

# Planning and Zoning Board

## *Study Session Minutes*

Virtual Platform

Date: October 28, 2020 Time: 2:30 p.m.

**MEMBERS PRESENT:**

\*Vice Chair Jessica Sarkissian  
\*Tim Boyle  
\*Shelly Allen  
\* Deanna Villanueva-Saucedo  
\* Ben Ayers (arrived at 2:45 pm)

**MEMBERS ABSENT:**

Chair Dane Astle  
Jeffrey Crockett

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

**STAFF PRESENT:**

Nana Appiah  
Tom Ellsworth  
Lesley Davis  
\*Wahid Alam  
Evan Balmer  
Cassidy Welch  
Charlotte McDermott  
Rebecca Gorton

**OTHERS PRESENT:**

None

1. Call meeting to order.

Vice Chair Sarkissian declared a quorum present and the meeting was called to order at 2:36 p.m.

2. Review items on the agenda for the October 28, 2020 regular Planning and Zoning Board Hearing.

Staffmember Cassidy Welch presented case ZON20-00473 to the Board. The request before the board is for a Site Plan Review to allow for the development of a retail and medical office building. It is located on the perimeter of the Superstition Springs mall just south of Southern and west of Power Road. It is also located within the mixed-use activity district with a regional sub-type of the General Plan. The regional sub-type and mixed-use activity districts encourage strong and viable centers of commercial activity, which will pull residents of the community to these areas.

The zoning on the site is currently Limited Commercial. The intention behind the Limited Commercial zoning district is to provide areas for service oriented businesses that will serve the surrounding residential and both medical offices and retail are permitted uses in the LC zoning district. Ms. Welch showed some photos of the site as it exists today, and the location

was a Mi Amigos restaurant building. The applicant is proposing to demolish that existing restaurant building and build the new medical office and retail building in the same approximate location with street engagement on Southern Avenue as well as some improvements to the existing site, such as increased landscape areas, landscape islands, and some improved parking and covered parking.

The request went before the Design Review Board on October 13. The Design Review Board had some minor modifications and recommendations to the elevations that the applicant will be working with staff to finalize. The applicant did conduct a citizen participation process which included property owners within 500 feet as well as HOA's within registered neighborhoods within one mile, and neither the applicant nor staff received any response about the request.

In summary, we find that the request complies with the 2040 Mesa General Plan and meets the review criteria for Site Plan Review as outlined in the Mesa Zoning Ordinance and staff is recommending approval with conditions. There were no questions from the Board.

Staffmember Wahid Alam presented case ZON20-00486 to the Board. The request before the Board is a request for a site plan review for the development of a retail store in the Eastmark community. The location is on the north of Point Twenty-Two Boulevard and the west side of Signal Butte Road within a group commercial center. The General Plan is Mixed Use Community, and the primary focus is to include community services that can serve the residential area and the retail use is consistent with the General Plan. The zoning for the property is zoned (PC) Planned Community and located within the Development Unit 5/6 of the Eastmark Community Plan and the proposed retail use is permitted within that district.

Mr. Alam showed the street view where there is a two-story mini storage built on the west side of the property and a vacant lot on the north side and on the south side is the Safeway grocery store. The proposed site plan shows the AutoZone retail store and is located on the south west corner of the parcel just across the driveway from the Safeway and the mini storage to the west. The proposed retail store is roughly 6,800 square feet building. The building entrance is along the east side facing Signal Butte Road. The design of the building was approved by the Eastmark Design Review Committee on September 11 and they recommended approval of the design. The applicant completed the citizen participation process by informing surrounding residents within 1,000 feet, HOA and registered neighborhoods within a mile. The applicant received one email from Matt Banger that had no concerns.

Mr. Alam stated it complies with the Mesa 2040 General Plan and with the Eastmark Community Plan and meets the review criteria for Site Plan Review outlined in the Community Plan and in Mesa Zoning Ordinance. Staff recommends approval with conditions. There were no questions from the Board.

Staffmember Wahid Alam presented case ZON20-00503 to the Board. Mr. Alam stated this is a Site Plan Review for a proposed McDonald's at the northwest corner of Gilbert and McKellips Road. It is currently a vacant PAD site that used to be a Chuy's Restaurant. The zoning district is LC (Limited Commercial) which allows for the development of a restaurant with a drive-thru. The General Plan character designation is Mixed Use Activity with a Community Scale sub-type and the primary focus of the Mixed Use Activity character type is to provide community activity areas that include a significant commercial and retail component. Per the General Plan, the Community Scale sub-type district primarily serves the population

within a 4-mile radius and typically contains one or two big box buildings and associated shops and pad sites. This character type is typically at the intersection of two arterial streets and is typically auto dominant. The proposed restaurant with a drive thru is a permitted use in the LC district. Mr. Alam showed aerial views from the site and into the site. Along the west side there is an Urgent Care facility and across the parking lot to the north is the new IOS Fitness Center, and along the east view is the Dutch Bro Coffee drive-thru. The proposed McDonald's will be using the existing driveway and will be within the existing group commercial in the shopping center with a cross access easement within the center. The drive-thru will be wrapping around the building on the west and south side of the building.

The Design Review Board reviewed this proposal on September 8, and had minor comments. The applicant completed a Citizens Participation Plan and informed the property owners within 1,000 feet and HOA neighborhoods within a mile. There were no major concerns, but the applicant did receive two phone calls. One was from the property owner to the east inquiring about the site plan layout. He was ok after reviewing the site plan. The other call was from a resident who basically wished that this facility would have been a healthier facility. The resident stated he recognized that this is not a zoning issue and does not have any concern with a restaurant at this location, but the type of the restaurant or the type of the food that they will serve.

Staff stated it complies with the Mesa 2040 General Plan and meets the review criteria for Site Plan Review outlined in our Mesa Zoning Ordinance. Staff recommendation is approval with conditions and staff received a comment card on this case.

Boardmember Boyle inquired about the kind of queuing design on the property and wondering if the drive-thru has two lines for the cars to order. Mr. Boyle asked if we are seeing more queuing options like those utilized by Starbucks and is the trend moving towards this? Or is McDonald's sort of the only one doing this sort of queuing option. He stated this seems like a much more efficient way of queuing and getting a lot more cars in the line without having to have cones in the lot. Boardmember Allen stated she has seen it in several places such as Taco Bell doing this quite a bit in Chandler. Mr. Boyle confirmed it is not just McDonald's and it seems the new way of doing things.

Boardmember Ayers stated this is one of the questions he had. He lives nearby this location and just adjacent to the area is a coffee shop, Dutch Bros. And the queuing for the Dutch Brothers gets extremely long to put it mildly. And now, they are adding to the problem and it is a concern that these two are right next to each other. And there's already a significant issue with queuing with the Dutch Brothers.

Vice Chair Sarkissian asked if the board would like to pull this item off consent to discuss at the hearing. Boardmember Boyle stated he is not concerned about it to have the item removed and only had general questions about queuing. Boardmember Ayers stated he does not necessarily think it should be pulled, but just surprised that the use was provided without further kind of traffic studies to understand the increase of queuing at that location. Mr. Ayers stated he wanted to voice his concern and was curious about it.

Boardmember Boyle stated it would be interesting without getting too off topic, how there is some new parking with mixed use for some restaurants that only need parking for certain hours and other things. He wonders if McDonald's has different hours when its queuing is longer than a Dutch Brothers.

Planning Director Nana Appiah added that the site plan and the elevations was approved a while back. The applicant had actually gone through all of the processes, they went to Board of Adjustment and got all the variances, the approvals just expired. Staff wanted to still work with them to modify the approve site plan a little bit so it is not a new use that is coming to this site. Vice Chair Sarkissian confirmed they will read in the comment staff received before the vote, unless staff received additional comments we will not pull the agenda off consent.

Staffmember Wahid Alam presented case ZON20-00576 to the Board. He stated this is a redevelopment on Gilbert Road just south of Southern and north of Hampton. This is a Site Plan Review and will allow for the development of a drive-thru restaurant.

The General Plan character area designation on the property is Mixed Use Activity with a Community Scale sub-type. The community scale district is a character type that is typically found at the intersection of two arterial streets and are normally auto dominant. The proposed restaurant is a drive thru and it is consistent with the General Plan. The zoning on the property is LC (Limited Commercial) and typically allows for businesses that served the surrounding residential area and restaurants with a drive-thru.

Mr. Alam showed the area view from Gilbert Road and stated he believes it used to be another restaurant. Across the parking lot is another restaurant and thinks it has a wedding facility. The site plan will be built in the middle of the parcels and the existing building will be removed.. Some of the good things that they have done is the existing parking along Gilbert Road has been removed and will make it more street friendly with direct pedestrian connections from the road to the restaurant.

The proposed project will go before the Design Review Board on November 10. The applicant has completed a Citizen Participation Plan by informing residents within 1,000 feet and neighboring HOA's. The applicant and staff have not received any comments or any concerns or any inquiry from the surrounding neighborhoods. The proposed project complies with the 2040 General Plan and meets the review criteria for Site Plan Review as outline in Section 11-695 of the Mesa Zoning Ordinance and staffs is recommending approval with conditions. There were no questions by the Board.

The next item introduced was agenda item ZON20-00398. Boardmember Boyle stated he will be recusing himself from discussion of this agenda item as he is the Architect on the project.

Staffmember Cassidy Welch presented case ZON20-00398 to the Board. Ms. Welch stated this is a request to Rezone from RM-3 (Multiple Residence 3) to RM-3-BIZ (Multiple Residence 3 with a Bonus Intensity Zone overlay) and site plan review to allow for the development of a multiple residence. The site is located north of University and west of Val Vista Drive and is immediately adjacent to the eastern canal. The General Plan designation for this site is Neighborhood Suburban and the intention behind that General Plan Character Area is to provide for a diversity of housing types with higher density located along arterial frontage. The current zoning on the site is RM-3 (multiple residence 3) and the applicant is proposing to rezone the site to RM-3-BIZ (Multiple Residence 3 with a Bonus Intensity Zone overlay) for some deviations from development standards.

Ms. Welch showed some existing photos of the site and there is an existing residence on the site. The elevation of the site is slightly lower than the canal to the east and the photo shows

that the canal is actually used by pedestrians. The existing house on the site will be demolished as a part of the proposed development. There will be some shared access to the single residents to the west that will be maintained by this proposed development. The request is for 36 townhome units with a centralized amenity space located along University Drive, with an additional amenity space located to the north of the site, with the units adjacent to the canal facing along the canal. The site will be accessed through access drives from University Drive.

The applicant did go before the Design Review Board on September 8 and also requested an alternative design compliance due to the design of the elevations. They are submitting more of a modern architecture and our current code requires certain design standards that are not compatible with the type of proposed architecture such as a variety of materials, and a base and top treatment that would reduce the aesthetic quality of a modern architecture. As a part of these requests, the applicant is requesting certain deviations from development standards. They include: 1) a reduction from the minimum front setback along University Drive from 20 feet for the building and landscape to 10 feet; and, 2) a reduction in the minimum interior side setback on the west property line from 15 feet for landscaping down to five feet minimum.

Also, there are some areas identified as zero feet, and those are intended to allow for access drive to the property owner to the west and to maintain turning radius on the site. There is a reduction in the minimum building separation from 30 feet for two story buildings to a minimum of 21 feet. The code requires garage doors to be recessed with a minimum of 3 feet from the upper story façade and the applicant is requesting a reduction down to zero feet. Finally, they are requesting a reduction in the minimum depth for above ground balcony private open space and the code requires 60 feet and 60 square feet minimum with no depth less than six feet. The applicant is still proposing to maintain that 60 square foot minimum with a reduction in the minimum depths to 3 feet.

The applicant did complete a Citizen Participation Plan which included notification to property owners within 1,000 feet and registered neighborhoods and HOA's within one mile. They did hold a virtual neighborhood meeting on August 6, with some residents in attendance. The residents highlighted some concerns such as increased traffic on University Drive, noise from those multiple residence uses particularly from the second story balconies, and had concerns that the proposed development would block the views of the canals of the single residence developments to the west. Staff also received an email from an adjacent resident who had some of the same concerns with traffic and the additional amount of residents in the area.

Overall, staff is recommending approval with conditions and we find that the proposed request complies with the 2014 Mesa General Plan. The site meets the review criteria for a Bonus Intensity Zone Overlay and meets the review criteria for Site Plan Review.

Boardmember Allen inquired if there will be two car garages or single car garages. Ms. Welch responded there will be two car garages. There were no other comments or questions by the Board.

There was no presentation for preliminary plat "Bella Encanta".

Planning Director Nana Appiah informed the Board Rachel Prelog, Senior Planner will be presenting the three code amendments. Ms. Prelog stated we have three of our text amendments that we are bringing forward for you today for your recommendation to City

Council. The first one of those is the site plan, review and amendments. As we have discussed previously, site plan is a process by which we ensure compliance with the General Plan, the Zoning Ordinance and Engineering standards. This is to make sure that they are providing adequate infrastructure and that we are providing high quality development. This involves the physical organization of the site itself and is not the approval of the land uses on the site, but rather the physical development and the layout of the site. The goal for this is currently is to look at improving the efficiency and the predictability of some of our processes.

Currently, as we discussed, the site plan review process can really be broken down into a two-step process. The first being the staff review, where we are reviewing the application, we are making comments, meeting with the applicant to get to a point where it is meeting all of our code requirements, or setting them up through a different process if there are any other deviations that they need to request through the code. And, then the second part of that process moves into what we categorize as a public hearing phase. That is when we have to provide public notice, scheduling this for Planning and Zoning Board and/or City Council, writing staff reports and getting ready to do the public hearing and have the item considered and either approved or denied by Planning and Zoning Board and/or City Council.

We are looking to improve the efficiency of this process and looked at other municipalities within the valley. We did see that there are several other jurisdictions that do have some minor administrative authority to approve site plans. Just looking at best practices and how they handle their processes, we used that to form some of our recommendations today. What we are recommending is that we split up this process and create an Administrative Site Plan Review process, and then continue to have a more formal Site Plan process. The difference in these would be the Administrative Site Plan Review would be for uses that are permitted by right and that are not requesting any deviations from code. The standard process would still be there for uses that require a public hearing if they are requesting any sort of deviation from the code, or if it is accompanying a Rezone or a Planned Area Development.

With both of these processes, we are recommending that there be a public noticing requirement. With the Administrative Site Plan Review, that would be a new process, we are recommending that starts at 500 feet. Just like with the public hearing process, staff would have the ability to recommend or require a greater notification area if there is some reason that warrants that. So, if it is a larger area where we might not reach many residences, in that case, it might be appropriate for us to increase that buffer distance. With the Administrative Site Plan Review noticing, we are going to require that go out within 15 days of the application being accepted by the City. And then, after that the public would have a 10 day response period to contact the applicant or City staff with any questions or concerns. If staff receives a preponderance of objections or concerns to a case at that point, the Planning Director would have the ability to pull this off of the Administrative process and send to the Planning and Zoning Board for their consideration.

With these recommended amendments, we are refining some of the Site Plan Modification criteria. It used to be very broad, where it said that the Planning Director had the authority to approve certain minor modifications. So, we are really just strengthening that and putting in real specific criteria for what would be considered a minor Site Plan Modification versus a major Site Plan Modification. We are also making some revisions to the site plan expiration provisions. Currently, site plans are valid for two years from the date of approval. With these changes, we want to specify that this would not be

applicable to a minor Site Plan Modifications. This would alleviate a concern by staff that people might try to circumvent the system and come in with minor modifications to prolong their approval on it.

And then finally, we are adding some definitions to clarify what is a Site Plan Review is versus what is a site plan modification and putting more detail into a lot of these provisions. With these recommendations, we believe this really will help the efficiency of the division as with the site plan review process. It is pretty straightforward, where we are checking the code to see if the plans are meeting code requirements. If they are not, we often will not bring them to the board yet, because they are not ready. Or, if they have to request some sort of deviation from the code through a different process. Through this, we are able to cut off a significant amount of time through that public hearing process, roughly 50 days, if it has to go all the way to City Counsel, or about 20 days if it does not need to go to Planning and Zoning. This is really just a base timeline because it really depends on the number of reviews that are required by an application. This is just assuming that we are doing one review, and it's ready to go to hearing. With an Administrative Site Plan, this also gives the City a little bit of leeway in that if we do have certain circumstances where there needs to be an expedited review, the administrative process would allow us that opportunity. Whereas if we had to do go through the public hearing process, that is more dictated by legal requirements with the public noticing and there is not that much flexibility in that aspect.

Boardmember Allen inquired if the 20 day difference is because of advertising requirements or has it shortened the process because we now have two meetings a month. Ms. Prelog responded, it is not based on our current practices of having two meetings a month but based on our noticing requirements for timeframes and looking into the papers, public notices. Boardmember Allen confirmed if it has to be in the paper 20 days before the meeting. Dr. Appiah responded: Vice Chair, members of the Board, we have to send the notification a couple of weeks ahead before it gets publish, because it is required to be published, I think 15 days, and the newspaper has a specific timeline. But in addition to that, which I will add to after Rachel finishes her presentation, is not only the notification process, it's all the other extra work that goes into the site plan review, writing staff reports, basically organizing the meetings and all that prior to the board considering the case. Because if those boxes are not checked, it does not even make it to the board.

Ms. Prelog stated as far as public outreach, we did do quite a few throughout the year. We went to the Development Advisory Forum in February and June of this year. We had an Open House in August, as well as a Virtual Open House for a couple weeks. We also have a special projects website that we have drafts of this ordinance posted on and that has been available from June to currently and still up. We have been to City Council for a couple of study sessions, one in February and one in September. Some of the feedback that we received from Counsel was concerns about specific uses, an example of that would be mini-storage facilities. We are going to be covering those specific uses later on in our Miscellaneous Text Amendments. But there was some concern by Counsel about some of those uses that are currently permitted by right that they had concerns about those being reviewed administratively. And lastly, they were satisfied with what was being addressed with the text amendments. Our next step is that we will be going to City Council for introduction on November 16 and for their consideration on December 1.

Dr. Appiah added a few comments to Rachel's presentation. He stated it is very important to note that this administrative site plan review is not going to be approved for any use that is not permitted by right in the zoning district, and also not going to approve any deviations from the standard code or with any increase in density. What the administrative approval is going to do is basically allow the users with a site plan that is allowed by right to come in if they meet all the standards and meet the design guidelines. Basically, it is just having a check off sheet and checking off those boxes. Our goal is to basically streamline our process and make it predictable, and to encourage the majority of developers to meet our standards. Because if people come in, and they know that if you just follow the code and the basic requirements, you will get your permit sooner. And it is going to encourage them because so many times, because of the public hearing process, it is an opportunity to ask for deviations, they will ask for it in a way for the best interests of their project. Because at the end of the day, why not ask for those deviations in a way because it does not reduce the timeline.

So, this is one of the reasons why we are encouraging the administrative process. And also, this has been a complaint from the development community about looking at the table that Rachel showed you, where there are several cities around the Metro area that actually do this administrative site plan review approvals. But having said that, it's also critical to know that in situations where we do get a substantial amount of concerned neighbors, and although the board cannot prohibit the use, there are those instances, when we definitely want the Planning Division to request the site plan to come before the Planning and Zoning Board for review. So, if you read the Ordinance, that language was added as well. And that is one of the things we discussed with Council because they wanted to make sure that in situations like this, we have the authority to refer the request to the board.

And finally, when we discuss this with Council, there were three specific uses that they felt uncomfortable with because of the issues that majority of them have experienced in their district. One being the location of assisted living facilities; 2) min-storages; and 3) and boat storage. We actually did not have a definition for RV or boat storage, and now we do. So, those were the three specific things that they wanted us to really address and come back with a text amendment. So that will be taken out completely of the Administrative Site Plan Review. And that is what we will be discussing with you later today.

Vice Chair Sarkissian confirmed if the public comes back and talks to staff and there are some neighbors and community members that want it to be heard and brought back to the Commission or Council, are those going to be cases that we have to review and will there be an ability for this Board to actually deny them. Or will those still just be more to hear the public comment and concerns. For example, a case that needs some discussion about the increase in traffic.

Dr. Appiah responded: Vice Chair Members of the Board, so if those cases are referred to the Planning and Zoning Board, you will still have to follow the criteria for review, and that criteria is not going away. And with that criteria for review, if a use is permitted by right in a zoning district, and whenever Planning and Zoning Board is reviewing it, they are reviewing it based on the site plan, orientation of the buildings or setbacks, and all that you are currently reviewing a site plan for, and not for the specific use because those uses are allowed by right. If you believe that a site plan does not meet the site plan criteria, you can deny it based on the



site plan criteria, but not the use. So, the applicant can always withdraw, reconfigure the site and come back. That will not change what you review against the criteria you review, again for such projects.

Vice Chair Sarkissian asked a second question: she stated she did not quite understand when they were discussing what part of the site plan modification does not apply. Rachel Prelog responded that the original site plan would have the two-year approval date. So, we wanted to make it clear that if you come in for a minor site plan modification, that would not extend your original site plan approval for another two years. You would still have your original approval date that has the two-year approval date on. Ms. Sarkissian confirmed if for instance, an applicant had an original site plan and is adding on to a commercial center, then that minor site plan would get the two years added on itself. Ms. Prelog explained the initial site plan is the one that would have that two-year expiration approval date. So if someone came in for a minor modification to the original site plan, for example if they wanted to change the location of the buildings slightly or orientation, maybe add a drive-thru window, something that is really minimal, then staff can approve themselves. What we are saying is that the approval of the plan does not get extended for another two years from the approval of that modification.

Boardmember Allen stated on the chart where you talked about the other cities that offer this type of Administrative Approval were Gilbert and Queen Creek. Is that correct? Dr. Appiah responded that Fountain Hills, Glendale and Tucson actually have a complete Administrative authority. They go even farther beyond what we are requesting. Ours falls in the middle. Because if an applicant asks for any deviation or any modification, that will not be approved administratively. Also, if Council has approved a site plan previously through a zoning case, we will not have that administrative authority to amend the site plan and will be required to go through the actual public hearing process.

Boardmember Boyle stated he has a question. He asked, if a neighborhood group wanted to get together and oppose one of the projects, what would the process be and where could they do this. If it comes before us, is it more for just a conversation that they are having with us or can they take it to City Council. What would be the most effective way for a neighborhood to provide us their input on a project.

Dr. Appiah responded: Vice Chair, Boardmember Boyle, this will not be different from our processes right now. One of the things that our Zoning Ordinance really encourages is neighborhood meetings, even before you submit the application. That is where it is really effective. So if you look at a Citizen Participation Plan, you can tell those that actually follow a plan and those that we encourage to really do it the right way, it is right from the inception of the project. Because by the time they bring the plan to us, they already have a preconceived idea or notion. But I do not believe that a formal process is the best way for citizen participation. For example, I was online last night for a project that the developer was thinking about. And before they go ahead and even do that pre-submittal, they are talking to the neighbors about the concept. That's when you really talk and discuss issues because the whole idea of citizen participation and neighborhood input is you take the input of the neighbors and you modify your plan in response to the feedback. Or if they don't have any concerns, you move forward. By the time they submit most of these plans, they already have a preconceived idea of how many units they are going to get, the size of the amenities and all that. So, this will be the same way we will continue to encourage applicants to conduct neighborhood meetings, which will be outside of the 15 days. This will now be in addition to

what we encourage every developer to do. So every one of these would have had a neighborhood participation component ahead of time before it comes to the Administrative Approval.

Ms. Prelog stated the next amendment that we want to discuss with you are amendments to the Assisted Living regulations. So, this was a directive of council or we wanted to ensure that assisted living facilities are located within context to the appropriate areas. We also want to encourage that the commercial development of major road intersections where they are more appropriate as opposed to having Assisted Living centers or facilities located on those arterial intersections. With the amendments we are proposing some new definitions. There used to be just one definition for an Assisted Living facility. But as part of our public outreach, and just kind of looking at best practices as well, what we are trying to do is align our definitions better with the Department of Health, their conditions for assisted living.

So, this would include breaking up facilities down into a couple of categories. The first one of those would be an Assisted Living home, which would be 10 or fewer residents, and then differentiating that from Assisted Living Centers, which is 11 or more residents. So then, as that applies to our current standards, on the very top line of this chart, you will see how Assisted Living facilities used to be permitted in the zoning districts in the crossed out font. For the most part, they were part of a Special Use Permit in our commercial and downtown zoning districts. And the way that the smaller facilities are handled is they were reviewed as group homes for the handicapped. Those were going into residential zoning districts, but they were considered group home for the handicaps. With these changes, and the different designations of Assisted Living Homes versus Assisted Living Centers, we are refining that to show that Assisted Living Homes with 10 or fewer, are reviewed, similar to how they were with the group home for the handicapped, as being permitted in residential zoning districts.

The major change that we are really proposing is that in the commercial downtown zoning districts, where Assisted Living Facilities used to require a Special Use Permit, we are recommending that those now require a Council Use Permit. And part of that reason is just to give this an added layer of public participation and review. So, it would now have to come to the Planning and Zoning Board and then it would go on to City Council for their consideration. With this, we are also recommending some performance standards be added to the zoning ordinance. We did not used to have any whatsoever, it was just the Land Use Regulations. So, with this, we are recommending that there be a 600-foot separation from a major intersection. And that really is to go back to some of those beginning goals that we heard from Council where we are wanting to have these Assisted Living Facilities be located off of those major intersection corners that just start to be a little more dangerous. But also, a little more appropriate for commercial high intensity commercial uses.

And then the second one of these performance standards is a 1200-foot separation from another Assisted Living Center, a nursing convalescent home or group home for the handicap. That goes back to preventing an over concentration of these uses to really prevent it from becoming a kind of de facto social service area within the city. But that also goes to the goal of trying to allocate some of our emergency services a little better to not overburden our Fire and Police because there are a number of calls that go out to those facilities.

And lastly, we are going to require that these facilities now register with the City and provide us proof of their State license that will help us enforce this 1200 foot separation so that we can keep track of where these facilities are located and make sure that they do have their licensing

by the State.

So, with the Council Use Permit, we are recommending the addition of additional Council Use Permit criteria. So, the first one of these is that that it should not alter the character of the area by creating or intensifying and de facto institutional atmosphere. So back to that 1200-foot separation from another facility, once again, looking at not overburdening or having an inverse impact on the City's Fire Department and not having an adverse impact on vehicular traffic or other public facilities.

So, we did do some outreach with a couple of the Assistant Living Associations. As I mentioned earlier, they did tell us the only real input they wanted us to add was aligning our definitions better with Department of Health definitions. But other than that, they did not have any concerns about what was being proposed as far as separation from the intersections or separation from other facilities. And then once again, we did just like the other amendments, the special project website that has been up since June. This was part of the General Plan and Zoning Text Amendment Open House that we had in August, and also part of that two-week ongoing forum for the Open House. So, along with the Site Plan Review, this is going to be going to City Council on November 16, for introduction and then to City Council for consideration on December 1. That concludes my presentation on that be happy to answer any questions.

Vice Chair Sarkissian stated this will really help address some of the concerns we have heard recently and over the years. One thing she wanted to suggest or mention is, I'm sure you've probably already thought about this. But when I was working in the City of Phoenix and having to address these with a 1200-foot separation, that over time they can expire and the City is not notified so when people come in to apply for a new Assisted Living Facility, they may be triggered that they are within 1200-feet of another facility, when in fact that other facility has vacated. So, people were coming in and complaining at the City of Phoenix at that time and they ended up just taking their listing every year and sending out a courtesy letter asking if they are still in operation. Obviously, that impacts anybody from coming in if they are requesting a new facility.

Dr. Appiah responded: Vice Chair, members of the board, that is a good point. So that's actually why we are asking for a registration, to be able to have a database and be able to continue to monitor the status of those users as well as contacting on a yearly basis. Contacting them or requesting them to send information to us so we can continue to make sure that they are in operation and whenever you go out of business, we can actually strike that off of the list.

Boardmember Boyle stated: I have a question. If you can go back to the sheet that has the RS Zoning and the RSL zoning, what is going to be the result of allowing these Assisted Living homes in the RS, RSL and DR zoning districts.

Rachel Prelog responded: Vice Chair and board member Boyle, I apologize if that wasn't very clear when I was explaining it, but they currently are being approved in residential districts. How they are getting categorized or approved as a group home for the handicaps is what we are showing. So there really is not a change to this, it is just that we are now defining that Assisted Living homes have 10 or fewer residents and Assisted Living Centers have 10 or

more. Our old definition really was more of an Assisted Living Center definition where it was capturing those larger facilities. So, there really is not a difference here and what is being permitted. Mr. Boyle confirmed: Okay, so they're already going into those districts just not formally as this. Ms. Prelog confirmed they are just being considered under a different use.

Boardmember Boyle: Okay. And then, if I remember correctly, so now we have Assisted Living Centers, which is 11 residents or higher, and Assisted Living Homes has 10 or fewer. Are the homes with less than 5 residents not counted as assisted living homes. Rachel Prelog responded: Rachel Vice Chair, boardmember Boyle, in the next coming couple of months, we are going to be bringing forward another amendment to you that has to do with Group Homes for the Handicap and what we are calling Community Residences. It is more in line with the State definition, and with that, there is going to be a new definition for family which we currently do not have in our Zoning Ordinance. So, at that time it is going to change and will be that family will be considered four or less individuals. So those homes in an Assisted Living Facility with 5 or less, would be considered a family.

Dr. Appiah stated: The reason we are not addressing the homes with 5 or less residents, is that they are considered as a family. And so, because of that we do not regulate the homes with less than 5 residents. We have it in our Code that they can go into any residential area that families are allowed to live in. So, that is why that is no part of it, but it will be clearly addressed when we come before you with the next set of Code Amendments which is going to deal with Group Homes for the Handicap that we are now going to call it Community Residence.

Mr. Boyle confirmed that those homes are not regulated or recorded. Dr. Appiah responded that they do come to us for a building permit which is a separate process from the Zoning process. Mr. Boyle responded: Okay, because I think that is the issue that many of the folks in my neighborhood had was with the large amount of the five or less residence homes that were unregulated, and they were kind of creating whole neighborhoods full of these homes that were having a negative impact on that area. So, as I as I understand it, that's by Federal or State regulations, and so there's nothing really we can do about too many of those showing up in a neighborhood and it is just not something that comes under our purview at all.

Dr. Appiah stated those homes of 5 or less are regulated by State requirements and we are looking at updating the Zoning requirements for those. And so yes, they are regulated in a way by the Federal Government and State, but not in terms of the Zoning as to what kind of use classification is used. If they have five or less residents, then it is considered as a family. However, they still have to follow the DHS requirements to have those homes and it is outside of the use classifications.

Boardmember Boyle stated: Well, it's my other concern that a lot of these smaller homes that are five or lower are ending up with three, four, five, or six on the same street. A lot of them are in the Broadway Extension area, as our neighborhood was going through and trying to track them down. But, because of Federal Law, I think there is still not anything really that a City does to manage the amount and I'm wondering if this is the opportunity to do so. Or if it's going to continue to go in that same way where they just happen and there's sort of nothing that a neighborhood can do about too many of those showing up.

Dr. Appiah responded: So, this is not the right forum for discussion, and we will be coming before you to deal with this and it will fall under the Community Residence criteria and discussions. I have heard this so much from the community, especially, I think Boardmember Boyle, your community specifically. Also, that is something Council did ask staff years ago to look into it. We have been working on it and that's definitely the next set of code amendments or discussions that we are going to be having. Council actually brought this up again, when we began discussing the Assisted Living Facilities and we told them that is the next set of code amendments. So, they are looking and expecting us to bring something to them for discussion. Rachel Prelog presented the last text amendment is what we have been calling the Miscellaneous Zoning amendments. And this is because this is a compilation of various corrections and clarifications and smaller text amendments that really did not warrant being on their own.

So, within this the first one of these that was brought up earlier by Nana was the idea of boat and RV storage. As he mentioned, currently, we do not have a Land Use classification for boat and RV storage. What we are doing is proposing that this be included with our Land Use classifications as an Industrial use. This would obviously be for the parking and keeping of boats, recreational vehicles and associated equipment. And with this, we are recommending that this be through a Council Use Permit in General Commercial, Limited Industrial, General Industrial and Heavy Industrial zoning districts.

The second one of these amendments is modifying the provisions for mini storage. So, as you can see on the Land Use chart in front of you, currently it is a kind of mixture of either being a permitted use or requiring a Special Use Permit in various zoning districts. With this, we are recommending that this be changed to require a Council Use Permit as well. This has been something that we have been asked by Council specifically to address some of the concerns that they have with the location of many storage facilities.

The next change has to do with provisions for Residential Commercial districts. Ms. Prelog showed a presentation of the existing provisions within the code that are within table 11 which is Commercial and Mixed-Use districts. And then within section 11-31-31, staff brought this forward to really provide some clarification in the language where there was some ambiguity. And there were some pieces of language that conflicted with one another in the table, the Land Use Table.

So, staff originally brought this forward just to clarify that language to make it easier to implement those regulations. But when we met with Council, just a month ago, one of the recommendations that they had were some changes to the overall Gross Floor Area requirements for a project. In the presentation in the first blue box, you can see that it says 60% requirement which was at the recommendation of City Council. Previously, it used to be that these projects would have to contain at least 40% of the Gross Floor Area reserved for Commercial Uses. And was contrary to what you would expect. So, these are Commercial Districts that were allowing Residential Uses and, and we were saying that only 40% of it has to be Commercial. Council wanted to switch this the other way to make sure that the majority of those uses within the Commercial Districts are Commercial Uses, as opposed to Residential Uses.

The rest of these provisions are staying the same with some clarification to the language in Section 31-31. Once again, public outreach for this was conducted as part of the General Plan Open House, a Virtual Open House, and our Special Projects website. Once again, this was brought to Council in September, where we had discussed changes to the overall requirements for the Gross Floor Area being switched to 60%. We will be taking this to Council on November 16 for introduction and to City Council for consideration on December 1.

Vice Chair Sarkissian asked if all of the projects for RV and boat storage have been coming in with CUPs already or are those being directed to request a CUP. Or are the existing facilities going to be grandfathered in.

Ms. Prelog responded that because there was no Land Use Classification for about boat and RV storage previously, it was being considered under Commercial parking requirements. So depending on the Zoning district, those were either permitted or required to get a Special Use Permit. Those of course that have their entitlements and they would not be required to come back in for a Council Use Permit. But moving forward as of January 1, when this Ordinance would go into effect any of those boat and RV storage proposals would now require a CUP.

Nana Appiah stated this is also one of the specific types of Amendment several Council members actually requested us to amend because they want to be the body that makes the decision as to the location of boat and RV storage facilities. In certain situations, the location actually does not conform to the goals or the vision for the area. And in certain situations it could actually be a good economic use in the City because of the sales tax that brings to the city. So there are so many dynamics that go into it and Council wanted to make sure that they basically become the body that makes the decision because they can consider all the other factors that they want to be able to use to either approve or deny the use. And several Council members have had issues with this in their district. So, we were specifically directed to look at the request and make a recommendation before it goes to Council for action.

Vice Chair Sarkissian stated she can think of several cases that they have seen which were a little controversial, but they went through with just a site plan. This would probably would have been a better way for neighbors to know the request and this board to discuss it further.

Boardmember Villanueva-Saucedo commented that she thinks these are really smart amendments and it is difficult to make decisions on future use projects when we do not have accurate data. And she feels like this will more accurately give us a picture of what actual uses are throughout the city, especially around the nursing facilities and care facilities. And if we are just clumping things together in general categories, we don't have an accurate way to track data. So, she really thinks that this will help us, I think that's really smart. And I feel it also keeps us in our lane, there are certain things that are not within our purview. And I feel badly when we have neighbors come before us and there's absolutely nothing we can do. Because we're nothing more than a rubber stamp. So, I just think these are really in general very smart and gives us more structure keep us in our lane. Of course, I love it.

Boardmember Allen stated she has some questions that hadn't really talked been about. My questions are on this first page of this of the zoning ordinance one of them where the change to lot coverage to building coverage.

Rachel stated as part of the miscellaneous amendments, there are several clerical changes

that we're making in several areas to improve the clarity of the text. So with the building coverage and lot coverage, when we did the Quality Development Design Guidelines last December, we introduced a new definition for lot coverage. And that really included all impervious surfaces being considered as your lot coverage. When we did that, I was not aware we did not have a definition for building coverage, currently, or requirement for building coverage. And I was not aware that there was a definition that existed in Chapter Two for building coverage, but it was labeled lot coverage. And so that was one of these inconsistencies that we had to go back and we're fixing with this amendment.

Ms. Allen stated she will clarify her question. Back when I reviewed this a little more detail. In Sections 5, 3-a, 2 and 11-53 and Commercial Table 6-3, it gives a maximum lot coverage for each zoning district. How does that define the building coverage correlate with the maximum lot coverage and development standards and can you explain the need to define the building coverage. I know you talked about that already but tell us how it applies in the development standards. Because the definition of lot coverage in Chapter 87 doesn't refer to building coverage.

Nana explained that the lot coverage requirement in the table in Chapter 3 is the lot coverage that includes impervious surfaces. And building coverage is just specific to the building including accessory structures. That is a definition for a building coverage. So, when we talk about lot coverage in Chapter 3, it actually is the impervious surfaces. And the 90% or whatever percentage of lot coverage required on a site will be all the impervious surfaces.

Ms. Allen confirmed staff is going to change it in both places, so that it's consistent all the way through.

Dr. Appiah responded that right now, we had a requirement for lot coverage in Chapter 3. However, the definition that we had previously was where the error was. We had a definition for building coverage but when we did a Zoning Text Amendment and changed, or added lot coverage, we changed the definition. We missed the definition that was already there for building coverage. So, that got mixed with lot coverage and what we are doing now is clearly defining lot coverage to differentiate that from building coverage.

City Attorney Charlotte McDermott rephrased Boardmember Allen's question. She asked, if her question is whether the Development Standards and the other sections of the Zoning Ordinance need to change the language to say building coverage? Because right now, it says lot coverage. Ms. Allen stated that is the question, because it is inconsistent now.

Ms. McDermott asked staff if they could address the question from Boardmember Allen. She is asking of why you're changing, Chapter 2 to building coverage, and in the Development Standards, it still says lot coverage.

Ms. Prelog stated before we changed the amendments last December, there were requirements for building coverage which was right for the roof area of structures. And at that time Chapter 2 of the code had a definition that was being applied to building coverage, but the title of it was lot coverage. So, there was already some inconsistency in the code. So that was the issue because it was mislabeled in the code. When we came forward last December with those amendments, we proposed a new definition and some new regulations for lot coverage for all impervious surfaces. So that would include all your driveways, all your

sidewalks as well as your roof coverage, and that really is to prevent sites from being overdeveloped and not having any sort of open space. When we did that we had that amendment go through we now have requirements for both building coverage and lot coverage within the Zoning Districts. But what we realized is that in Chapter 2, there was that error where the building coverage definition was labeled as lot coverage that was from existing codes from you know, years ago. What we are doing now is trying to clean it up because it really is a building coverage definition in Chapter 2.

Ms. Allen confirmed what they are saying is the building coverage is still part of the lot coverage.

Nana Appiah responded that the lot coverage includes all impervious surface surfaces on a lot. So that includes your building coverage, your pavements and all our areas. So, you could have on a typical lot, you could have 80% or 90% lot coverage; and your building coverage is probably going to be about 50% of the site. So, when you look at the table of uses and the performance standards, whenever it requires, for example 90% maximum lot coverage, it includes the building coverage in the overall 90% required. The building coverage may be about 50% but then, all of the other accessory structures, your impervious surfaces will be probably the remaining 40%. So, when you combine all of it will be 90% of the lot coverage on the site.

Ms. Allen stated, just for clarification that if we are using that definition for lot coverage, are we going to make it consistent throughout. Consistent in the Development Standards, Chapter 87 and throughout the Ordinance.

Dr. Appiah confirmed that the definition is in the Ordinance. Ms. Prelog stated that it used to have a definition in Chapter 2 for lot coverage. But that really was a building coverage definition. So, we are making sure that all the references to lot coverage references building coverage. And then in chapter 87, there is a definition for lot coverage that was introduced with the Ordinance that was adopted last December. There are two separate definitions and two separate requirements in the Land Use Tables. But often in regulations, some regulations have certain requirements for building coverage, specifically, and some have requirements for lot coverage specifically. So, there are the two different definitions, we just needed to ensure that they were both listed in there correctly.

Dr. Appiah stated if they you look at determining lot coverage, this definition was basically the definition when we did the Quality Development. So, when we did that, we provided the definition for lot coverage which includes all impervious surfaces. Then under the Rules of Measurement in our code and how we determine lot coverage and building coverage. If you look at this definition, that definition of lot coverage did not match the definition of a lot coverage. This definition was actually for building coverage. And so that is why we are back to clarify that the definition under the Rules of Measurement, this definition is for building coverage. So, it hasn't contracted with the definition for a lot coverage in the code.

Ms. Allen stated there are two separate ones and Dr. Appiah confirmed that. Ms. Allen stated her question is are they both listed separately in the definitions in every aspect or every area that they need to in the Code. Dr. Appiah confirmed that is exactly what we are doing.

Ms. Allen's next question is to make sure that it is not an unforeseen consequence. And that is



where you are changing from a zero setback to a 15-foot setback where it talks about this on Page 28 of the new amendments. That is where it talks about the landscape setbacks between the LI, LG and HI districts. Now we will require a 15-foot now all the way around the property. So when you have properties, like Fuji, or maybe a huge Light Industrial development, instead of a zero setback between property lines, you're talking about a 15 foot landscape all the way around a property that will have to be maintained. A project like Fuji that has acres and acres of land, and the 15-foot setback is a lot of land to maintain. I just want to make sure that I understand and that it is not too much to go from 0 to 15 feet.

Staffmember Rachel Prelog responded that there was an error in the code. She showed on the screen the reference for non-residential uses adjacent to other non-residential uses, it used to refer on the Land Use Tables and in Chapters 4 – 10 for that difference, but when you would go to the tables, it would refer back to this section. So, there was this cross referring to each other, so when we amended the Design Guidelines we are now just going back and correcting it to what it used to be.

Dr. Appiah stated we are not changing the requirement. The requirement was already there, but there was some ambiguity and conflict in the code where it was wrongly referring to a section that was meant to refer to the requirement. We are not adding or changing the 15-foot landscape requirement, it is already in the code.

### 3. Planning Director's Updates.

- Decisions of the City Council's October 19, 2020 land use hearings.

Dr. Appiah stated the one major case that Council considered on October 19 was the townhomes or single family detached homes on the NE corner of Recker and Baseline. This Board voted 3-2 to recommend approval and the City Council voted 5-1 to approve it. There were still concerns from the neighbors about traffic and the amount of the density at this location. These concerns were echoed by the Vice Mayor who voted against it

The second case that was on the agenda was the rezoning case from Agriculture to Office on the NW corner of Brown and Val Vista for a medical office. This Board voted to approve it and Council voted 6-0 to approve as well.

### 4. Adjournment.

Boardmember Villanueva-Saucedo motioned to adjourn the meeting at 4:08 pm. The motion was seconded by Boardmember Allen.

Vote: 5-0 Approved (Chair Astle and Boardmember Crockett, absent)

Upon tabulation of vote, it showed:

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

NAYS – None

Respectfully submitted,



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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](http://www.mesaaz.gov).***