

GENERAL DEVELOPMENT COMMITTEE MINUTES

September 22, 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 September 22, 2003 at 3:05 p.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Kyle Jones
Claudia Walters

COUNCIL PRESENT

Mayor Keno Hawker

OFFICERS PRESENT

Debra Dollar

1. Discuss and consider streetscape improvements in light rail corridor.

Assistant Development Services Manager Jeff Martin addressed the Committee regarding a proposal for landscaping and sidewalk improvements along Main Street from Roosevelt to Dobson Road. He explained that this corridor is a gateway into the City of Mesa and will be under construction with the Light Rail Transit (LRT) Project that will extend approximately one mile into Mesa. Mr. Martin advised that the project was limited to replacing any existing sidewalk and landscaping that may be disturbed during construction. He stated that a certain amount of street widening is necessary at intersections as part of the LRT project, and in Mesa, those intersections would be at Roosevelt and Dobson Road. Mr. Martin also referred to a map depicting the project limits from Roosevelt to Dobson (See Attachment).

Mr. Martin stated that staff is presenting several options. He noted that the current design is to simply replace the existing landscaping and sidewalk in addition to widening the intersections, and the City is currently at approximately 65% design level with Valley Metro Rail. He reported that the current estimate was \$1,014,600, with 50% of that cost to be reimbursed to the City by the Federal Transit Administration (FTA).

Mr. Martin informed the Committee that staff has developed several options to provide aesthetic enhancements in an effort to improve the area designated as the gateway to the City. He said that option number one would replace the existing sidewalk and widen the street at Roosevelt and Dobson, adding about six feet of landscaped area behind the sidewalk. Mr. Martin explained that in the area where the LRT project would widen and disturb the existing landscaping, extra landscaping installed by the City would require the acquisition of additional rights-of-way at an estimated cost of \$182,976, as well as \$1,300 per year to maintain the landscaping.

Mr. Martin noted that the second option, which is the recommendation of staff, proposes to add up to six feet of enhanced landscaping where possible behind the sidewalks for the entire length of the corridor. He added that this option would cost approximately \$389,576, in addition to \$3,000 for annual maintenance.

Mr. Martin further commented that the third option includes all of option two, however, instead of replacing the existing six-foot sidewalks, eight-foot sidewalks would be constructed. He noted that this option would include additional costs and require additional easements. Mr. Martin explained that this option is being presented to the Committee due to the fact that Tempe is currently using this plan and that there are eight-foot sidewalks east of Dobson Road in front of the Tri-City Pavilions Mall. He added that this option would cost the City \$857,726 with \$3,000 a year in maintenance expense.

In response to a question from Committeemember Jones regarding whether staff has physically inspected the site to see how existing buildings may be affected by the proposed widening, Mr. Martin clarified that a representative from the Real Estate Division met with property owners in the area to solicit their input and comments relative to the project.

Real Estate Services Specialist II Yvonne McCall advised that she spoke to most of the property owners and that a majority expressed a desire to have the area aesthetically improved along the corridor. She noted that the City would not do anything as far as landscaping to impact the structure of the buildings. Ms. McCall explained that in some areas, there would only be a four-foot buffer rather than a six-foot buffer, depending on the location, and each would be handled on a case-by-case basis with the property owner. She added that the property owners are supportive of the City's proposed improvements in the area.

In response to a series of questions from Councilmember Jones, Ms. McCall explained that she calculated the estimated costs for the improvements on the basis of an easement rather than the acquisition of the rights-of-way (which would be about 90% of the value of a right-of-way taking); that due to the fact the area is older and the setback lines are short, an easement would not impact the property setback lines; that if the City purchased the property, a new development, remodel or addition would change the setback line; and that she spoke to 80% of the property owners and the only negative response was from a car dealership on the north side of Main Street between Santa Barbara and San Jose where an easement could interfere with the display of used cars.

Ms. McCall stated the opinion that an arrangement could be worked out with the business so that the owner could have sufficient space to turn his cars around and the City would pay to replace his blue barrier. She noted that the property was formerly used as a gas station.

Chairman Kavanaugh commented that the streets along San Jose and Santa Barbara offer challenges due to the fact that the area was developed without zoning and has few streetlights. He noted that the area is located just outside the current Community Development Block Grant (CDBG) boundaries, but the City is hoping to include this area within these boundaries in the future. Chairman Kavanaugh added that neighbors in the area have made numerous requests for City assistance with cleanup and streetlights. He expressed the opinion that aesthetic improvements along the sidewalks will be very beneficial.

It was moved by Committeemember Walters, seconded by Committeemember Jones, to recommend to the Council that Option Two, regarding the enhancement of sidewalk and landscaping improvements along Main Street from Roosevelt to Dobson Road, be approved.

Carried unanimously.

2. Discuss and consider code amendment making street flooding violations civil vs. criminal matters.

Chairman Kavanaugh stated the opinion that amending the City Code to make street flooding violations a civil as opposed to a criminal offense would seem to be a fair approach.

Committeemember Walters commented that she was prepared to make a motion, but questioned how the City will determine if someone washing their automobile is in violation of the ordinance. Committeemember Walters expressed her support for moving this violation from the criminal code to the civil code.

Resources Division Director Frank McRae responded to Committeemember Walters by stating that flooding or water present in a street would be a violation of the ordinance and subject to enforcement. He noted that the key to enforcement was to actually witness and attribute the flooding or water in the street to a specific property or a specific person.

Committeemember Walters expressed the opinion that a violation for washing a car seemed unwarranted and she did not think that the City received many complaints of this type.

Code Compliance Director Bill Petrie stated the opinion that the original intent of this ordinance was to prevent flood irrigation or pumping swimming pools into the street rather than inconsequential nuisance waters. He noted that complaints are received about people washing their cars or sprinklers over spraying into the street, and while the cases were technical violations of the Code, his department was not involved in enforcement. Mr. Petrie expressed the opinion that the intent of the ordinance was to prohibit flooding that caused traffic problems or damaged streets.

Committeemember Walters commented that a neighborhood in her district has an on-going problem with sprinklers that consistently over spray into the street. She added that neighbors are very concerned about the health hazard resulting from mosquitoes breeding in the standing water. Committeemember Walters noted that there was a difference between an ongoing problem and a one-time occurrence, such as a sprinkler head breaking or someone washing a car every two weeks.

Mr. McRae stated that Code Enforcement would probably not cite a citizen for water in the street as a result of washing a car, but the citizen would be politely told that there were more efficient ways to wash a car such as at a car wash that recycles water. He did not recall that the City has ever cited a citizen for this type of violation. Mr. McRae added that the intent of the ordinance was to locate the chronic wasters who exhibit blatant disregard such as water standing in the street resulting from a failure to control irrigation.

Committeemember Walters recalled that a few years ago during a gas crisis, tickets were issued to speeders for wasting a natural resource rather than for speeding. She stressed that

the Code should clarify that a citizen washing an automobile at a residence is not in violation of the ordinance.

Mr. Petrie agreed with Committeemember Walters and stated the opinion that it was not the intent of Council when the ordinance was passed to cite residents for routine activities. He added that he would not direct staff to issue that type of citation or utilize City Court time for this type of issue.

It was moved by Committeemember Walters to accept the recommendation of staff to transfer the street flooding ordinance from Mesa City Code Title VI Police Regulations to Title VIII Public Nuisances, Property Maintenance and Neighborhood Preservation.

Discussion ensued relative to the concerns of the Committee that the language in the ordinance should be appropriate as to the type of violation; that the present language has not been changed from the original ordinance; and that the Committee was in favor of having the language in the ordinance reflect the intent of the ordinance.

Chairman Kavanaugh asked if there was a second to the motion.

Committeemember Jones said that he favored a more definitive description as to what constitutes a violation of the ordinance and quoted, "It shall be unlawful for any person to allow or cause the escape of any water used for irrigation or any other purpose to flow into or upon a public street or alley within the city." He stated the opinion that the language was too broad and added that common sense would be used relative to enforcement, but a strict interpretation of the ordinance could result in problems. Committeemember Jones expressed support for moving the Code from criminal to civil, but he suggested that the language should be clarified.

Chairman Kavanaugh stated that the application of a law requires the rule of reason and sometimes in statutes such as this, language could be included that states the ordinance applies to an unreasonable amount of water to provide some type of parameter, but he noted that the definition could be somewhat subjective.

Mr. Petrie explained that prior to a situation being reported to Code Compliance, Utility and Water Conservation would have already contacted the violator several times. He noted that chronic violators are reported to Code Compliance and then typically two notices are provided prior to a citation being issued and therefore, the violator would have received at least three or four notices from the City.

In response to a comment from Committeemember Jones, Mr. Petrie advised that his department receives many complaints and staff attempts to use reasonable judgment and the intent of the Council in enforcing all codes.

Chairman Kavanaugh noted that the discussion at this meeting would reflect that the intent of the ordinance was not to result in enforcement against the citizen that occasionally washes a car. He added that each situation may be unique and the important factor was how an action may affect a neighborhood.

Further discussion ensued relative to the fact that a person washing ten cars every week might pose a problem; that the ordinance would not address all of the problems, as there may be the

occasional occurrence when someone neglects their irrigation schedule; and that some subdivisions may have a chronic problem, but the same person may not be repeatedly committing the violation.

Committeemember Jones said that for the intent of moving this ordinance from criminal to civil, he would second the motion, but with the understanding that enforcement would not be extreme.

Chairman Kavanaugh also expressed his support for moving the ordinance forward for consideration by the full Council, but clarified that enforcement is to be handled in a reasonable manner and the ordinance would not preclude citizens from household activities such as washing a car.

Mr. Petrie concurred with the comments of Chairman Kavanaugh.

In response to Committeemember Jones' question as to whether any changes in the wording could be recommended to clarify the intent of the ordinance, Chairman Kavanaugh stated that the Committee could recommend that the City Attorney review the ordinance to determine if the language could be tailored in order to provide the Council a greater degree of comfort as to the intent of the ordinance. He noted that language such as an "unreasonable amount of water" would add some boundaries.

Additional discussion ensued relative to suggested changes in the wording of the ordinance such as "the escape of excess water" rather than the "escape of any water" to provide a broader definition or "the escape of an unreasonable amount of water," and that the chronic nature of a violation could be specified.

Chairman Kavanaugh stated that in terms of moving the Code change forward, the Committee is directing staff to work with the City Attorney to add some parameters to raise the Council's level of comfort that the intent of the ordinance would be enforced.

Mr. Petrie agreed and stated that staff would also investigate how other cities word their ordinances regarding this subject.

Chairman Kavanaugh stated there was a motion and a second to accept staff's recommendation to recommend to the full Council that the street flooding ordinance be transferred from Mesa City Code Title VI Police Regulations to Title VIII Public Nuisances, Property Maintenance, and Neighborhood Preservation, with the Committee's stipulation that the City Attorney will review and modify the language as necessary to clarify the intent of the ordinance.

Carried unanimously.

3. Discuss and consider modification to public notification signs for zoning public hearings.

Acting Planning Director Dorothy Chimel clarified that the proposal before the Committee does not include the redevelopment area, but does apply to the remainder of the City. She stated that the proposal is not a zoning ordinance change, but a policy change that would be reflected in the application that states the type of sign that must be posted on a property subject to a rezoning request.

Ms. Chimel advised that historically the City has complied with State Statutes by using an 11" by 17" poster board sign and she displayed a sample to indicate the size for the Committee. She stated that about seven years ago, the Council discussed using larger signs and the size to be used due to the fact that neighboring communities, most notably Chandler, were using orange 4' by 8' signs for rezoning of properties. Ms. Chimel said that the decision of Council was that for properties larger than ten acres, a 4' by 4' sign would be required and noted that the zoning application has a representation of the requirements of the 4' by 4' sign, including the size of the property and specific details on the design. She noted there have been few problems with the larger signs, but staff has been asked to review the practices of surrounding communities and determine if the City of Mesa should have larger signs for all properties rather than the poster board which is subject to vandalism and damage from weather.

Ms. Chimel advised that the staff report includes a table summarizing the requirements of surrounding communities in regard to signs. She noted that four of the six communities require 4' by 8' double-sided signs. Ms. Chimel added that the City of Mesa posts signs parallel to the street, but the other communities post the double-sided signs perpendicular to the street so that traffic passing by can more easily view the signs. She stated that the City has not received any complaints from Mesa citizens regarding the parallel 4' by 4' signs.

Ms. Chimel noted that three options are being presented to the Committee: 1) require a 4' x 4' sign for all projects of any size that go before the Planning and Zoning Board, 2) keep the sign requirements the same, with an 11" by 17" sign for sites less than ten acres, or 3) the sign requirement could be changed to 4' by 8' signs.

Ms. Chimel explained that she has not thoroughly investigated the costs of the different sign requirements, but she did obtain information from one of the local zoning attorneys for an estimate of the sign costs in surrounding communities. She reported that a 4' by 4' sign with a photo of the sign, which is typically required by the local government as proof the sign has been posted, costs approximately \$187. Ms. Chimel added that a 4' by 8' sign with a photo costs approximately \$431.70. She clarified that both of these prices are for double-sided signs that are posted perpendicular to the street.

Committeemember Jones asked if a corner property required a sign on both streets.

Ms. Chimel stated that staff makes a determination as to the number of signs required based on the size of the property. She did not investigate with other cities any type of criteria regarding requirements based on the size of the lot. Ms. Chimel noted that on a case-by-case basis staff would consider the size of the lot, the situation of the lot compared to other developed lots in the area and the visibility from ongoing traffic. She added that large acreage projects often require more than one sign.

Discussion ensued relative to the fact that the purpose of requiring more than one sign was to make citizens aware of any proposed development and that signs must be visible and easily seen by the public.

Ms. Chimel noted that in her opinion one of the worst scenarios was to have a citizen speak at a public hearing and claim to have no knowledge of the proposed development.

Chairman Kavanaugh stated the opinion that this was a positive recommendation to the Council and part of an ongoing process to increase citizen awareness of zoning cases and make the citizens aware of the process as early as possible.

It was moved by Committeemember Jones, seconded by Committeemember Walters, to recommend to the full Council that the public notification signs for zoning public hearings be changed to 4' by 4' signs as recommended by staff.

Carried unanimously.

4. Adjournment.

Without objection, the General Development Committee meeting adjourned at 3:35 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 22nd 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

baa

Attachment