

GENERAL DEVELOPMENT COMMITTEE MINUTES

March 25, 2004

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 March 25, 2004 at 10:40 a.m.

COMMITTEE PRESENT

Rex Griswold, Chairman
Kyle Jones
Claudia Walters

COUNCIL PRESENT

Mayor Keno Hawker

OFFICERS PRESENT

Paul Wenbert

1. Desert Uplands Development Standards:

Chairman Griswold noted that due to the fact that Greg Allen had another commitment, he would amend the order of the agenda to provide Mr. Allen with the opportunity to present his comments to the Committee at this time.

Greg Allen, Allen Consulting Engineers, speaking on behalf of approximately 12 builders in the Las Sendas area, noted that their recommendations regarding the Desert Uplands Development Standards have been provided to Senior Planner Jo Ferguson and other members of City staff. He stated that the builders he represents are very comfortable with the final document, and he expressed appreciation to City staff for their assistance.

a. Staff presentation.

Principal Planner Dorothy Chimel stated that staff is requesting that the proposed ordinance and set of guidelines provided in the Committee's packet be moved forward to obtain direction from the full Council regarding the development of both documents. She advised that the subdivision regulations have specific standards that are designed to retain the unique character of the desert. Ms. Chimel outlined the major changes to the proposed amendment, as listed in the staff report:

- Fully revegetate the "construction disturbance area" with material from the preferred plant list.
- For building envelope protective fencing: permit and inspection is required, fencing must be staked by a registrant, and fencing is to display appropriate warning signage (in English and Spanish).
- Provision for sufficient area between structures and building envelope protective fencing for construction access.
- Clarification of disturbance allowed within the ten-foot building envelope setback.

- Certification of the building pad height required, if building pad heights are approved above grade.
- Excluded from the calculation of the disturbance area: those portions of single access driveways (maximum width of 16") that extend beyond the 30' front building setback provided the area of disturbance is minimized and fully revegetated in accordance with the preferred plant list.
- Excluded from the building envelope calculation: on-lot utility trenching provided the trenching and area of disturbance is minimized and the area is fully revegetated in accordance with the preferred plant list.
- Clarification added regarding "revegetated" desert.
- Extensive botanical name reclassifications and corrections to the plant lists.
- Preferred plant list: required for 50% of plants, and encouraged for 90% of plants used for common area landscaping.
- Language added to allow modifications to retaining wall standards to be considered individually, based on site conditions.

Chairman Griswold noted that the proposed changes offer an improved way to preserve the desert. He added that in the past some regulations that were intended to promote good development practices often had the opposite effect.

Ms. Chimel advised that a productive dialogue with developers and concerned citizens resulted in continuous refinement of the ordinance. She noted that an area that remains somewhat controversial is the language regarding retaining wall standards. Ms. Chimel stated that the design of retaining walls would be reviewed on a case-by-case basis, and that staff would work with applicants regarding the plant palette and the design theme to ensure there was not a wall that was out of context or unsightly.

Discussion ensued relative to the fact that a wrought iron fence installed on top of a low retaining wall would be preferable to installing a solid privacy wall on top of the retaining wall; that constructing two walls, a retaining wall and a privacy wall, would increase the amount of desert disturbance; and that a review of retaining walls on a case-by-case basis could identify design solutions.

Ms. Chimel stated that the proposal includes major changes to the ordinance and the creation of a set of guidelines to be used as a framework for the decision-making process regarding Planned Area Development (PAD) overlays. She added that other changes to the existing ordinance include:

- The preferred and acceptable plants lists.
- Protective fencing.
- Reduced street lighting on public streets and collector streets with no lot access.
- An overall reduction to the street widths.
- Detached sidewalks.
- A 53-foot right-of-way for local streets in order to accommodate a five-foot planting area between the curb and the sidewalk.
- Require landscape medians in public streets.
- Variation to some standard development requirements in order to allow for curvilinear public street patterns.
- Encouragement to minimize perimeter walls.

- Provisions to maintain natural drainage patterns to support existing vegetation.

Chairman Griswold stated that he understood that staff was proposing a strong ordinance that allows 50 percent plus ten percent disturbance revegetation, but that a large PAD common area that saved 30 percent in natural vegetation would allow for 80 percent disturbance on the individual lots.

Ms. Chimel confirmed that Chairman Griswold's understanding was correct and noted that requirements for a PAD include a public hearing process and final approval by the Council.

Ms. Chimel stated that staff was seeking direction from the Committee in order to proceed with the proposed regulations and guidelines. She acknowledged the significant input from citizens and the development community as well as the efforts of Ms. Ferguson.

Committeemember Walters noted that ordinances and regulations are often revised and changed over time as needed, and added that the proposal before the Committee has had extensive review and input from interested parties. She expressed the opinion that the present proposal should move forward.

b. Public comments.

- William Puffer, 8330 E. Thomas Road, representing the Spook Hill Neighborhood Action Association, stated that his organization continues to oppose the proposed allowable disturbance area. He expressed the opinion that the disturbance allowance would contribute to the destruction of the character of the Desert Uplands. Mr. Puffer also objected to the definition of "undeveloped natural area open space" that includes both "undisturbed" and "revegetated" areas.

Discussion ensued relative to the fact that revegetated areas are difficult to distinguish from the undisturbed areas; that revegetating the desert would not insure the return of desert wildlife; and that the requirements for subdivision developments differ from those for single-family developments.

- Carol Owens, P. O. Box 1017, Apache Junction, a local wildlife activist, stated the opinion that the desert areas should have maximum protection with a minimum amount of disturbance.

Chairman Griswold noted that the developers are also anxious to preserve the desert environment due to the fact that the characteristics of the Desert Uplands command premium prices for lots.

The following individuals spoke in support of the proposal:

- Bill Jaffa, William S. Jaffa & Associates, recommended that the proposal move forward for consideration by the Council and suggested that the ordinance and the guidelines be considered at the same time. He noted that the proposal would assist developers in meeting the demand for executive style homes in Mesa.

- Jerome Seeman, 3715 N. Hawes Road, suggested that the guidelines be referenced within the text of the subdivision regulations, and he noted that concern still exists regarding the fact that more than 40 percent disturbance would be allowed on large lots.

Additional discussion ensued relative to the fact that the guidelines will be referenced in the ordinance; and that there is no requirement for meandering sidewalks due to the fact that the sidewalks referenced are along local streets.

Chairman Griswold stated that many citizens and developers have devoted considerable time to working with staff regarding the Desert Uplands Standards. He noted that the best way to preserve the desert is not to allow anyone in it. Chairman Griswold expressed the opinion that although growth cannot be stopped, it should be managed.

- Tom Fitzgerald of Belmont Homes stated that although there were some items he would like to change, he concurred with Committeemember Walters that the proposal should move forward.

Further discussion ensued relative to the fact that individuals who pay \$450,000 for a lot do not want restrictions placed on the size of the home that can be built; and that revegetation often involves replacing dead trees, which can be an improvement to the desert.

Chairman Griswold noted that the 50 percent building envelope would be enforced, and that he looked forward to seeing the impact of the proposed ordinance and guidelines on future homes in Las Sendas.

In response to Committeemember Walters' question regarding a reference to guidelines in the February 5th General Development Committee (GDC) meeting minutes, Ms. Ferguson explained that guidelines were not available at the last GDC meeting, and that references in the discussion confused the terminology by referring to regulations as standards or guidelines. She clarified that the discussion referred to the actual subdivision regulations that apply in Las Sendas.

Ms. Ferguson addressed Committeemember Walters' concern that a wash utilizing Gunite could be installed by noting that the update to the subdivision regulations addresses the aesthetic aspects of drainage improvement and requires that natural materials or materials from the site be utilized rather than Gunite. She explained that Gunite was installed under prior regulations or at a time prior to the property being annexed into the City.

Additional discussion ensued relative to the fact that language in guidelines indicates what is expected or encouraged rather than what "must be;" that the proposal establishes a minimum requirement of at least 50 percent native plants while "encouraging" 90 percent; that the requirements will be enforced; that language referring to appearance, goals, and vision is more appropriately placed in a guideline than in an ordinance; and that references to drainage and materials now include terms such as "must, shall, or required."

- Benjamin Scheier of I Plan stated that his firm provides design review services for Las Sendas and also constructs six to twelve homes per year. He advised that he concurred with the statements made by the other developers, and he expressed support for the proposal that staff is presenting to the Committee.

c. Discuss and consider the draft Desert Uplands Development Standards.

Committeemember Jones acknowledged the efforts of citizens, developers and staff to reach an effective compromise.

It was moved by Committeemember Jones, seconded by Committeemember Walters, that the item be moved forward to the full Council for consideration.

Discussion ensued relative to the fact the staff's proposal would first be considered by the full Council; that the subdivision regulations would be changed by Council action; that the language would be refined with the assistance of legal staff; and that the guidelines would be subject to the Planning and Zoning Board's public hearing process with a recommendation to the City Council.

Chairman Griswold called for the vote.

Carried unanimously.

Chairman Griswold thanked City staff and everyone involved for their contributions regarding the Desert Uplands Development Standards.

2. Discuss and consider possible changes to the portable sign regulations.

Zoning Administrator John Gendron addressed the Committee and stated that he would provide a brief update on possible changes to the portable sign regulations. He advised that portable signs, A-frames in particular, have been prohibited by the Sign Code since 1974. Mr. Gendron noted that allowable exceptions include signage for real estate open houses, signs for special events held up to four times a year, and signs in the Town Center area of Mesa.

Mr. Gendron stated that allowing any portable signage usually results in a proliferation of signs that is difficult to regulate and would require staff to be diverted for enforcement efforts. He noted that the Design Guidelines adopted by the Council two years ago require that the amount of landscaping be increased and that signage be architecturally integrated with the buildings or structures. Mr. Gendron explained that the objectives of the Sign Code include reducing advertising distractions that may contribute to traffic accidents and providing an improved visual environment for citizens. He noted that the Sign Code does permit the following: unlimited marquee signs; 100 percent coverage of windows except in the Town Center area; banners for the first 30 days of the opening of a new business; and balloons, flags, banners and other advertising display for special events. Mr. Gendron added that businesses could also request a comprehensive sign plan by the Board of Adjustment or seek a variance.

Mr. Gendron advised that a comparison chart of Valley communities is included in the Committee's packet. He noted that Fountain Hills, the only Valley community that presently allows portable signs, passed a law in December prohibiting new portable signs and phasing out the existing signs over a two-year period. Mr. Gendron added that the topic of portable signs is on the agenda for the next Town of Gilbert Council Meeting.

Mr. Gendron stated that staff's recommendation is that no additional portable signs be allowed other than what is permitted under current regulations.

Chairman Griswold, noting that portable signs have been effective in the Town Center area, questioned why the signs could not be equally effective in other areas of Mesa.

Discussion ensued relative to the fact that of the 80 properties in the Town Center area, only 23 utilize portable signs; that the use of a portable sign requires an annual fee of \$25 along with a certificate of insurance; that Scottsdale may not strictly enforce their prohibition of portable signs utilized by businesses; that Scottsdale may permit portable signs for special events; that Mesa allows portable signs for hardship cases, such as during road construction or repair; and that some portable signs in Mesa were "grandfathered-in" when the property was annexed into the City.

Committeemember Walters expressed concern that an effort to be "business friendly" by allowing portable signs could result in being "unfriendly" to residents by degrading the appearance of the community. She stated that she would not support an ordinance change at this time.

Chairman Griswold stated that he was not in favor of allowing portable signs everywhere, but noted that staff has made an exceptional effort in the Town Center area, and he thought that the effort could be duplicated in other areas. He expressed the opinion that signage options should be available for a tenant with an uncooperative landlord.

Committeemember Walters noted that allowing a business tenant to utilize portable signs would be rewarding the substandard operator by offering a privilege that is not available to the reputable landlord who provides proper signage for his tenants.

Chairman Griswold expressed concern for the small businesses that perceive that the City is unfairly denying their right to signage. He also noted that he did not want to create a need for additional Code Compliance Officers. Chairman Griswold requested that staff continue to review the portable sign issue.

It was moved by Committeemember Walters, seconded by Committeemember Jones, that Chairman Griswold should meet with staff to determine if there are areas within the City where the utilization of portable signs would be feasible and report back to the Committee on the various options.

Carried unanimously.

In response to a question from Committeemember Jones, Senior Redevelopment Specialist Patrick Murphy advised that the Town Center area businesses were required to reduce window coverage from 100 percent to 30 percent for aesthetic reasons. He explained that to offset the decreased signage opportunities as a result of adding trees to the landscaping and reducing the amount of window coverage, the Town Center area is allowed to utilize portable signage.

Chairman Griswold thanked staff for the presentation.

3. Adjournment.

Without objection, the General Development Committee meeting adjourned at 12:03 p.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 25th day of March 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

baa