



COMMUNITY & NEIGHBORHOOD SERVICES COMMITTEE

January 31, 2008

The Community & Neighborhood Services Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on January 31, 2008 at 10:15 a.m.

COMMITTEE PRESENT

Darrell Truitt, Chairman
Scott Somers
Mike Whalen

COUNCIL PRESENT

None

STAFF PRESENT

Alfred Smith

1. Items from citizens present.

There were no items from citizens present.

2. Hear a presentation, discuss and make a recommendation on changes to the livestock regulations.

Zoning/Civil Hearing Administrator Gordon Sheffield reported that the Lehi Sub-area Plan, which was adopted by the Council in 2006, made several recommendations relative to the practice of keeping livestock on private property. He explained that the City Code contains regulations that allow two head of livestock for the first full acre of land and an additional head of livestock for every additional half acre of land. Mr. Sheffield stated that permitted livestock includes cattle, horses, mules, sheep and goats. He also reviewed various livestock regulations (related to corrals, pens and arenas; stables, barns and coups; and the sanitary maintenance of the facilities) and other animal requirements.

Mr. Sheffield advised that the current Zoning Ordinance allows property owners to request a Special Use Permit (SUP) to increase livestock ratios through approval by the Board of Adjustment. He noted that six livestock SUPs have been approved to date, including three in the Lehi area and three in former County subdivisions.

Mr. Sheffield displayed a Power Point presentation (A copy is available for review in the City Clerk's Office) and reviewed a series of options for the Committee's consideration with regard to this item:

Option 1 – Establish Civil Penalties for Livestock violations. Livestock regulations would move from Title 6 (Police Regulations) to Title 8 (Health and Sanitation), with primary enforcement

transferring from Police to Code Compliance. (Note: At the January 24, 2008 Public Safety Committee meeting, the Committee recommended that staff's proposal move forward to the Council for approval.)

Option 2 – Update the list to include animals other than traditional livestock varieties. The list of regulated animals would be updated to include animals not specifically listed and the language broadened to be inclusive of similar animal types. (Animals not currently listed include, but are not limited to, exotic and confined animals such as llamas, ostriches, miniature pigs, bison, water buffalo, yaks, reindeer and zebras).

In response to a question from Committeemember Somers, Mr. Sheffield clarified that the purpose of today's presentation is to provide staff an opportunity to obtain initial policy direction from the Committee regarding the various options. He stated that staff would draft revisions to the Code, which would be brought back to the Committee for further discussion and consideration.

Option 3 – Revise the ratio of animals per acre. This option includes the following components: 1.) Lowering the minimum lot area threshold; 2.) Infant animals and 4H and Future Farmers of America (FFA) projects; 3.) Impact of small versus large animals; and 4.) Increasing the numerical ratio of permitted animals.

Mr. Sheffield explained that if there was a "wholesale change" to the minimum lot size, a significant number of additional lots would become eligible Citywide and not just in the Lehi area. He stated that it would be important to determine whether livestock was welcome in non-rural areas of the community and also if the necessary infrastructure is available to accept a "livestock culture." Mr. Sheffield highlighted two possible alternatives for the Committee's consideration: 1.) Lower the threshold Citywide to 35,000 square feet; or 2.) Retain the SUP option to lower the minimum lot area threshold from one acre to 35,000 square feet. He also displayed maps illustrating the number of lots throughout the City that would become eligible to keep livestock by lowering the threshold to 35,000 square feet.

Discussion ensued relative to the fact that staff received a proposal from the Lehi Livestock Committee to lower the minimum lot area threshold to one-half acre; that it was the opinion of staff that lowering the minimum lot area threshold to 35,000 square feet was a reasonable compromise (i.e., a net acre); that the proposal would be based on lot size as opposed to zoning district; that the City does not enforce CC&Rs in residential subdivisions and if the keeping of livestock in a subdivision was prohibited by such regulations, it would be the responsibility of the homeowners association to implement enforcement action; that there are other areas of the City besides Lehi in which residents keep livestock (i.e., Lindsay and Southern and south central Mesa); that if the livestock ordinance is modified on "a wholesale basis," because the regulations are contained in the City Code, it would apply Citywide; and that if an overlay zoning district was created, which would be included in the Zoning Code, such regulations could apply specifically to the Lehi community.

Committeemember Somers stated that he would prefer that staff develop an overlay zoning district to accommodate Lehi and those areas of the community that choose to maintain a rural lifestyle as opposed to implementing Citywide regulations in this regard. He added that property owners would still have the option to request a Special Use Permit to increase their livestock ratio.

Chairman Truitt concurred with Committeemember Somers' comments and suggested that it might be appropriate for staff to address lowering the minimum lot threshold in those areas of the community where the need is the greatest.

Mr. Sheffield further reported that the City Code currently does not differentiate between an infant and an adult animal and said that the infant is counted as a full head. He explained that staff proposes to include an exception in the Code so that an infant would stay with its mother until it is weaned.

Chairman Truitt stated that the Committee concurred with staff's proposal.

Mr. Sheffield noted that relative to 4H/FFA projects, a project animal is currently counted against the total number of animals allowed per acre. He reviewed two proposals for the Committee's consideration: 1.) Allow the animal as an exception to the total head count (unlicensed); or 2.) Create a student license that would require the student to agree to various conditions (i.e., sanitary maintenance of the facility), and pending completion of the project, the license would expire and the animal would be removed from the property.

Chairman Truitt voiced support for the unlicensed option, which, in his opinion, might generate additional enforcement calls, but less paperwork for staff.

Mr. Sheffield indicated that the City Code counts small animals the same as large animals. He explained that in researching this matter, staff proposes that two small animals would count as one large animal (i.e., animal units). Mr. Sheffield cited, for example, if a property owner was allowed to keep three animal units, that would equate to two large animals and two small animals. He referred to a chart depicting what has been "deemed reasonable" by various communities relative to increasing animal ratios. (See Attachment 1.)

Further discussion ensued relative to the fact that under the present Zoning Ordinance, keeping livestock is not considered a right, but a privilege extended to a property owner; and that a property owner is issued a permit to keep livestock and that the privilege can be withdrawn (via a public hearing process) if the health of such animals is not maintained.

Committeemember Somers stated that he is not prepared to provide direction with regard to increasing animal ratios and requested input from residents who currently keep livestock on their property. He commented that the animal ratios listed on Attachment 1 appear to be "artificial limits" and said there is no basis for such amounts relative to sanitation standards.

Mr. Sheffield responded that in researching this issue, staff determined that Mesa's present livestock ratio of two head per acre is low. He added that there has been "some support" in the community to increase the number to three head per acre, as proposed by staff.

Committeemember Somers expressed support for increasing the number of livestock per acre, but questioned why "a cap" for the number of livestock should be set if, in fact, a zoning overlay district is created for those areas of the community that wish to maintain a rural lifestyle.

Mr. Sheffield stated that it would be necessary for him to confer with a County Extension Agent to respond to Committeemember Somers' inquiry.

Chairman Truitt stated that there was concurrence of the Committee regarding the following items: 1.) That staff proceed with the development of an overlay district for lowering the minimum lot area threshold; 2.) That staff include an exception in the Zoning Ordinance so that an infant animal would stay with its mother until it is weaned; 3.) That with regard to 4H/FFA projects, assuming a cap is created for the number of animals that are allowed per acre, that staff create an exception in the ordinance for animals under those types of conditions; 4.) That two small animals would count as one large animal (if a cap is set); 5.) That staff proposes to increase the numerical ratio of permitted animals from two head per acre to three head per acre; and 6.) That the livestock regulations be moved to Title 6 from Title 8.

Committee Somers clarified that he supports increasing the numerical ratio of permitted animals, but reiterated that he would reserve judgment with regard to setting a cap until staff provides the additional information he has requested.

Chairman Truitt thanked Mr. Sheffield for the presentation.

3. Hear a presentation, discuss and make a recommendation on allowing community organizations to apply art wraps to City traffic control boxes.

Diversity Program Director Mary Berumen introduced Dave Richins, Executive Director of the West Mesa Community Development Corporation (WMCDC), Neighborhood Outreach Coordinator Jo Ellen McNamara, Intern Stephen Sparks and Transportation Director Dan Cleavenger, who were prepared to respond to any questions the Committee may have.

Ms. McNamara displayed a PowerPoint presentation (A copy is available for review in the City Clerk's Office) and provided a brief overview of this item. Her comments included, but were not limited to, the following: that in September of last year, Mr. Richins contacted staff to express his group's interest in using static film wraps on City traffic control boxes in the WMCDC service area; that staff is prepared to utilize the Volunteer Bridge Painting approval process, which was adopted by the Council last year, as a framework for the potential art wraps project; that WMCDC has established a budget and a potential collaboration with Arizona State University (ASU) Polytechnic to study the durability of the wrap material on a long-term basis; and that staff has drafted a preliminary application and design guidelines and is seeking the Committee's direction in this regard.

Ms. McNamara displayed examples of the type of designs that could be depicted on the art wraps. (See Attachment 2.) She noted that Mr. Richins expressed interest in displaying the original designs of local and national artists.

Mr. Richins reported that it is the mission of the WMCDC to create "pedestrian level interest" along the West Main Street Corridor area, which would be the pilot location for the initial art wraps project. He stated that each wrap, which would cost approximately \$350 to produce, is guaranteed for ten years and contains an anti-graffiti coating. Mr. Richins also commented that the WMCDC has secured funding through State Farm Insurance for six art wrap projects.

Ms. McNamara advised that relative to the proposed application process, staff recommends that each application include the final design rendering, a letter from the sponsoring entity indicating all individuals participating in the application/removal of the wrap, and copies of all waivers of personal liability and indemnification. She stated that staff further recommends that sponsorship

for the art wraps be limited to neighborhoods and official organizations that support neighborhood interests within the City of Mesa. Ms. McNamara also commented that the sponsor group would provide staff with a Project Lead, who would ensure timely completion of the application. She added that staff would supervise the installation of each art wrap, ensuring that the traffic control box hinges are unobstructed once the static film has been installed.

Committeemember Somers inquired if certain neighborhoods do not have the financial wherewithal to pay the cost to produce an art wrap, whether it would be possible for an entity such as the Arizona Federal Credit Union to fund the project.

Ms. McNamara responded that it would be necessary for her to confer with the City Attorney's Office to seek input in this regard. She stated that in her opinion, it would most likely be acceptable for Internal Revenue Code 501 (c) (3) organizations to sponsor a neighborhood as long as the entities were willing to sign waivers of liability and indemnification.

Deputy City Attorney Alfred Smith confirmed that his office would research the matter.

Ms. McNamara further spoke regarding the proposed design guidelines for the art wraps. She explained that the final design must be submitted at least 15 days prior to the artwork being affixed to the traffic control box. Ms. McNamara advised that the designs, which must be original work with permission from the artist, cannot contain any lettering, signage or any likeness that could be considered signage, advertising or a recognizable product design. She also stated that the designs could include designated historical buildings/businesses. Ms. McNamara added that the Councilmember representing the district where the art wrap is proposed would have final approval of the design.

Chairman Truitt stated, following additional discussion, that it was the consensus of the Committee that the Councilmember representing the district where the art wrap is proposed not be required to participate in the final approval of the design. He stressed the importance of not allowing the process to become too cumbersome and suggested that staff review the design to ensure that all the necessary guidelines have been met and that the item be placed on the Design Review Board's (DRB) consent agenda for approval.

Discussion ensued relative to the fact that the sponsorship organization would be required to ensure that the traffic control box access points remain void of obstructions; that the City must be contacted in the event the affixing of the wrap would obstruct traffic; that staff would distribute/receive the application packets; that as a result of Chairman Truitt's above-referenced suggestions, staff would bring back a revised process; that if damage occurs to the art wraps, staff would notify the sponsorship organization in writing and the entity would have ten business days to remove and replace the wrap with the same design, submit a new design or remove the artwork completely; that the removal/reaffixing of the wraps must be coordinated with staff to ensure that all waivers are complete; and if there are law enforcement concerns (i.e., damage or vandalism), it would be necessary for the organization to remove the wrap within 24 hours.

Committeemember Somers expressed support for the art wraps project, but requested that staff first conduct research relative to the following items: 1.) Whether the City should require a bond from a sponsoring organization; and 2.) Possible staff costs associated with the art wraps project. He also expressed concern regarding one segment of the business community being allowed to advertise on the art wraps (i.e., historical businesses) and not others.

Mr. Richins noted that because State Farm Insurance is funding the cost for the art wraps, he requested that the wraps include a small logo reflecting that fact and also the name of the West Mesa Community Development Corporation.

Chairman Truitt stated that Mr. Richins' request would be discussed and considered by the full Council at a later date.

Committeemember Whalen suggested that it might be appropriate for Mr. Richins to acknowledge the sponsoring organizations and State Farm Insurance in the WMCDC newsletter, thereby eliminating the need to include advertisements on the art wraps.

Ms. Berumen clarified the Committee's consensus that advertisements not be included on the art wraps.

Chairman Truitt thanked staff for the presentation.

4. Adjournment.

Without objection, the Community & Neighborhood Services Committee meeting adjourned at 11:08 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Community & Neighborhood Services Committee meeting of the City of Mesa, Arizona, held on the 31st day of January 2008. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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(attachments – 2)