

COUNCIL MINUTES

September 16, 2004

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 September 16, 2004 at 7:31 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Janie Thom
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Mike Hutchinson
Debbie Spinner
Barbara Jones

Mayor Hawker excused Councilmember Whalen from the beginning of the meeting. He arrived at 7:34 a.m.

1. Review items on the agenda for the September 20, 2004 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: 7c, 7f (Hawker)

Items added to the consent agenda: None

Items removed from the consent agenda: 8c (Rawles)

2. Further discussion and direction regarding the recommendations of the Infill Working Committee.

Senior Planner Gordon Sheffield addressed the Council regarding the status of the Infill Report. He advised that the recommendations of the Infill Working Committee are summarized in Tables 1 through 4 of the Planning Division Memorandum (see Attachment 1) included in the Council Report. Mr. Sheffield noted that that Table 1, "Use Existing Planning and Engineering Related Programs and Processes," could be implemented by City staff on an administrative basis without Council action.

Mr. Sheffield referred to Table 2, titled "Develop Modifications to Existing Zoning Ordinance Requirements," and advised that the following recommendations require Council authorization to initiate the projects:

- Develop Proportional Development Standards.
- Modify List of Permitted Uses in Zoning Ordinances.
- Develop Transit Oriented Development (TOD) Ordinance.

Mr. Sheffield stated that the "Proportional Development Standards" relate to a conceptual idea that could be addressed by City staff or a technical committee. He noted that no additional budget expense would be incurred if the changes were accomplished in-house with staff and volunteers, and he estimated that the process would take approximately one year. Mr. Sheffield added that if the Council preferred to retain outside consultants, staff could prepare a Request for Proposals (RFP).

Mr. Sheffield noted that the second item, "Modify List of Permitted Uses," could be extremely complicated and involve a complete rewrite of the Zoning Code, which is estimated to be a two-year project. He noted that Tempe and the Town of Gilbert are presently rewriting their codes.

Vice Mayor Walters stated that Tempe was rewriting their Zoning Code as a result of achieving build out, but she questioned why other communities were undertaking this effort.

City Engineer Keith Nath responded that a complete revision of the Zoning Code could be required in order to align the codes with the General Plan, or simply because the codes are out of date. He noted that in some cases the existing codes were an impediment to redevelopment.

Mr. Sheffield stated that staff could accomplish minor code modifications within one year, but staff recommends that a consultant be hired if the Council decides that a major update is required.

Addressing the third item, the "Transit Oriented Development Ordinance," Mr. Sheffield advised that staff could accomplish this task, or the Council could utilize a consultant or an oversight committee. He noted that a policy statement (T-2.03A) in the General Plan supports this item.

Councilmember Griswold explained that the City of Mesa's zoning ordinances were developed at a point in time when the potential existed to develop large areas of open land. He asked staff to comment regarding the necessity of changing the Zoning Code to process infill and rehabilitation projects as the City approaches build out, and discuss if the current zoning allows a multi-story building to include both office and residential uses.

Mr. Sheffield responded that the existing zoning allows mixed uses, but the process is difficult. He explained that in addition to the base zoning, an overlay district and a use permit could also be required. Mr. Sheffield concurred with Councilmember Griswold that these requirements discourage development because of the cost and time involved.

Councilmember Griswold noted that the present zoning code does not facilitate the City's goal that citizens be able to live, work and enjoy leisure within a twenty minute commute, and he added that the Ad Hoc Redevelopment Committee would make recommendations regarding preplanned transportation corridors.

Mr. Sheffield stated that "Public Hearing Improvements," as listed in Table 3, is an attempt to reduce the amount of time required for approvals. He advised that policies have been put in place to accomplish concurrent approvals by Planning and Zoning and the Design Review Board.

Referring to Table 4, "Pre-Plan Neighborhood/Transportation Corridors and the Creation of Special Districts," Mr. Sheffield noted that the first set of recommendations addresses the adoption of regulations that would enable "specific plans" to be directed to a specific area of the community. He stated that residents, property owners, and representatives of the financial community would participate in neighborhood meetings to determine the issues to be addressed. Mr. Sheffield noted that development plans are somewhat unique in that a specific plan can actually adopt modifications to existing development standards; for example, the 30-foot landscape setback required along arterial streets would not be feasible in west Mesa. He explained that the enabling statute allows changes for a "specific plan" without rewriting the entire Zoning Code.

Mr. Sheffield addressed the remaining items in Table 4, and advised that the following require Council authorization:

- Infill Development Incentive Districts - similar to a "specific plan," but including a financial incentive in the form of a fee waiver or a rebate to the developer.
- Study West Mesa Transportation Corridors – this would include targeted areas in addition to the Light Rail Transit area along Main Street.
- Hire a Senior Level Planning Infill Specialist.

Mayor Hawker referred to the four alternatives recommended by the Infill Working Committee (as listed on page 2 of the City Council Report memo dated August 15, 2004, a copy of which is available for review in the City Clerk's Office), and expressed the following opinions:

- Item 1: These systems are presently in place and should continue to be utilized by the City of Mesa.
- Item 2: The concept is good, but Mayor Hawker is not comfortable regarding acceptance of the PAD "by right" unless a positive impact or an advantage to the City is realized as a result of increasing the density.
- Item 3: The public hearing process improvements should be implemented.
- Item 4: The item is an area of concern. He stated that the process should be facilitated by the City, and not directed by the City.

Mayor Hawker recommended moving forward on Items 1 through 3, but he stated the opinion that funds should not be spent on Item 4 as the business community and the neighborhoods should initiate these efforts.

In response to Mr. Sheffield's question as to whether staff was being directed to update the list of permitted uses in the Zoning Code, Mayor Hawker responded affirmatively.

Mr. Sheffield stated that staff was seeking the Council's direction relative to issuing an RFP for consulting services to rewrite the Zoning Code.

Mayor Hawker expressed concern that rewriting the entire code to permit uses within certain areas of the City could enable unintended uses throughout the entire City.

Discussion ensued relative to the fact that a specific plan could address certain uses without modifying the code; and that an Infill Specialist would have sufficient experience in order to work with developers targeting problematic properties, be aware of trends that have been approved in previous cases and be able to move the project forward from start to finish.

Councilmember Griswold noted that other cities utilize a Zoning Hearing Officer to move small projects quickly through the system. He explained that the position of a Zoning Hearing Officer could utilize a temporary employee who is called on as needed.

Councilmember Thom said that she was pleased that the infill issue was being addressed. She also expressed the opinion that retaining a consultant or hiring an Infill Specialist was unnecessary. Councilmember Thom noted that the proposal before the Council does not include any language to address the reuse of older office buildings and warehouses for lofts. She added that other communities address this issue in their codes, and she would like the City of Mesa to offer this type of zoning.

In response to a series of questions from Mayor Hawker, Councilmember Thom stated that a specific designation should be established for lofts that would provide an opportunity to develop a live/work environment utilizing vacant lots, buildings or warehouses. She added that the designation would not be available Citywide. Councilmember Thom explained that she did not advocate rewriting the zoning code, but she proposed adding a special designation to allow this type of development. She suggested that staff discuss this subject with the development community and with other cities in order to obtain additional information.

Councilmember Rawles stated the opinion that Table 2 (see Attachment 1) would require some modifications, and he further stated that at some point in the future the City would be required to undertake a complete rewrite of the zoning code. Councilmember Rawles indicated support for the proposals in Tables 1 and 3 utilizing in-house personnel, and added that he concurred with Mayor Hawker's concerns regarding Table 4. He also stated that he did not support hiring an Infill Specialist.

Councilmember Griswold reported that the Ad Hoc Redevelopment Committee would be submitting proposals and recommendations very shortly. He expressed the opinion that there appears to be Council consensus for moving forward with Tables 1 through 3 and to delay action on 4.

It was moved by Vice Mayor Walters, seconded by Councilmember Whalen, that staff utilize in-house personnel to move forward on the proposals in Tables 1, 2, and 3, and modify the list of permitted uses as listed in Table 2 without rewriting the entire *Zoning Code*.

Councilmember Whalen noted that the Council has been requesting an Infill Policy for a number of years. He expressed the opinion that the policy is sufficiently important to warrant a dedicated staff position.

City Manager Mike Hutchinson stated that the City anticipates being in the "infill business" for many years. He noted that the infill process is complicated, and he expressed the opinion that

staff expertise should be developed. Mr. Hutchinson stated that following the Ad Hoc Redevelopment Committee's report and recommendations, a proposal regarding staffing would be prepared for Council consideration.

Councilmember Walters requested that the City Attorney review the Ad Hoc Redevelopment Committee's recommendations so that items brought forward to the Council can be considered in a manner that minimizes potential conflicts of interest.

In response to Mayor Hawker's question regarding the Ad Hoc Redevelopment Committee, Councilmember Griswold stated that in the future the City would be dealing with an increased number of redevelopment, rehabilitation and infill projects and fewer large land projects. He noted that two viewpoints exist regarding the process: (1) that every project must go through Planning and Zoning, and (2) that two procedures should co-exist, one for large projects and another for small infill or rehabilitation projects.

Mayor Hawker suggested that the topic of Planning and Zoning and the fast-track method for infill projects be a discussion topic at the upcoming Mayor & Council Retreat.

Councilmember Jones indicated his support for the motion, and stated that he agreed with the comments that the planning outlined in Table 4 should be the responsibility of the business community or the neighborhood rather than the City.

Mayor Hawker called for the vote.

Carried unanimously.

Mayor Hawker thanked staff for the presentation.

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

There were no reports on meetings and/or conferences attended.

4. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Monday, September 20, 2004, 3:00 p.m. – Fire Committee

Monday, September 20, 2004, TBA – Study Session

Monday, September 20, 2004, 5:45 p.m. – Regular Council Meeting

Thursday, September 23, 2004, 7:30 a.m. – Study Session

Thursday, September 30, 2004, 7:30 a.m. – Study Session

Councilmember Rawles suggested that Councilmembers retain the report materials that are to be discussed at a subsequent meeting as a means of saving reproduction costs.

5. Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

6. Items from citizens present.

There were no items from citizens present.

7. Adjournment.

Without objection, the Study Session adjourned at 8:58 a.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, 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 16th day of September 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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Attachment