



# COUNCIL MINUTES

October 13, 2022

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 13, 2022, at 7:30 a.m.

## COUNCIL PRESENT

John Giles  
Jennifer Duff  
Mark Freeman  
Francisco Heredia  
David Luna  
Julie Spilsbury

## COUNCIL ABSENT

Kevin Thompson

## OFFICERS PRESENT

Christopher Brady  
Holly Moseley  
Jim Smith

(Items on the agenda were discussed out of order, but for purposes of clarity will remain as listed on the agenda.)

Mayor Giles conducted a roll call.

Mayor Giles excused Councilmember Thompson from the entire meeting.

### 1. Review and discuss items on the agenda for the October 17, 2022, 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: 6-e

In response to a question from Councilmember Freeman regarding Item 7-b, **(Amending Title 5 of the Mesa City Code (Business Regulations) by adding a new Chapter 15, entitled "Short-Term Rentals", enacting reasonable regulations and licensing requirements on short-term rentals and vacation rentals operating in Mesa. (Citywide))**, on the Regular Council meeting agenda, City Manager Christopher Brady stated there have been no changes to the agenda item.

Responding to a question from Vice Mayor Duff on Item 5-c, **(Accepting the U.S. Coronavirus Aid, Relief, and Economic Security (CARES) Act funding under the Community Development Block. Grant Program -Corona Virus in the amount of \$6,046,017 to serve low-to moderate-income residents in Mesa impacted by the pandemic and authorizing the City Manager to administer the funds to the eligible programs, as recommended. (Citywide))**, on the Regular Council meeting agenda, Housing And Community Development

Director Michelle Albanese reported the referenced agenda item would help fund services provided at the existing Child Crisis Arizona group home. She noted the shelter serves children in the foster care system that would otherwise be homeless. She added this funding could increase capacity and help children progress through the foster system and into a facility faster.

Mr. Brady introduced City Engineer Beth Huning to discuss Item 5-d, **(Approving the sale of certain City-owned real property (approximately 210,438 square feet), located at 7002 South Sossaman Road, to the Union Pacific Railroad Company, for the appraised value of \$1,769,032, plus \$4,500 for the appraisal cost, for a total amount of \$1,773,532, and authorizing the City Manager to execute the necessary documents to facilitate the sale, for the extension of the Pecos Industrial Rail Access and Train Extension (PIRATE). (District 6)), on the Regular Council meeting agenda. (See Attachment 1)**

Ms. Huning reported that the Union Pacific (UP) Railroad would like to build a spur line from west of Sossaman Road, south of Pecos Road, along the Pecos alignment to Commercial Metals Steel (CMC) at Meridian Road. She noted UP is at 60% plan review and hopes to have the property acquisition complete by the end of the year. She stated the City of Mesa (COM) owns 35 acres at this location and UP is requesting to purchase 4.8 acres of right-of-way, appraised at \$650 a square foot, along with \$401,000 in severance damages because of the angle. She remarked the property's sale price would be approximately \$1.78 million. She indicated the remaining 19-acre property would be considered for a future transfer station recycling facility in Southeast Mesa. (See Pages 1 and 3 of Attachment 1)

Responding to a question from Mayor Giles, Mr. Brady discussed a potential partnership with Gilbert for the materials recycling center and transfer station. He commented that both agencies are working on preliminary drawings for proposed use.

Ms. Huning added the City is rapidly developing Pecos Road and is running out of property. She explained the difficulty in finding properties large enough to accommodate stormwater basins.

Responding to a question from Councilmember Freeman, Assistant Planning Director Rachel Prelog stated that the plan for that area is employment.

2-a. Hear a presentation and discuss the design and construction of the City Hall project.

Mayor Giles announced this item will be continued to the October 17, 2022, Study Session.

2-b. Hear a presentation, discuss, and provide direction on proposed changes to the Mesa Zoning Ordinance (Title 11 of the Mesa City Code) regarding drive-thru facilities, outdoor eating areas, and temporary use permits.

Assistant Planning Director Rachel Prelog displayed a PowerPoint presentation for discussion on changes to the Mesa Zoning Ordinance. **(See Attachment 2)**

Ms. Prelog reported planning staff has been working on zoning ordinance amendments. She outlined the amendment process, including public meetings, advisory board meetings, and one-on-one meetings with stakeholders. She pointed out that the purpose of the proposed outdoor eating area is to capitalize on the success of the Mesa Alfresco program during the pandemic. She stated the Alfresco program allowed for an administrative overview to allow outdoor eating areas, which increased opportunities for many businesses. She indicated Mesa assisted approximately 49 businesses with over \$26,000 reinvested into Mesa's restaurants and bars. She

stated the proposed text amendments would continue making outdoor eating accessible to more businesses and enhance the aesthetics of these areas. (See Pages 2 through 4 of Attachment 2)

Ms. Prelog indicated current regulations require either a Special Use Permit (SUP) or an Administrative Use Permit (AUP) in certain zoning districts. She explained that an approved SUP covers the entire Downtown pedestrian overlay in the Mesa Downtown District. She noted current regulations have limited development standards on design and aesthetics. She stated staff is recommending amending the zoning ordinance to allow by right in all commercial zoning districts outdoor eating areas, and to refine current standards to enhance the design and provide guidance. She remarked that these standards would address the allowed materials for barricades, barriers, and issues such as encroachment. (See Pages 5 and 6 of Attachment 2)

In response to a question from Councilmember Heredia, Ms. Prelog commented outdoor eating areas would go through a site plan resulting in reduced costs and time for applicants.

Responding to an inquiry from Councilmember Spilsbury, Ms. Prelog stated staff received positive feedback from the development community for considering these amendments.

Ms. Prelog discussed community concerns regarding the light, smell, and noise generated by drive-thrus. She indicated safety concerns with multiple curb cuts that often introduce points of conflict with pedestrians and bicycles. She commented drive-thrus are lining the arterial streets and weakening the integrity of community centers. She emphasized the importance of minimizing drive-thru clustering and protecting the city's urban form and neighborhood integrity. She outlined the public participation process, including virtual and in-person meetings, open houses, and one-on-one meetings with various developers and people from the industry. (See Pages 8 and 9 of Attachment 2)

Ms. Prelog reported the proposed revisions to the original recommendations are based on community feedback. She stated staff initially proposed prohibiting drive-thrus in Neighborhood Commercial (NC) Districts and requiring a SUP in the Limited Commercial (LC) Districts. She stated that the revised recommendation requires a Council Use Permit (CUP) in the NC and LC Districts and defines pick-up windows and drive-thru facilities differently. She recalled discussions with Council on the different impacts of these two facilities and remarked that there is no distinguishment between the two in the current code. She reported that the proposed regulations would not apply to pick-up windows. She defined pick-up windows as facilities without a menu board, ordering box, or a person placing orders, such as banks, pharmacies, or call-ahead restaurants. (See Page 10 of Attachment 2)

Ms. Prelog indicated that a CUP could exceed proposed adjustments to the base standards. She recommended having at most two drive-thrus adjacent to one another; and if there is a third drive-thru, it must not be within 750 feet of the others to prevent clustering. She stated staff is looking at creating size categories based on the group commercial center acreage and the appropriate number of drive-thrus. She stated the recommendation to have no more than two drive-thrus located at an intersection was also removed. (See Page 11 of Attachment 2)

Responding to a question from Mayor Giles, Ms. Prelog stated the recommendation to have no more than two drive-thrus located at an intersection was removed due to feedback from the public meetings noting concern that the recommendation was too restrictive and would limit the redevelopment of smaller infill parcels along intersections.

Mr. Brady clarified a compromise was reached in conversations, adding that staff is looking at a tiered approach to drive-thrus based on the parcel size.

In response to additional questions from Mayor Giles, Ms. Prelog provided examples of when a third drive-thru may be allowed.

Responding to comments from Councilmember Spilsbury, Ms. Prelog stated the amendments provide base standards to address clustering. She added staff would revisit these amendments based on Council recommendation.

Mr. Brady commented that there had been many discussions with contrasting opinions. He indicated staff would be returning to the community with new details and would analyze how to administer to the different needs.

In response to a question from Councilmember Heredia, Ms. Prelog stated although neighboring municipalities do not have the same number of regulations the COM is proposing, some do restrict drive-thrus in certain zoning districts.

Responding to an inquiry from Councilmember Luna, Ms. Prelog discussed stacking regulations within the zoning ordinance. She indicated where a drive-thru lane could be in relation to the street right. She explained that staff spends a lot of time with applicants redesigning the site to ensure that the circulation is appropriate. She indicated challenges with group commercial centers where clustering occurs, resulting in negotiations to prevent some of those externalities.

In response to multiple questions from Councilmember Freeman, Ms. Prelog stated hard corners are typically commercially zoned for drive-thrus. She explained that if a drive-thru goes out of business, another drive-thru could come in within a year and be grandfathered under that use. She remarked staff looks at the situation like any other development, and the result would be a matter of the proposed use. She noted staff determines if the use is allowed within that zoning district, and if the proposed changes to the site will trigger a site plan modification or a public hearing. She stated curbside pick-up areas located within parking stalls are allowed.

Mayor Giles emphasized the importance of drive-thru traffic design and engineering standards, adding the City's focus should not be on recruiting restaurant brands.

Vice Mayor Duff remarked most issues come from drive-thrus that do not have an indoor seating area and rely 100% on drive-thru customers. She noted that these businesses stack up to 30 cars at a time and are typically open 24 hours a day.

Responding to a question from Councilmember Spilsbury, Ms. Prelog stated Mesa does not have regulations regarding the minimum lot size for certain uses, which get established through setbacks and minimum open space. She advised Mesa does have regulations on the stacking distance between the windows.

Ms. Prelog indicated next steps are to finalize the amendment based on Council direction and return to the Planning and Zoning Board on October 26, 2022. She said staff would return to Council for action on December 8, 2022. (See Page 13 of Attachment 2)

3. Acknowledge receipt of minutes of various boards and committees.

3-a. Library Advisory Board meeting held on May 17, 2022.

3-b. Economic Development Advisory Board meeting held on September 6, 2022

- 3-c. Audit, Finance and Enterprise Committee meeting held on September 8, 2022.
- 3-d. Housing and Community Development Advisory Board meeting held on September 8, 2022.

It was moved by Councilmember Luna, seconded by Councilmember Spilsbury, that receipt of the above-listed minutes be acknowledged.

Upon tabulation of votes, it showed:

AYES – Giles-Duff-Freeman-Heredia-Luna-Spilsbury  
NAYS – None

Carried unanimously.

4. Current events summary including meetings and conferences attended.

Mayor Giles –	Hopes Fry Bread ribbon cutting
Councilmember Luna –	Celebrate Mesa New Burn Building – Mesa Fire Training Facility Local Business Roundtable Cesar Chavez unveiling ceremony – Eagles Park
Vice Mayor Duff –	Arizona State University – Cross Sector Leadership Panel Hopes Fry Bread ribbon cutting Coffee with a Cop – Refuge Coffee Aspire Academy graduation Courageous Creativity Course – Mesa Arts Center Arizona Forward - Thrive in 2035 Conference

Councilmember Freeman reported the Community Safety Fair at Station 206 will take place today. He commented the event includes free food, flu shots and document shredding. He noted the food is sponsored by a local family that survived a house fire in 2006 and wants to promote smoke detectors and fire safety.

5. Scheduling of meetings.

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

Monday, October 17, 2022, 5:15 p.m. – Study Session

Monday, October 17, 2022, 5:45 p.m. – Regular

In response to a question by Mayor Giles, City Attorney Jim Smith announced the City of Mesa is hosting Domestic Violence Awareness Night Wednesday, October 19, 2022, from 5:30 p.m. to 6:30 p.m. at Pioneer Park with speakers and nonprofits available for those in need of help.

6. Adjournment.

Without objection, the City Council study session adjourned at 8:20 a.m.

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JOHN GILES, MAYOR

ATTEST:

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HOLLY MOSELEY, CITY CLERK

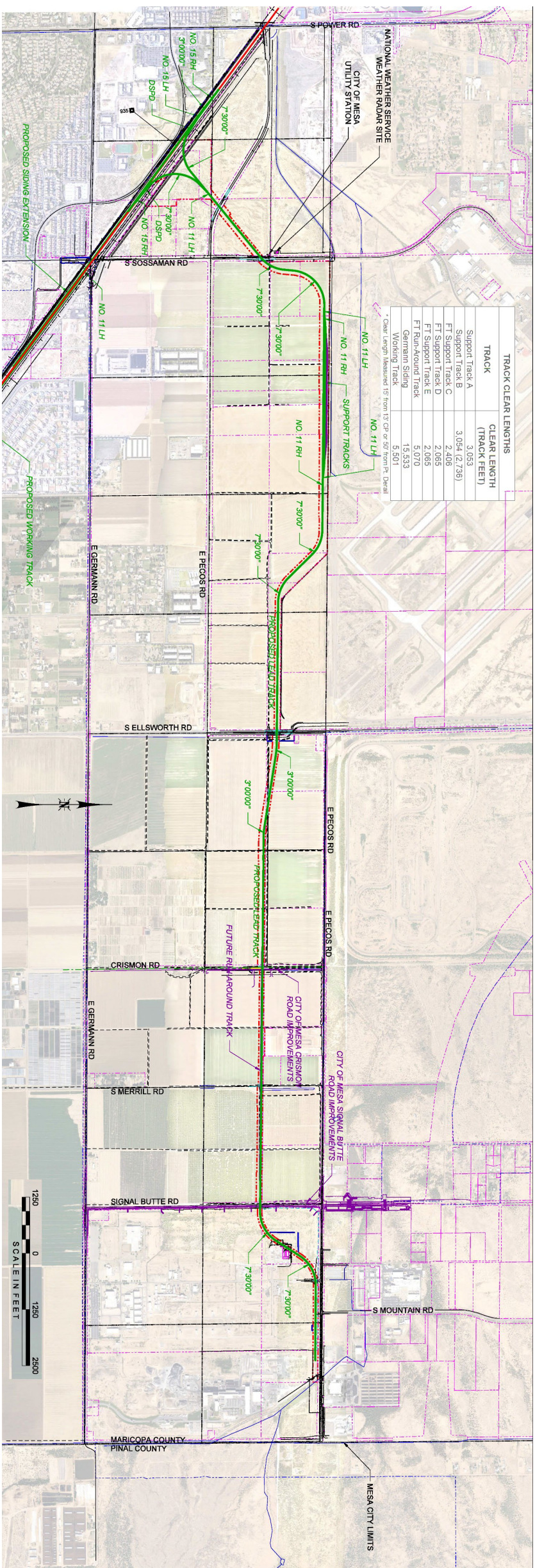
I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 13<sup>th</sup> day of October 2022. I further certify that the meeting was duly called and held and that a quorum was present.

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HOLLY MOSELEY, CITY CLERK

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(Attachments – 2)

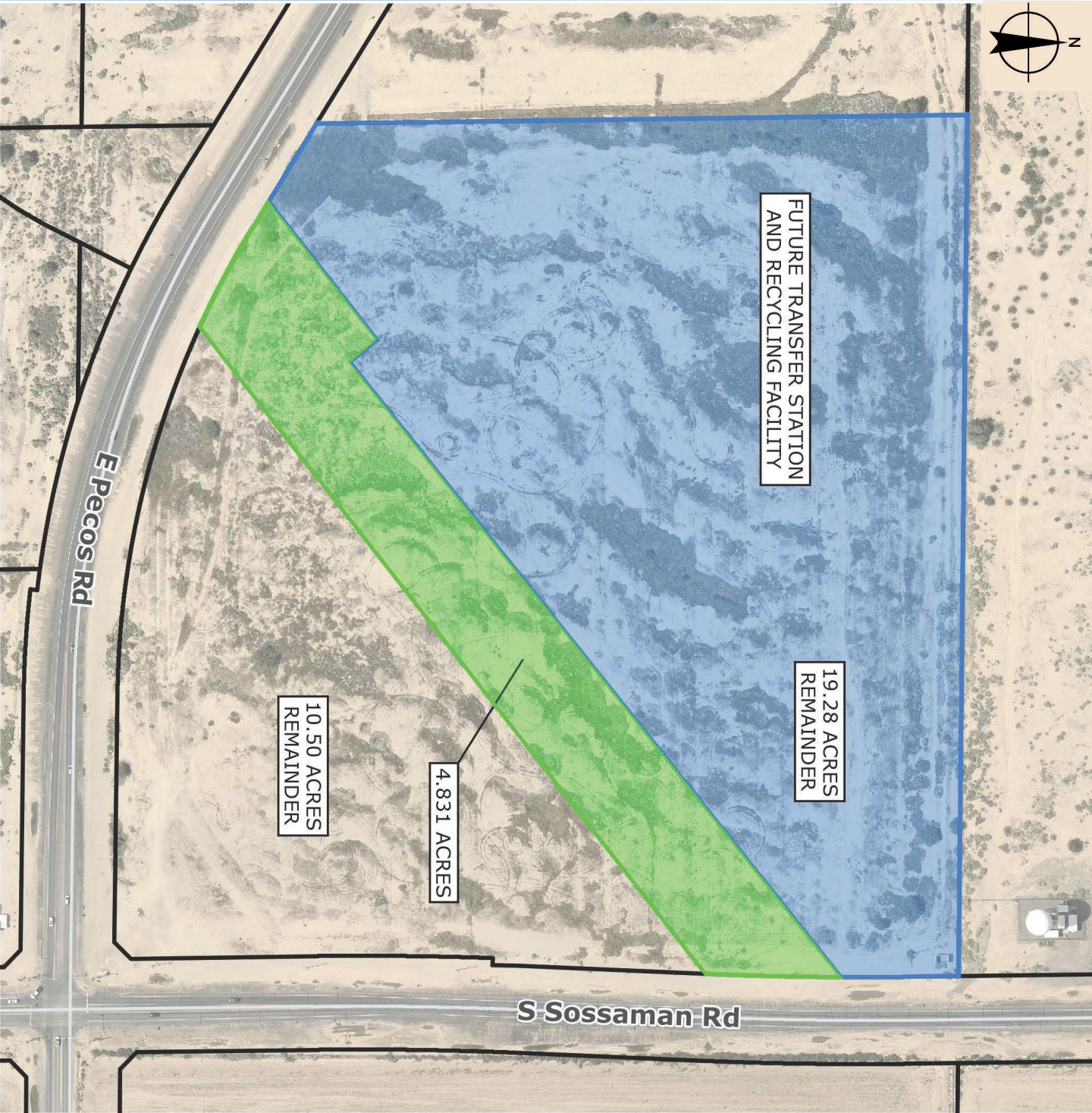




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# Zoning Code Text Amendments

## Outdoor Eating Area, Temporary Use Permits, and Drive-thru Regulations

Rachel Prelog, Assistant Planning Director

Kellie Rorex, Senior Planner

October 13, 2022

# Background

- City Council Study Sessions - February & July 2022
- Planning & Zoning Board - March 2022
- Development Advisory Board - April 2022
- Public Meetings - June, September (virtual & in person)
- One-on-One Meetings - Multiple

# Outdoor Eating Areas





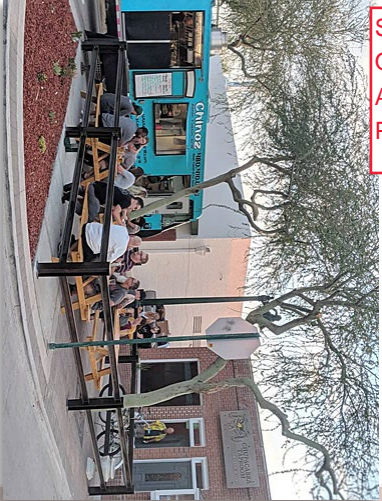
# purpose

- Expand on the successes from the Mesa Al Fresco program
- Increase opportunities for outdoor eating areas
- Enhance aesthetics of outdoor seating areas



- Assisted 49 businesses
- Total of \$26,300 reinvested into Mesa restaurants and bars.

# Current Regulations

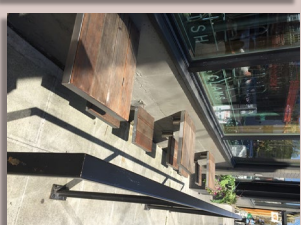


- ❑ Requires a SUP or AUP in certain zoning district
- ❑ Allowed in the Downtown District by the Downtown Pedestrian Overlay through an approved SUP
- ❑ Limited development standards



# Recommendations

- Allow by right in all commercial districts
- Include development standards to guide outdoor eating area design



# Drive-thru Regulations



# Propose

## Common Community Concerns

- Nuisances: lights, smell, noise
- Pedestrian & bike safety with multiple curb cuts
- Weakening integrity of commercial centers, emergence of food courts

## Direction of City Council

- Minimize clustering of drive -thru's
- Protect the City's urban form
- Preserve the integrity of Mesa neighborhoods



# Public Participation (to date)



Each member of the public who wishes to speak must state their name and topic of their question **in the chat bar**. Please ensure your name is showing on your profile. Staff will monitor the chat and call upon you when it is your turn. They may not be able to unmute you if your name isn't present and they cannot identify you.

## Public Meetings:

- April 5, 2022 – Virtual DAF
- June 29, 2022 – Virtual Open House
- September 21, 2022 – Virtual Open House
- September 27, 2022 – In Person Open House

## One-on-One Meetings:

- Several individual meetings held with various stakeholders

# Continued Discussions



- ~~▣ Prohibit in the NC district~~
- ~~▣ Require an SUP in the LC district~~
- ▣ Require a CUP in the NC & LC Districts
- ▣ Defining Pick-Up Windows and Drive-thru Facilities differently



# Continued Discussions

## Standards - may request a CUP to exceed

- No more than 2 drive-thrus located adjacent to one another
- When there are 2 drive-thrus adjacent to each other, a 3rd drive-thru cannot be placed within 750 ft.

~~□ No more than 2 drive-thrus in a group commercial center~~

- Number based on the size of the group commercial center

~~□ No more than 2 drive-thrus at an intersection~~

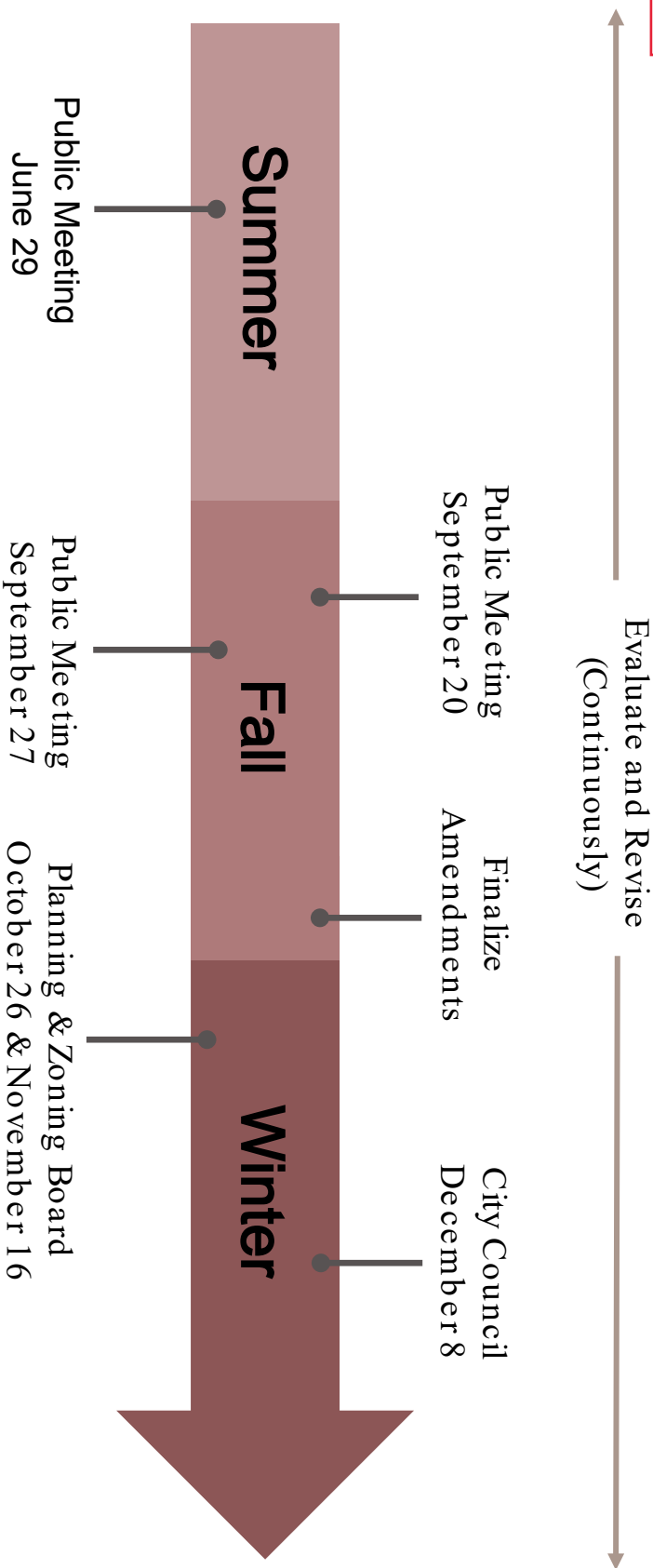




# Next Steps



# Anticipated Timeline



# Questions



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