



COUNCIL MINUTES

October 16, 2023

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 16, 2023, at 6:00 p.m.

COUNCIL PRESENT

John Giles
Francisco Heredia
Jennifer Duff
Mark Freeman
Alicia Goforth
Scott Somers
Julie Spilsbury

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Holly Moseley
Jim Smith

Mayor's Welcome.

Mayor Giles announced that October is Domestic Violence Awareness Month.

Mayor Giles conducted a roll call.

Mayor Giles led a moment of silence, followed by the Pledge of Allegiance.

Awards, Recognitions and Announcements.

Mayor Giles presented the Domestic Violence Awareness Month Proclamation.

Victim Services Administrators Lindsey Kircher and Shelly Ward accepted the proclamation and provided information about the upcoming event to be held at the Plaza at Mesa City Center on Thursday, October 19, 2023, at 5:30 p.m.

1. Take action on all consent agenda items.

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Freeman, seconded by Councilmember Spilsbury, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Freeman–Goforth–Somers–Spilsbury

NAYS – None
ABSENT – None

Carried unanimously.

*2. Approval of minutes of previous meetings as written.

Minutes from the September 21, 2023, Study Session; and the October 2, 2023, Regular Council meeting.

3. Take action on the following liquor license applications:

*3-a. Fairway Market

A convenience store is requesting the ownership transfer of a Series 9 Liquor Store License to Royal Liquors LLC, 340 West Brown Road - Amarjit Singh, agent. The existing license held by VNTH Inc. will revert to the State. **(District 1)**

*3-b. 180th Field Artillery Regiment Association

This is a two-day event to be held on Friday, November 10, 2023, from 3:00 P.M. to 9:00 P.M. and Saturday, November 11, 2023, from 3:00 P.M. to 9:00 P.M. at 4815 East Main Street Unit 16. **(District 2)**

*3-c. Ultimate Imaginations Inc.

This is a two-day event to be held on Friday, November 3, 2023, from 5:00 P.M. to 9:00 P.M. and Saturday, November 4, 2023, from 9:00 A.M. to 4:00 P.M. at the North (East and West) Corners of West Pepper Place and Macdonald. **(District 4)**

*3-d. Oregano's Pizza Bistro

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Oreganos AZ LLC, 1130 South Dobson Road - Steven David Dunsire, agent. **(District 3)**

*3-e. Jarrods Coffee Tea & Gallery – **(DELETED - Withdrawn by applicant)**

*3-f. J & M Chinese Restaurant

A restaurant that serves lunch and dinner is requesting a new Series 12 Restaurant License for Phoenix Twins LLC, 1035 North Ellsworth Road Suite 101 - Rui Xu, agent. **(District 5)**

*3-g. Commemorative Air Force

This is a one-day event to be held on Saturday, November 4, 2023, from 5:00 P.M. to 11:00 P.M. at 2017 North Greenfield Road. **(District 5)**

4. Take action on the following contracts:

*4-a. Central Mesa Sewer Interceptor - Construction Manager at Risk (CMAR), Guaranteed Maximum Price (GMP). **(Districts 1, 3, and 4)**

This wastewater pipe rehabilitation project includes bypassing existing sewer flows, cleaning the existing pipe, installing a new cured in place pipe liner, and repairing the adjacent manhole.

Staff recommends awarding a construction services contract to the CMAR, Achen Gardner, in the amount of \$11,862,525.06 (GMP), and authorizing a change order allowance in the amount of \$1,186,252.51 (10%), for a total amount of \$13,048,777.57. This project is funded by Utility Systems Revenue Obligations.

- *4-b. Use of a Cooperative Contract for the Purchase of One Heavy-Duty Backhoe Loader (Replacement) for the Parks, Recreation and Community Facilities Department. **(Citywide)**

This purchase is for a backhoe loader that will support the Mesa Cemetery. It is a critical piece of equipment used daily in Cemetery operations, including grave openings and closings, concrete vault and monument installations, and debris removal, including storm clean up.

The Fleet Services and Parks, Recreation and Community Facilities Departments and Purchasing recommend authorizing the purchase using the State of Arizona cooperative contract with Empire Southwest LLC dba Empire Machinery (a Mesa business) for \$172,912.36, based on estimated requirements. This purchase is funded by the Vehicle Replacement Fund.

- *4-c. Cooperative Contract Use for the Four-Year Term Contract with Three Years of Renewal Options for Stadium Lighting, Lighting Control Systems, and Sports Video Broadcasting Equipment for the Parks, Recreation and Community Facilities Department (PRCF). **(Citywide)**

This contract will provide for the purchase and installation of stadium lighting, lighting control systems, and sports video broadcasting equipment from Musco Sports Lighting LLC. PRCF currently deploys Musco brand equipment at many of its sites and is the standard at current and new facilities.

The PRCF Department and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Musco Sports Lighting LLC at \$2,500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-d. Use of a Cooperative Contract for the Purchase of Two Heavy-Duty Trailers (Additions) for the Transportation Department. **(Citywide)**

Transportation Field Operations will utilize one of the new heavy-duty haul trailers to transport a new paver that is currently on order for the in-house Asphalt work group and one rollback trailer for the new backhoe that is currently on order for the new in-house Concrete crew.

The Fleet Services and Transportation Departments and Purchasing recommend authorizing the purchase using the Sourcewell cooperative contract with Empire Southwest LLC (a Mesa business) for \$222,278.15 based on estimated requirements. This purchase is funded by the Local Streets Fund.

- *4-e. Purchase of Broadcast and Audio Video Equipment (Replacement) for City Council Chambers (as requested by the Public Information and Communications Department). **(Citywide)**

This purchase will provide the broadcast equipment that will be installed in the new City Council Chambers to broadcast and record live meetings such as City Council meetings, Study Sessions, and Planning and Zoning meetings on COX 11, YouTube, and Facebook.

The Public Information and Communications Department and Purchasing recommend awarding the contract to the lowest, responsive, and responsible bidder, BKW Inc. for \$331,739.33.

- *4-f. Purchase to Rebuild the Bar Screen Conveyor System at the Greenfield Water Reclamation Plant for the Water Resources Department (Sole Source). **(Citywide) – (DELETED – Withdrawn by applicant)**

- *4-g. Three-Year Term Contract with Two Years of Renewal Options for Utility Locating Services for the Energy Resources Department. **(Citywide)**

This contract will provide utility locating services to support the private sector fiber optic deployment occurring throughout City of Mesa rights of way as part of the Mesa Fiber Initiative, and in San Tan Valley, where the City's gas system is also located.

A committee representing the Energy Resources Department and Purchasing evaluated responses and recommend awarding the contract to the sole and qualified proposal from USIC at \$160,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-h. Dollar Limit Increase to the Term Contract for Uninterruptible Power Supply Maintenance, Repairs, Related Services, Equipment, and Parts Purchases for various City Facilities. **(Citywide)**

This contract will provide an experienced Contractor to provide uninterruptible power supply (UPS) preventative system maintenance, repairs, related services, and purchase of equipment and parts. On May 31, 2023, management administratively approved this contract to service a small number of UPS systems. Staff estimates the dollar limit increase will be sufficient for the various City facilities' annual usage.

The Department of Innovation and Technology and Purchasing recommend increasing the dollar limit with Titan Power Inc. by \$400,000, from \$100,000 to \$500,000 annually, with an annual increase allowance of up to 5%, or the adjusted Consumer Price Index.

- *4-i. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Clerk.
- *4-j. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Auditor.
- *4-k. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Attorney.

- *4-l. Approving and authorizing the Mayor to sign an amendment to the employment contract with the City Manager.

5. Take action on the following resolutions:

- *5-a. Approving and authorizing the City Manager to enter into an Intergovernmental Agreement and related Special Conditions with the City of Phoenix and Maricopa County for the distribution of grant funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program under which the City will receive \$177,098 to be used to purchase a forklift for the Police Department Evidence Division. **(Citywide)** - Resolution No. 12101
- *5-b. Approving and authorizing the City Manager to enter into an agreement with Meta to accept a contribution of \$300,000. Of this amount, \$250,000 will be used for naming rights within the i.d.e.a. Museum for the new "i.d.e.a. Lab by Meta" to be constructed, and \$50,000 will be used to expand free admissions to underserved families in Mesa. **(Citywide)** - Resolution No. 12102
- *5-c. Approving and authorizing the City Manager to accept, expend, and distribute grant funds from the U.S. Department of Housing and Urban Development, Continuum of Care Shelter Plus Care Grant, in the amount of \$121,712. The City partners with Save the Family in the Continuum of Care Shelter Plus Care Program by providing rental assistance and related administrative services (funded by this grant) and case work and supported services that are funded through Save the Family. **(Citywide)** - Resolution No. 12103
- *5-d. Approving and authorizing the City Manager or his designee to enter into a subrecipient agreement with a New Leaf, Inc. for a grant of Coronavirus Local Resource and Recovery Funds for the East Valley Men's Center bridge housing project. **(District 1)** - Resolution No. 12104
- *5-e. Authorizing the City Manager to enter into a Seventh Amendment to the Development Agreement for the development commonly known as The GRID, a project on City-owned property, generally located at the southwest corner of Main Street and Pomeroy at 233 East Main Street and 34 South Pomeroy. The Seventh Amendment would have the effect of extending the Compliance Date for completion of Phase I of the project. **(District 4)** - Resolution No. 12105
- *5-f. Authorizing the issuance and sale of General Obligation Bonds, Series 2023, not to exceed \$90,000,000. **(Citywide)** - Resolution No. 12106
- *5-g. Authorizing the sale, execution, and delivery of Utility Systems Revenue Obligations, Series 2023, not to exceed \$205,000,000. **(Citywide)** - Resolution No. 12107

6. Introduction of the following ordinances and setting November 6, 2023 as the date of the public hearing on these ordinances:

- *6-a. ZON23-00469. **(District 2)** Within the 6700 block of East Main Street (south side), the 0 block of South Sunaire (west side) and the 6700 block of East Alder Avenue (north side). Located west of Power Road on the south side of Main Street (1.3± acres). Rezone from Limited Commercial (LC) to Limited Commercial with a Bonus Intensity Zone overlay (LC-BIZ), Council Use Permit (CUP), and Site Plan Review. This request will allow a change in use from a hotel to a social service facility, to allow the City to locate at the site portions of an existing, temporary housing program for people experiencing

homelessness, and more specifically, for targeted populations of families, domestic violence victims, and elderly. City of Mesa, applicant; Sunstay Bridge LLC, owner. - Ordinance No. 5817

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 5-1)

- *6-b. ZON23-00140 "Sienna Ridge." (**District 5**) Within the 100 block of South 90th Street (west side). Located south of Main Street and west of Ellsworth Road (4± acres). Rezone from Single Residence-43 (RS-43) to Multiple Residence-2 with a Planned Area Development overlay (RM-2-PAD) and Site Plan Review. This request will allow for a multiple residence development. Jason Sanks, Iplan Consulting, applicant; 5228 S Blackstone LLC, owner. - Ordinance No. 5818

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0)

7. Discuss, receive public comment, and take action on the following ordinances:

- *7-a. See: **Items not on the Consent Agenda**

- *7-b. Ordinance proposing amendments to Chapters 4, 5, 6, 7, 8, 10, 30, 31, 33, 86, and 87 of Title 11, Zoning Ordinance, of the Mesa City Code. The amendments include, but are not limited to, modifying land use tables to remove outdated information and correct references; modifying landscape standards to be consistent across various chapters of the Zoning Ordinance; clarifying outdoor storage requirements; modifying how accessory structures are measured; clarifying development standards for group commercial, industrial and office developments; modifying the land use definitions and adding a new definition for cross access. (**Citywide**) - Ordinance No. 5814

Staff Recommendation: Adoption

P&Z Board Recommendation: Adoption (Vote: 5-0)

- *7-c. Ordinance proposing amendments to Chapters 69 of Title 11, Zoning Ordinance, of the Mesa City Code, pertaining to Site Plan Review. The amendments include but are not limited to amending the Site Plan Modification process set forth in Section 11-69-7 of the Mesa Zoning Ordinance. (**Citywide**) - Ordinance No. 5815

Staff Recommendation: Adoption

Planning & Zoning Board Recommendation: Adoption (Vote: 5-0)

- *7-d. ZON23-00355 "Brightpath Day Care." (**District 6**) Within the 10900 block of East Guadalupe Road (north side). Located east of Signal Butte Road on the north side of Guadalupe Road (1.6±). Major Site Plan Modification and amending the conditions of approval for Case No. Z15-037. This request will allow for the development of a day care facility. Terrascope Consulting, applicant; G Brown Investments 2 LLC, owner. - Ordinance No. 5816

Staff Recommendation: Approval with conditions

P&Z Board Recommendation: Approval with conditions (Vote: 6-0)

8. Take action on the following subdivision plats:

- *8-a. SUB23-00120 "Commerce Court East Condominiums." **(District 5)** Within the 9000 to 9200 blocks of East Southern Avenue (south side). Located west of Ellsworth Road on the south side of Southern Avenue (1.38± acres). Ranchland Holdings II LLC, developer; Thomas L. Rope, Land Survey Services PLC, surveyor.
- *8-b. SUB23-00396 "Falcon Field Executive Hangars - Leasehold Condominiums A Condominium Plat." **(District 5)** Within the 4800 block of East Falcon Drive (south side). Located north of McKellips Road and west of Higley Road (.763± acres). Rural Electric Inc., developer; Adam Mueller, SWS Engineering Inc., surveyor.

9. Take action on the following bingo application:

- *9-a. E.T. Consultants Inc. DBA Palmas Del Sol Community

Glen Heppard, Regional Manager; 6209 East McKellips Road Mesa, AZ 85215. **(District 5)**

Items not on the Consent Agenda

- 7-a. Ordinance proposing Amendments to Chapters 5, 6, 7, 8, 31, 58, 86, and 87 of Title 11, Zoning Ordinance, of the Mesa City Code, pertaining to Drive-thru Facilities, Pick-up Window Facilities, and Drive-up ATM/Teller Windows. The amendments include, but are not limited to, repealing in its entirety Section 11-31-18 (Drive-thru Facilities) and replacing it with a new Section 11-31-18 (Drive-thru and Pick-up Window Facilities); modifying land use tables pertaining to Drive-thru Facilities, Pick-up Window Facilities, and Drive-up ATM/Teller Windows; removing definitions of Drive-thru Facilities and adding new definitions for Drive-thru Facilities, Pick-up Window Facilities, and Drive-up ATM/Teller Windows. **(Citywide)** - Ordinance No. 5813

Staff Recommendation: Adoption

P&Z Board Recommendation: Denial. (Vote: 5-0)

A "yes" vote is for approval of the ordinance as modified after the P&Z Board meeting and as recommended by City Staff.

The following citizens submitted a comment card in opposition of Agenda Item 7-a but did not wish to speak:

- Bryan Lamond, a Phoenix resident.
- Tom Grace, a Scottsdale resident.
- Tim O'Kane, a Scottsdale resident.
- William Finch, a Scottsdale resident.
- Andrew Call, a Mesa resident.
- Rob Bassett, a Phoenix resident.
- Kevin McMillen, a Mesa resident
- Muge Acik, residence unknown.
- Michael Clark, a Scottsdale resident.

- Michael Stone, a Mesa resident.

The following citizens offered a series of comments in opposition of Agenda Item 7-a:

- Paul Gilbert, a Phoenix resident.
- Mary Grace McNear, a Phoenix resident.
- Alisa Lyons, a Phoenix resident.
- Jeff Welker, a Mesa resident.
- Jennifer Hill, a Mesa resident.
- Carol Harder, residence unknown.
- Robert Mahew, residence unknown.
- Joan Kruger, a Gilbert resident.
- Alan Tom, a Mesa resident.

In response to questions from Mayor Giles and each Councilmember, Planning Director Mary Kopaskie-Brown and Assistant Planning Director Rachel Nettles displayed a PowerPoint presentation. **(See Attachment 1)**

Ms. Nettles provided a process recap and confirmed the number of meetings, focus and small group discussions, City Council study sessions, and Planning and Zoning Committee study sessions.

It was moved by Councilmember Somers, seconded by Councilmember Heredia, that Ordinance No. 5813 be adopted.

Upon tabulation of votes, it showed:

AYES – Giles–Heredia–Duff–Goforth–Somers
NAYS – Spilsbury–Freeman
ABSENT – None

Mayor Giles declared the motion carried by majority vote.

10. Conduct a public hearing.

10-a. Public hearing prior to the release of the petition for signatures for the proposed annexation case ANX22-00738, located on the south side of Main Street, west of Crismon Road (4.6± acres). This request has been initiated by the applicant, BFH Group, for the owner, BFH Holdings LLC. **(District 5)**

Mayor Giles announced that this is the time and place for a public hearing.

There being no citizens present wishing to speak on this issue, the Mayor declared the public hearing closed.

11. Items from citizens present.

There were no items from citizens present.

12. Adjournment.

Without objection, the Regular Council Meeting adjourned at 7:05 p.m.

JOHN GILES, MAYOR

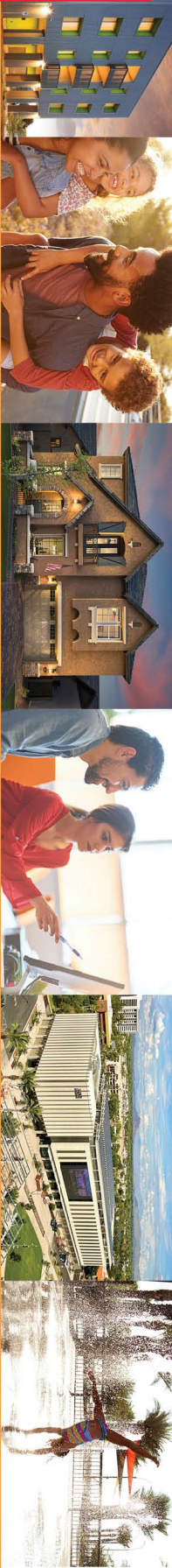
ATTEST:

HOLLY MOSELEY, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 16th day of October 2023. I further certify that the meeting was duly called and held and that a quorum was present.

HOLLY MOSELEY, CITY CLERK

sr
(Attachment – 1)



City Council

Drive-thru Text Amendments

Mary Kopaskie-Brown, Planning Director

Rachel Nettles, Assistant Planning Director

October 16, 2023



Process Recap

- Project initiated - early 2022 at the direction of City Council
- Staff presented/discussed proposed amendments through various platforms
- Feedback throughout considered and alternatives presented



6 Public Meetings



10 Focus/Small Group Discussions



5 City Council Study Sessions



3 P&Z Study Sessions

Attendance – 180 residents and development industry representatives

**16 Letters of Opposition
70 Letters in Support**



Goals

Address common negative impacts on the surrounding community, including visual, lighting, traffic, odor, and noise impacts

- 1) Improve the City's built environment and enhance the image of the City using development design standards;
- 2) Improve public safety and minimize traffic concerns related circulation, stacking and parking and pedestrian circulation around drive-thrus; and
- 3) Minimize impacts on residential properties proximate to drive-thru facilities



Stakeholder Feedback - Summary

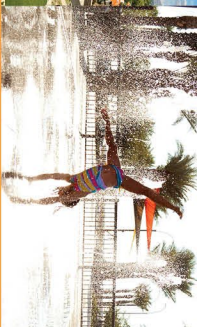
- Feedback from development community:
 - Council approval would be costly, time consuming, and arbitrary
 - City's goals could be accomplished through design standards
 - Proposed amendments not in-line with other jurisdictions relaxing regulations
- Feedback from residents:
 - Council should consider limiting the number of drive-thrus to address onsite congestion and encourage more out of car shopping
 - Plenty of QSR options already available
 - Desire for higher-quality development





Proposed Amendments





Summary of Proposed Amendments

- Modify the **process** for some zoning districts to:
 - Align requirements and allowed locations with other jurisdictions
 - Better align with the intent of the zoning districts and General Plan
 - Increase public engagement opportunities
- Create different **definitions**
 - Drive-thru Facilities, Pick-up Window Facilities, and Drive-up ATM/Teller Window
 - Allow for the creation of unique land use requirements and development standards
- Modify **design/development standards**:
 - Require an **Onsite Circulation and Stacking Study**
 - Address externalities – **Noise Attenuation**

No ban or limits on the number and concentration of drive-thrus



Proposed Amendments Land Use Districts and Processes

Proposed Modifications:

- Drive-thrus to require a CUP
 - Neighborhood Commercial (formerly SUP)
 - Planned Employment Park
 - Light Industrial
 - General Industrial
 - Heavy Industrial (formerly SUP)
- Waiver of the Drive-thru Laws



Proposed Amendments Definitions

Proposed Modifications:

- Modify definition for Drive-thru Facilities
- Create a definition for Pick-up Window Facilities
- Create a definition for Drive-up ATM/Teller Window

To address the difference in the uses and potential impacts



Proposed Amendments

Vehicular Circulation and Stacking

Retain Current Standards - Drive-thru Facility:

- Distance between Drive-thru window and order-placing box
- Distance between Order-placing box and the entry to a drive-thru lane

New Requirements:

- Drive-thru Facility & Pick-up Window Facility - 50' between the drive-thru lane entry and the street access or cross-access drive aisle
- Pick-up Window Facility - 100' between pick-up window lane entry and the pick-up window
- ATM/Teller Window Facility- 40' between entry to queuing lane to ATM/Teller Window

Requirements may be **modified through Site Plan Review** if demonstrated appropriate through an **Onsite Circulation and Stacking Study**



Proposed Amendments

Onsite Circulation and Stacking Study

Proposed Modifications- Drive-thru Facility Only:

- Description of onsite operations:
 - Business hours of operation
 - Method by which a customer order is placed
 - Peak demand hours
 - The time required to serve a typical customer
 - How noise/sound from external operations will be attenuated from neighboring properties
- Description of onsite traffic activity
 - Arrival rates
 - Anticipated vehicular stacking required
 - Onsite circulation plan
 - Mitigation plan showing that stacking will not block internal drives or back up into streets



Proposed Amendments

Setback from Residential Uses and Properties

Proposed Modifications- Drive-thru Facility Only:

- Require a 100' setback from a residential use or zoning district to the drive-thru or pick-up lane
- Could be decreased if the applicant demonstrates that the drive-thru noise level at the property line will not exceed 60 dB (level of a normal conversation)
- If the ambient noise level exceeds 60 dB, the noise study will demonstrate that the drive thru will not increase the existing level.

Ambient levels in residential areas typically 45-55 dB depending on the time of day

Decibel level of freeway auto traffic is approximately 60-80 dB



Proposed Amendments

Drive-thru Screening

Retain Current Standards:

- If the drive-thru lane is adjacent to an arterial street:
 - Screen with a 40" high screen wall

Proposed Modifications:

- Provide additional trees and shrubs with the wall; or
- Provide an architecturally integrated awning, canopy, or trellis system with landscaping



Proposed Amendments Employee Screening and Protection

Proposed Modifications-Drive-thru Facility Only:

- When employees take orders outside:
 - Provide an architecturally integrated shade structure along where employees take orders
 - Provide a raised pedestrian path



Staff Recommendation

Adopt an Ordinance for Amending Chapters 5, 6, 7, 8, 31, 58, 86, and 87 of Title 11, Zoning Ordinance, of the Mesa City Code, pertaining to Drive-thru Facilities, Pick-up Window Facilities, and Drive-up ATM/Teller Windows

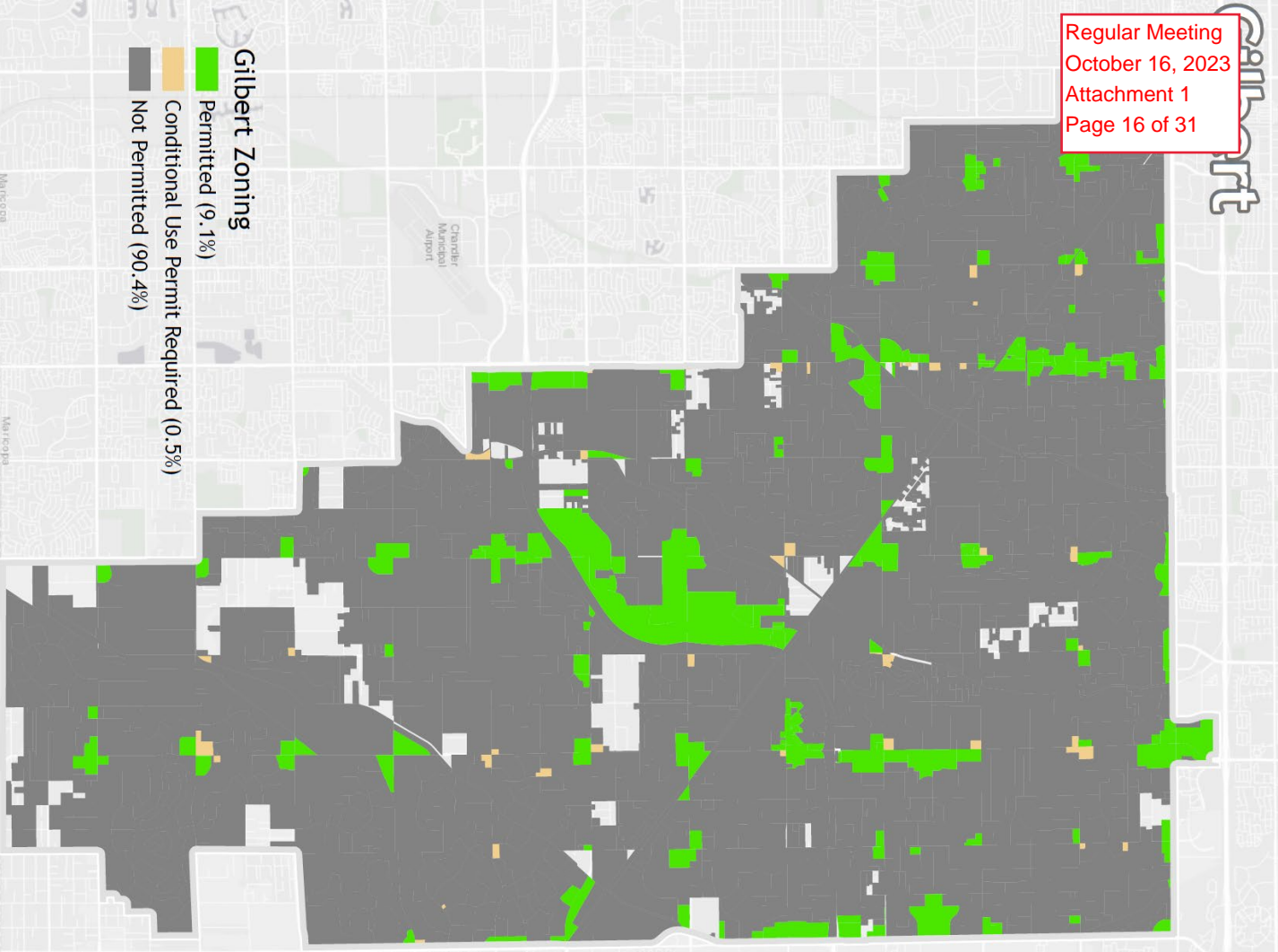
A "yes" vote is for approval of the ordinance as modified after the P&Z Board meeting and as recommended by City Staff



Thank you

Questions?





Land Use Requirements

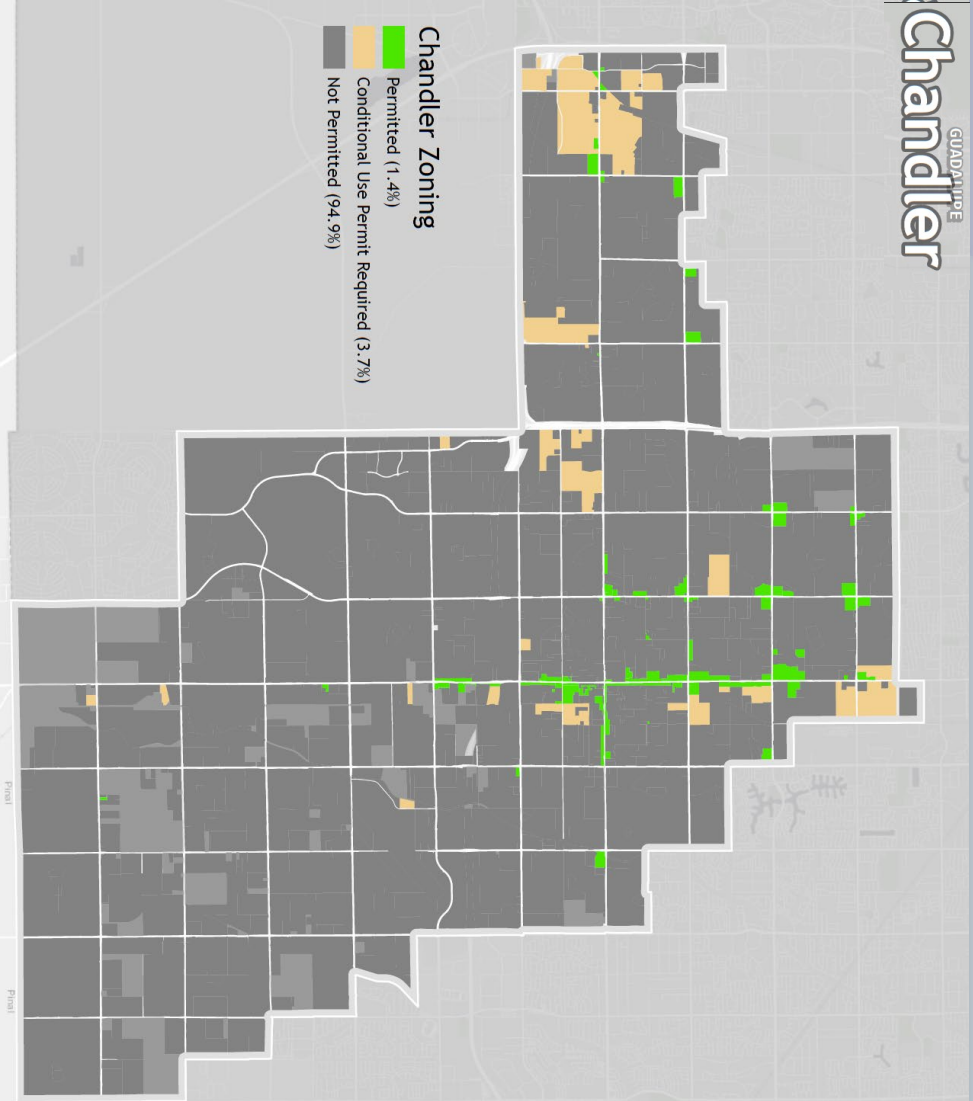
Permitted (9.1%)	
Community Commercial	General Commercial
Shopping Center	Regional Commercial
Heritage Village Center [if existing]	

Use Permit Required (0.5%)

Neighborhood Commercial (if hours of operation are between 11pm and 6am)

Not Permitted	
Neighborhood Office	
General Office	
Gateway Village Center	Mixed-Use Small
Business Park	Mixed-Use Large
Light Industrial	Mixed-Use Regional
General Industrial	

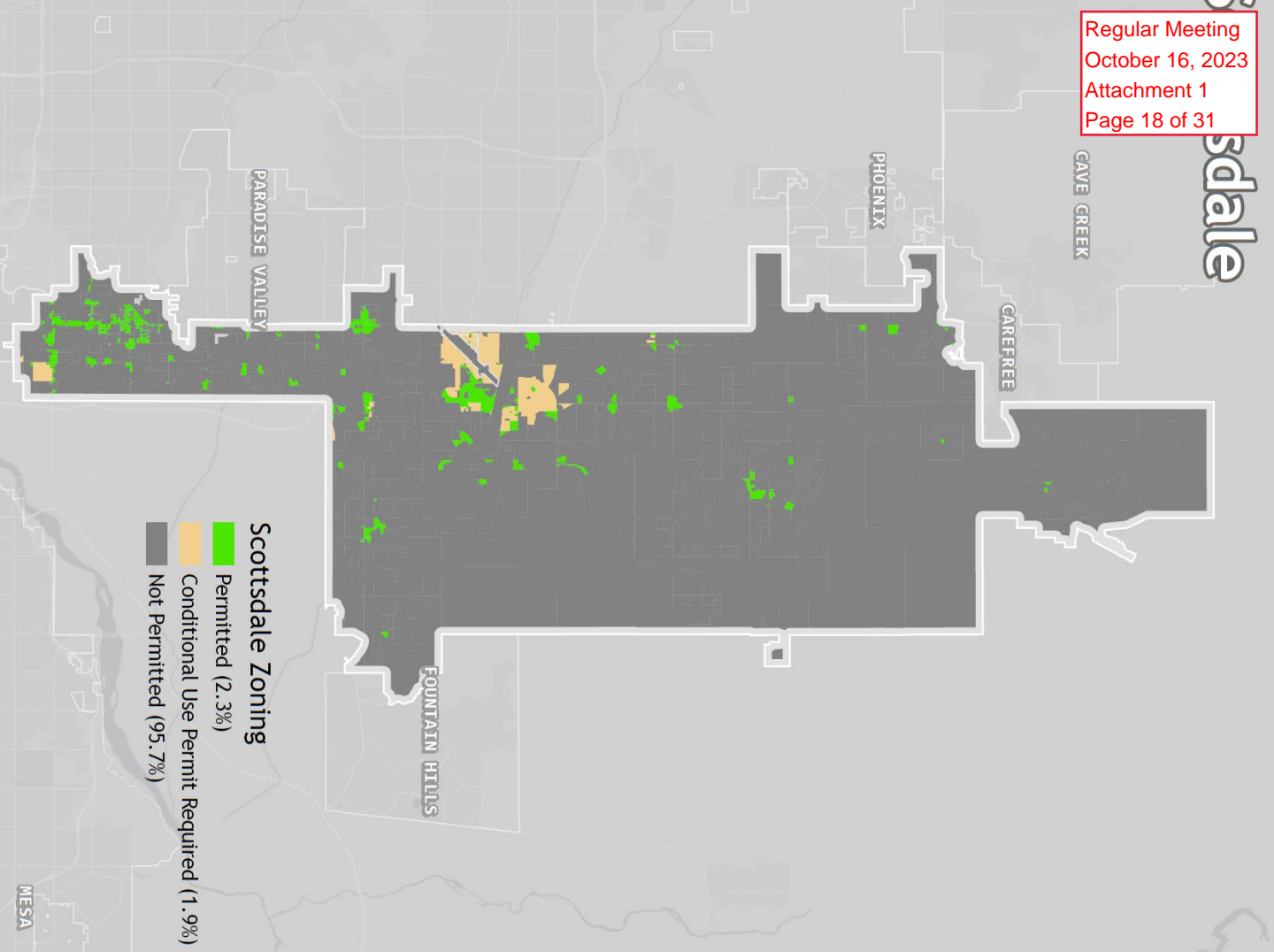
[Table 3.1.2 Use Regulations](#)



Land Use Requirements

Permitted (1.4%)	
Neighborhood Commercial	Community Commercial
Regional Commercial	
Use Permit Required (3.7%)	
Planned Industrial	General Industrial
Not Permitted (94.9%)	
Planned Commercial Office	City Center

[Article XXI Table of Permitted Uses for Non-Residential Districts](#)



Land Use Requirements

Permitted (2.3%)

Neighborhood Commercial	Central Business
Regional Shopping Center	Planned Neighborhood Center
Highway Commercial	Planned Community Center

Use Permit Required (1.9%)

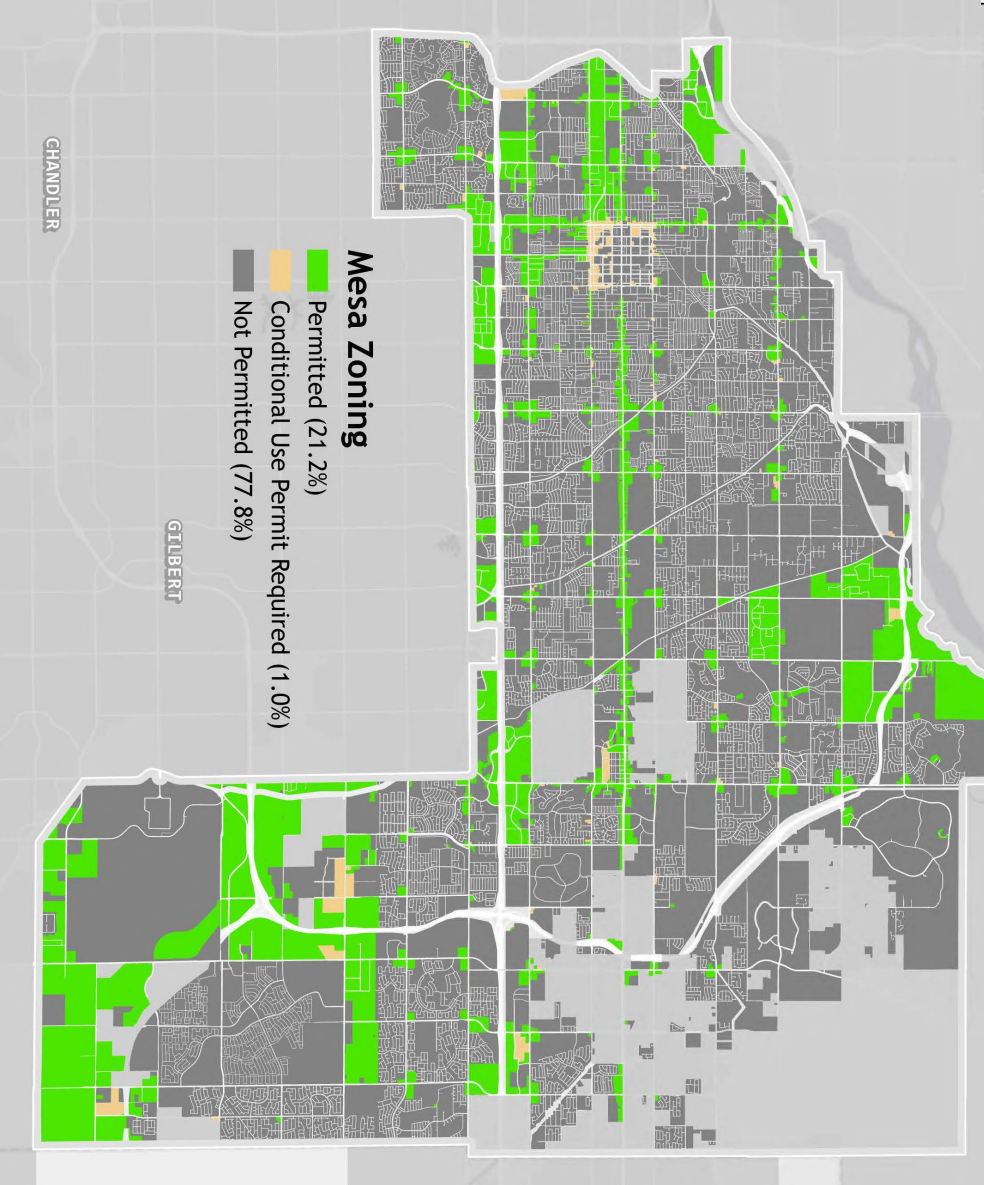
Industrial Park	
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Not Permitted (95.7%)

Commercial Office	Service Residential
Planned Convenience Center	Downtown
Supportive Retail	Planned Airpark Core
Highway Commercial	Industrial Park
General Commercial	Light Employment

[Table 11.201.A Land Use Table](#)

Mesa (Current)



Land Use Requirements

Permitted (21.2%)	
Limited Commercial	Light Industrial
General Commercial	General Industrial
Planned Employment Park	
Use Permit Required (1.0%)	
CUP	SUP
Downtown Business 1	Neighborhood Commercial
	Heavy Industrial
	Downtown Business 2
	Mixed Use
Not Permitted (77.8%)	
Office Commercial	Downtown Core



Traffic Impact Study Requirements

Municipality	Traffic Impact Study	Traffic Analysis or Circulation and Stacking Study
Chandler	Use that meets or exceeds 100 trips during peak hour (Engineering and Design Standards: Section 4.5)	Circulation and Traffic Analysis - including any improvements needed to accommodate additional traffic; indicating whether they are public or private (Section 35-1706(1)(d)(6): Preliminary Development Plan Requirements)
Gilbert		Queuing analysis to determine recommended intersection storage lengths and the extent of queues spilling out of left-turn bays, right-turn bays, drive-thru facilities, and from intersection to intersection. (Public Works and Engineering Standards 5.5.7.3) Traffic Impact Analysis listed as a required document in the City's Design Review application guides
Scottsdale		Transportation Impact Mitigation Analysis (TIMA) for rezonings, general plan amendments, and use permits. Three levels of TIMA based of criteria. (Design Standards and Policies Manuel)

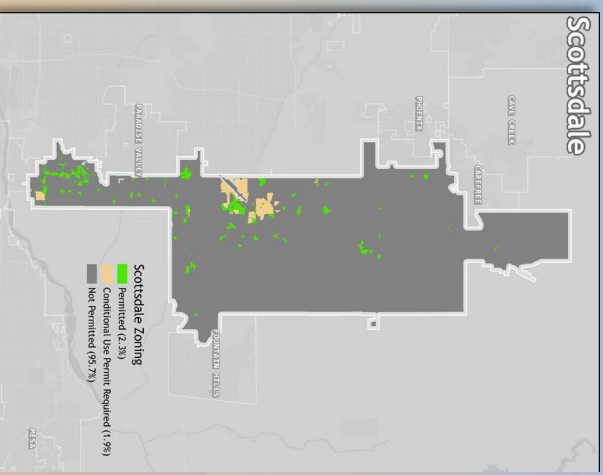
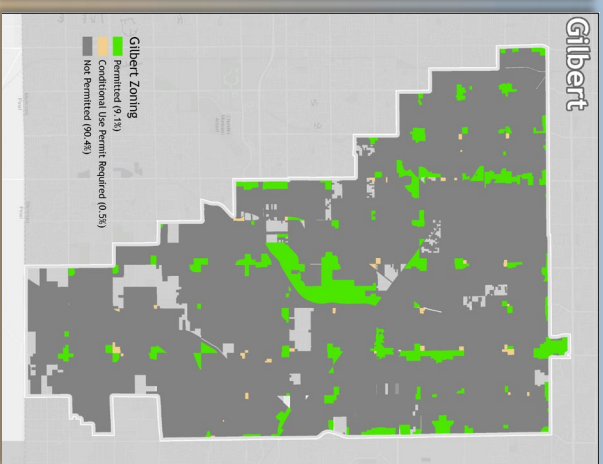
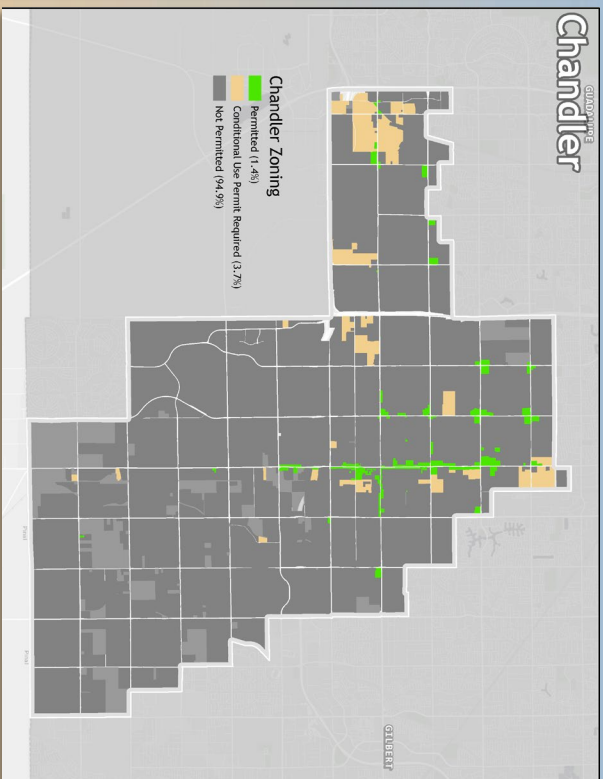
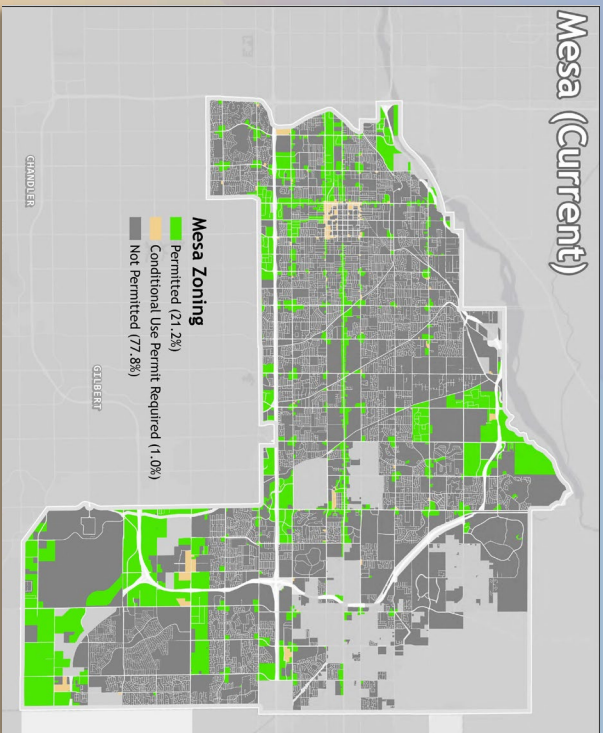


Alignment with City Council's Strategic Priorities

- Proposed Text Amendments Align
 - Placemaking
 - Building communities that are safe, healthy, welcoming, and economically vibrant



Additional Research





Jurisdictional Comparison

Jurisdiction	Zoning Area by right (%)	Zoning Area with a Conditional Use Permit (%)	Existing Drive-thru per capita (10,000)	Existing Drive-thru per acre (100 acres)
Mesa	21.2%	1.0%	5.07	2.14
Gilbert	9.1%	0.5%	4.50	2.11
Chandler	1.4%	3.7%	6.55	3.28
Scottsdale	2.3%	1.9%	3.17	0.48



Comments and Questions from the Public





Comments & Questions Response

Desire for the 100-ft setback from residential to be modified with the provision of a sound study:

- Section modified – based on stakeholder input
- Decibel level added

Desire for On-site Circulation and Stacking Study to address off-site impacts:

- Mitigation plan required to address how stacking will not overflow in internal drives as well as public/private streets



Comments & Questions Response

Desire for the amendments to allow for deviations from the development standards:

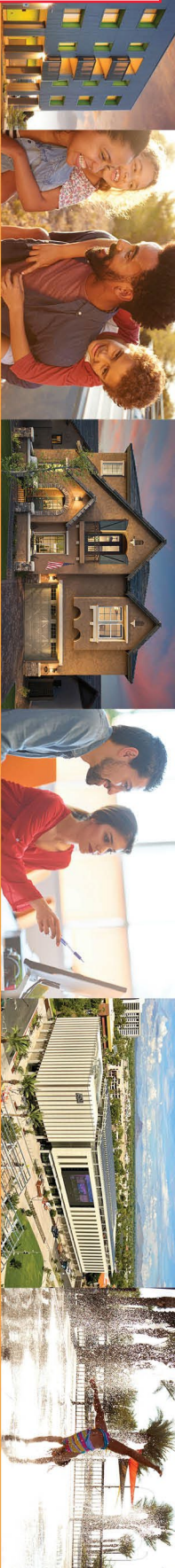
- The MZO contains several processes which allow for deviations from development standards
 - Development Incentive Permit (DIP) Chapter 72
 - Substantial Conformance Improvement Permit (SCIP) Chapter 73
 - Planned Area Development Overlay (PAD) Chapter 22
 - Bonus Intensity Zone Overlay (BIZ) Chapter 21
 - Variance Chapter 80
- Specific language is not provided in each section addressing specific uses



Comments & Questions Response

Existing pad sites would not be able to development under the proposed standards:

- The MZO has in place several processes which addresses hard to develop parcels which allows for deviations to development standards
 - **Substantial Conformance Improvement Permit (SCIP)** – Allows develop sites which are non-conforming to expand/change uses without having to bring non-conforming conditions up to standards
 - **Development Incentive Improvement Permit (DIP)** – Allows deviations for by-passed parcels that may have a hard time meeting development standards
 - **Planned Area Development (PAD) & Bonus Intensity Zone (BIZ)** – Modifications for innovative alternatives



Comments & Questions Response

The proposed amendments will make existing facilities a non-conforming use and unable to redevelop if burned down:

- If a **conforming use**, the proposed changes do not make any use non-conforming
- If the use is **currently non-conforming**, Chapter 36 of the MZO addresses non-conforming sites, buildings, and uses
 - Allows non-conforming sites, damaged or partially destroyed, to be built back to existing condition



Comments & Questions Response

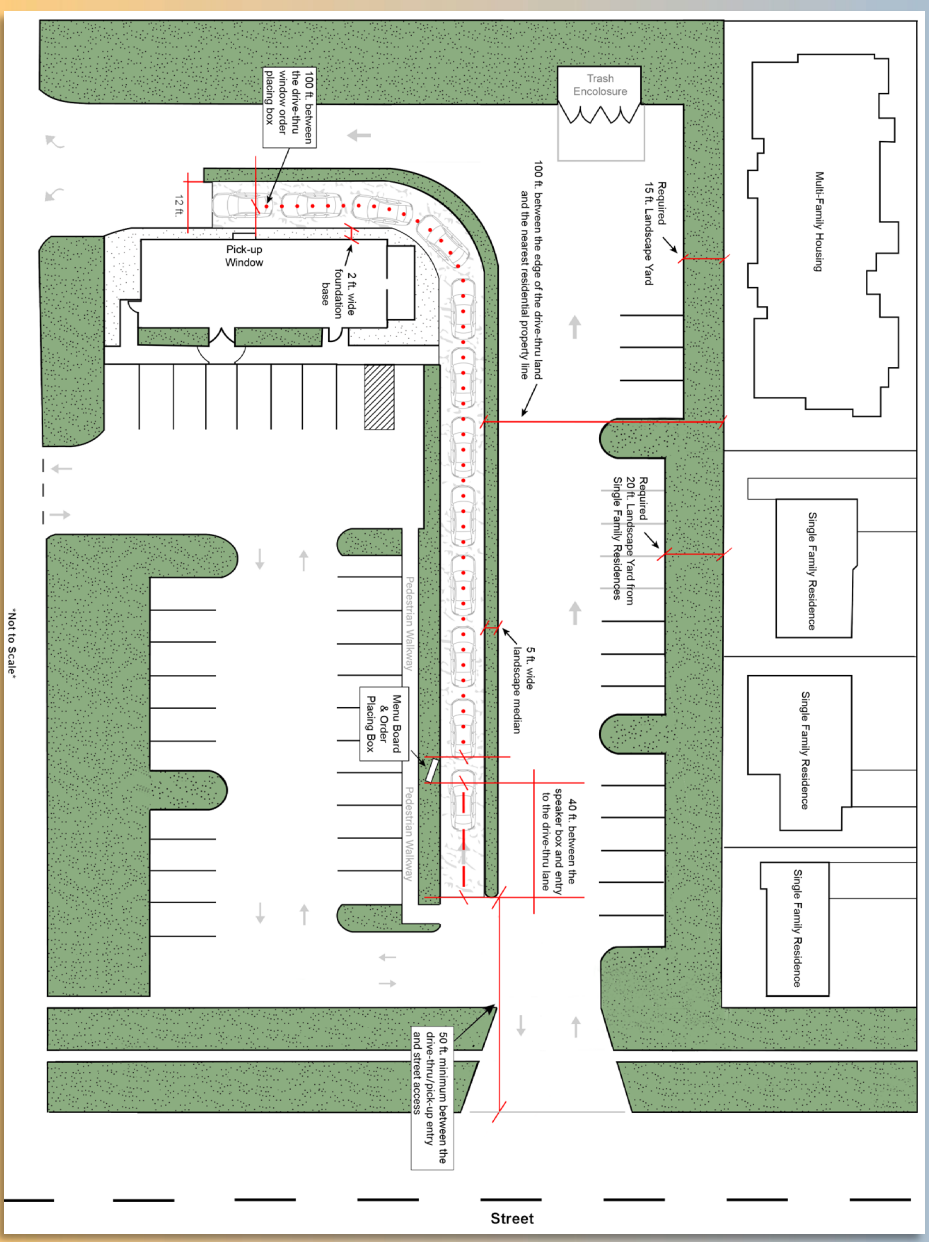
How many more CUPs would Council see with proposed amendments?

- Submittals from January 2021 to June 2023 (30 months)
 - Total of 71 drive thru cases processed
 - 12 projects went to City Council for approval
 - Proposed Text Amendments - 5 additional projects would have had to go to Council for a CUP



Proposed Amendments

Example of a Stacking Diagram





Proposed Amendments

Definitions

Drive-thru Facilities. Establishments providing, goods, food, or beverage through a window to patrons remaining in an automobile, where an order menu board is present, and orders are placed on site via an order menu box or via an employee taking orders from patrons remaining in an automobile.

Pick-up Window Facilities. Establishments providing goods, food, or beverage through a window to patrons remaining in an automobile, where orders are placed by patrons before reaching the establishment, and where no order menu board, order menu box, or employee taking orders from patrons remaining in an automobile are present. An establishment with parking spaces designated for pick up orders are not included in this definition.

Drive-up Atm/teller Window. Banking and financial institutions that provide a driveway approach for motor vehicles to serve patrons remaining in their vehicles. May be a stand-alone automated teller or attached to a building or structure.