



Planning and Zoning Board

Study Session Minutes

Virtual Platform

Date: August 26, 2020 Time: 3:00 p.m.

MEMBERS PRESENT:

*Chair Dane Astle
*Vice Chair Jessica Sarkissian
*Tim Boyle
*Shelly Allen
Jeffrey Crockett
*Deanna Villanueva-Saucedo
*Ben Ayers

MEMBERS ABSENT:

None

(*Boardmembers and staff participated in the meeting through the use of audio conference equipment)

STAFF PRESENT:

Nana Appiah
Tom Ellsworth
Lesley Davis
Evan Balmer
Cassidy Welch
Kellie Rorex
Charlotte McDermott
Rebecca Gorton

OTHERS PRESENT:

None

1. Call meeting to order.

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

2. Review items on the agenda for the August 26, 2020 Zoning Board Hearing.

Staffmember Kellie Rorex presented case ZON20-00312 to the Board. Ms. Rorex explained this request is for a site plan to develop a restaurant with a drive-thru. She stated the parcel is zoned Limited Commercial (LC) and the use is permitted in the zoning district. She also informed the Board the applicant is also requesting a Development Incentive Permit (DIP) through the Board of Adjustment, and the purpose of a DIP is to provide incentives for the development of smaller tracks of land which has difficulty meeting current development standards. The DIP request is specifically for a reduction in the required southern landscape yard.

Boardmember Allen inquired about the location of the drive-thru and how it comes in from the front and down the side to the back of the proposed building. Ms. Rorex responded and informed the Board that the location of the drive-thru is a result of sharing a driveway with the existing car wash to the north of the property.

Boardmember Boyle stated most cities require 4' for the landscape of trees and inquired if the proposed 3' shows on the site plan is adequate. Ms. Rorex stated the Design Review Boardmembers and staff reviewed and confirmed there is adequate room for the proposed landscaping.

Staffmember Cassidy Welch presented case ZON20-003654 to the board. There was no discussion by the board.

Senior Planner Lesley Davis presented case ZON20-00435 to the board. There was no discussion by the board.

Staffmember Evan Balmer presented case ZON20-00475 to the board. Mr. Balmer explained this is a request to rezone Parcel F1 from RM4 with a PAD overlay to LC with a PAD overlay to allow a larger mixed-use development. The board reviewed the development as part of the larger Mountain Vista Master Planned project in June. And as part of the total development, parcel F, which is in the middle, was divided into two separate development parcels (i.e. Parcel F1 and F2). Parcel F1 fronts Southern Avenue and was intended to be a commercial parcel with a conceptual site plan. Parcel F2 is to the south and fronts Hampton Avenue. As part of the rezoning, Parcel F1 was mistakenly captured with Parcel F2 because of a combined legal description that was provided for the parcel. This led to Parcel F1 being rezoned to RM4, which was not intended to be rezoned to multi-family development. The intent of Parcel F1 has always been to remain LC. Overall, the subject request is to rezone Parcel F1 back to LC with a PAD Overlay.

Boardmember Villanueva-Saucedo inquired to confirm there are no other substantial changes to the approved development other than the subject rezoning of Parcel F1. Mr. Balmer responded and informed the Board that is correct, there are no other changes beside the rezoning of Parcel F1.

There was no presentation for the preliminary plat "Destination at Gateway – Parcel 3 and 9".

3. Receive and discuss a presentation on proposed text amendments to the Mesa 2040 General Plan including, but not limited to, Chapter 7 (i.e. Community Character Areas) and 16 (i.e. Plan Implementation and Amendment).

Planning Director, Nana Appiah, stated that staff previously discussed this item with the Board and made a presentation to the City Council in February. He further stated that the City's General Plan requires staff conduct a 3-year evaluation of the General Plan and make recommendations to Council of any possible changes to the Plan. This requirement allows the City to continue to move towards achieving the goals of the General Plan. This year staff conducted the 3-year evaluation in

association with the annual report of the General Plan. Through the evaluation, staff identified several issues to be addressed in the General Plan to allow the City to keep moving in a direction consistent with the goals of the community. Through the evaluation process staff received feedback from other city departments as well.

Senior Planner, Rachel Prelog, presented the proposed text amendments to the Mesa General Plan including, but not limited to, Chapters 7 and 16.

The General Plan is the guiding policy document of the city that guides its physical development. It also fulfills the requirement of state law and of the City charter. As part of the comprehensive review, staff may make recommendations to policies and implementation tools. During this review, staff identified two areas for improvement, specifically Chapters 7 and 16 of the Plan.

Ms. Prelog stated Chapter 7 of the General Plan relates to community character with the purpose of guiding land use policy within the City. Rather than focusing on individual parcels and specific land uses, the General Plan focuses on the character, look and feel of an area. The goal is to create a sense of place and this chapter combines concepts of land use, building form, and intensity to define the character of an area.

In the presentation, Ms. Prelog showed the 8 different character areas contained within the General Plan. Ms. Prelog stated when staff presented to the Council in February, they shared data from the Maricopa Association of Governments of existing land use in Mesa compared with other valley cities. Ms. Prelog further stated that while we may hear concern from the community regarding an overabundance of residential development and not enough commercial uses, that Mesa is actually well positioned within the land use percentages of other surrounding jurisdictions, and by comparison, does not have an over concentration of residential uses but it is critical to ensure commercial land use designations are protect from conversion to residential. Ms. Prelog stated that there has been a slight increase in the composition in single family uses since the 2017 data was review with Council.

Boardmember Allen asked how we compare the development of the surrounding cities when the size of each jurisdiction is so different. For example, the City of Chandler has 50% single family residential, but the acreage is different from Mesa, Gilbert or the City of Queen Creek which has more empty land than we do. Ms. Prelog responded that these percentages are relative to the area of the jurisdictions. Dr. Appiah clarified, as an example, Mesa may have only 12% vacant land, but when you multiply the percentage of land use, we are comparing it proportionally to the percentage of size or land area in each city. What we are trying to convey is not that our City is lacking in any specific area, but that we are on par, and in proportion, with other cities, and that we need to preserve our commercial areas. When the City receives requests for these areas of commercial properties to be rezoned to residential it is important to continue to preserve these non-residential land use

areas. Boardmember Sarkissian clarified the data is based on existing land uses and not zoning.

Ms. Prelog explained that the data was a means of showing how Mesa is positioned relative to other valley communities in the context of conversations with City Council regarding the pressure staff has seen about request to convert certain character areas to residential uses.

Ms. Prelog stated that the City has several character areas that have mixed use at the core and are intended for either mixed use development or intended as specialty districts with allowed supportive uses. For example, the employment district is intended for employment, but within that use we encourage other commercial uses and limited residential which is intended to support the employment and commercial use.

Dr. Appiah added that one of the issues with the character designations that allow mixed uses, is that those mixed-use areas allow for some residential and it is being perceived that the character area is supportive as being developed for residential uses without primary uses which are intended to establish the character area designation. Dr. Appiah stated it is critical to make the distinction that the area be developed as mixed-use and that the character type does not intend for the entire area to be developed as residential. Dr. Appiah further explained, as we go through the presentation and recommendation, it is important to distinguish between the primary intended use of the character designation with the secondary uses being supported to create the vibrancy needed for the character designation.

Ms. Prelog explained, there are several types of mixed-use designations and each one needs to establish a fundamental set of uses in order for it to work. For example, the "live-play" type mixed-use does not work without commercial uses being established as a primary use. As part of the recommendations to clarify and ensure that these areas develop with the intended character, staff is recommending refinement of the text to better describe the intent and to establish the minimum amount of percentages of primary zoning and land uses that can be used in some of the character areas.

Boardmember Crockett inquired if there are any types of guidelines that are looked at in terms of building a healthy community. For example, is there a specific percentage of land that should be employment as opposed to residential. In terms of urban planning theory, are there numbers that can be compared to that will determine a healthy mix of uses. Ms. Prelog stated there is no hard guidance from the profession of how to view specific uses. She stated her opinion is that it comes down to a community's vision and priorities.

Dr. Appiah added that this has been an interesting topic in the planning field. For example, there was a project last year where there was a specific thorough study showing the amount of employment that will be generated in the area and the

amount of population needed to support the area. Typically, we look at the population projection and based on that number, we can project the amount of industrial, commercial and open space that will be needed to support the population growth. When we were looking at this project, we looked at the defined character designations in the City and looked at what would be the right percentages of primary and secondary uses that would be needed to strengthen the character designation that was approved by Council and the citizens. The main issue was how do we ensure that the goal for the character area is actually fulfilled without specifying a specific percentage. Staff looked at various cities across the country and compared those character designations and we were able to come up with our recommendation.

Chair Astle asked how the percentages relate to how the market drives the way certain areas are zoned and how these areas can function during different times of the market or do they remain vacant. Is that even viable. Then, are there ways for some adjustment to that percentage, or is this something we need to get into that much detail. Dr. Appiah responded, the City needs to establish the vision of how the community needs to be and to keep that vision to adhere to the General Plan. The General Plan will help to maintain the vision. It is, in a way, not a stagnant document so whenever there is a proposal for an amendment or rezoning to be considered by the City Council they will consider and weigh the circumstances for each situation.

Boardmember Sarkissian stated in response to Boardmember Crockett's question that our community is so unique and large that the north west side of Mesa is so different than the future land uses and needs in the south east side. Ms. Sarkissian stated there are communities, such as Queen Creek, that may want to maintain their rural feel; or another community that does not want industrial uses in their area. The General Plan is important because it is how we do our land use guidelines and policies into the future. It is difficult to determine a specific percentage. This is how General Plan Amendments comes into play. She stated that as long as the General Plan is being used, it will continue to guide the city's goals, and it helps to have the plan reviewed every 3 years.

Mr. Crockett asked if the change would take the pressure off the board to approve rezoning requests. For example, a request for rezoning from commercial to residential. Dr. Appiah responded this would absolutely assist the Board's decision making and can be utilized to show that Mesa has enough land that is zoned for residential now for development. This will also assist in areas that are infill and adaptive reuse development areas.

Boardmember Allen asked if this will help the Board look at the quality of housing and residential elevations because there will be a need to have more upscale housing to provide for higher income levels, and where in the General Plan would this come into play? Dr. Appiah responded we are working with Community Development for a balance housing plan. One of the recommendations outlined in

the General Plan that was adopted was to review and update the housing master plan. There needs to be a balanced housing plan to ensure the proportions and various housing needs are based on the demand in the community. In terms of our division, one of the things we are working on that you will be seeing in the coming months is looking at infill development and adaptive reuse which provides a variety of housing needs and uses.

Boardmember Villanueva-Saucedo stated she loves this approach and stated it is difficult in this position to sit here and make well informed decisions with vague guidelines with a lot of wiggle room. She feels this will provide clearer benchmarks and references to make rational decisions for their recommendations. The more they can include real data driven decision making, it helps make easier decisions.

Boardmember Boyle inquired as an example, if the Character Area designation for "Neighborhood Village", mean that all of the area has to be 80% non-residential, or just the lot in the "Neighborhood Village" be required to have 80%. Dr. Appiah responded that this is based on two things; 1) if you are coming in with a development you need to meet the percentages unless you can show that 80% of the site as a whole character area has already been developed as the primary character designation, and 2) the rest of the 20% is all that would be allowed for the secondary uses. Either a request will meet the requirement as part of the proposed area or the overall character area has already been developed for the primary uses and a request will go forward with the secondary uses.

Ms. Prelog continued her presentation by presenting for the proposed amendments to Chapter 16 which involves plan implementation and amendments. This chapter describes the implementation tools which include rezoning, Council Use Permits, and subarea plans as examples. The chapter also provides the goals, policies, and strategies outlined in various chapters in the General Plan. This includes the process required for the annual and comprehensive review, as well as the process for General Plan amendments. Ms. Prelog stated the criteria for amendments in our current text is vague and leaves a lot of questionable criteria and interpretation. The proposed amendment intends to button down that criteria and make it clear what the difference is between a major a minor amendment.

Ms. Prelog presented the proposed amendment to the definition of a major vs a minor amendment. The proposed amendment defines the acreage that would be considered a major or minor amendment. As staff began looking at the sheer size of Mesa, we realized it is hard to apply these acreages because different sections of the city are so unique and would affect the character of an area and specific areas differently. For example, the downtown area is different than the southeast portion of the City, so we are recommending the downtown areas have a unique benchmark that is substantially smaller in scale. Consequently, we are recommending 10 acres be the benchmark to determine a minor or major amendment for the downtown and transit districts. Our recommendation for other character areas is to reduce the overall acreage for a major amendment from 320 acres to 160 acres.

Boardmember Allen inquired, what is the public process for a major and minor amendment? Dr. Appiah stated a minor amendment requires a public process with only one consideration by the Planning and Zoning Board and then on to City Council for action. He explained the Board has the authority to review the Minor General Plan Amendment in conjunction with a rezoning case. The Major Amendments require a year long process with the final hearing being required within the same calendar year as the submitted application. The process requires presentations in two different locations within the city and those locations cannot be in a school because it is considered outside of the City's jurisdiction. It is very critical when you are looking at a major amendment, as it is a substantial change in the area, and all factors must be considered, whereas a minor amendment may not be as extensive.

Boardmember Sarkissian inquired if there will be criteria for a minor amendment that would trigger the need for a rezoning. Her concern comes from how the City of Glendale does not have specific criteria and any rezoning comes in as a minor plan amendment. Some jurisdictions would say that anything with 10 acres or less does not require a General Plan Amendment. Ms. Sarkissian stated she would like to ensure we do not have the same issue that the City of Glendale has where every time there is a rezoning, it comes in as a minor plan amendment. Ms. Prelog responded to Ms. Sarkissian's question that a minor amendment would only take effect if the proposed zoning was inconsistent with the Character Area Designation whether it is the primary or secondary character area. When a minor amendment would kick in is if the zoning district was not included in the accepted list and there is a request for a rezoning, or if the request is to change the overall character area to get around the minimum percentage requirement.

Ms. Prelog concluded by reviewing the next steps in the process and stated that there is a link on the Planning Division webpage for the different special projects staff is working on.

4. Receive and discuss a presentation on proposed text amendments to Chapters 67 and 69 of Title 11 of the Mesa Zoning Ordinance including, but not limited to, the procedures for site plan reviews including administrative approval for certain initial site plan reviews.

Ms. Prelog presented an update to the proposed text amendments to Chapters 67 and 69 to the Board. Ms. Prelog reminded the Board that staff came before them in March to discuss changes to the site plan review process. Currently the process is to go before the Planning and Zoning Board or City Council for approval. This process can be thought of in two stages; first the review of the submittal to ensure it adheres to code and engineering standards, and second the public hearing process which includes all the required steps for noticing. It then goes to the hearing itself for recommendations and then to the Board or City Council for final approval.

Staff looked at other jurisdiction to see how they handle their site plan reviews and

identified some of the other cities that have minor administrative authority over site plans. Staff is proposing to create an administrative site plan review process for initial site plan reviews that meet all the requirements of the zoning code. Any site plan review request that includes a rezoning, BIZ, SUP, PAD, etc. that also requires a public hearing, then that site plan will continue to go through the public hearing process. We are recommending that both these processes require some public noticing so that neighbors will be aware of development in their area.

Dr. Appiah stated in addition to the notification process, staff has included the Planning Director to have the ability to refer a project to the Planning and Zoning Board for review based on responses from the public.

Boardmember Allen asked how the public would express concerns if an item is reviewed administratively. Dr. Appiah responded during the review process it would be required for the neighborhood notifications to be sent immediately in order to address any concerns prior to the approval of the site plan. These concerns would be submitted to staff and the applicant during the review process. It is very critical for us to acknowledge that most of the requests for site plan review involve uses that are already allowed by the zoning of the property. The P&Z Board does not have the authority to disapprove the use if it meets the requirements of the code.

Alternatively, if there is a site plan request that requires a rezoning or Council Use Permit it will still be reviewed through the public hearing process to be approved with the concurrent request. It is very critical we distinguish between these two types of reviews.

Boardmember Sarkissian asked if the administrative site plan review will include amendments to PADs. Dr. Appiah stated it would not include amendments to PADs that have been approved by Council or the Planning and Zoning Board, as previous decisions need to go back through the public hearing process.

Ms. Prelog stated the goals of the project are to streamline the process and to improve efficiency and predictability. Ms. Prelog presented a slide that outlined the timeline for each process and the resulting reduction in the timing of the review process for an administrative site plan. She stated this will also provide applicants the flexibility of review times and not be tied to the public notification requirements.

5. Planning Director's Updates.

- a. Status of on-going staff review of text amendments to the 2040 Mesa General Plan and Zoning Ordinance.

None.

- b. Decision of the City Council's August 24th land use hearings.

Council made no land use decision at the August 24 meeting.

6. Adjournment.

Boardmember Villanueva-Saucedo motioned to adjourn the meeting at 4:14 pm. The motion was seconded by Boardmember Allen.

Vote: 7-0 Approved

Upon tabulation of vote, it showed:

AYES – Astle, Sarkissian, Boyle, Allen, Crockett, Villanueva-Saucedo and Ayers

NAYS – None

Respectfully submitted,



Nana K. Appiah, AICP, Secretary
Planning Director

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