise complaints, & SUP would discourage Live Entertainment, especially in Fiesta District
- P&Z deleted this requirement

Opportunity for Comment

Design Review Board

March 2 and April 6

Planning and Zoning Board

March 23 and April 20

Historic Preservation Committee

April 28 and May 26

City Council (tentative)

June 6 – Introduction of Ordinance

June 27 – Consideration of Ordinance

Opportunity for Comment

Written Comments

- planning.info@mesaaz.gov

Additional Information

- www.mesaaz.gov/planning
- Gordon Sheffield, AICP
Zoning Administrator
(480) 644-2199