

Planning and Zoning Board



Study Session Minutes

Mesa City Council Chambers – Lower Level, 57 East 1st Street
Date: December 11, 2019 Time: 3:00 p.m.

MEMBERS PRESENT:

Chair Michelle Dahlke
Jessica Sarkissian
Tim Boyle
Shelly Allen
Jeffrey Crockett
Deanna Villanueva-Saucedo

MEMBERS ABSENT:

Vice Chair Dane Astle

STAFF PRESENT:

Nana Appiah
Tom Ellsworth
Lesley Davis
Kellie Rorex
Cassidy Welch
Evan Balmer
Rachel Prelog
Rebecca Gorton

OTHERS PRESENT:

Citizens who did not sign in

1. Call meeting to order.

Chair Dahlke declared a quorum present and the meeting was called to order at 3:00 p.m.

2. Review items on the agenda for the December 11, 2019 regular Planning & Zoning Hearing.

Staffmember Kellie Rorex presented case ZON19-00644 to the Board. There was no discussion by the Board.

Staffmember Cassidy Welch presented case ZON19-00684 to the Board. There was no discussion by the Board.

Staffmember Evan Balmer presented case ZON19-00691 to the Board. There was no discussion by the Board.

Staffmember Rachel Prelog presented proposed new zoning district for Leisure and Recreation district. Ms. Prelog stated there is currently a district for Parks and other recreational districts that are permitted within other zoning districts. She stated over the years staff has been challenged to maintain the intended use of those areas especially when there is a change of the property owner. This new district will create entitlements specifically for parks and recreational districts to maintain the intent behind them over time.

Planning Director Nana Appiah explained that the basic requirements in the zoning code is to have a base zoning in a PAD. And the City's code does not allow a PAD to become its own zoning district which occasionally becomes a challenge when you have open space areas within the PAD that can be deemed to also allow all uses allowed in the underlying zoning designation. Such designation also becomes a challenge when an applicant requests to eliminate the open space areas after approval of the PAD for other uses because such uses are allowed in the zoning district. Even though the PAD was intended to include such open spaces areas as part of its approval justification. Dr. Appiah further explained that with the new LR district, applicants can designate such open spaces areas as LR and also provide assurance to residents that such areas will remain as approved and major changes will likely require undergoing through the public hearing process which will inform surrounding properties owners of the changes.

Boardmember Allen inquired if the intent is to change the existing parks in Mesa to the new zoning district. Dr. Appiah responded that the intent is not to change existing parks or retroactively use the designation on any existing zoned property, unless there is a specific request by a property owner to do so. In such instance, the requested change will go through the standard rezoning process. He further explained that one of the main purposes of the proposed zoning district is to address the outstanding challenge with utilizing other underlying zoning districts that include several non-open space uses for parks and open space designations. Ms. Allen clarified this is to be used for future subdivisions and asked if within the subdivision the area will be specifically designated as the LR district. Ms. Allen inquired how the area would be finalized once the final plat is approved and would they be required to rezone if the area is out of alignment. Dr. Appiah replied when a PAD is submitted the open space area and associated acreage will be designated with the LR zoning. However, the exact locations are typically delineated with the submittal of a final plat, unless the application for the PAD included specific legal description for the various zoning designations.

Tom Ellsworth, Principal Planner explained when Land Use Plans are submitted, there will be specific open space areas designated as LR and the base zone will show the areas of common open space. He stated in the past, the base zoning gave the impression on the zoning map of all non uses that are allowed, even though that was the intent of the overlay and underlying zoning designation.

Boardmember Crockett confirmed without this specific zoning district could there be a conversion from the open space to another use and what could the park turn into. Mr. Ellsworth responded a common request is for the conversion of golf course amenities approved as open space on a PAD. However, after the approval staff begins to face the challenge of convincing new property owners of the intent of the underlying zoning designation and the requirement of the open space designation. With this designation, it may help reduce the ambiguity and confusion of uses allowed on open space designated properties.

Boardmember Villanueva-Saucedo stated this gives more specificity in those cases to enable the board to have more teeth and say to preserve Open Space.

3. Planning Director's Updates.

a. Update of City Council's decisions on Land Use cases.

Planning Director Nana Appiah stated City Council approved the Design Guidelines and associated text amendments that will be effective in February 2020. Dr. Appiah stated staff is beginning to have conversations with the development community as proposals are coming in and encouraging them to utilize the guidelines.

Nana Appiah stated staff is also completing a workplan of certain processes that needs to be streamlined for land use reviews and will be keeping the board informed of such processes in the coming year. One of such processes is to revise the standards and allow certain site plans to be reviewed administratively if the zoning allows the development. Overall, this change will help improve the development process in the City, including reduction in the time line for such processes. It will also help improve the efficient use of the Board's time for public meetings.

Dr. Appiah also informed the Board that staff is working on proposing certain amendments to the General Plan as well as the Land Use process and will be presenting to this board in the coming months.

4. Review and discuss sample Planning and Zoning Board By-laws from the cities of Chandler, Scottsdale, Gilbert and Miami, and provide staff direction on drafting proposed By-laws for the Board.

Principal Planner Tom Ellsworth reminded the Board that staff is developing By-laws for each of the boards and the Board recommended staff to provide examples of such by-laws from other municipalities for the Board's review. Mr. Ellsworth stated as we review the By-laws of the other municipalities, the Board can take the items from those sample By-laws and incorporate them into their proposed By-laws.

Chair Dahlke stated she would like to see if there can be flexibility on the meeting start time when the Board needs it. For example, can they have more time if it is needed to start the study sessions earlier or later if there is not enough time to review the agenda items. Ms. Dahlke also discussed if we should officially follow Robert's Rules of Order.

Boardmember Villanueva-Saucedo stated she appreciated receiving samples from other municipalities. She stated her concern with the public notification process and ensuring how Boardmembers and the public are notified of cases. Ms. Villanueva-Saucedo is not fond of having an Executive Session and takes seriously the perception of having conversations outside of the public realm. She supports Parliamentary procedures and feels there should be a standard, structured way of conducting business.

Boardmember Boyle is in agreement with the statement by Boardmember Villanueva-Saucedo regarding public notification. Mr. Boyle suggested the City look into other forms of notification such as utilizing social media platforms and would like to have specific procedures as well. Mr. Boyle also would like to include definitions for lobbying from applicants. Mr. Boyle stated since we have switched to two sessions a month can we consider the number of meetings in the future if the two agendas a month continue to be disproportionally balance.

Boardmember Sarkissian inquired how the By-laws will be adopted and how would they be amended if needed. Dr. Appiah responded that the Board has the ability to set their own rules on how they conduct business. However, they do have to meet Article 2 of

the city's By-laws which lays out the functions of the board and council. And the By-laws cannot preempt those statutes, as well as being consistent with the zoning ordinance.

Boardmember Allen stated she agrees that the public notification process should be improved. Ms. Allen feels when registered neighborhoods are notified, they are not passing the information on to the residents. Ms. Allen stated a sample from one of the municipalities has a restriction that an applicant cannot bring in updated or changed material for/ or against a case the day of the meeting without going through staff first. Presenting updated or changed material at a meeting does not allow the board, staff or public ample time to review the material being presented. Ms. Allen would like to include this in the By-laws. She also would like the board to return to one meeting per month if the agendas continue to have few cases. Nana Appiah responded that the bi-monthly meetings allow the development community the opportunity to submit an application twice a month with a faster staff review turnaround time. Another advantage is that staff is able to provide improved staff reports with less, last minute changes to the Board.

Boardmember Crockett agrees with both Ms. Allen and Dr. Appiah and stated the improved public notification process will provide due process to the people and feels the By-laws will standardize the process and help ensure both applicants and public get due process. Mr. Crockett stated having By-laws will also help to educate new boardmembers. He feels when the board is no longer reviewing site plans, which he has wondered for a while why those plans come to the Board when there is very limited decision by the Board. Also, without having administrative site plan reviews will help keep the meetings short and at times cancel one of the monthly meetings. Mr. Crockett stated it would be good to include something about the process for a boardmember to call in and requested we include limiting the developer speaking time.

5. Adjournment.

Boardmember Crockett motioned to adjourn the meeting at 4:16 pm. The motion was seconded by Boardmember Allen.

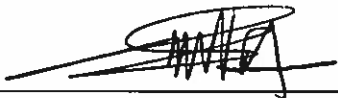
Vote: 6-0 Approved (Vice Chair Astle, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Sarkissian, Boyle, Allen, Crockett and Villanueva-Saucedo

NAYS – None

Respectfully submitted,



Nana K. Appiah, AICP, Secretary
Planning Director

Note: Audio recordings of the Planning & Zoning Board study sessions are available in the Planning Division Office for review. The regular Planning & Zoning Board meeting is "live broadcasted" through the City of Mesa's website at www.mesaaz.gov.