



SUSTAINABILITY & TRANSPORTATION COMMITTEE

May 20, 2019

The Sustainability & Transportation Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on May 20, 2019 at 4:00 p.m.

COMMITTEE PRESENT

Kevin Thompson, Chairman
Francisco Heredia
Jeremy Whittaker

COMMITTEE ABSENT

None

STAFF PRESENT

Kari Kent
MaryGrace McNear
Dee Ann Mickelsen

1. Items from citizens present.

There were no items from citizens present.

2-a. Hear a presentation, discuss, and make a final determination on an appeal of City staff's determination that the impact fees in Title 5, Chapter 17 (Development Impact Fees) of the Mesa City Code, apply to covered recreational vehicle (RV) storage.

Development Services Deputy Director John Sheffer provided a presentation (**Attachment 1**) and introduced Deputy Fire Chief Jon Locklin, and Police Lieutenant Scott Martin.

Mr. Sheffer explained that RV Renovators is a storage facility located at 8855 E. Main and includes office space, mini storage units, and commercial covered RV storage. He stated that the discussion today is limited to impact fees related to the commercial covered RV storage.

Mr. Sheffer commented that as the City expands, development can place a burden on Police and Fire services and impact fees provide a means for the City to pass on a proportionate share of the cost of those facilities and services. He said that State Statute grants cities the ability to collect impact fees and following a study in 2007, the City Code was amended to identify impact fees for certain types of developments.

Mr. Sheffer explained that calculation of impact fees is based on the square footage of an area for non-residential uses. He identified two criteria that apply to covered RV storage:

1. A building permit is required; and
2. No exceptions for fees are met.

Mr. Sheffer stated that the only possible exception in this case is to demonstrate that there is no additional demand on public safety services. He added that staff made the determination in this case that there is in fact an impact for this type of building as there is approximately 98,628 square feet (sf) of RV storage with almost 100,000 sf of covered storage area.

Deputy Chief Locklin explained that the Mesa Fire and Medical Department (MFMD) believes this type of facility will impact and challenge MFMD resources and operations. He advised that by their nature, RV's contain a large amount of combustible and flammable materials and when fuel and propane are present, this becomes an even bigger challenge for crews. He said that the dynamics of the materials used to construct RV's are such that they burn very hot and fast and the high heat generated makes it difficult to keep a fire from spreading to nearby RV's. He stated that an added challenge is the way the RV's are going to be arranged side by side with a small amount of space in between, which makes it hard to utilize hose lines. He added that depending on the way the canopies are arranged, they can limit the ability to use a ladder truck to fight the fire from above, they hold heat in and reduce the dissipation of smoke; all of which have an impact on response and containment of fires.

Deputy Chief Locklin emphasized that RV's are designed for sleeping and living quarters and any crews responding will take life safety into consideration, taking the approach that there could be people in the RV's. He stated that for these reasons, a fire in an RV storage lot will get a full structure response from MFMD, which is a considerable dispatch of services.

Lieutenant Martin explained that regardless of the types of walls or security system, criminals will find a way onto the property during off hours to damage, steal or rummage. He added that to support businesses such as this, with millions of dollars in property, requires a higher than normal police response.

Mr. Sheffer stated that Mesa is consistent with other valley cities and at least the three largest cities in Arizona apply impact fees the same way.

Jeff Welker, representative for RV Renovators, explained that he reviewed State Statute and the Mesa City Code and found that both state if the demand created from new development overburdens existing City facilities, the development would bear a proportionate share of the costs. He remarked that while the laws provide the rationale that supports and guides the City, the ability to demonstrate a connection between the new development and a demand for certain City services must exist. He added that the question posed to staff was, how does installation of shade structures over RV parking spots, overburden or create additional need for public safety services when compared to uncovered RV spaces.

Mr. Welker stated the opinion that nothing about a shade structure over an RV places an increased burden or demand on police services and pointed out that this part of the appeal is easy to prove because there is no connection to the cover and an increase in police services.

Mr. Welker addressed fire impact fees and stated that covered parking at apartment complexes and in commercial/industrial areas are not charged impact fees for covered parking and he was told the difference is that RV Renovators is charging to park and store RV's at the facility and the trigger is the canopy.

Mr. Welker explained that in the past, Mesa has never determined the applicability of impact fees based on the methodology of the Police Department to enforce the law or on the tactical methods MFMD utilizes to fight fires. He provided an example that impact fees for a high-rise building are the same as they are for a one-story building, however, they present completely different firefighting challenges. He said these criteria have never been used to determine when fees were or were not applied.

Mr. Welker argued that, since Mesa's building code and the staff who enforce that code have determined these covered RV spaces are not sufficiently hazardous to require a fire sprinkler system, would also indicate that the covered spaces are not creating an overburden for Public Safety.

Mr. Welker explained that RV Renovator parking spaces are 12-14 feet wide and a normal covered parking space is nine feet wide, so the potential of fire spread and difficulty in attacking the fire would be the same. He said that Mesa needs to have consistency in applying and assessing fees and that covered parking creates an overburden and demand for Fire services and equipment or it doesn't. He suggested that the laws should be applied equally, and that Mesa is not applying impact fees consistently.

Mr. Welker detailed a service unit as a standardized measure of consumption use, generation or discharge attributable to an individual unit of development. He added that State Statute goes on to say the development fee shall not exceed a proportionate share of the cost of necessary public services based on service units needed to provide necessary public services to the development. He said that when any city does their due diligence and puts together their impact fees, they must take service units into account.

In response to a request from Chairman Thompson related to covered parking and an increased risk for fire, Deputy Chief Locklin stated there is really no comparison between an RV fire and a car fire. He said he has responded to both for 24 years in different capacities and the amount of fire involved in a single RV is exponentially more than a car fire. He commented that firefighters struggle keeping an RV fire from jumping to another RV, and that is not the case with car fires. He explained that a car fire is a one engine response with one hose line, whereas, RV's take a lot of water and a lot of hose line, because they are all plastics and synthetics, and many RV's are quite large. He added that a canopy limits the use of the ladder truck, which assists in putting those fires out quickly.

Mr. Sheffer explained that a building area is calculated by the area of square footage, regardless of whether the building has sides or not. He pointed out that there are a lot of building configurations that are unique and don't have sides, specifically if you have a first floor that's smaller than a second floor which results in a projection. He added that in such an example, the area that is not enclosed counts as well.

Deputy Chief Locklin stated that it is his understanding that the RV Renovator canopies are all 5,000 sf, which is the cutoff for fire sprinkler requirements.

In response to a question from Boardmember Whittaker, Mr. Sheffer said the City Code states that if there is a 5,000 sf detached canopy, it meets the exception and does not require fire sprinklers.

In response to a question from Boardmember Whittaker regarding building materials that could be used to minimize the spread of fire and qualify for an impact fee adjustment, Mr. Sheffer said that the development and use is the trigger for impact fees regardless of separation.

Discussion ensued related to the impact fee costs of .215 per sf for Fire and .31 per sf for Police and is a one-time fee that transfers with the property.

In response to a question from Boardmember Whittaker, Deputy Chief Locklin explained that if a fire breaks out in an RV, it would most likely extend to at least one RV due to the materials and how hot and fast they burn. He said that MFMD would start with a full structure response, with significant resources responding quickly, but he would not anticipate the fire extending beyond the property.

Boardmember Whittaker inquired if the fees or impact fee policy has changed. Budget Director Candace Cannistraro stated that the fees have not changed and will not change. She explained that State Statute for adopting impact fees changed a few years ago and the City was grandfathered into the old statute to allow for impact fees to be applied to the City's eligible debt.

In response to a question from Boardmember Whittaker regarding a slanted roof construction and if that option would avoid impact fees, Deputy Chief Locklin commented that the canopies would affect the ability to fight a fire regardless of the angle of the canopy. He explained that the angled canopy would break up the stream of water and decrease the effectiveness, result in a loss of waterpower, and require strategic placement of the ladder in order to get the water between the metal slats.

In response to additional questions from Boardmember Whittaker, Mr. Welker commented that a 40-story building would have the same impact fees as a convenience store. He stated that Mesa doesn't apply the fee based on the tactical challenge, but on the total square footage.

Deputy City Attorney MaryGrace McNear explained the appeal process based on City Code section 5-17-6 (B) that states an applicant can file an exemption if it is shown that there is no additional demand for facilities. She stated that the burden of proof is on the applicant to show there is no additional demand for services, which is consistent with the City Code and State Statute and the way other cities apply fire impact fees.

In response to questions from Boardmember Whittaker regarding the impact fee compared to other valley cities, Ms. Cannistraro pointed out that these impact fees have been in place since 2007 and the issue here is not the rate themselves but the applicability of the rates. She explained the rates will not change and the City will receive the impact fees until the debt on eligible projects is paid. She stated that storm and public safety impact fees go toward paying General Obligation bonds, and water and wastewater impact fees pay utility revenue bond debt.

Discussion ensued relative to storage services provided by RV Renovators, and the number and types of emergency response services needed for similar facilities.

Mr. Welker stated the opinion that the trigger is the shade structure, therefore the ordinance requires Mesa create a connection between the shade structure and creating a demand for

services. He said that the shade structure itself does not create a burden, which is the reason for the appeal.

In response to a question from Boardmember Whittaker regarding impact fees for other covered parking, Mr. Sheffer explained that the property in question is zoned S1, which is storage use and is considered a non-residential use, whereas a parking lot for a grocery store doesn't have occupancy and is considered an accessory use.

Mr. Welker remarked that a parking lot at a commercial facility is zoned commercial zoning, not residential zoning. He asked if there is a charge for parking regardless of what is being parked, where does that begin and end. He said that Mesa, just like any other municipality, is required to demonstrate a connection with what is being installed and whether it creates a demand for services. He stated that while MFMD has a better argument, he does not believe either department has shown that there is an increased demand for services by installing covered RV parking.

Ms. McNear commented that the scenario regarding a grocery store would depend on the construction of the grocery store, the design and the site plan. She added that the building area in a site plan includes areas of the buildings within the horizontal projection of a canopy.

Boardmember Heredia requested clarification regarding two examples listed in the committee report and are there similar examples with canopies where impact fees have been consistently applied.

Mr. Sheffer explained that staff researched the RV storage facilities that have been required to pay impact fees, and in May 2014 Power Self Storage was assessed impact fees in the same way, as was Red Mountain Storage in January 2019, that they are both covered RV storage facilities, and neither appealed the impact fees.

Discussion ensued relative to the motion and whether the Committee can go into executive session.

(A brief recess occurred at 4:56 p.m. The Sustainability and Transportation Committee meeting resumed at 5:01 p.m.)

Ms. McNear advised that this Committee cannot go into executive session as it has not been properly noticed on the agenda or the public meeting notice calendar. She stated that regarding the seconding of the motion, open meeting law does allow the Chairman to second the motion should he choose, but traditionally the Chairman has not seconded a motion. She added that if the motion fails for a lack of second, the staff decision stands.

Boardmember Whittaker expressed concern related to the number of police calls to a similar location and stated that in his opinion he doesn't believe there are impact fees to assess on the police side. He asked if it is possible to split the impact fees for each department.

Assistant City Manager Kari Kent commented that the Committee can look at the fire and police impact fees separately because there are different fees associated with each.

Ms. McNear explained that when looking at assessing an impact fee it is important to keep in mind the differences between vacant property and property developed with an RV storage. She added that the Committee needs to look at the actual appeal of the property and the use of the floor area as that is how the impact is calculated in the fee study.

In response to a question from Boardmember Whittaker, Ms. McNear confirmed that if the Committee concludes that this use does not create an impact based on City Code 5-17-6 (B), that the appellant has made a showing adequate to prove to you that the proposed development will produce no additional demand for a specific facility.

Boardmember Whittaker clarified that he thought this property would incur the same average amount of calls as any other property and would assume that the impact fee would be the same. He concluded by saying he didn't realize the comparison was to vacant land.

It was moved by Committeemember Heredia, seconded by Committeemember Whittaker, to deny the applicant's appeal and uphold City staff's determination that the impact fees set forth in Title 5, Chapter 17 (Development Impact Fees) of the Mesa City Code may be imposed on covered recreational vehicle storage.

Carried unanimously.

3. Adjournment.

Without objection, the Sustainability and Transportation Committee Meeting adjourned at 5:06 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Sustainability & Transportation Committee meeting of the City of Mesa, Arizona, held on the 20th day of May 2019. I further certify that the meeting was duly called and held and that a quorum was present.



DEE ANN MICKELSEN, CITY CLERK


Jg/dm
(Attachments – 1)

SUSTAINABILITY AND TRANSPORTATION COMMITTEE

MAY 20, 2019



IMPACT FEES

- ▶ Reason for impact fees
 - ▶ Authority to collect
 - ▶ How they are calculated
 - ▶ Applicability: Covered RV storage
 - ▶ Impact to Fire and Public Safety
- 

IMPACT FEES

Intent: Ensure new development bears a proportionate share of cost for public facilities and equipment

- ▶ **Fire Stations, Facilities & Equipment**
- ▶ **Police Stations, Facilities & Equipment**



IMPACT FEES

Authority to collect:

- ▶ State Constitution grants cities ability to collect
 - ▶ 2007 Impact Fee Study & Pledged Debt Analysis establish amount charged
 - ▶ City Code identifies types of development that are exempt
- 

IMPACT FEES

Calculation:

- ▶ Non-residential = Based on square footage



IMPACT FEES

Applicability:

Impact fees are collected when:

1. A building permit is required
2. Criteria for exemption is not met



IMPACT FEES

Covered RV Storage:

1. A building permit is required for the 98,628 sqft RV storage cover
2. Criteria for exemption is not met because of impact to Fire and Public Safety

IMPACT FEES

Impact to Fire Facilities:

Storage of closely parked covered RVs creates a considerable amount of combustible and flammable materials arranged in a manner that is difficult to conduct fire operations. Much greater than passenger vehicles.



IMPACT FEES

Impact to Public Safety Facilities:

Accordinging Police Department records, RV storage facilities generate vandalism and theft calls. Service calls for vandalism and theft impact the Police Department facilities because of the resources necessary to investigate.

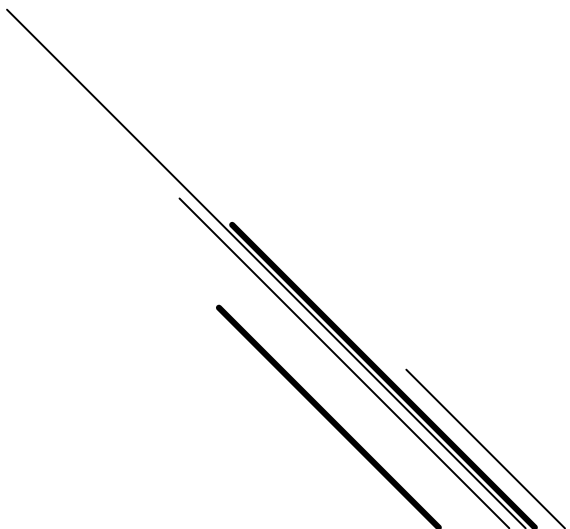


Consistent with other valley cities :

Phoenix

Tucson

Gilbert



APPLICANT PRESENTATION, DISCUSSION AND COMMITTEE DETERMINATION

