

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date: January 19, 2011 Time: 4:00 p.m.

MEMBERS PRESENT

Randy Carter, Chair
Beth Coons, Vice-Chair
Chell Roberts
Vince DiBella
Lisa Hudson
Brad Arnett
Suzanne Johnson

MEMBERS ABSENT

OTHERS PRESENT

Gordon Sheffield
Tom Ellsworth
Wahid Alam
Debbie Archuleta

Chairperson Carter declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated January 19, 2011. Before adjournment at 5:07p.m., action was taken on the following:

It was moved by Boardmember Beth Coons, seconded by Boardmember Suzanne Johnson that the minutes of the November 16, study session and November 17, 2010 study session and regular meeting be approved as submitted.

Vote: 7 – 0

It was then moved by Beth Coons and seconded by Vince DiBella that the December 14, 2010, study session be approved as submitted.

Vote: 4 – 0 Boardmembers Carter, Roberts, and Arnett abstained..

Consent Agenda Items: All items identified with an asterisk (*) were approved with one Board motion.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Suzanne Johnson that the consent items be approved. Vote:

Zoning Cases: Z10-35, Z11-01, Z11-02, Z11-03, Z11-04

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

Item: **Z10-35 (District 4)** 112 West Iron Avenue. Located south of the US 60 Superstition Freeway and east of Country Club Drive (6.3± acres). Rezone from Maricopa County I-2 to City of Mesa M-1. This request will establish city zoning on recently annexed property. P&H Mining Equipment, owner; City of Mesa, applicant. (PLN2010-00403)

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Vince DiBella, seconded by Boardmember Suzanne Johnson

That: The Board recommend to the City Council approval of zoning case Z10-35 conditioned upon:

Vote: Passed 7 - 0

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

* * * * *

Note: Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at www.mesaaz.gov

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

Item: **Z11-01 (District 4)** 112 West Iron Avenue. Located south of the US 60 Superstition Freeway and east of Country Club Drive (6.3± acres). Rezone from M-1 to M-1 PAD and site plan review. This request will allow the expansion of an existing heavy equipment facility. P&H Mining Equipment, owner; Tim Rasnake, applicant. (PLN2010-00389)

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Vince DiBella, seconded by Boardmember Suzanne Johnson

That: The Board recommend to the City Council approval of zoning case Z11-01 conditioned upon:

Vote: Passed 7 – 0

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan and preliminary elevations submitted.
2. Compliance with all requirements of the Design Review Process.
3. Compliance with all City development codes and regulations.

* * * * *

Note: *Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at www.mesaaz.gov*

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

Item: **Z11-02 (District 4)** 740 West Broadway Road. Located west of Country Club Drive on the north side of Broadway Road (4.82± acres). Council Use Permit. This request will allow the expansion of an existing recycling center in an M-2 zoning district. Jjadar Mamlechet, owner; Pew and Lake, applicant. (PLN2010-00352)

Comments: This case was on the consent agenda and therefore was not discussed individually. Boardmember Arnett read the consent agenda with condition 6 read into the record as revised at the study session.

It was moved by Boardmember Vince DiBella, seconded by Boardmember Suzanne Johnson

That: The Board recommend to the City Council approval of zoning case Z11-02 conditioned upon:

1. Compliance with the basic development as described in the project narrative and plan of operations submitted.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all requirements of the Board of Adjustment for a Development Incentive Permit.
5. Compliance with all requirements of the Development and Sustainability Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
6. In the event the recycling operations are transferred to a business, person, or entity other than American Metals Company Inc., the transferee shall provide written confirmation to the City of Mesa of transferee's commitment to operate the recycling business consistent with the conditions of approval of this Council Use Permit. Written confirmation of the transfer being given to the City within 60 days of the transfer being completed.

Vote: Passed 7 – 0

* * * * *

Note: *Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at www.mesaaz.gov*

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

Item: **Z11-03 (District 6)** 9822 and 9846 East Main Street. Located west of Crismon Road on the north side of Main Street (7.55± acres). Rezone from Maricopa County R-5 and C-3 to City of Mesa R-4 and C-3. This request will establish city zoning on recently annexed land. William Woods, owner; City of Mesa, applicant. (PLN2010-00406)

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Vince DiBella, seconded by Boardmember Suzanne Johnson

That: The Board recommend to the City Council approval of zoning case Z11-03 conditioned upon:

Vote: Passed 7 – 0

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

* * * * *

Note: Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at www.mesaaz.gov

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

Item: **Z11-04 (District 6)** 9822 and 9846 East Main Street. Located west of Crismon Road on the north side of Main Street (7.55± acres). Rezone from C-3 to R-4. This request will bring the existing land uses into conformance with the correct zoning districts. William Woods, owner; Dennis Zwagerman, applicant. (PLN2010-00388)

Comments: This case was on the consent agenda and therefore was not discussed individually

It was moved by Boardmember Vince DiBella, seconded by Boardmember Suzanne Johnson

That: The Board recommend to the City Council approval of zoning case Z11-04 conditioned upon:

Vote: Passed 7 - 0

1. Compliance with the basic development as described in the project narrative, and as shown on the site plan and preliminary elevations submitted.
2. Future review of development per Zoning Ordinance requirements.
3. Compliance with all City development codes and regulations.

* * * * *

Note: *Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at www.mesaaz.gov*

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

D. DISCUSS AND MAKE RECOMMENDATION TO CITY COUNCIL ON THE FOLLOWING TEXT AMENDMENT:

1. Revisions to Section 11-13-2(P): Supplemental Provisions, Special Events; and the addition of a new Chapter 12.2, entitled **Downtown Events Overlay District**; both *regarding Special Events held in the vicinity of downtown Mesa.*

Staffmember Gordon Sheffield explained that the text amendment would allow Special Events in the Downtown without having to go through the Board of Adjustment or Hearing Officer. Existing regulations allow four Special Events within a year. In order to have additional events the property owner needs to apply for a Special Use Permit which is heard by either the Board of Adjustment or Zoning Hearing Officer. In the case of the Downtown area the City and downtown merchants are trying to promote special events to draw people to the downtown area. The problem is that because of the number of events occurring in the downtown, which already have Special Use Permits, any new request is required to apply for a Special Use Permit, which causes a 7 week delay to get a Special Event License. He stated the Board of Adjustment is a very formal process and doesn't lend itself well for discussion and not a very effective method for working out any difficulties. What staff is proposing to do is create an exception to the Code for the area from Country Club to Centennial/Sirrine, from First Avenue to First Street, and the extension from First Avenue to Second Avenue would take place from Centennial and MacDonald. Council has endorsed this. Mr. Sheffield explained the existing process and the proposed process. The applicant would still need to work with the Tax and Licensing Division to apply for a Special Event License, which would be reviewed by various City Divisions including Police, Fire, Transportation, etc. The new proposal would encourage applicants to work with the Downtown Mesa Association prior to applying for the Special Event License.

Boardmember Chell Roberts confirmed that under the current process the Board of Adjustment made a decision regarding the Special Use Permit, then the Tax and License Office made a decision regarding the Special Event License. The new process will eliminate the public hearing process, he was concerned that adjacent properties have a voice if they object to the event. Tim Meyer of Tax and Licensing stated that when there have been complaints for an event in the past, they work with the person who objected to resolve any issues when that event comes back through the process for future events.

Boardmember Vince DiBella confirmed applicants are encouraged to work with the Downtown Mesa Association; however, they are not required to.

Boardmember Beth Coons asked why the City doesn't allow everybody to have special events as often as they want? Mr. Sheffield explained that Special Events suspend the Zoning Code and allow uses that are not normally allowed in the zoning district, such as auto sales in the parking lot of Superstition Mall.

Chair Randy Carter confirmed it takes 2 to 6 weeks to go through the process through Tax and Licensing, depending on the type of event. The new process will still allow City staff to review all license applications. If an event would cause a problem, Police, Traffic, or others could deny it.

It was moved by Boardmember Suzanne Johnson, seconded by Boardmember Chell Roberts

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

That: The Board recommend to the City Council approval of the Text Amendment as written

Vote: Passed 7 - 0

E. HEAR A PRESENTATION, DISCUSS AND PROVIDE DIRECTION ON THE FOLLOWING:

Zoning Code Update

Staff member Gordon Sheffield stated the purpose of this presentation was to summarize the changes to the Zoning Code. He stated staff was trying to make the Zoning Code easier to understand and balance the emphasis of the Code. The current Code tends to over emphasize land use, the new code will look more at form and impact. The abbreviations will all be changed. The abbreviations for residential will now be RS for single residence districts and RM for multiple residence districts. There will also be two new residential districts; RSL (residential small lot) and RM-5 which will be a high density district with up to 43 dwelling units per acre. The densities for each of the RM districts will be increased. Specialty and Mixed Use – in the downtown area the TC districts will be changed to D districts to match up with what the Downtown merchants call themselves. There will also be an in-fill district which is new.

Bulk Standards: Controls of form, placement and massing. Impact Standards tend to be landscaping, buffering and shading.

Changes to Single Residence include increased roof coverage; separate front setbacks for livable area and garage; rear encroachments for enclosed rooms; removal of height limits based on stories (will be measured in feet only); new RSL district; zero-lot line option in R1-6, (opposite side yard is combined for setback of 15-feet and mandatory zero-side neighbor easement).

Modifications to allow greater flexibility for Home Occupations (present Ordinance): Is clearly incidental to a residence use; is subordinate to the purpose of the residence use; contributes to the comfort, convenience, or necessity of occupants in the residence use; is located on the same lot or parcel as the residence use service; includes swimming lessons, babysitting, and fine arts instruction, each for 5 or fewer persons; includes door-to-door and telephone solicitation. (Added): Includes uses and activities conducted entirely indoors without negatively impacting the residential character of the neighborhood; excludes on-site exchange of sold or bartered goods (exceptions made for occasional and infrequent exchanges), on-site vehicle repair as a commercial use, commercial warehousing or storage – indoor or outdoor, non-residential employees working in the home, or manufacturing of products using hazardous materials or equipment not typically found in household settings.

Residential Small Lot: The idea is to come up with a combination of street, site and building design elements to reward for better designed higher density; the higher number of combinations reward higher density. Anticipate two to three story development with articulation to the design and garage that are side entry or main entry, open space and landscaping; could be townhome design or single residence.

Multiple Residence: Same name, different abbreviation; restoration of pre-1988 density caps: RM2 from 12 to 15 du/ac, RM-3 from 17 to 20 du/ac, and RM-4 from 25 to 30 du/ac. Establishing RM-5

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

district 43 du/ac. Urban character designator standards which creates standards. Design Objectives to communicate what the city's intent is as well as Residential building form standards.

Urban Character Designator: Abbreviated RM-3U or RM-4U. RM-5 district: U-character standards are only option. Urban districts will bring the buildings forward to the street and bring them closer together. Open space can be provided by the use of patios or roof tops. The RM-5 district would create high densities.

Commercial Districts: Proposed change from Office Service to Office Commercial and introducing some non office types of uses in that districts. The C-1, C-2 and C-3 districts will become NC, LC, and GC.

Downtown Districts: will change from TCB-1 to DB-1; TCB-2 to DB-2 and TCC to DC.

Commercial: Right now only accessory residential is allowed this update would allow some by right uses as well as a Council Use Permit for attached single family residence. It would allow some small scale retail in office uses. Would also allow some placement of personal service uses in office uses. Which would include things like shoe repair, dry cleaning, barber shops or hair salons.

C-1 becomes NC and there is a residential option for this and an SUP option for group homes over 10. Existing C-2 becomes LC and will have a residential option. Commercial recreation such as pool halls will be by right in the LC District. There will also be options for live-work and for plant nurseries. The C-3 District will become GC and will have options for residential and SUP for live-work.

Bulk Standards: Summarizes building and landscape setbacks. The new Code introduces three "character area" standards "Default": No "designator" at end of district abbreviation. Auto: "xx-A" example "LC-A"; Urban: "xx-U", example "NC-U". Each designator varies the bulk standards to match the "character" described. Auto: Large setbacks, de-emphasize building height. Urban: emphasize height, maximum setback, pedestrian. Default standards mix both Auto and Urban characters.

Form Standards: Previous Ordinance language: guidelines. Proposed language: Ordinance Standards. Three sets of form standards: All projects; urban projects; Group projects. Introduces "design objectives". Equal focus on architectural quality of building and on site plan function/impact.

Building Form - General: Variety in wall plane; variety in height or roof forms; façade design include details; balconies, bay windows, projections and recesses; durable materials climate; minor projections into setbacks allowed; landscape emphasis on shading pedestrians, and paved areas.

Building Form – Urban: Direct connections: building entries to sidewalks; specifies corner lot building placement; ground floor transparency; specifies parking lot locations; maximum building setbacks; exceptions include building articulation, residential balconies and patios, outdoor eating areas. Specifies width of multiple building relative to lot; specific standards for parking garages.

Building Form - Group Development: Emphasis on pedestrian areas; plazas, interties between buildings and open spaces. Interconnected walkways/entry plazas/transit. Mandatory open space for centers > 80,000 sf 5 sf per 1,000 sf of GFA Maximum 15,000 sf. Integrated design theme (includes Pads). Character Area – design to fit site/area context. Prominent site and building entrances. Integrated landscape and sign designs to compliment the architecture of the buildings.

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

General Standards: Generally applicable to all uses in all districts. Details exceptions to rules. Details those standards used with every land use. Fences, storage, trash, swimming pools, solar panels, lighting, screening, pedestrian connections, docks and loading areas, corner setback radius.

Specific Standards are the types of uses that might be across one or two zoning districts. Details standards for specific uses. Extension of land use table footnotes in Chapters 4 through 11 including: Accessory uses, animal keeping, bed & breakfasts, hospitals/clinics, outdoor eating, residential in commercial, accessory dwellings, auto oriented uses, community gardens, large format retail, swap meets/farmer's markets, superior design. Farmers markets will require a Temporary Use Permit, we are trying to encourage those in commercial districts and PEP districts.

Residential uses in Commercial Districts: SPR option in OC, NC, LC and GC: 40% of total floor area remains commercial; 65% of ground floor area remains commercial; NC and LC maximum density is 25 dwellings per acre; OC and GC maximum density is 15 dwellings per acre. If it does not match standards: you need a Council Use Permit. OC requires attached single residence use.

Superior Design: Definition includes: Holistic approach to project design. Responsive to site and sub-area context. Sustainable design. Exceeds zoning ordinance standards. Includes great public spaces. Requires more than just the architecture of the buildings also great design of the site.

On-site parking: Details parking ratios and space/aisle dimensions. Long-term parking space options allow 8.5' wide spaces. Maximum parking cluster of 200 spaces. Built-in discounts for proximity to transit. Allows shared parking analysis. Provides options for Bicycle/motorcycle/scooter as alternate spaces. Discounts for valet parking.

Landscaping: New exceptions: sidewalks up to 5' wide may encroach with permeable paving surface; outdoor seating may encroach up to ½ depth of setback in districts without "U" designation. Reduced street ratio of 1 tree/6 shrubs per 25'. Permeable paving alternative for landscape islands. Averaging of the width of the foundation base. Allows alternative landscape plans.

Permeable Paving Islands: Allows storm water to drip into the area by using a different paving surface instead of always requiring a landscape island.

Foundation Base: Allows for averaging which means as long as you meet the minimum square footage required you don't necessarily have to be parallel to the building. A larger, deeper entry plaza; or they could push a portion of the building into the foundation base area as long as another portion of the building is pushed farther back; this could create interesting areas for outdoor seating or plazas.

Alternative Landscape Plan: This is meant to encourage landscape designers to be more creative instead of simply meeting the requirement. The design would need to meet 6 of the 9 following Design Principles: Innovative design; plant variety; compatibility; storm water management; tree substitutions, (fewer, larger specimens); native vegetation; naturalistic design; water efficiency; site specific attributes. To approve the following Criteria/Required Findings are needed: uniqueness; compatibility; meets or exceeds minimum intent; conform to limits.

Employment Districts: M-1 Limited industrial becomes LI, M-2 General Industrial becomes GI, PEP remains the same and a new district is added called HI, Heavy Industrial will allow uses by right that previously required Council Use Permit in M-2. PEP district would allow additional by-right uses, including private clubs/lodges; night clubs/bars less than 30% gross food sales; Bar and grill restaurants with minimum 30% gross food sales. It would also add conditional uses: Farmer's

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

markets with temporary use permit. Modifications since PR draft release: retail stores less than 10,000 sq. ft. by right, and large format retail NOT permitted in PEP.

LI Limited Industrial: Changes include Permitted Land Uses Abbreviation change, (used to be M-1 district). Adds bar and grill restaurants. Revisions: Car washes, permitted as "by right" with standards. Colleges and university become "by-right". Farmer's markets not permitted. Building materials and supply "by-right". Hospitals and clinics with a Special Use Permit. Live-Work units allowed with a Special Use Permit.

Similar types of revisions for the GI, General Industrial.

HI, Heavy Industrial: Will allow many uses that previously required a Council Use Permit in the M-2. Most commercial activities are prohibited in this district. Day care would be allowed with a Special Use Permit.

Revisions to aesthetic requirements in Employment Districts. No landscaping requirements for side or rear yards abutting other industrial districts. Setbacks adjacent to single residence, multiple residence, and commercial are 20 to 25 feet. Focus of landscaping and form standards is on the public side of the building, and transition between differing land uses. Height extension option for fences/walls above 8 feet, up to 12 feet, through Design Review process.

Form Requirements: Pick 2 of 4. A) Primary Public Entrance; focus the public attention on the primary entrance to the building or tenant space(s). B) Materials 3 different durable materials. Arrange profiles, finishes, textures and materials in an attractive composition. C) Building Form; arrange massing and functional elements of building to provide architectural interest. D) Ground plane; use hardscape and landscaping to provide a transition from building walls to public areas, parking areas, and drive aisles around the base of the building.

Infill Development District (ID): Specific purpose of each ID District: ID-1 - Provide special consideration for smaller sites of less than 5 acres. ID-2 - Provide more wide ranging options for sites greater than 2.5 acres. Infill Development District applicability standards (3 or more needed): High percentage of: vacant or underused buildings; vacant or underused lots; obsolete land uses, or contaminated sites; nuisances. Absence of development or investment. High occurrence of crime. Decline in populations.

Chair Carter confirmed the Infill District would not negate the Development Incentive Permit or the Substantial Conformance Incentive Permit options.

Infill Development District: ID-1 Based on existing zoning district. Request modifications to any development standards. Includes zoning, engineering, off-sites. ID-1 is a bit more in need of up front submittals. ID-2 Write own zoning requirements or base on City Code. Request modifications or write new standards. Includes Engineering and off-sites. Incentives available: Choice of land use options. Negotiate on-site and off-site development standards "as a package". Potential streamlining of plan reviews. Potential partnering of off-site improvements. Benefits: Maximize use of underutilized and vacant sites. Use of existing infrastructure. Re/investment in existing neighborhoods. Minimize sprawl. Potential negotiated alternatives to off-site Improvements. Will result in an adequate level of service for health, safety and welfare to the general public; (contrasts with "equivalent"). Will result in improvements that are adequate and meet the City's needs. Furthers the purposes of the ID District; and is not contrary to the public interest. Evaluation of Zoning (land use and improvements) Conforms to General Plan and P&I for ID District. Meets applicability criteria (statement of need). Designed to integrate well with neighborhood. Designed to

MINUTES OF THE JANUARY 19, 2011 PLANNING AND ZONING MEETING

integrate well with existing infrastructure. Consistent with site context (scale of project). Quality of plan justifies variations requested. Compatibility with surrounding area (impact).

PAD and DMP Overlay Districts: will be merged into one district, the PAD. The DMP overlay was created for conceptual zoning which we no longer use. Current purpose and intent statements and allowed uses are the same. A revision would also create a conceptual and specific plan option in PAD district. Conceptual site approval can be given specific status by P&Z if correct base zoning already approved by Council. Specific will be approval needed before construction.

Places of Worship will be prohibited in the Downtown Core (DC) District: Between First Avenue and First Street from west side of Country Club to just east of Mesa Drive. Option: Council Use Permit. Every other district allows churches "by-right". Of 134 square mile incorporated area, only 0.002% would prohibit (0.3 square mile). Issue raised by some Council members. Concern: 300-foot separation for liquor license interferes with entertainment focus. This affects two locations; if adopted.

Bonus Intensity Zone (BIZ) and Planned Area Development (PAD): Authorize "plan based" development instead of "Code-based" development. Focus of BIZ is on small and mixed-use projects; example Bank of America, Banner Medical Centers, Superstition Springs Center. Focus of PAD is on mid-sized and multiple-use projects example, Monte Vista, Riverview. BIZ authorizes bonus which rewards higher quality design and voluntary green building construction, encourages use of difficult building sites, encourages infill or by-passed sites. Allow taller building height, focus emphasis on "individual projects". Voluntary inclusionary housing is deleted.

Chair Carter confirmed staff anticipated mailing notification letters the end of January or beginning of February. Hearing before the Planning and Zoning Board at the February 16, 2011 meeting, with a second public hearing in front of this Board on March 23, 2011. At the March 23, 2011 meeting, staff hoped to get a recommendation from the Board, then possible introduction of Ordinance at the April 18, 2011 City Council meeting. In answer to a question from Chair Carter, Mr. Sheffield stated that if anyone wants to read the proposed Code they can go to mesaaz.gov/planning then look for the zoning code re-write and click on that link. They can then download the entire Code or by chapters. In addition they can see a public service announcement by using the same link. A copy of the update will also be available at each of the public libraries, the City Clerk's office, and the Planning Division at 55 North Center. If anyone has questions that can e-mail planning.info@mesaaz.gov

Respectfully submitted,

John Wesley, Secretary
Planning Director