



COUNCIL MINUTES

October 16, 2023

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 October 16, 2023, at 5:00 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 Giles conducted a roll call.

1. Review and discuss items on the agenda for the October 16, 2023, 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: 3-e, 4-f, and 7-a.

Responding to a request from City Manager Christopher Brady regarding item 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)**), on the Regular Council meeting agenda, Planning Director Mary Kopaskie-Brown and Assistant Planning Director Rachel Nettles displayed a PowerPoint Presentation. (**See Attachment 1**)

Ms. Kopaskie-Brown reviewed the waiver process and provided comparisons of the land use requirement in adjacent cities, confirming no large differences. (See Pages 17 through 21 of Attachment 1)

Mayor Giles thanked staff for the presentation.

2-a. Hear an update, discuss, and provide direction related to a Council Use Permit and proposed rezoning to allow a social service use at an existing hotel at 6733 East Main Street, including updates on community engagement, Off the Streets program rules and procedures, and a proposed good neighbor policy. This item is scheduled to be introduced on October 16, 2023 and a public hearing date set for November 6, 2023.

Deputy Director of Community Services Lindsey Balinkie displayed a PowerPoint presentation. **(See Attachment 2)**

Ms. Balinkie explained that staff is requesting a Council Use Permit (CUP) for 6733 E. Main Street to change the property from a hotel use to a social services use. She showed maps of the neighborhood and provided a history of the area. (See Pages 2 through 5 of Attachment 2)

Ms. Balinkie described the proposed updates to the property and detailed the public safety improvements that will be implemented. She said that the entire property will be surrounded by an eight-foot block wall with one entrance/exit, which will remain gated unless there is a need for solid waste or emergency vehicles to enter. She reviewed all the service enhancements that will be made to the property highlighting the proposed dog park and play area. (See Pages 6 through 12 of Attachment 2)

Ms. Balinkie reviewed the community engagement efforts and outreach that has taken place. She said that the communication with the citizens has allowed staff to answer questions about safety and other neighborhood concerns. She explained the Good Neighbor policy is to strengthen the neighborhood overall. She discussed replacing and improving streetlights, as well as the approval for slurry sealant for the neighborhood streets. (See Pages 13 through 16 of Attachment 2)

Ms. Balinkie provided an overview of the Off the Streets program, indicating it is a local solution to aid the homeless program. She acknowledged that the East Mesa location will help spread services citywide. She reviewed the project timeline and the next steps. (See Pages 17 and 18 of Attachment 2)

Mayor Giles thanked staff for the presentation.

2-b. Hear a presentation, discuss, and provide direction on off-premise signs "billboards" in Mesa.

Planning Director Mary Kopaskie-Brown and Assistant Planning Director Rachel Nettles presented a PowerPoint presentation. **(See Attachment 3)**

Ms. Kopaskie-Brown defined an off-premise sign, stating it is often known as a billboard. She explained the purpose of the proposed text amendment. She said that staff did a comparison with other jurisdictions, indicating that billboards are not allowed in many of the local cities. She said that Mesa is using Maricopa County standards as a guideline and explained the parameters that are being utilized. (See Pages 2 through 6 of Attachment 3)

Ms. Kopaskie-Brown explained the proposed text amendments to be considered by Council. She gave an overview of the proposed site eligibility, proposed location standards, proposed number and size standards and proposed digital display standards for billboards. (See Pages 7 through 11 of Attachment 3)

Ms. Kopaskie-Brown clarified the recommended process would include the creation of a billboard overlay district and a development agreement. She said there are only a few properties that would be impacted if the City moves forward, and staff would contact those property owners. (See Page 12 of Attachment 3)

In response to a question from Councilmember Spilsbury, Ms. Kopaskie-Brown confirmed that the two properties near Fiesta Mall and Mesa Community College would currently be the only properties to meet the eligibility criteria proposed.

Mayor Giles thanked staff for the presentation.

3. Current events summary including meetings and conferences attended.

Mayor Giles and Councilmembers highlighted the events, meetings and conferences recently attended.

4. Scheduling of meetings.

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

Thursday, October 19, 2023, 7:30 a.m. - Study Session

5. Adjournment.

Without objection, the Study Session adjourned at 5:50 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 Study Session 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



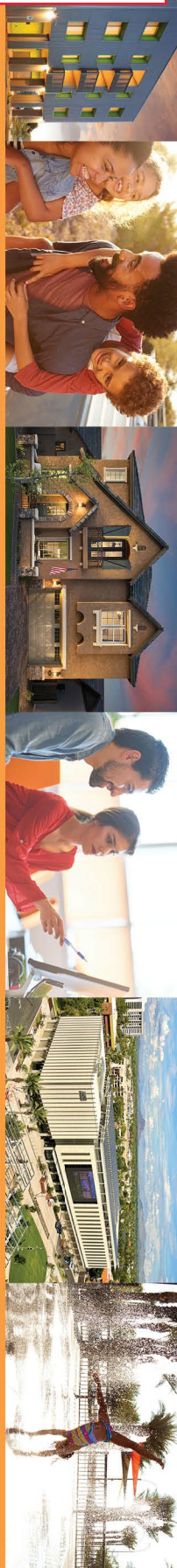
City Council

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

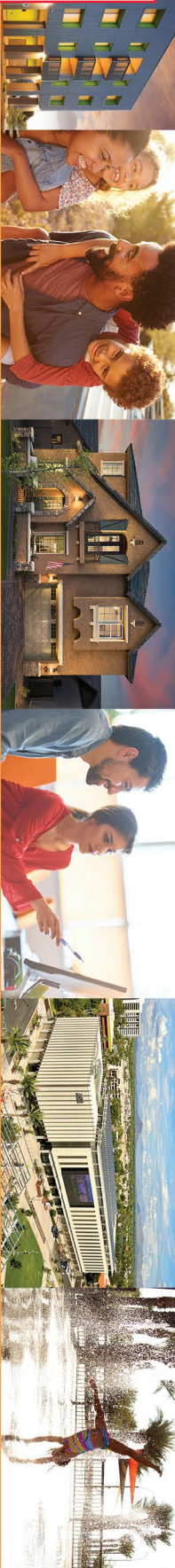
- Feedback from development community:
 - Council approval would be costly, time consuming, and arbitrary
 - City's goals could be accomplished through design standards
 - Proposed amendments not in-line with other jurisdictions relaxing regulations
- Feedback from residents:
 - Council should consider 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



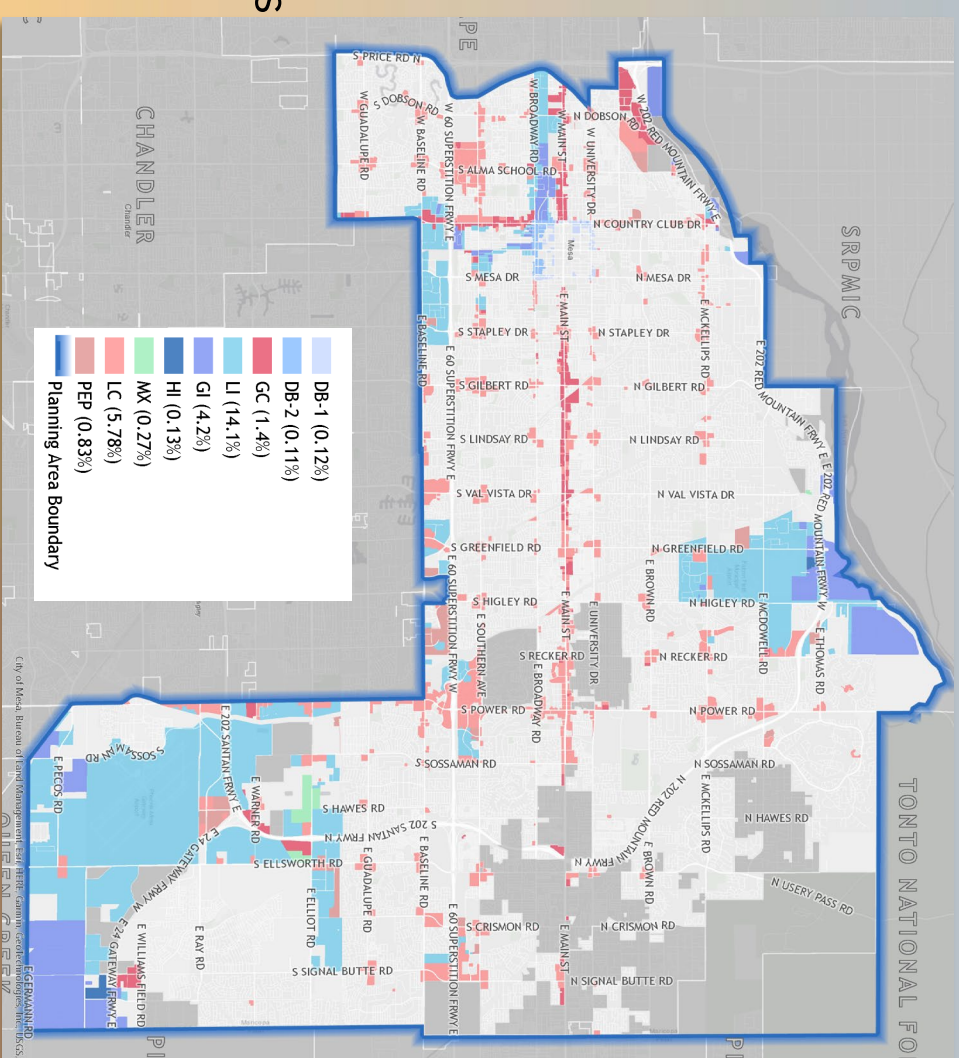
Thank you

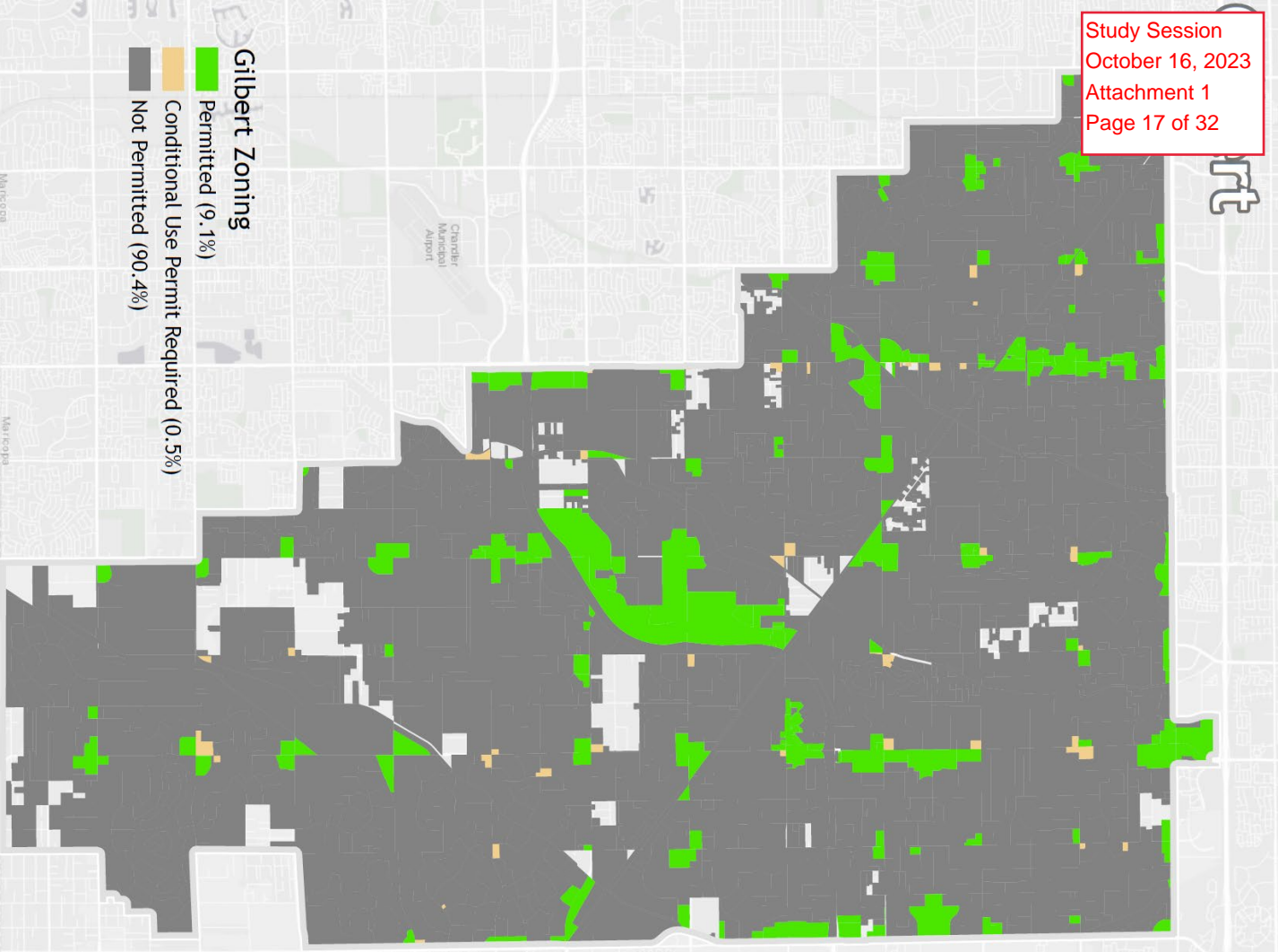
Questions?



Waiver Process

- Property Owner has 3 years from the Ordinance effective date to submit a waiver from the CUP requirement
- Property is allowed to develop without a CUP - unless rezoned
- Waiver goes with the land if property sold
- Required waiver information submitted to the City:
 - (1) The specific amount of just compensation;
 - (2) Statement that the rights to use, divide, sell, or possess, and that the fair market value of, the owner's specific parcel were reduced by the enactment or applicability of the Drive-thru Laws; and
 - (3) Evidence of ownership on the effective date of the Ordinance.
- Waiver review is non-discretionary





Land Use Requirements

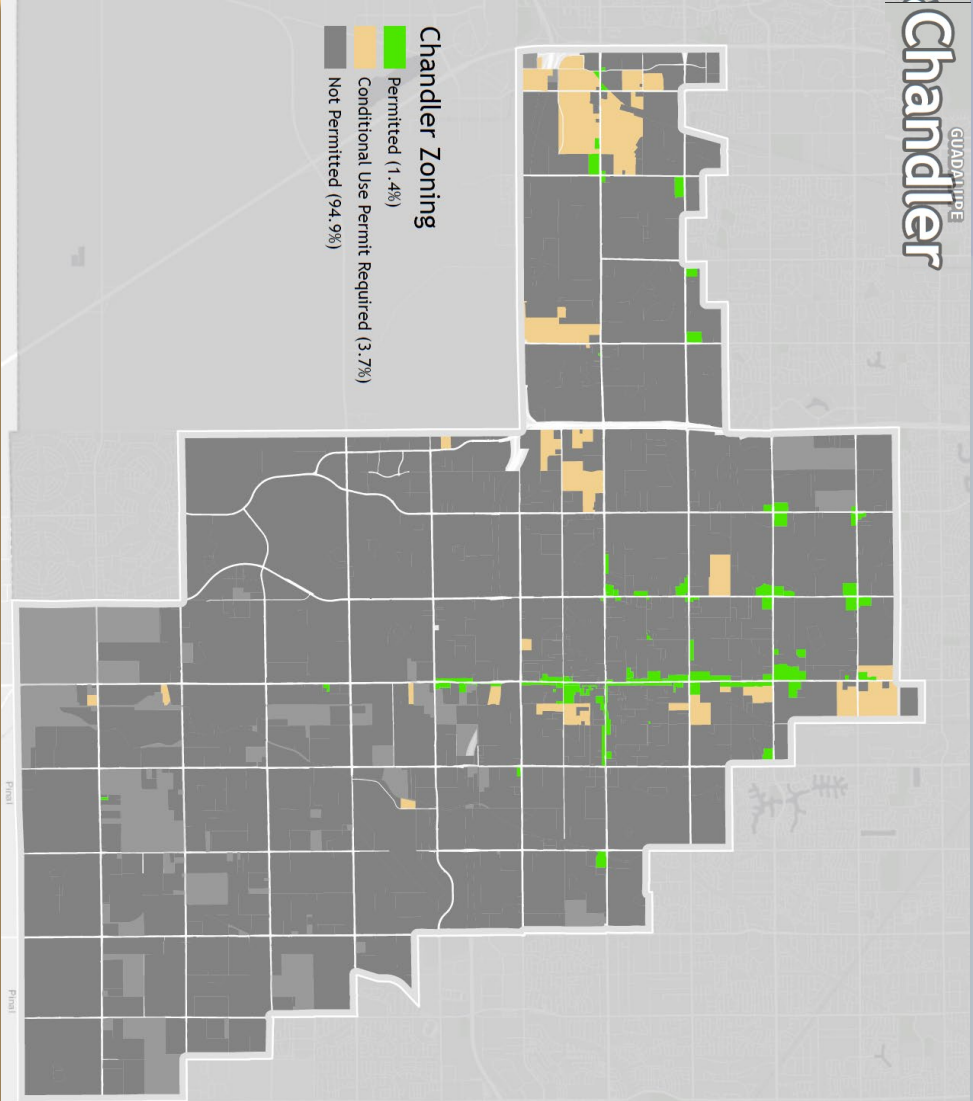
Permitted (9.1%)	
Community Commercial	General Commercial
Shopping Center	Regional Commercial
Heritage Village Center [if existing]	

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	

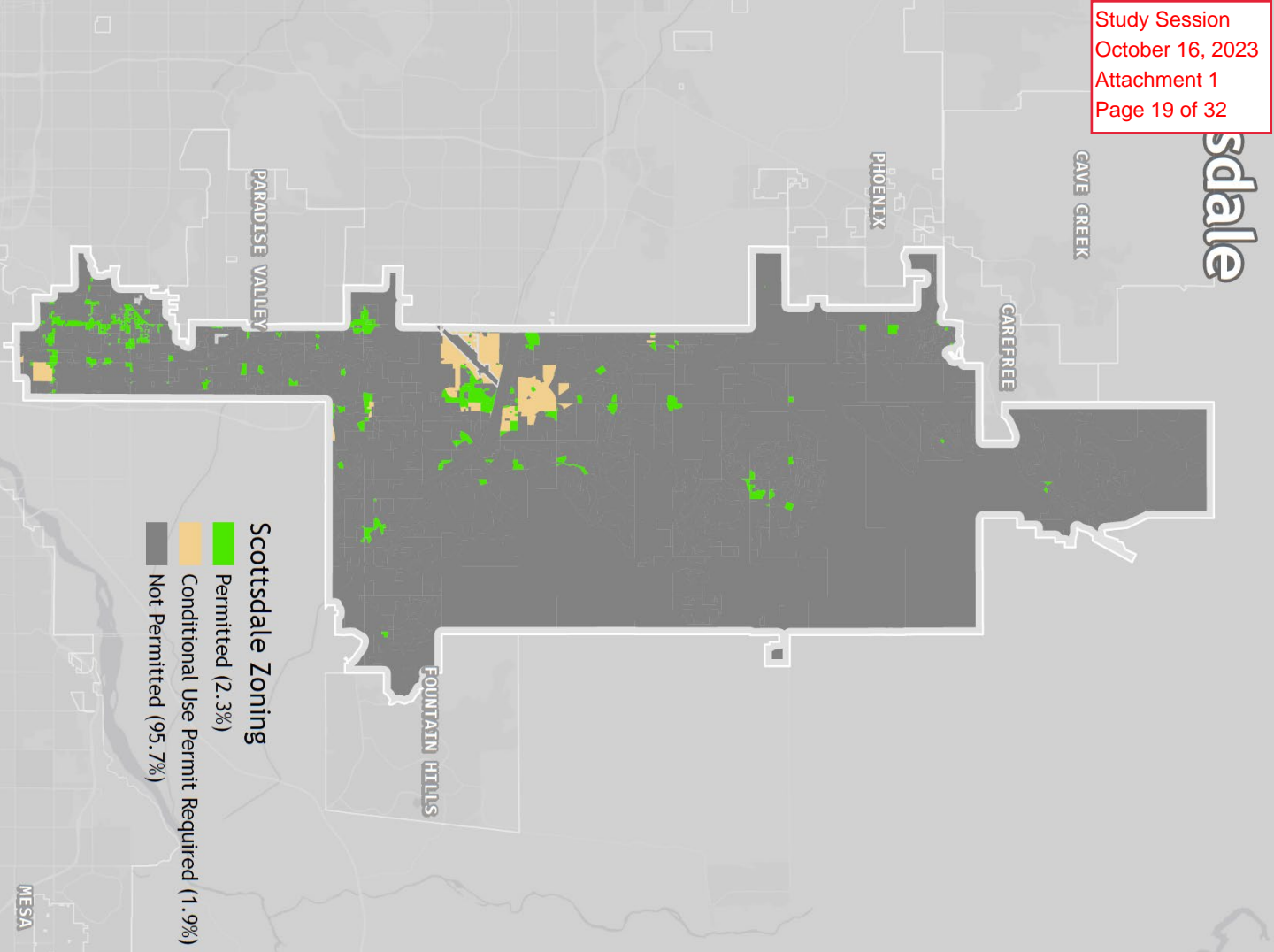
[Table 3.1.2 Use Regulations](#)



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%)

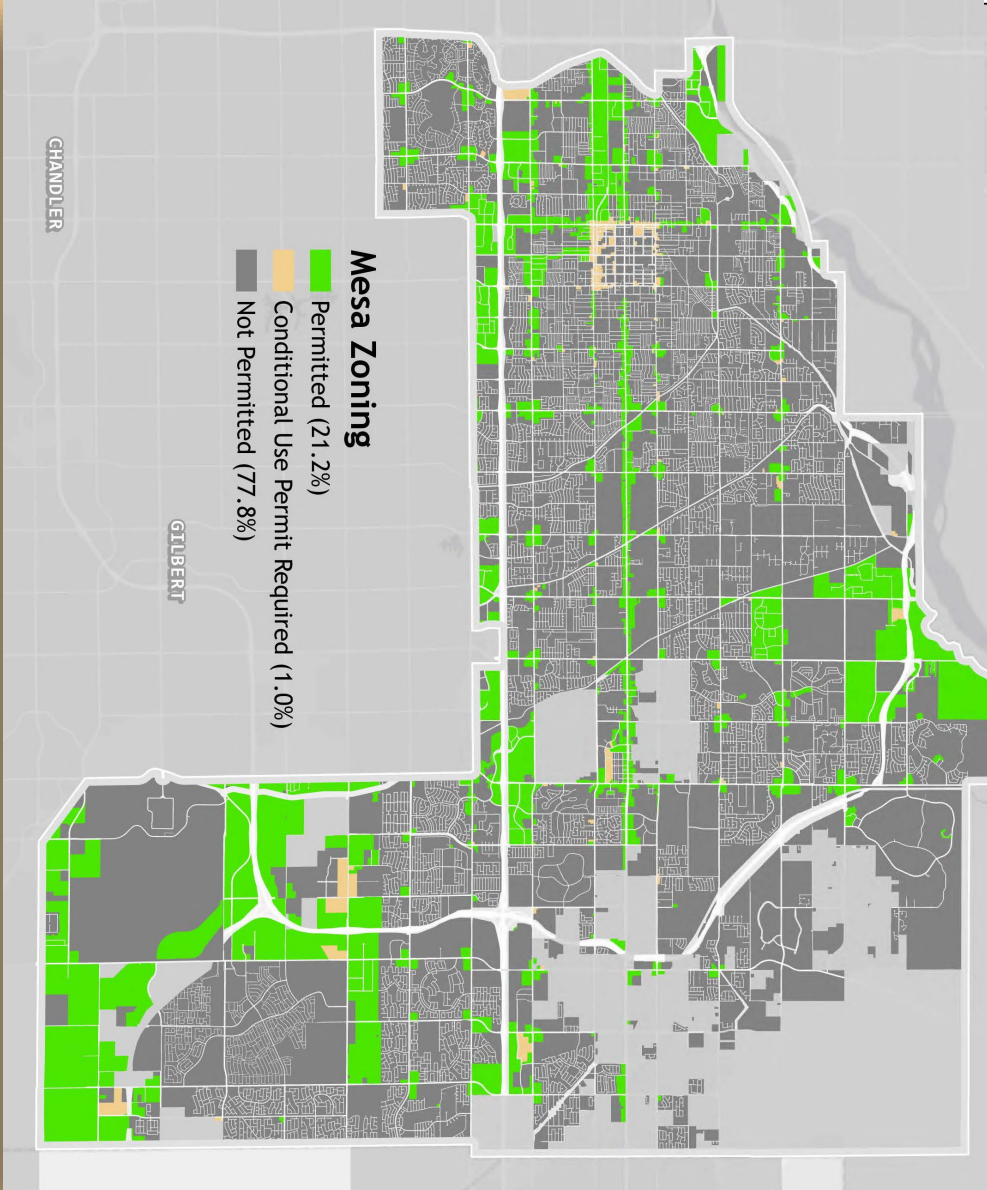
Industrial Park	
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Not Permitted (95.7%)

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)



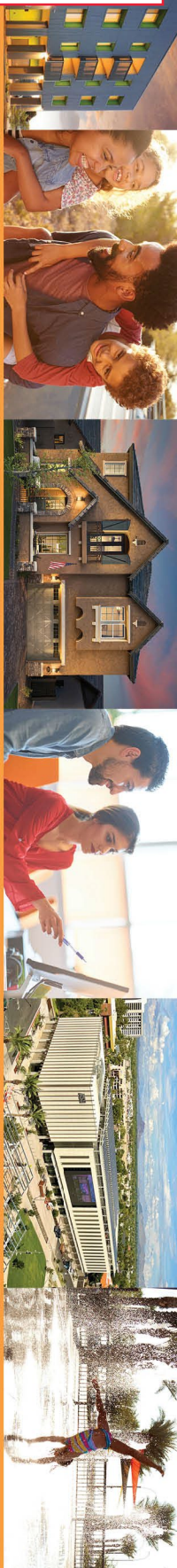
Land Use Requirements

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)

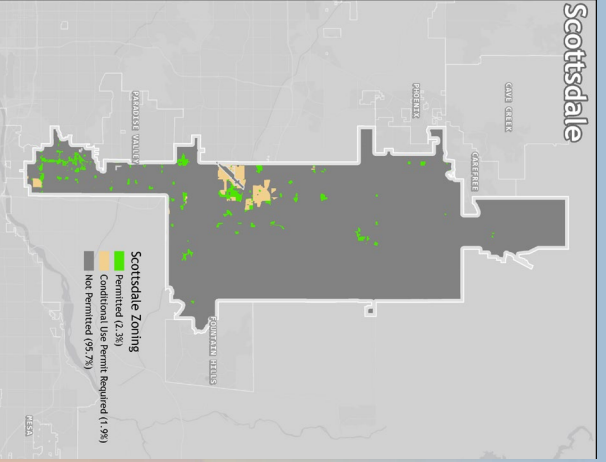
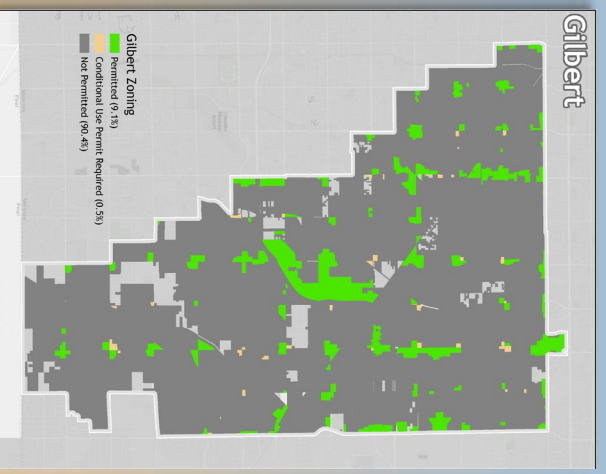
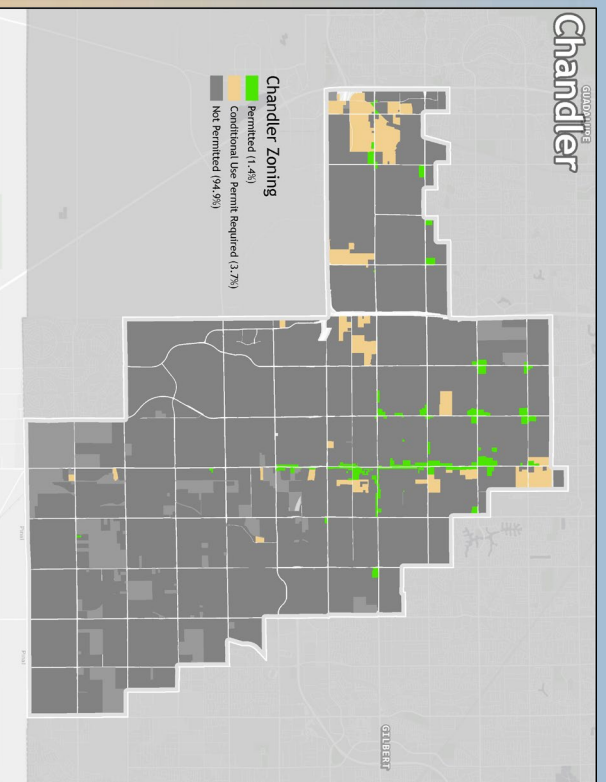
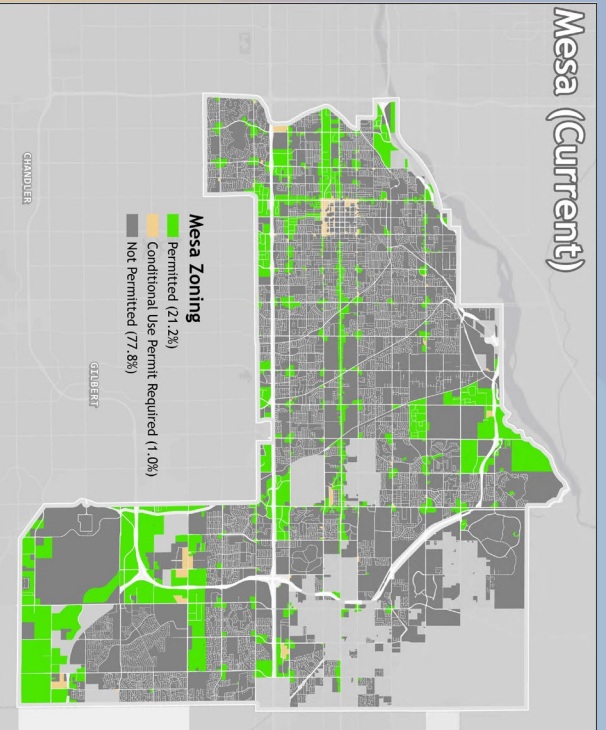


Alignment with City Council's Strategic Priorities

- 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:

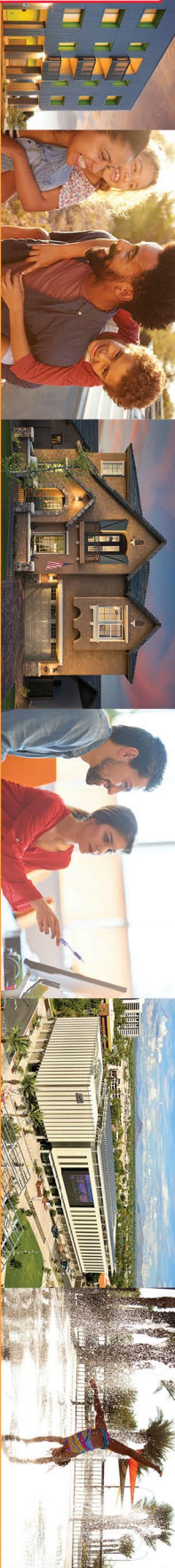
- The MZO contains several processes which allow for deviations from development standards
 - Development Incentive Permit (DIP) Chapter 72
 - Substantial Conformance Improvement Permit (SCIP) Chapter 73
 - Planned Area Development Overlay (PAD) Chapter 22
 - Bonus Intensity Zone Overlay (BIZ) Chapter 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:

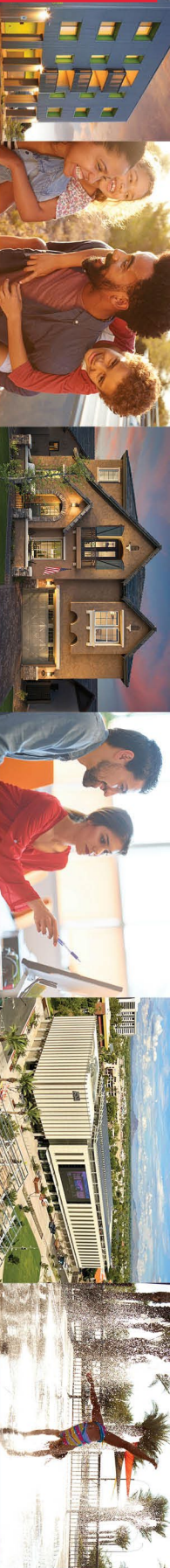
- If a **conforming use**, the proposed changes do not make any use non-conforming
- If the use is **currently non-conforming**, Chapter 36 of the MZO addresses non-conforming sites, buildings, and uses
 - Allows non-conforming sites, damaged or partially destroyed, to be built back to existing condition



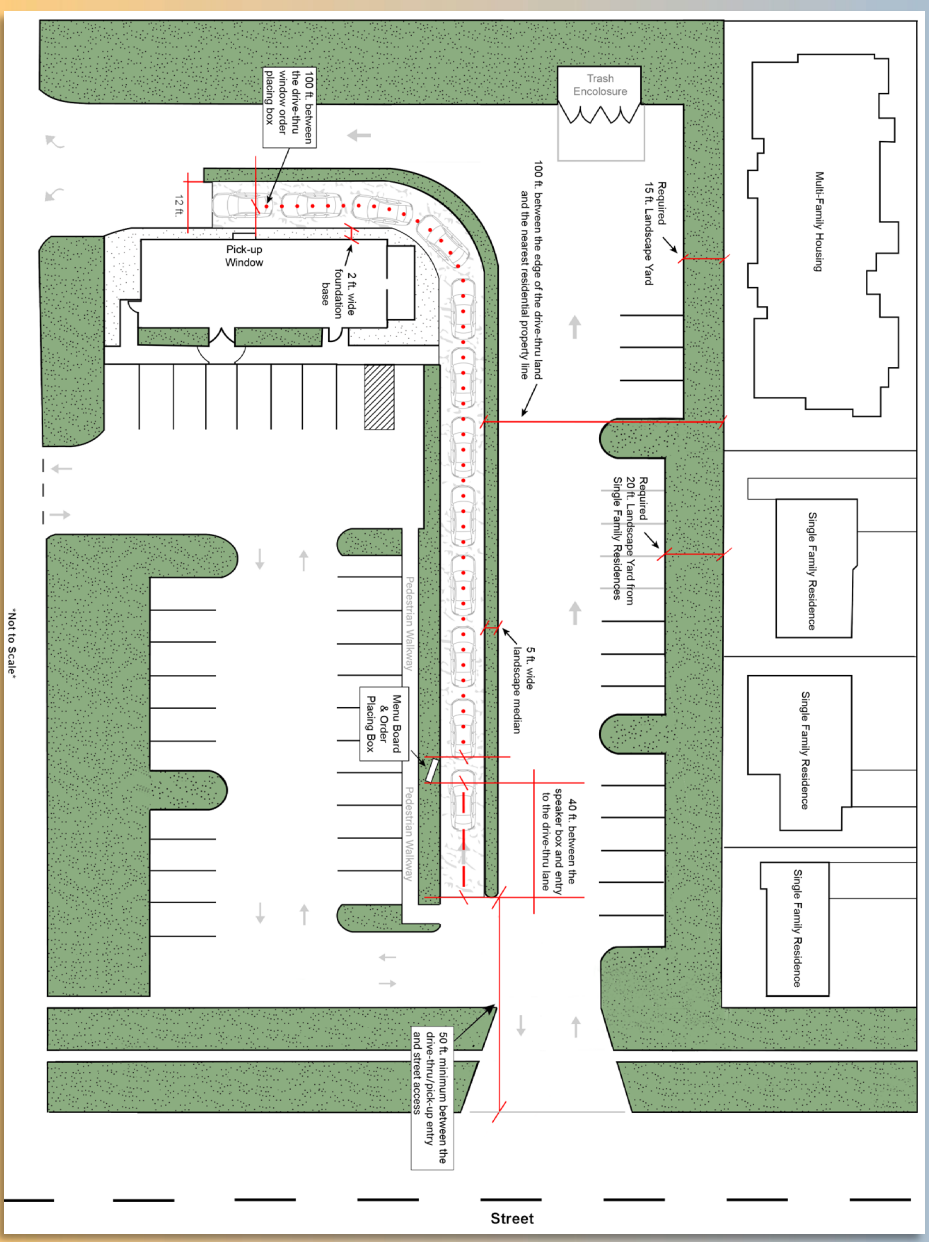
Comments & Questions Response

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.

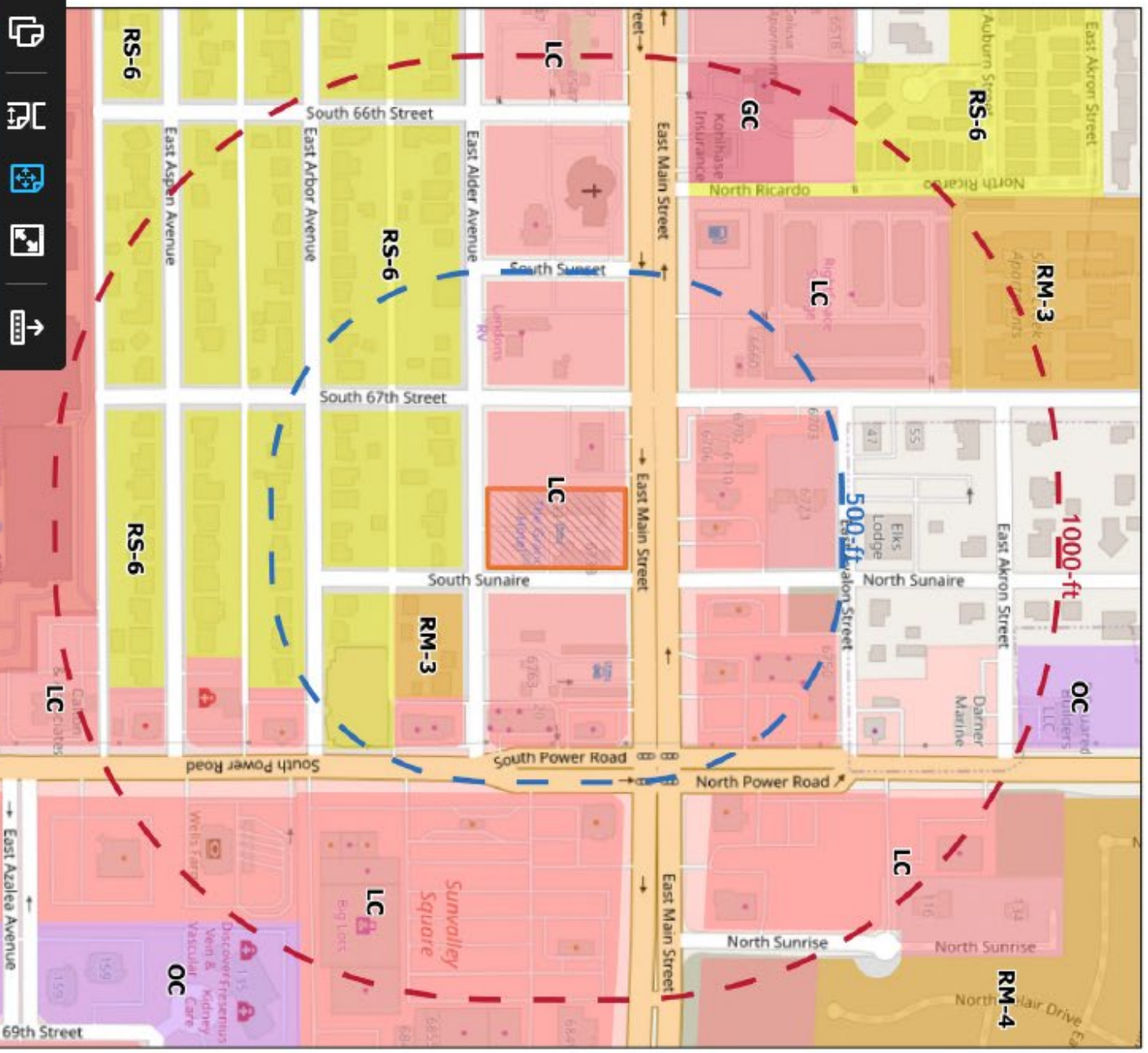
Pick-up Window Facilities. Establishments providing goods, food, or beverage through a window to patrons remaining in an automobile, where orders are placed by patrons before reaching the establishment, and where no order menu board, order menu box, or employee taking orders from patrons remaining in 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.

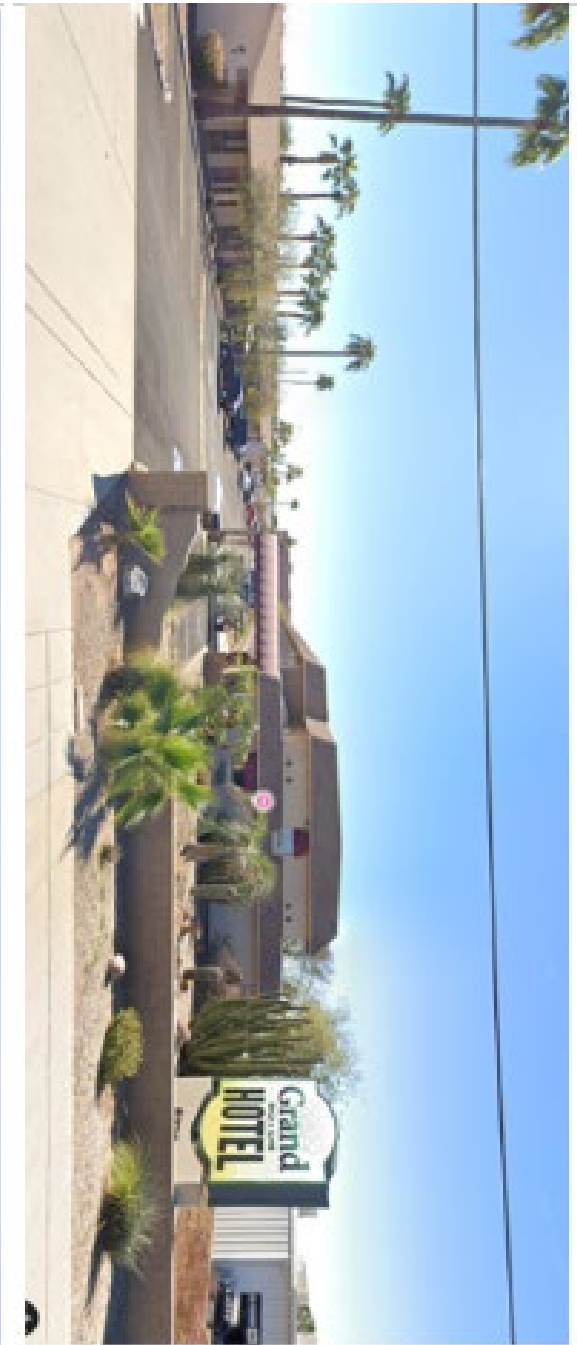
Council Use Permit for 6733 E Main Street

**Study Session
October 12, 2023**

Lindsey Balinkie, Deputy Director Community Services



PROPERTY DETAILS



- 6733 E Main Street
- Power and Main
- 70 Rooms
- Built in 1973/1985
- 1.34 acres





- Change use from a hotel to a social service.
- Longer-term solution for Mesa’s Off the Streets program.
- Limited use for temporary housing program serving seniors, families and domestic violence victims.
- Limited use is part of Good Neighbor Policy as a stipulation to Council’s approval.

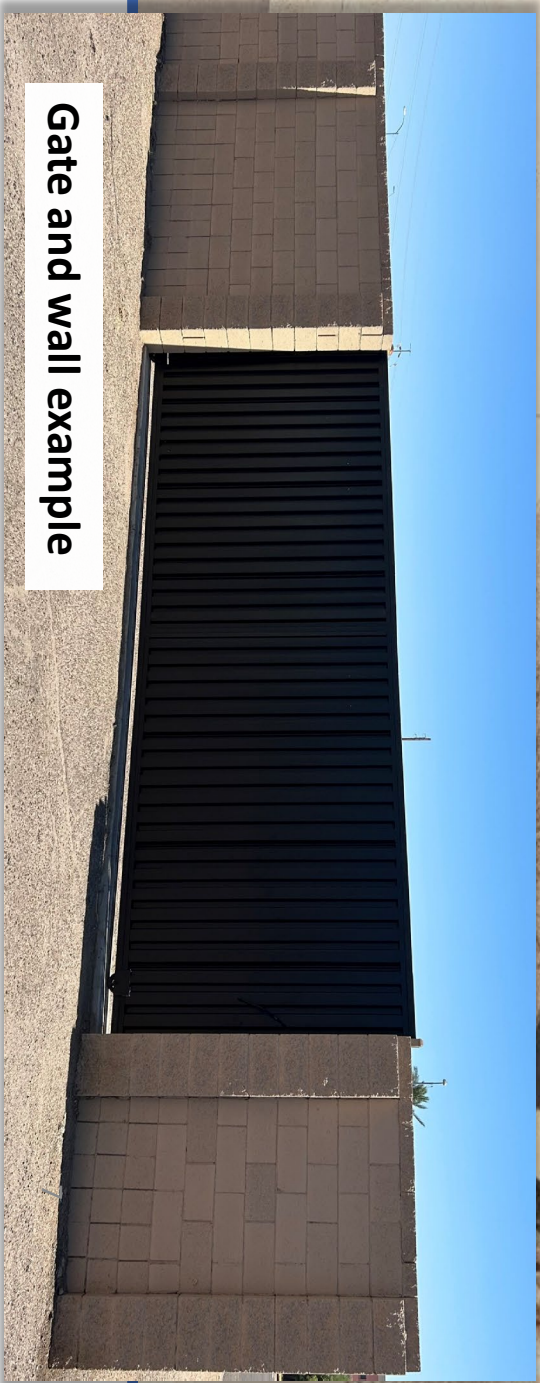
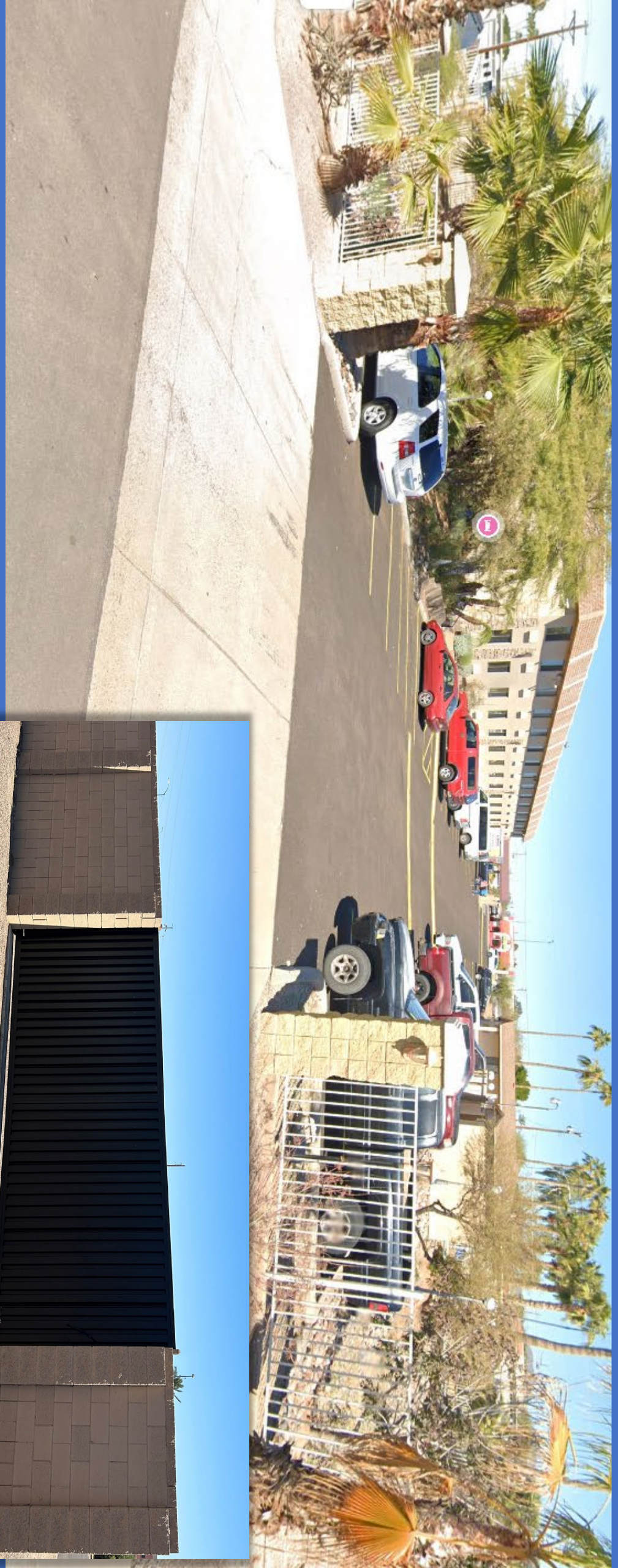
Public Safety Improvements

- Lighting
- Cameras
- Secure walls and gates
- Dedicated police presence



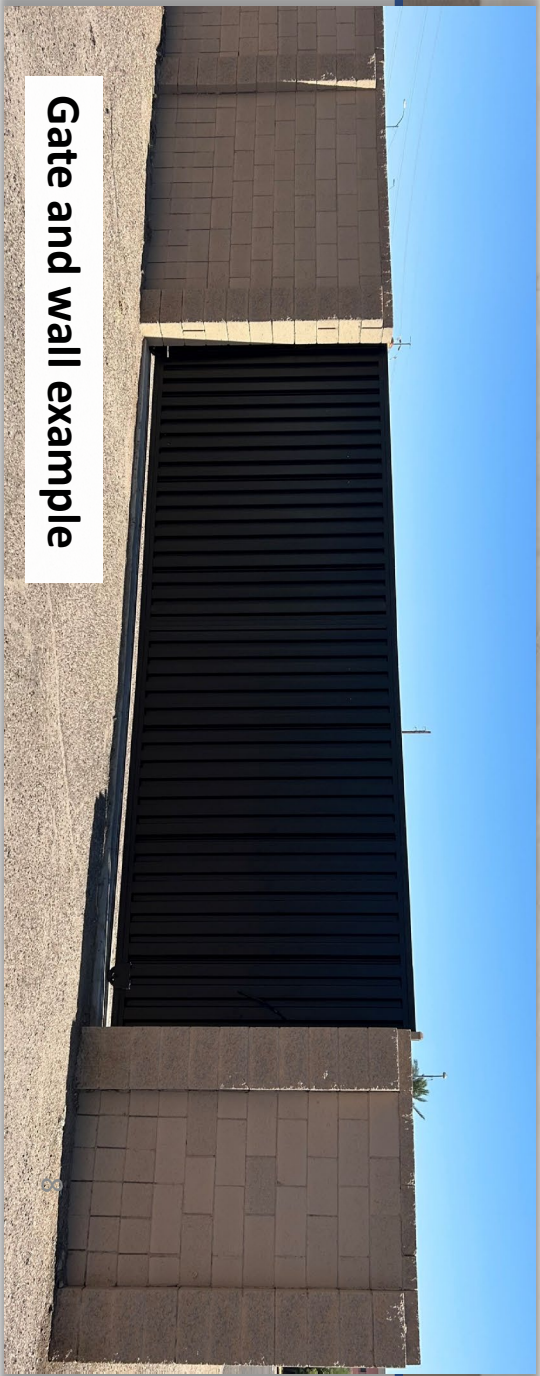
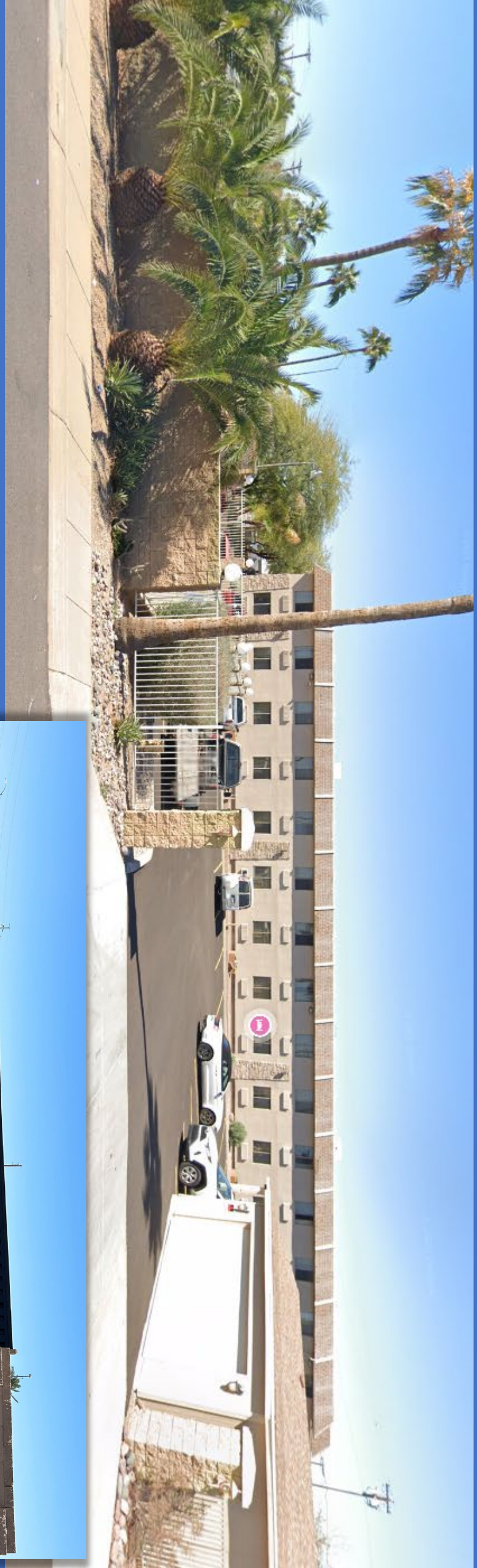


SOUTH SIDE OF PROPERTY AT ALDER



Gate and wall example

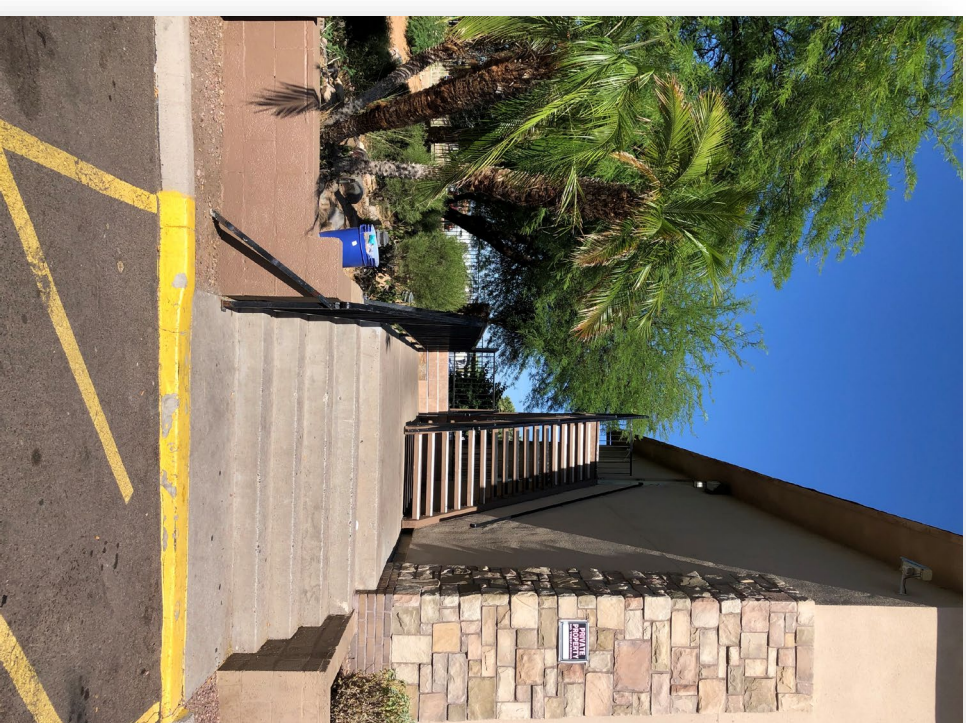
EAST SIDE OF PROPERTY FROM SUNNAIRE



Gate and wall example

Service Enhancements

- ADA ramps and walkways
- Shaded play area
- Pet friendly common area
- Landscape improvements



EXTERIOR COMMON AREAS

Proposed dog friendly area



Proposed play area





Main Street entrance from the corner of Sunaire Street and Main Street



Southside of property from Alder Avenue

Community Engagement

- Three community meetings
- Three rounds of door-to-door visits and discussions with area residents
- Meeting reminders and program updates via web, email, social media, flyers, resource line.
- Bi-lingual Spanish translation and interpretation.
- Additional neighborhood meetings by request.
- Responding to calls and emails to the city.
- Connections to online resources and an extensive Q&A.





GOOD NEIGHBOR POLICY- STRONG PROGRAM

- Dedicated police officer on-site 24/7.
- Nonprofit partners case management and on-site oversight 24/7.
- Limiting services at this location to families, seniors and domestic violence victims.
- No walk-up or drop-in services are available or allowed.
- Room checks to ensure safety, program compliance and client support.
- Curfew enforced for program participants 10 pm.
- No visitors are allowed without permission and monitoring.
- Off-campus wrap-around services.



GOOD NEIGHBOR POLICY - STRONGER NEIGHBORHOOD

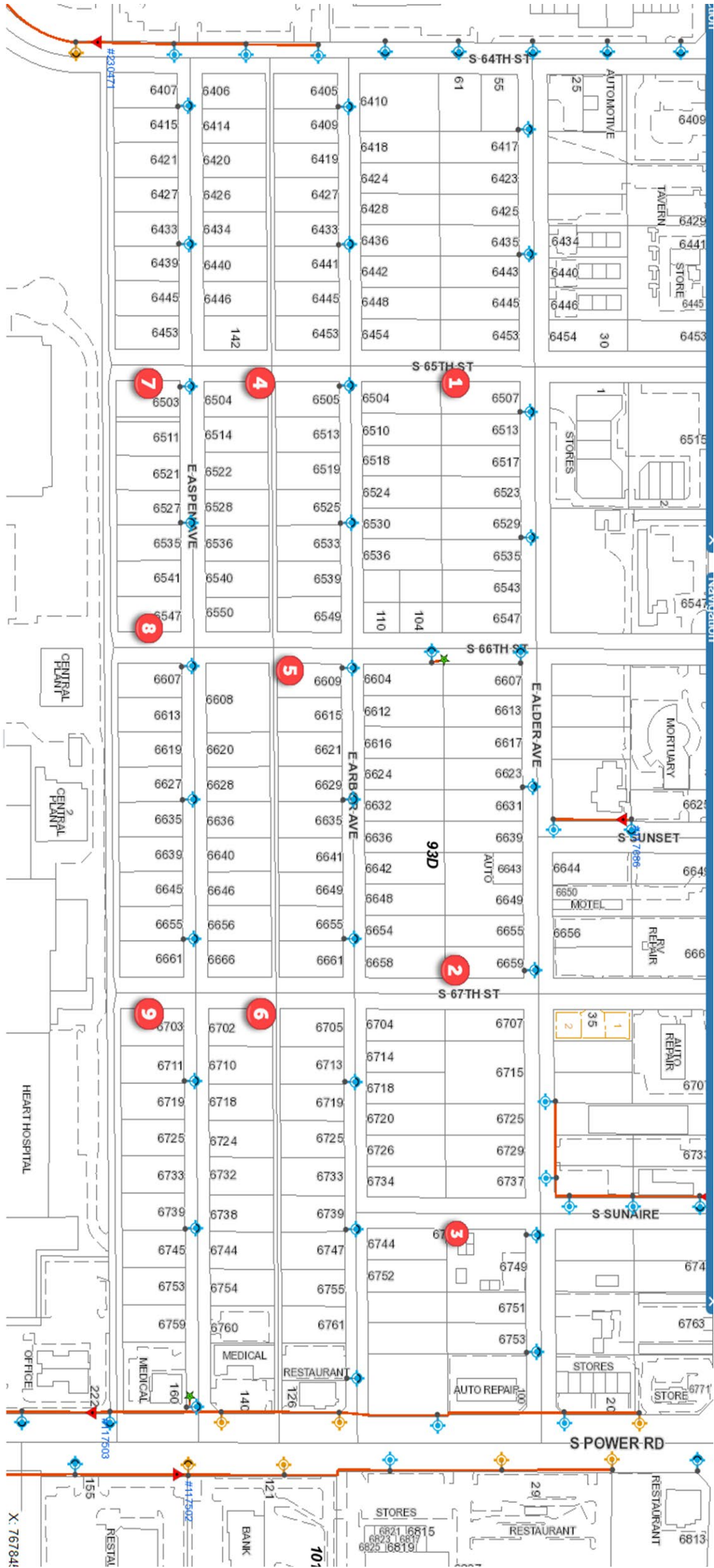
- Dedicated police officer on-site 24/7 with connections to the neighborhood.
- Clean and well-maintained campus.
- Enhanced lighting, safety and supports on property campus.
- A phone number and email is provided for nearby businesses and residents to connect with the City with questions/concerns.
- Proactive homelessness outreach that currently exists in the area as well as future public safety and health concerns.
- Neighborhood support with existing city services, clean up dumpsters, neighborhood registration, police engagement.
- Comprehensive safety/amenity review of nearby neighborhood; implementing feasible improvements.
- New streetlights and slurry seal approved.

A more detailed Good Neighbor Policy Report is available to the public as an attachment to the October 16th agenda item.



STRONGER NEIGHBORHOOD: NEW STREET LIGHTS APPROVED

Street Light Map

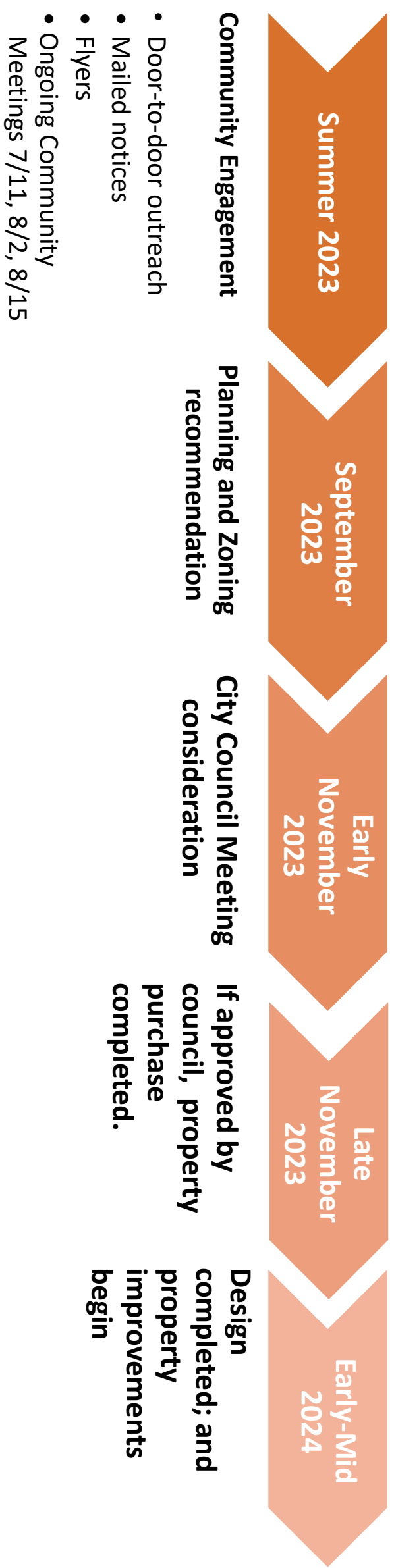


Off the Streets - A Local Solution

- Existing program has demonstrated success and strong partnerships.
- East Mesa location to spread services citywide.
- Service tool for Mesa first responders.
- Ownership of the property allows Mesa to control quality, supports program continuation, population served, property sale/transfer.
- Federal funding supports long-term stability.
- Ongoing cost savings and cost avoidance.
- Good neighbor commitments: strong program and stronger neighborhood.



PROJECT TIMELINE





Questions?

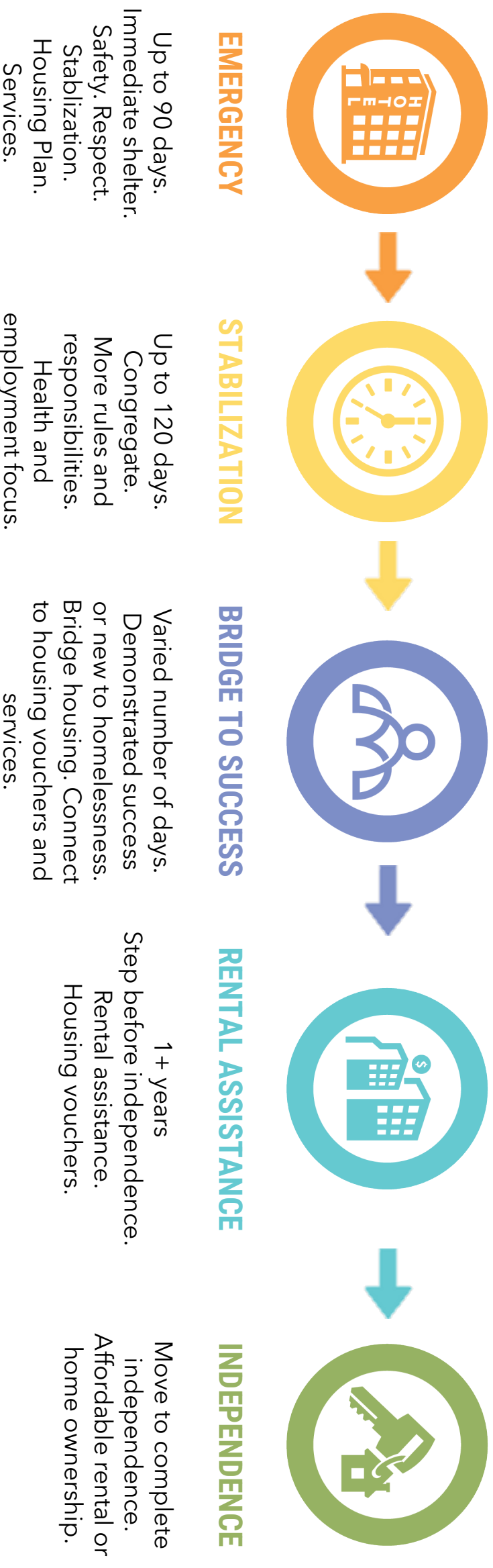
Thank you!

480-644-HOPE (4673)

offthestreets@mesaaz.gov

www.mesaaz.gov/offthestreets

Mesa's Pathway to Housing





City of Mesa Off-Premise Signs (Billboards)

**City Council Study Session
October 12, 2023**

Mary Kopaskie-Brown, Planning Director

Rachel Nettles, Assistant Planning Director



Purpose – Proposed Text Amendment

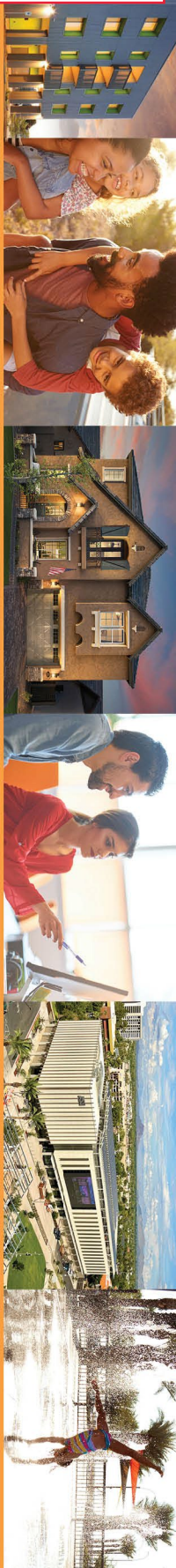
- Create opportunities for:
 - Development/redevelopment of larger sites
 - Partnerships with private organizations
 - messaging on City activities and public service announcements
- Develop Standards
 - Enhance the City's built environment
 - Respond to the Market





Comparison with Surrounding Jurisdictions





Comparison with Surrounding Jurisdictions

Prohibited (not including County carve-out sites/properties):

- Chandler
- Gilbert
- Scottsdale
- Queen Creek
- Apache Junction

Permitted:

- Maricopa County
- Pinal County
- Surprise
- Glendale
- Tempe
- Phoenix



Maricopa County

- Used as a guide for recommendations related to:
 - Site Eligibility
 - Location Standards
 - Number and Size Standards
 - Digital Display Standards



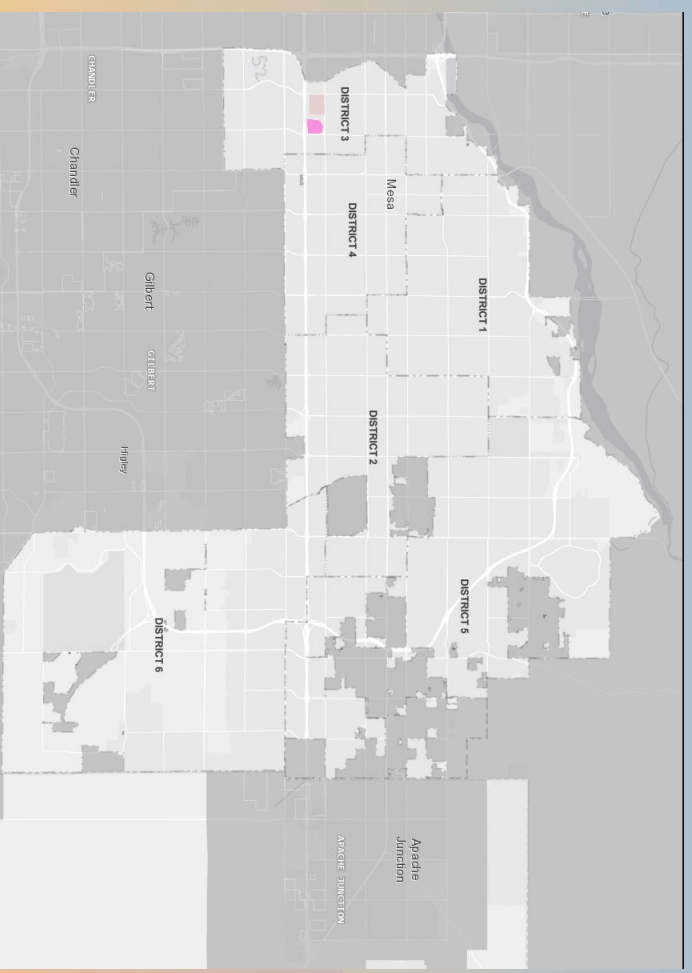
Proposed Text Amendments





Proposed Site Eligibility

- Recommended Zoning Districts
 - Public/Semi-Public
 - Mixed Use
 - Infill Development District 2
- Site = 50 acres or greater
- Freeway Frontage = Min. 1,500 feet





Proposed Location Standards

- Placed within 250 feet of the freeway
- Setback from residential zone or use = 500 feet
- Separation from another billboard = 1,500 feet
 - Includes billboards in adjacent communities
 - Includes billboards that are existing or proposed
- Separation from existing or proposed Freeway
Landmark = 1,500 feet



Proposed Number and Size Standards

- Maximum Number = 2 billboards per site
- Maximum sign area = 672 square feet + 20% for embellishment
- Maximum Height
 - 48 feet above the adjacent freeway grade or elevation
 - Inclusive of all embellishments or attachments
 - No more than 70 feet above the site's finished grade



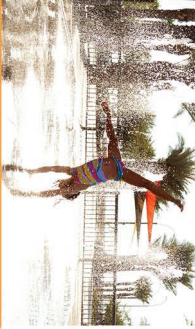
Proposed Digital Display Standards

- Network time and federal, state, and local public service announcements required
- No animation, flashing, blinking, or moving lights
- Display may not change sooner than every 8 seconds
- No transition allowed between copy/message
- Dimmers on all digital billboards from sunset to 11:00 p.m. (maximum of 300 nits)
- All illumination extinguished from 11:00 p.m to sunrise



Recommended Process

- Create Billboard Overlay District
 - City Council/Legislative Approval (Rezoning)
 - Discretion based on each case
 - Potential Ordinance Sunset
- Development Agreement
 - Public Service Announcement content
 - With Property Owner
 - With Billboard Owner
- Outreach with Impacted Property Owners



Questions?

