



COUNCIL MINUTES

January 6, 2011

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 January 6, 2011 at 7:38 a.m.

COUNCIL PRESENT

Scott Smith
Alex Finter
Dina Higgins
Kyle Jones
Dave Richins

COUNCIL ABSENT

Dennis Kavanaugh
Scott Somers

COUNCIL-ELECT

Christopher Glover

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Mayor Smith excused Councilmembers Kavanaugh and Somers from the entire meeting.

1. Review items on the agenda for the January 10, 2011 Regular Council meeting.

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

Conflict of interest: None

Items removed from the consent agenda: None

2-a. Hear a presentation, discuss and provide direction on proposed development agreement between the City of Mesa and Crescent Crown Distribution LLC.

Project Manager Patrick Murphy introduced Rich Marchant, Vice President of Operations for Crescent Crown Distribution LLC (Crescent Crown), who was prepared to address the Council.

Mr. Murphy reported that Crescent Crown, a beverage wholesaler, was relocating its corporate headquarters and distribution facility from Phoenix to Mesa. He said that when the project was completed, the 305,000 square foot site, which was located at 1640 West Broadway Road, would employ 455 individuals and generate an estimated \$22 million in annual payroll.

Mr. Marchant displayed a PowerPoint presentation (**See Attachment 1**) and noted that Crescent Crown's relocation to the community was "a bit of a homecoming" as the company was founded by Zeb Pearce and Sons almost 100 years ago in Mesa. He referred to a series of

photographs illustrating the location of the site, which is situated in a redevelopment area, and various architectural renderings of the new facility. (See Pages 2 through 7 of Attachment 1)

Mr. Murphy explained that in order to bring Crescent Crown to Mesa, the City would develop a customized schedule to meet the project timelines and said that in March, the company would break ground and begin construction. He noted that the City would also assist Crescent Crown with a Workforce Training Grant application for up to \$100,000 from Maricopa County in order to train and place new employees at the facility.

Mr. Murphy further remarked that Crescent Crown will lease the property and improvements from the City and be subject to the annual payment of the Government Property Lease Excise Tax (GPLET) for 20 years, for an estimated net present value of \$1.455 million tax benefit. He advised that the GPLET program was available Statewide and has been utilized in Phoenix and Tempe.

Mr. Murphy advised that in order to gain the full benefits of the GPLET program, the Council must designate the property as a Redevelopment Area. He noted that the property was also located in Mesa's Enterprise Zone and said that the City would assist Crescent Crown with its application in order to benefit from the Enterprise Zone Program.

Mr. Murphy briefly highlighted the next steps in the process, which include the Council taking action on the Development Agreement and designating the property as a Redevelopment Area at the February 7, 2011 Regular Council meeting. He also said that Crescent Crown was working to secure a permit, which would allow the company to begin grading the site at its own risk. He added that on January 20th, it was anticipated that escrow would close on the property.

Discussion ensued relative to the fact that the GPLET statute requires that a determination be made with respect to the economic and fiscal benefits to the State, County and City that would be derived from the project prior to the City's approval of the Development Agreement; that Nielsen-Fackler Planning & Development conducted the analysis relative to Crescent Crown; and that the economic/fiscal analysis concluded that the benefits received from the State, County and City would exceed those benefits received by Crescent Crown as the prime lessee of the property and improvements.

Mayor Smith commented that he was "ecstatic" that Crescent Crown was returning to Mesa and stated that the development would be a great addition not only to the surrounding area, but the community as a whole.

2-b. Hear a presentation, discuss and provide direction on proposed amendments to ordinance regarding medical marijuana dispensaries and associated facilities.

Zoning/Civil Hearing Administrator Gordon Sheffield displayed a PowerPoint presentation (**See Attachment 2**) and stated that this item was in follow-up to the December 9, 2010 Study Session when the Council proposed revisions to the draft ordinance related to medical marijuana.

Mr. Sheffield indicated that staff was seeking direction from the Council on the three remaining issues as follows:

- Should eligible zoning districts include C-3, M-1 and M-2 or just be limited to M-1 and M-2.
- Should separation of dispensaries from parks and HOA open spaces be set at 1,200 feet or 500 feet.
- Industry Request: Expand cultivation facility minimum gross floor area (GFA) from 3,000 square feet to 12,000 square feet or larger.

Mr. Sheffield summarized the key components of Proposition 203, which would allow patients with specific medical conditions to obtain Department of Health Services (DHS) certification for the use of medical marijuana. (See Pages 3 through 6 of Attachment 2) He also reviewed a timeline concerning Mesa's zoning amendments (See Page 7 of Attachment 2) and said that DHS strongly recommends that municipalities have their zoning regulations in place prior to March 28, 2011 when the agency is tentatively scheduled to implement its own regulations.

Responding to a question from Councilwoman Higgins, Mr. Sheffield clarified that Phoenix initially proposed a one-half mile spacing distance between dispensaries, but has since modified that requirement to one mile. He stated that Mesa's proposal also includes a one-half mile spacing requirement, but noted that the Planning & Zoning Board (P&Z) recommended a mile distance, which was included in the draft ordinance.

Mr. Sheffield offered a short synopsis of the proposed separation requirements between dispensaries and other types of uses. (See Page 10 of Attachment 2) He also reviewed P&Z's recommendations with respect to the eligible zoning districts for off-site cultivation facilities and off-site infusion facilities and facility requirements. (See Pages 11 and 12 of Attachment 2) Mr. Sheffield noted that infusion facilities are locations in which non-marijuana products are injected or "infused" with parts or extracts derived from medical marijuana plants.

Mr. Sheffield further displayed a series of maps illustrating possible locations for dispensaries in C-3 with standard separations, 1,200 feet or 500 feet from parks and HOA open spaces; in M-1 and M-2 with standard separations, 1,200 feet or 500 feet from parks and HOA open spaces; and in C-3, M-1 and M-2 with standard separations, 1,200 feet or 500 feet from parks and HOA open spaces. (See Pages 14 through 19 of Attachment 2)

Mayor Smith commented that the law requires that the City have reasonable zoning regulations and said that there appears to be "interplay" not only between the separation from HOA open spaces, but also the mile separation.

Mr. Sheffield responded that was one of the reasons staff considered reducing the separation distance between dispensaries and parks and HOA open spaces to 500 feet.

Councilmember Finter stated that the 500 foot separations from parks and HOA open spaces seemed reasonable. He also remarked that with regard to the cultivation facilities, he preferred to see fewer large sites as opposed to a proliferation of smaller locations.

Mayor Smith noted that Mesa has an abundance of light industrial, which he terms "storefront warehouse." He stated that retail/office uses often operate out of the M-1 district, with storage,

manufacturing and production in the back of the warehouse. Mayor Smith added that he would hope that the dispensaries and cultivation facilities could be combined so that there were fewer locations in the City.

Responding to a question from Mayor Smith, Mr. Sheffield clarified that regarding the cultivation facilities, staff was recommending expanding the minimum GFA to 12,000 square feet or perhaps even dropping the limitation entirely. He stated that the Mesa Police Department would prefer to deal with fewer larger facilities than multiple smaller facilities.

Councilwoman Higgins expressed concern that the 500 foot separation distance would not be appropriate in those areas of the community in which schools and parks are located in industrial zones. She cited, for example, that Barbara Bush Elementary School was located in an industrial park and would not have a typical neighborhood buffer like most other schools in Mesa. Councilwoman Higgins added that Quail Run Park was also situated in an industrial zone and would be impacted by the 500 foot separation distance.

In response to a question from Mayor Smith, Mr. Sheffield clarified that the purpose of the separation distances was to separate schools from potential criminal activity that could occur at the dispensaries (i.e., burglaries, robberies, loitering).

Assistant Police Chief John Meza confirmed Mr. Sheffield's comments and said that history has shown that dispensing medical marijuana would, in fact, cause certain crimes. He cited a white paper on marijuana dispensaries issued by the California Police Chiefs Association that recommended such a separation in order to keep criminal elements away from schools.

Responding to comments from Mayor Smith, Mr. Sheffield noted that the biggest difference between Arizona and California was that Arizona cities and counties are being allowed to implement their zoning prior to DHS issuing licenses for the dispensaries and cultivation facilities.

Mayor Smith stated that there were a few "extraordinary issues," such as the matter of charter schools and Barbara Bush Elementary School being located in industrial areas, that appear to run counter to what the City was attempting to accomplish with the proposed ordinance.

Deputy City Attorney Donna Bronski clarified that if the Council wanted to adopt a rule that contained a special separation from schools in industrial areas, such language could be included in the proposed ordinance.

Mayor Smith suggested that Ms. Bronski's proposal be expanded to include schools and parks located in industrial areas.

Responding to questions from Councilwoman Higgins, Mr. Sheffield stated that he was hopeful that Maricopa County would work with the City of Mesa to avoid a clustering of dispensaries in the County.

Discussion ensued relative to the fact that a C-3 zoning district would typically be found along Country Club Drive or Main Street; and that typical uses in C-3 zoning include outdoor commercial (i.e., car lots, plant nurseries) and quasi commercial/industrial activities (i.e., welding shops and body shops).

Councilmember Richins stated that he was uncomfortable including C-3 as an eligible zoning district and preferred to limit such uses to M-1 and M-2.

Councilwoman Higgins remarked that in reviewing a map which included C-3 as an eligible zoning district, it was conceivable that dispensaries could be located every mile along Main Street. She stated that this is the future site of light rail and the City's downtown economic development corridor and questioned whether such a use in the area would be appropriate in the long term.

Mayor Smith commented that contrary to certain reports, the City was not attempting to hide the dispensaries/cultivation facilities "in the back corner" of an industrial area. He stated that he did not object to including C-3 as an eligible zoning district and noted that with the proposed separation distances and the fact that the number of dispensaries would be limited based on population, he estimated that Mesa might have approximately eight to ten locations for medical marijuana dispensaries and associated facilities.

Councilwoman Higgins expressed support for allowing the dispensaries in M-1 and M-2. She also said that the separation of dispensaries between parks and HOA open spaces should be set at 1,200 feet initially and added that the Council could revisit the matter in the future, if necessary.

Councilmember Richins stated that he preferred to eliminate C-3 and supported the 500 foot separation distance between dispensaries and parks and HOA open spaces.

Mayor Smith voiced support for the M-1 and M-2 zoning districts and the 500 foot separation option.

Responding to a question from Mayor Smith, Mr. Sheffield clarified that in the 1950's, the Maricopa County Board of Supervisors established C-3 uses along Federal and State highways, which included Main Street.

Mayor Smith restated the Council's direction as follows: the eligible zoning districts should be limited to M-1 and M-2; that separation of dispensaries for parks located in M-1 and M-2 is 1,200 feet; that the separation requirement for HOA open spaces and parks located in any zoning district that is not M-1 or M-2 is 500 feet; that maximum floor area for cultivation facilities is 25,000 square feet; and that staff draft language to provide for a greater separation between dispensaries and schools and parks located in industrial zones.

City Manager Christopher Brady stated that at the January 24, 2011 Regular Council meeting, the proposed ordinance, with today's modifications, would be presented to the Council for approval.

Mayor Smith thanked staff for the presentation.

2-c. Hear a presentation, discuss and provide direction on the proposed Nuisance Code changes.

Development & Sustainability Deputy Director Tammy Albright displayed a PowerPoint presentation (**See Attachment 3**) and stated that at the September 23, 2010 Study Session,

staff presented proposed changes to the Nuisance Code. She explained that in addition to the modifications proposed by staff, the Council requested information on the following three issues:

1. Is there a possible process for having additional inoperable/unregistered vehicles in rear yards, but not in an enclosed structure to accommodate hobbyists.
2. What is the cumulative effect of parking recreational type vehicles (i.e., RVs, boats, trailers) and inoperable/unregistered vehicles in residential lots.
3. Should there be limits on the number of yard sales in a residential district.

Ms. Albright advised that staff conducted research with regard to each item and was prepared to make recommendations for Council consideration, after which time staff would prepare an ordinance for introduction at the February 7, 2011 Council meeting.

Ms. Albright reported that with respect to Issue 1, staff benchmarked various East Valley cities and determined that none of the communities had a process in place with respect to this matter other than to modify their respective City Codes. She briefly highlighted two options for Council consideration, with Option A being staff's recommendation. (See Pages 4 and 5 of Attachment 3)

Ms. Albright advised that in researching Issue 2, staff learned that none of the surrounding communities regulate the cumulative number of vehicles per lot. She reviewed two options for Council consideration and said that staff recommended Option A (no limit on RVs). (See Pages 7 and 8 of Attachment 3) Ms. Albright noted that currently, RVs, boats and trailers have location limitations and must be situated in side or rear yard areas or enclosed in a structure. She said that Option B would require modifications to the Zoning and Nuisance Codes and added that it would also be necessary for staff to define small off-road vehicles.

Ms. Albright indicated that with regard to Issue 3, Yard Sales, all other cities regulate the number of yard sales to two to three per year for a maximum of three days each. She stated that the current City Code does not address this matter and noted that regulations are based on past interpretations, in which the City allowed up to four yard sales per year for a maximum of three days each.

Ms. Albright reviewed three options for Council consideration with regard to Issue 3 (See Pages 10 and 11 of Attachment 3) and noted that staff recommended Option C (four yard sales per year), which would be consistent with other communities. Ms. Albright added that although the regulation of yard sales has not been a major issue for the City, staff does receive complaints in the spring and fall concerning certain areas of the community in which garage sales are held on almost a weekly basis.

Vice Mayor Jones commented that there were residents in his district who make it a business of holding garage sales on a weekly basis. He said that it was important for the Council to provide direction to staff so that they could more effectively address the matter.

Councilmember Richins noted that when a classic car hobbyist builds a car, the vehicle is usually located in an enclosed structure, with a few inoperable vehicles in the back yard from which parts are scrapped. He encouraged staff to accommodate such activity in a positive manner and not to "threaten" the industry by imposing unfair regulations.

Ms. Albright clarified that the recommended option would allow unlimited vehicles within an enclosed structure, but no more than two inoperable/unregistered vehicles that are not enclosed.

Mayor Smith stated that he was uncomfortable adopting an ordinance that would include three or four exceptions and yet limit hobbyists from working on projects in a reasonable manner.

Ms. Albright responded that staff's recommendation to permit two inoperable/unregistered vehicles that are not enclosed was consistent with regulations in other Valley communities. She added that the current City Code permits an unlimited number of inoperable/unregistered vehicles as long as they are screened from the public view.

Councilwoman Higgins concurred with Mayor Smith's comments.

Mayor Smith suggested that the ordinance should provide staff certain regulations to address those individuals who commit "egregious violations" of normal standards.

Responding to a question from Councilmember Finter, Ms. Albright clarified that a homeowner could not have a slatted gate in order to screen inoperable/unregistered vehicles from the public view.

Mayor Smith questioned how the City could have one definition (i.e., permit two inoperable/unregistered vehicles not enclosed) that would apply to a wide variety of lot sizes throughout the community.

Ms. Albright suggested that perhaps staff could draft an alternative option that would address the number of permitted inoperable/unregistered vehicles according to lot size.

Vice Mayor Jones remarked that the City's goal was to avoid visual clutter and disruption to the neighbors.

Development & Sustainability Department Director Christine Zielonka commented that the major issue with respect to this item related to the adjacent resident who could view the inoperable cars over a neighbor's back fence. She added that the current City Code indicates that such vehicles cannot be visible from the right-of-way, which is different from looking into a neighbor's backyard.

Mayor Smith expressed support for differentiating the number of permitted inoperable/unregistered vehicles based on lot size.

Ms. Zielonka stated that staff would bring back some lot size regulations with a continuum for the number of vehicles that would be allowed and also refine the language regarding visibility from adjacent properties.

Mayor Smith highlighted Council direction as follows: Issue 2, do not limit the total number of vehicles; and Issue 3, allow four yard sales per year.

2-d. Hear a presentation and discuss a new law regarding fees and charges.

Acting Budget Director Candace Cannistraro displayed a PowerPoint presentation (**See Attachment 4**) and reported that A.R.S. § 9-499.15 (House Bill 2257) was a new law regarding fees and charges that the City would implement this month. She cited the pertinent language in the law as follows:

“A municipality that proposes to levy or assess a new tax or fee or proposes to increase an existing tax or fee shall provide written notice of the proposed charge on the home page of the municipality’s website at least sixty days before the date the proposed new tax or fee is approved or disapproved by the governing body of the municipality.”

Ms. Cannistraro explained that in accordance with the new law, 60 days prior to the Council taking action on a specific fee or charge, staff would post a notice on the home page of the City’s website that such action would take place. She briefly reviewed the home page that would be posted on the City’s website, which was scheduled to go live later today. (See Page 3 of Attachment 4) Ms. Cannistraro stated that the box in the bottom right-hand corner of the page would link citizens to the Budget & Research home page where they could review the proposed fees and charges, status updates, and a schedule of upcoming meetings related to the fees and charges. (See Page 4 of Attachment 4) Ms. Cannistraro added that any citizen advisory board or Council subcommittee recommendations to the Council would also be posted to the Budget & Research home page.

Ms. Cannistraro offered a short synopsis of the upcoming timeline for the FY 2010/11 Parks, Recreation and Commercial Facilities Fee Schedule (See Page 5 of Attachment 4) and the General Fee Schedule for FY 2011/12. (See Page 6 of Attachment 4)

City Attorney Debbie Spinner clarified that the intent of the statute was to apprise citizens in advance that specific fees and charges would be considered and may be increased by the Council. She stated that the 60-day time period offers citizens the opportunity to express their opinions and provide input prior to the Council taking action on such proposals.

Mayor Smith thanked Ms. Cannistraro for the presentation.

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

Mayor Smith: Attended the A.T. Still University Council meeting

4. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Monday, January 10, 2011, TBA – Study Session

Monday, January 10, 2011, 5:45 p.m. – Regular Council Meeting

Thursday, January 13, 2011, 7:30 a.m. – Study Session

Saturday, January 15, 2011, 6:00 p.m. – MLK Banquet

Monday, January 17, 2011, 11:00 a.m. – MLK Parade

Monday, January 17, 2011, 12:00 p.m. – MLK Festival at the Mesa Arts Center

5. Items from citizens present.

There were no items from citizens present.

6. Adjournment.

Without objection, the Study Session adjourned at 9:24 a.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, 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 6th day of January 2011. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

pag
(attachments – 4)

Update on the Development Agreement with Crescent Crown

January 6, 2011





mesa·az
West
Broadway
Road

1 inch=200 Feet

0 100 200
Feet

Target Parcels
Parcels

Copyright 1998, 2010 City of Mesa, Arizona







PHArchitecture

CONCEPTUAL RENDERING

CRESCENT CROWN BTS



BROADWAY ROAD
MESA, ARIZONA
11.30.2010



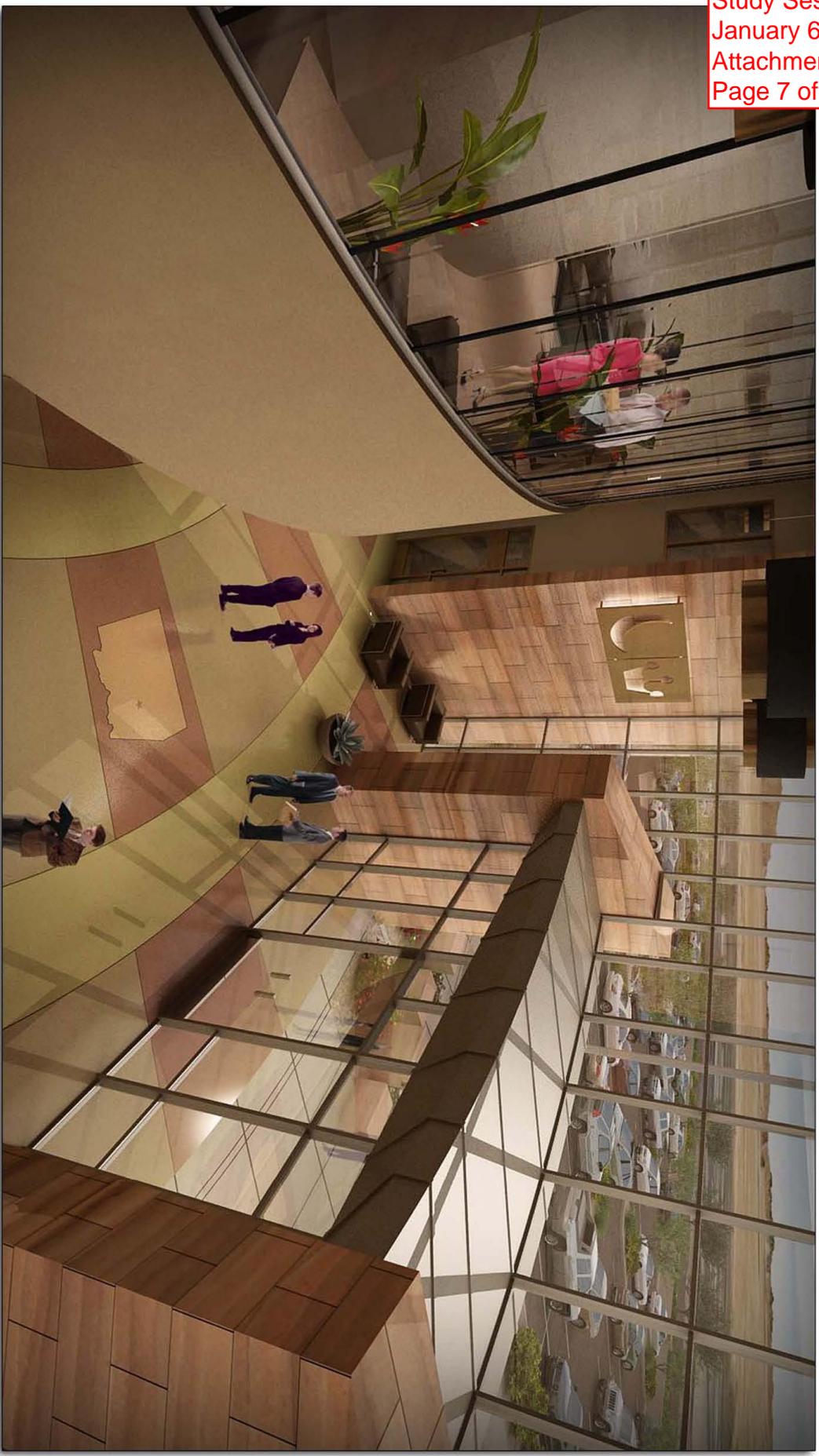
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CONCEPTUAL RENDERING

CRESCENT CROWN BTS



BROADWAY ROAD
MESA, ARIZONA
11.30.2010



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CONCEPTUAL RENDERING

CRESCENT CROWN BTS



BROADWAY ROAD
MESA, ARIZONA
11.30.2010

SYNOPSIS

DEVELOPMENT AGREEMENT

NEXT STEPS

- On February 7, 2011, staff will ask the City Council to take action on the following:
 - Development Agreement including the use of GPLET via a 20 year Lease with Crescent
 - Designation of the Property as a Redevelopment Area
- Crescent will be proceeding through the City's design review and building permit process with a goal to start construction by March 2011.

Thank You

Questions?



Zoning Ordinance Amendments Medical Marijuana Dispensaries

Prop. 203

Presentation to
City Council Study Session
January 6, 2010



Issues Left to Resolve

- Should eligible zoning districts include **C-3, M-1 and M-2**, or just be limited to **M-1 and M-2**?
- Should Separation of Dispensaries from Parks and HOA Open Spaces be set at **1200-feet or 500-feet**?
- Industry Request: Expand Cultivation Facility Minimum Gross Floor Area (GFA) from 3,000 square feet to 12,000 square feet or larger?

Prop. 203

- **Prop. 203 allows patients with specific medical conditions to obtain Department of Health Services (DHS) certification for use of medical marijuana**
- **To obtain DHS certification, a physician must certify that the patient has a debilitating medical condition**

Prop. 203

QUALIFYING PATIENTS

- **Qualifying patients with a DHS identification card:**
 - Obtain max of 2.5 oz marijuana every two weeks
 - DHS Identification Cards expire after 1 year
 - May be renewed
 - **Must be 18 years of age or older to obtain registry card** (under 18, with parent or guardian consent)

Prop. 203

DISPENSARIES

- **Limit: 1 dispensary /10 pharmacies in AZ**
- **Anticipate approx 120 dispensaries in AZ**
- **Off-site cultivation facility permitted**
- **Qualifying patients/caregivers allowed to grow their own if more than 25 miles from a dispensary.**
- **Dispensaries minimum 500 ft from K-12 school**
- **Marijuana not used on the dispensary property**

Prop. 203

Rulemaking

- **Cities may enact “reasonable” zoning regs**
- **DHS issued first draft of rules on Dec 31.**
- **It anticipates having regulations in place by March 28, 2011**
- **DHS is strongly recommending that municipalities get zoning regulations in place ASAP**

Timing for City of Mesa Zoning Amendments

Planning and Zoning	Nov 17
Council Study Session	Dec 9, Jan 6
Council Intro of Ord	Jan 10 or Jan 24
Council Consideration	Jan 24 or Feb 7
Effective Date of Ord	Feb 23 or Mar 9
DHS Rules	Approx. Mar 28

What Others Are Doing

- **AZ League of Cities and Towns**: Developed Model Ordinance
- **Cities with adopted zoning amendments**
 - Phoenix Queen Creek
 - Tucson Maricopa County
 - Marana Pima County
- **Scheduled P&Z hearings in December, City Council in January**
 - Tempe Gilbert
 - Chandler Flagstaff
 - Scottsdale
- Most ordinances use C-2 w/ carryover to C-3 and industrial districts
- Gilbert is exception, uses industrial.
- All ordinances include spacing requirements from “Protected” uses
- Spacing distances vary considerably

Minimum Zoning Districts

Location Requirements

	DISPENSARIES	PATIENT/ CAREGIVER CULTIVATION
Allowable Locations	C-3, Gen.Comm. M-1, Ltd.Ind. M-2, Gen.Ind.	If 25 miles from dispensary, accessory use in any residence district
Specifically Prohibited Locations	PEP, Plan.Emp.Park All Residential Dists.	

Separation Requirements

	DISPENSARIES	CAREGIVER CULTIVATION
5,280 feet	<ul style="list-style-type: none"> Other dispensaries 	
2,400 feet	<ul style="list-style-type: none"> Residential Substance Abuse Treatment Facilities Alcohol Rehab Facilities Correctional Transitional Housing Facilities 	
1,200 feet	<ul style="list-style-type: none"> Churches Parks and HOA maintained open spaces Libraries Schools (K-12) 	None
500 feet	<ul style="list-style-type: none"> Day Care / Pre-schools 	

Mesa P&Z Board Recommendation

Off Site Cultivation Facilities	Off-site Infusion Facilities
C-3, M-1 and M-2	C-3, M-1 and M-2
1200' from Churches, Schools Parks and HOA Open Spaces, Libraries	1200' from Churches, Schools Parks and HOA Open Spaces, Libraries
Maximum Space – 3000 sf	Maximum Space – 10,000 sf
Max Storage - 1000 sf	Max Storage 2,500 sf

Mesa P&Z Board Recommendation

Facility Requirements

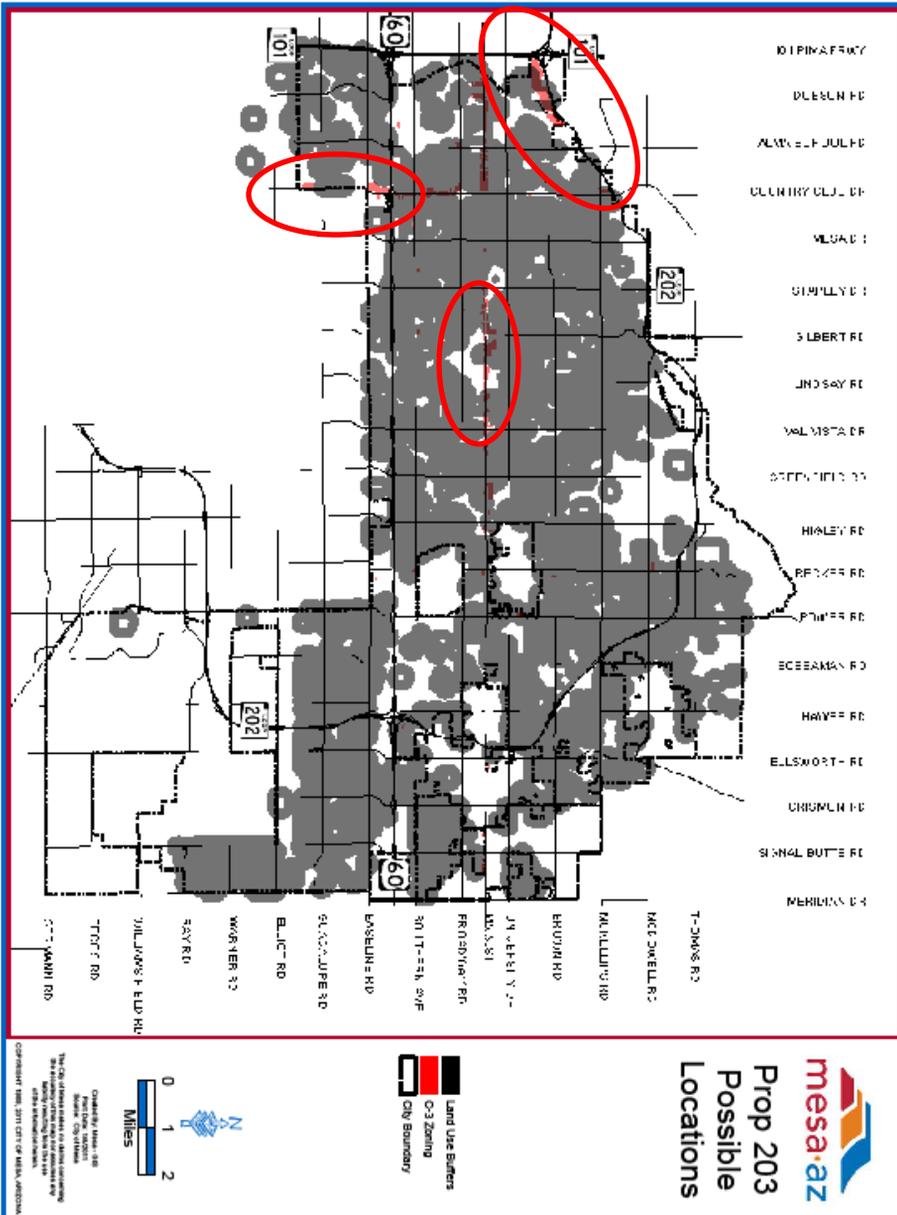
	DISPENSARIES	DISPENSARY OFF-SITE CULTIVATION	PATIENT/ CAREGIVER CULTIVATION

Maximum space	2,500 sq. ft.	3,000 sq. ft.	250 sq. ft. Including storage
Storage	500 sq. ft.	1,000 sq. ft.	
Cust. Floor Space	Min. 25% of Gross Floor Area	NA	
Permanent Bldg	Yes	Yes	

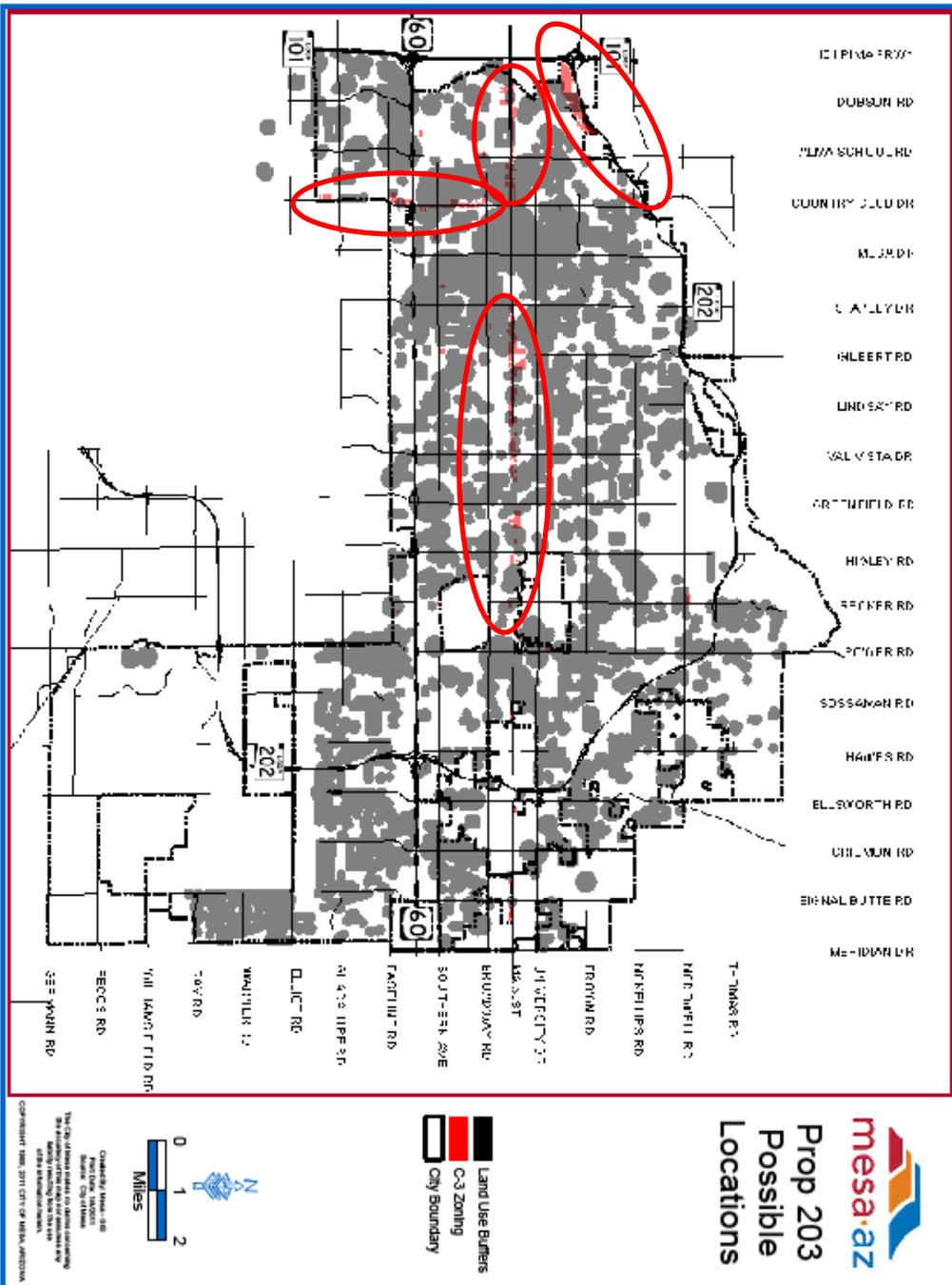
Council Directed Revisions to P&Z Recommendation

- **Revise eligible zoning for dispensaries:**
 - Delete C-2
 - Add M-1 and M-2 districts
- **Review Separation Requirements**
 - Alternative B: Reduce separation from Parks and HOA open space: 1200-ft to 500-ft

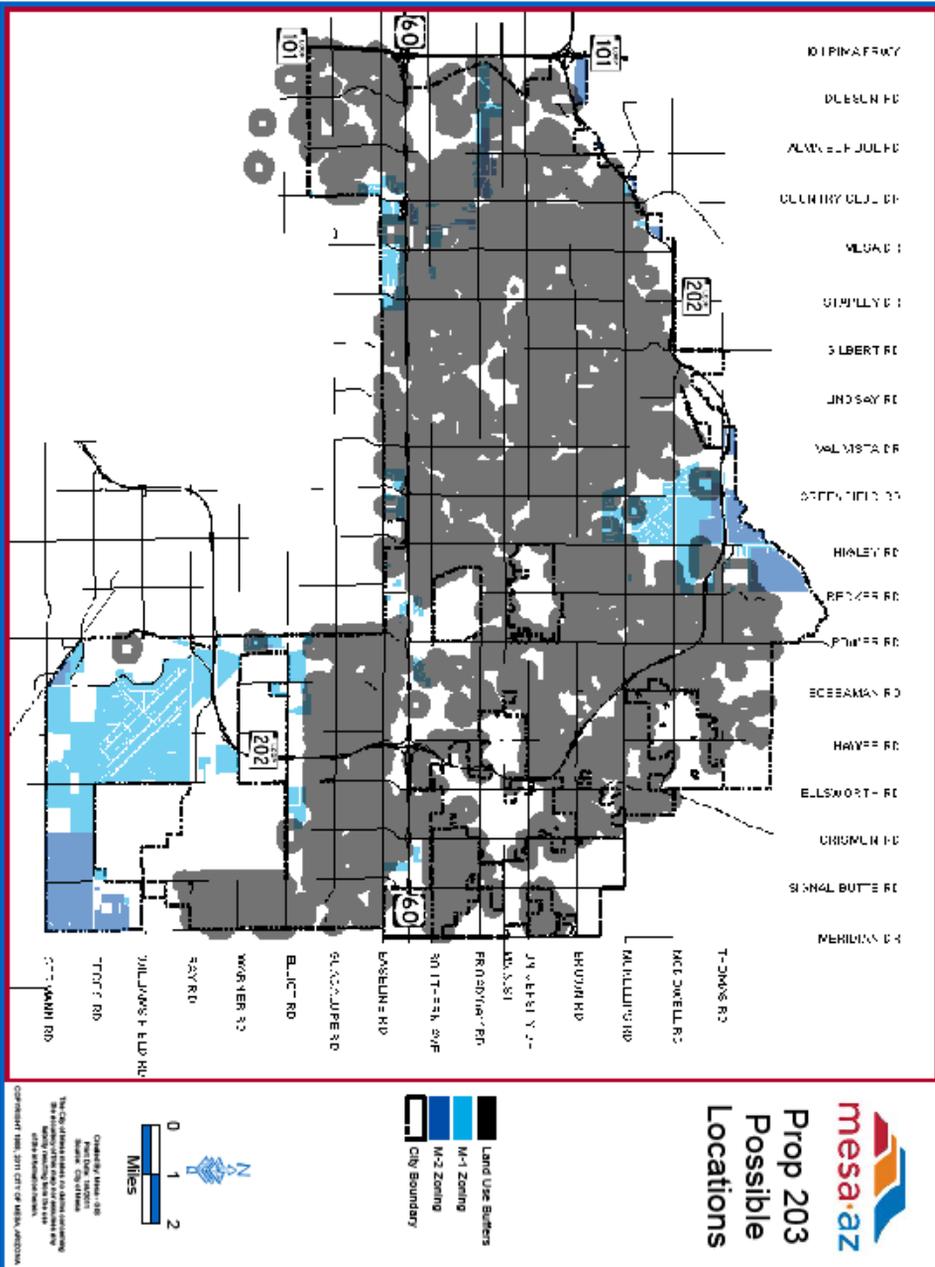
C-3 w/ Standard Separations, 1200-ft from Parks & HOA Open Space



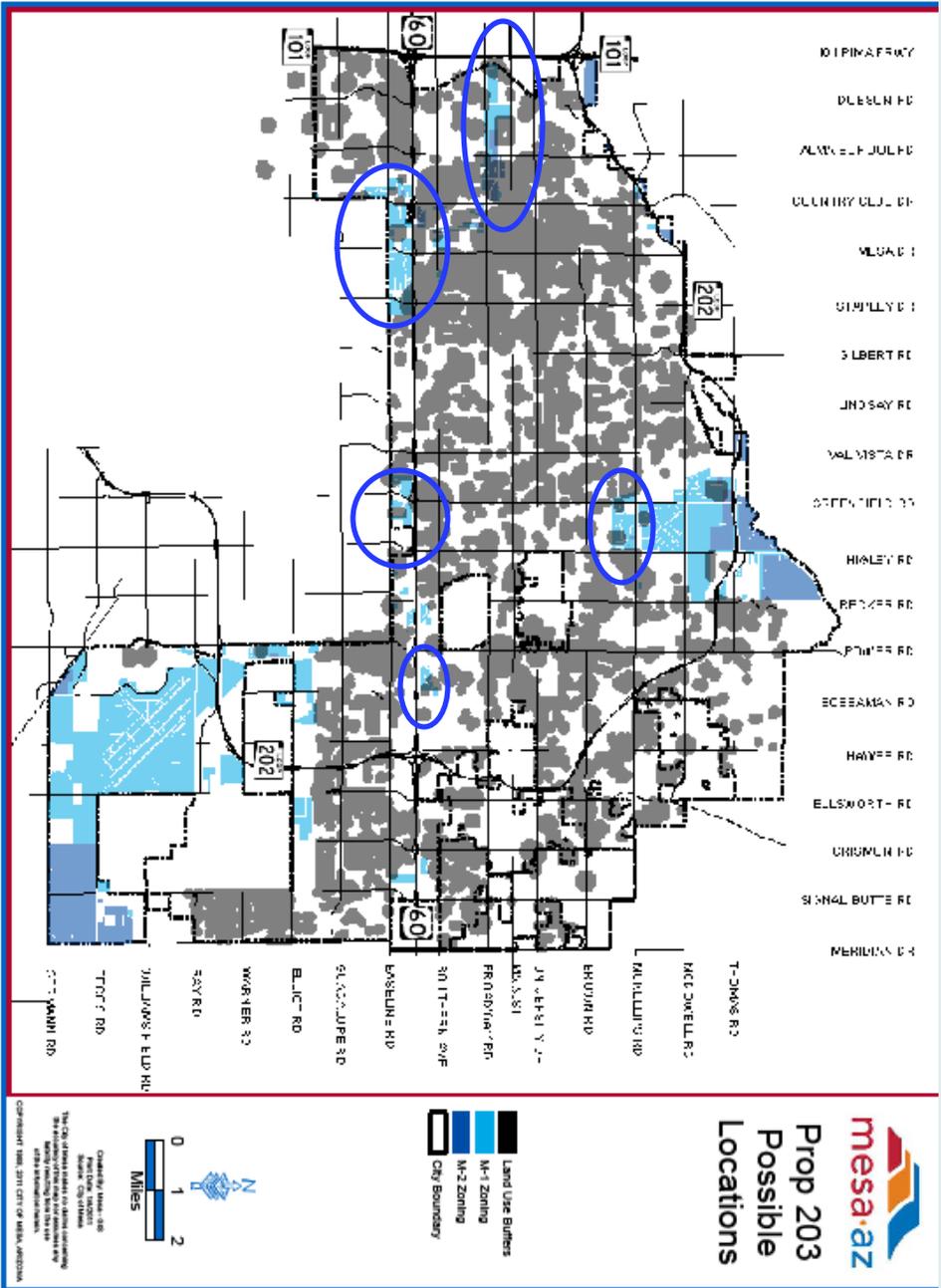
C-3 w/ Standard Separations, 500-ft from Parks & HOA Open Space



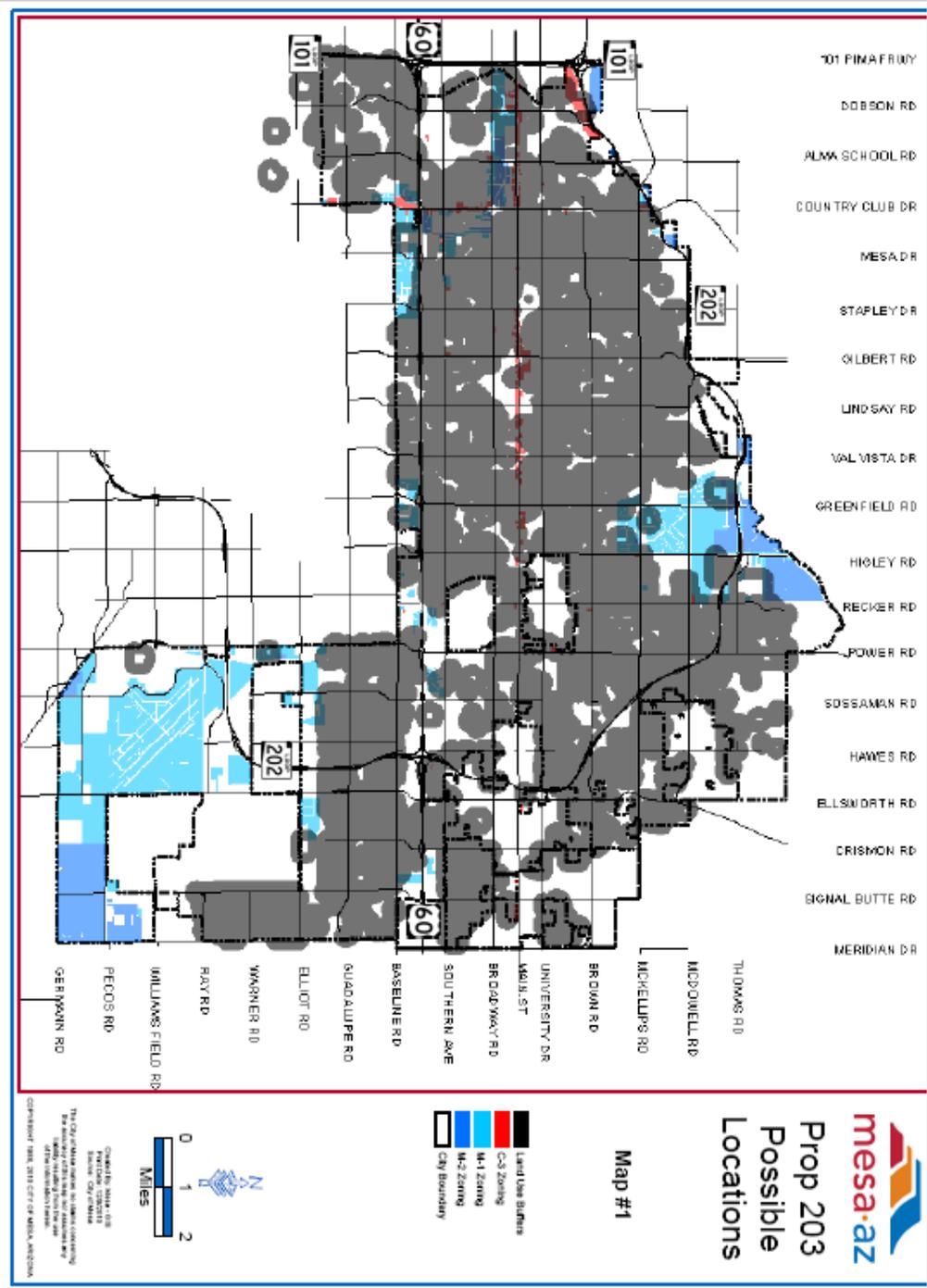
M-1 and M-2 w/ Std Separations, 1200-ft from Parks & HOA Open Space



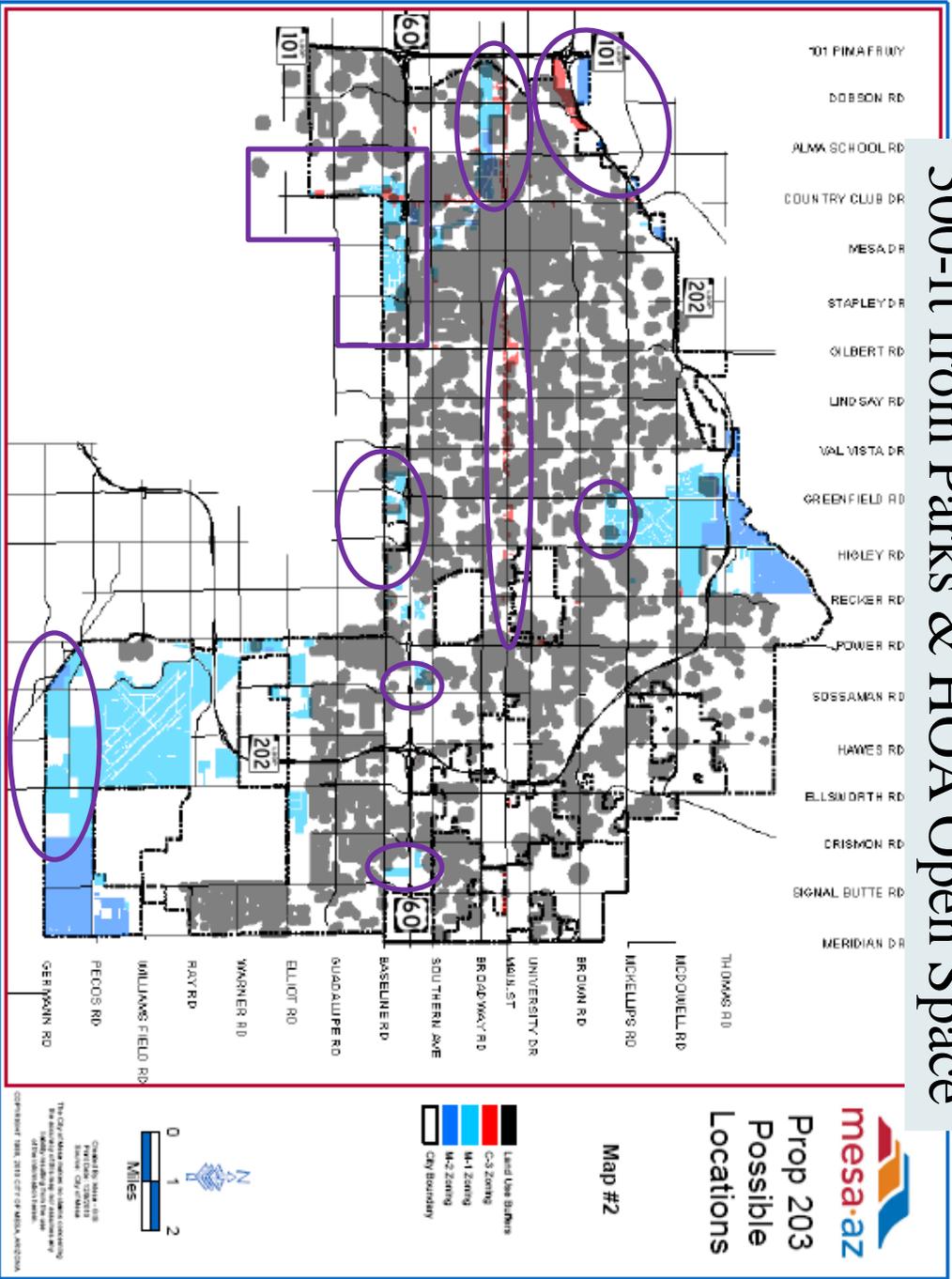
M-1 and M-2 w/ Std Separations, 500-ft from Parks & HOA Open Space



C-3, M-1 and M-2 w/ Std Separations, 1200-ft from Parks & HOA Open Space



C-3, M-1 and M-2 w/ Std Separations,
 500-ft from Parks & HOA Open Space



Industry Recommendation

Facility Requirements

- Increase Gross Floor Area (GFA) Max to Reduce:
 - Travel between Cultivation and Facility
(When Cultivation located at same site as Dispensary)
 - Overall Number of Cultivation Facilities needed
- Delete maximum floor area required for cultivation facilities, or
- Allow increase to maximum GFA to from 3,000-sf to between 12,000- and 25,000-sf
- Tucson Estimate:
 - 3,000-sf to 25,000-sf GFA increase reduces the number of cultivation sites needed from 120 to about 15

Other Requirements

DISPENSARIES

- **Must register with Mesa's Planning Division**
- **Maintain active DHS registration & comply with DHS rules and ARS statutes**
- **Cannot have:**
 - **Drive through window service**
 - **Open air seating or outdoor vending**
 - **Delivery service**

Nuisance and Property Maintenance Code

January 6, 2011

City Council Study Session

Tammy Albright

Development & Sustainability

Deputy Director



mesa•az

Three Remaining Issues

- Study Session Presentation 9-23-10
- Three issues remained
 1. Additional inoperable or unregistered vehicles
 2. Cumulative effect of parking RVs, Boats and other vehicles
 3. Regulations for yard sales

Issue 1: Additional Vehicles

- **Permit for additional inoperable or unregistered vehicles**
- **No precedent from other cities**

Option A: Two Vehicle Limit

- *Permit two inoperable / unregistered vehicles not enclosed*
- *Unlimited vehicles within an enclosed structure*
- *No vehicles in the front yard*
- *Staff recommends this option*

Option B: Permit for >2 Vehicles

- *Annual Zoning Use Permit*
- *Screened from any right-of-way*
- *Free of weeds, trash & Hazards*
- *Changes to the Zoning Code*
- *Permits & inspections annually*
- *Requires additional resources*
- *Difficult to inspect and enforce*

Issue 2: Cumulative Effect

- Cumulative effect of RV, boats, trailers and inoperable / unregistered vehicles on a single lot
- No precedent from other cities

Option A: No limit on RVs

- *Codes already limit vehicles to the side and rear yards*
- *Zoning Code regulates RVs*
- *Proposal limits number of inoperable or unregistered vehicles*
- *Provides for a natural limitation*
- *Staff recommends this option*

Option B: Limit total vehicles

- *Limit number of vehicles per lot*
- *Two RV, watercraft or utility trailer and two inoperable / unregistered vehicles*
- *Modify Zoning and Nuisance codes*
- *Define small off-road vehicles*
- *Requires additional resources*
- *Difficult to inspect and enforce*

Issue 3: Yard Sale Limits

- All other cities regulate the number of yard sales as a means to regulate possible business activity
- Current Code does not address: regulations based on past interpretations

Option A and B

- *Option A - 12 yard sales per year with a maximum of 3 days each*
- *Option B - Continue to leave unregulated and focus on determining business activity – difficult to enforce*

Option C: Limit Yard Sales

- *Option C - Permit up to 4 yard sales per year with a maximum of 3 days each – this is consistence with other communities and recommended by staff*
- *Has not been major issue – few complaints in spring and fall*

Questions?

City of Mesa

New Law Regarding Fees & Charges (ARS 9-499.15)

January 06, 2011

Presented by the Budget & Research Office



ARS 9-499.15 (House Bill 2257):

A municipality that proposes to levy or assess a new tax or fee or proposes to increase an existing tax or fee shall:

“provide written notice of the proposed charge on the home page of the municipality’s website at least **sixty days** before the date the proposed new tax or fee is approved or disapproved by the governing body of the municipality.”

The notice will appear on the bottom right side of the City of Mesa's homepage.

www.mesaaz.gov

The notice will be linked to the Proposed Fees & Charges page located on the Budget & Research website. The timeline for review and the proposed rate will be updated as information is available.



Mesa Recovery Information
To date, Mesa has received \$71 Million in Federal stimulus funds. >>



\$
The Mesa City Council will review and consider proposed increases to Parks, Recreation & Commercial Facilities (PRCF) fees and charges in March 2011.
Click for more info

2010 | 2011

CITY OF MESA

Current Fiscal Year	Fees & Charges	Proposed Fees & Charges	Contact Information
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City Council will not review & consider these proposed fees & charges until March 21, 2011

- Parks, Recreation and Commercial Facilities
 - Scheduled for review by Parks Advisory Board - Jan12, 2011
 - Anticipated for review by Audit & Finance Committee - Feb, 2011
 - Anticipated for review by Council - March 21, 2011

Study Session
January 6, 2011
Attachment 4
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Budget & Research Office

P.O. Box 1466
Mesa, AZ 85211
480-644-5799
480-644-5585 Fax

Related links:

Comprehensive Annual Financial Report

Accounting Services Staff

Capital Improvement Program (CIP)

Parks, Recreation, & Commercial Facilities – Fee Schedule for FY 10/11:

- Jan 12, 2011 – Public Meeting with Parks Advisory Board
- Jan 20, 2011 – Post to website (60 day notice)
- Feb 2011 – Audit & Finance Committee
- Mar 21, 2011 – City Council action on Fee Resolution
- Apr 1, 2011 - Effective Date for PRCF fee changes

City of Mesa – General Fee Schedule for FY 11/12:

- Feb 3, 2011 – Departments proposed fee changes
submitted to Budget Office
- Mar, 2011 – Audit & Finance Committee
- Apr 21, 2011 – Post to website (60 day notice)
- Jun 6, 2011 – Introduction of Fee related Ordinances
- Jun 20, 2011 – City Council action on Fee Resolutions
& Ordinances
- Jul 1, 2011 - Effective date for fee changes by
Resolution
- Aug 1, 2011 – Effective date for fee changes by
Ordinance

