

Meeting Minutes

City Council Economic Vitality Subcommittee Meeting

August 14, 2023 | 4:00 p.m.

City Hall 4th Floor Large Conference Room

175 S. Arizona Ave., Chandler, AZ



Call to Order

The meeting was called to order at 4:00 p.m.

Roll Call

Subcommittee Attendance

Councilmember Mark Stewart
Councilmember Christine Ellis
Councilmember Jane Poston

Public Attendance

Duane Lidman
Terri Kimble
Carly Wakefield

Staff Attendance

Joshua Wright
Micah Miranda
Kevin Mayo
David de la Torre
Lauren Schumann
Alisa Petterson
Michael Winer
Julie San Miguel

Discussion

MICAH MIRANDA, Director Of Development Services, introduced the discussion stating this new presentation has been updated according to Council's recommendations given at the previous code amendment presentation. He praised Kevin and the planning team for their extensive efforts and mentioned they will be discussing City Code Amendments then transition to discussing the Infill Incentive Plan Amendment. He then handed over the discussion to Kevin Mayo, Planning Administrator.

KEVIN MAYO, Planning Administrator, acknowledged the team's extensive efforts in dividing code changes between the planning team then presenting the proposed City Code Amendment to two different subcommittees. He stated that Lauren Schumann, Principal Planner, would lead the

presentation which would detail proposed code amendments through the perspective of economic vitality.

1. City Code Amendments

LAUREN SCHUMANN, Principal Planner, introduced the item and presented the following presentation:

- City Code Amendments Economic Vitality

The potential code amendments presented this date contain suggestions that were given previously by Council in April 2023. The planning team had researched similar codes in other cities, and the following contains clarified and professional recommendations for potential code amendments in relation to economic vitality.

Slide#4 Buildings Constructed of Shipping Containers

The first proposed amendment change would allow for buildings to use shipping containers if designed creatively and use additional material. This proposal is in response to the rising interest in developments using shipping containers. The City of Phoenix has allowed shipping container developments and Chandler's current city code is silent on shipping containers but prohibits metal buildings to be used from arterial roads or even seen from an arterial road. The proposed a code amendment would allow the use of shipping containers if designed creatively and using other materials.

JANE POSTON, Council Member, expressed appreciation for the idea of using shipping containers. She commented positively about the innovative use and appreciated the creativity it brings to development.

MARK STEWART, Council Member, emphasized the importance of exploring potential issues that might arise due to the unconventional nature of shipping container buildings. He expressed interest in understanding any potential drawbacks that other municipalities who allow them in developments.

CHRISTINE ELLIS, Council Member, highlighted concerns about safety in relation to fire hazards and issues due to heat, especially considering Arizona's climate. She mentioned examples of other countries using various building materials and the importance of safety measures in these kinds of structures.

MICAH MIRANDA acknowledged the concerns and mentioned that all potential structural changes would be in accordance with building codes.

Slide#5 Modify Required Setbacks within Certain Areas

LAUREN SCHUMANN presented the next proposed code amendment to allow administrative approval to reduce setbacks within certain sites if development proposes a pedestrian-oriented useable, and high-quality design. The areas include older parts of the city located in north and west Chandler regions. The goal is to foster infill and redevelopment. Chandler's current setback requirements are designed for suburban development and pose challenges. An illustrative example is presented of the property located at the northeast corner of Ray and Alma School roads. The property is zoned for commercial uses, and under the existing regulations, there are large landscape setbacks at intersections; 250 feet in length and 50 feet deep. This means there's a reduced buildable area for developers. Although developers can approach the Council to request a rezone for custom zoning and seek waivers, the process can be lengthy, taking anywhere from four to six months. The proposed code amendment would allow administrative approval on setback reductions, given that the development is designed creatively and with proper consideration to the surroundings. For context, properties on the opposite corner of the street are constructed according to current standards. Another property closer to the intersection used enhanced landscaping and building designs, although it required rezoning.

MICAH MIRANDA added from the economic development side the proposed change aligns with feedback from Council and the development committee who emphasizes the rising costs of land. He explained the aim is to optimize the remaining land and staff to handle such cases, based on prior experiences. The overarching goal is to be innovative while safeguarding neighboring properties and their concerns. A core strength of our staff is understanding the vision set by the Council and working diligently to realize potential projects and giving more flexibility could facilitate more developments that meet the community's needs.

CHRISTINE ELLIS sought clarification on potential projects being prolonged due to current setbacks. She noted a significant difference in the available buildable areas and sought for further understanding of the process, specifically, whether the Council would still have input. She asked if the final decision, after discussions with the developer, would be relayed back to the Council.

LAUREN SCHUMANN responded the proposal is for the administrative team to have the capability to internally review such cases. The intention is to maintain the established development standards of Chandler. In scenarios where a developer desires to construct in restricted areas, they currently need to undergo a rezoning process to waive the setbacks. The request is for the staff to have the autonomy to make decisions regarding certain properties in north and west Chandler without undergoing the extended rezoning process.

CHRISTINE ELLIS wanted clarity on whether the administrative decisions would still appear on City Council Consent Agenda.

MICAH MIRANDA, clarified, the goal of the proposal is to trim down the approval timeline on the lengthy six-month process currently in place.

CHRISTINE ELLIS confirmed if the proposed changes would reduce the six-month process to a month.

KEVIN MAYO stated with the proposed changes the process would take a two to three month maximum.

JANE POSTON asked about the business aspects, expressing concerns regarding the move to administrative review. She raised concerns of potentially reducing the Council's authority and the lengthy process. She questioned if other solutions had been explored to expedite the process.

LAUREN SCHUMANN noted that various ways to eliminate timelines had been considered; however, the red tape surrounding public notification requirements and neighborhood meetings are a challenge. She further explained that the process includes the neighborhood meeting notice, public hearing advertisement, a review by the Planning and Zoning Commission, and then a review by the City Council, which totals approximately six months.

JANE POSTON raised concerns about reducing community input and mentioned hearing complaints from community members about certain areas and questioned how community feedback fits into the proposed process.

LAUREN SCHUMANN responded that once an application is filed, it is posted on the City's interactive map and members of the public can review the proposed changes. JANE POSTON inquired about neighborhood notifications and if a sign would be posted on site.

LAUREN SCHUMANN clarified that no neighborhood notification is required.

MICAH MIRANDA emphasized the importance of zoning and explained that if there is a change in zoning, the public would be notified. He elaborated currently if commercial development occurs within the zoned area without any encroachments, it will not need council approval; however, changes to setbacks would require notification and council approval. He stated the proposed code amendment would allow to change to setbacks, not zoning.

JANE POSTON asked if there were other areas other than the example presented and inquired if there were any standards or if evaluations would be made on a case-by-case basis.

LAUREN SCHUMANN stated the proposed could help in the redevelopment for older properties, particularly with older shopping centers in North and West Chandler.

MICAH MIRANDA pointed out that setbacks in said areas are a common concern.

KEVIN MAYO added that feedback from the community over the past two decades has been consistent, with concerns about privacy, traffic, and lighting. He stressed that this feedback is deeply ingrained in their approach to development.

MARK STEWART asked how much time the processed would be sped up with the proposed changes.

MICAH MIRANDA responded this would speed up the process by four months.

MARK STEWART described a scenario where an individual might wish to purchase a piece of land but finds that its current regulations are not conducive to their intended use and how the accelerated process might allow circumvention of Council. He expressed concerns about potential discontent with decisions made under this approach and possible future complications that other councils might face due to the consequences of these decisions. He emphasized the potential backlash and disputes that could arise from any discrepancies in decisions made. He questioned the need to amend the ordinance, suggesting instead a review of internal processes to achieve the desired speed, while still ensuring proper checks and balances. He highlighted the importance of planning and zoning's role in ensuring the correct procedures are followed and emphasizing the necessity to balance speed with proper protocol.

KEVIN MAYO clarified that while they aim to expedite certain processes, there are statutory requirements that prevent them from shortening advertisement timelines and the 30-day waiting period following the final reading of an ordinance. These constraints have been set by state statutes, and subsequently, the local zoning code has integrated them and as a result, the timelines cannot be adjusted. He highlighted that in downtown areas, many developers assess plots of land with specific intentions; however, when informed that their intended projects would require a PDP due to not aligning with existing setbacks and codes, many opt for less ambitious projects to avoid the PDP process. The PAD was introduced to mitigate constant variances and allow more flexibility in projects, fostering a compromise between developers and city standards. The PAD was framed as a give-and-take mechanism: developers could receive leniency on certain standards in return for offering higher-quality developments. He conveyed the intent to embed this principle in the updated code, ensuring balance between what developers seek and what the city requires, like mandating those buildings be set further from residential areas if certain criteria are not met. He assured the goal remains to use a mutual benefit approach in the procedure.

MARK STEWART asked if there was a method to memorialize the details that were just shared by Kevin Mayo.

KEVIN MAYO stated it currently memorialized in our zoning code through the PAD language and the proposed will not circumvent that. He clarified the code amendment has yet to be written but

it can mirror that type of language. The intent behind any code is first declared in its prelude, followed by the specifics of the code itself.

JANE POSTON asked if the design parameters regarding pedestrian usability and high-quality design will be included in the language for the new code amendment.

KEVIN MAYO responded the language in the new code amendment could convey that.

CHRISTINE ELLIS emphasized the type of zoning would remain unchanged and should any entity desire a change, they would have to go through the entire council process.

KEVIN MAYO affirmed administrative authority would never have the power to change zonings and such changes would always require council approval.

Slide#7 Modify Requirements for Free-standing pad Buildings

LAUREN SCHUMANN presented the next proposed code amendment to allow the modification of requirements for freestanding pads. The current zoning code allows one freestanding pad per arterial street, so generally large commercial centers are only allocated two freestanding pads by right. She stated in unique cases, the proposed amendment would allow administrative capability to review and possibly allow for more than one freestanding pad.

MICAH MIRANDA asked for practical examples of the situation discussed.

KEVIN MAYO provided an example regarding the Bashas at the northwest corner of Queen Creek and Alma School roads that transitioned through its initial construction phase and eventually entered a redevelopment stage. Originally, large establishments like Bashas demanded substantial parking spaces; however, as these major players transitioned to smaller tenants, the vast parking fields became superfluous. They approached planning asking if they could increase the building square footage to make it financially beneficial for both the city and them and although we agreed, the absence of administrative flexibility made the process more cumbersome. Being a longstanding collaborator with the city, they understood and willingly went through the necessary procedures; however, it's worth noting that many developers avoid such ventures due to potential risks. He continued, there are numerous centers where primary anchors depart which have differing parking requirements. This transition often leaves us with surplus asphalt that could be repurposed and redeveloped. Regrettably, our current administrative capabilities limit us. Echoing Vice Mayor Orlando's sentiments from the prior work session, there undoubtedly needs to be a foundational threshold or "floor". The vision incorporates this "floor", suggesting that if a developer desires certain privileges, they must offer something in return. This dynamic allows for flexibility and encourages developers to optimize site use. This approach has been used in the past, refining it as necessary to meet the city's evolving needs.

CHRISTINE ELLIS observed that there has been an ongoing effort to streamline processes. She pointed out that precedent has already been established and there has been positive outcomes without significant issues.

KEVIN MAYO could not recall a single instance of significant buyer's remorse and implied that many have expressed they had proceeded with their plans sooner.

CHRISTINE ELLIS commented that those who had taken the steps typically found it beneficial to their business in the long run.

JANE POSTON asked based on experiences, do businesses hesitate due to the perceived risk of the process and do staff believe the business might be willing to invest more money or time, or even improve the quality, if they had clear assurances about the outcome?

KEVIN MAYO responded by emphasizing the importance of predictability in both time and final budget. He highlighted the uncertainty businesses face when going through the current process.

MICAH MIRANDA touched upon the challenges, both in terms of time and money, that come with redeveloping and pointed out various factors, such as politics, that can complicate matters.

MARK STEWART inquired of the frequency of such situations and mentioned potential opportunities and developments in specific areas. He asked why there is there an impression that they are not business friendly as he cannot think of an instance where they said no to a development. He highlighted the openness to development and expressed uncertainty about what they aim to address with this proposed amendment.

KEVIN MAYO emphasized the proposal addresses the need for a more predictable process.

CHRISTINE ELLIS presented statements regarding challenges with expanding a business and the uncertainty of getting approvals. She mentioned the risk for small businesses when it comes to making decisions about growth.

MICAH MIRANDA asked about the progress on the current verbiage.

LAUREN SCHUMANN stated there is an ongoing draft that should be completed in the next 30 days.

MICAH MIRANDA stated following this discussion, there are several next steps to consider, and it is important to note that none of this becomes final until the council votes on it.

MARK STEWART asked if these would appear as line items on the agenda.

KEVIN MAYO stated typically these are not listed as line items and this segment of code will be reviewed due to staff's methodology. He mentioned staff will contemplate dividing segments to enhanced clarity. He explained if a particular section is not finalized, staff can exclude it while maintaining the overall coherence and upon the draft's completion, it will be accessible on our website. He further stated staff will inform Council, urging them to examine and provide their insights or comments.

COUNCIL MEMBER STEWART stated navigating through intricacies often presents challenges and it is essential for Council to achieve clarity before making a voting decision.

Slide#8 Modify Requirements for Drive Throughs (online orders)

LAUREN SCHUMANN stated the next proposed code amendment addresses a notable trend to introduce a dedicated drive thru lane for online order pickups. Post-COVID, changes were observed in how businesses operated and the design of their premises. Many high-turnover businesses are looking to incorporate an online order pickup lane. Based on the current code, they had defined queuing lane specifications, including a requirement for a 150-foot distance from the pickup window to the start of the queue. Additionally, the code stipulated that from the order box to the start of the queue, space for six cars be available. This model was not congruent with the needs of online order pickup. Research indicated that some businesses, like Salad and Go, only allow for two customers to pick up within a five-minute timeframe. Thus, it is recommended to amend the code to accommodate online order pickup queuing, recommending a minimum length of 40 feet to fit two cars.

MARK STEWART asked what is currently in place for online order pickup queuing lanes.

LAUREN SCHUMANN clarified that the current code does not specifically address the matter and they have been using a one-size-fits-all approach with the 150-feet. She mentioned the potential for a more efficient system to accommodate online orders and delivery services.

MARK STEWART inquired if all future businesses would be required to construct two drive thru lanes and how many businesses request this.

KEVIN MAYO responded that while not obligatory, the aim is to accommodate requests for online pick up drive-thru lanes. He mentioned that such a setup has been observed in cities like Chandler, Queen Creek, and Gilbert.

MARK STEWART expressed concern as businesses have not approached the Council for flexibility on these requirements.

KEVIN MAYO clarified none of these have come through Council, but they have been beta-tested and determining what is appropriate has been a challenge. He stated staff has examined best practices within the valley and aims to codify them to avoid future disputes. He mentioned businesses like Starbucks can be challenging to negotiate with and staff is striving to codify issues they have historically faced for better predictability within the development community. If the development community desires a particular feature like an online pick up window, they will have clear guidelines to follow.

JANE POSTON asked if the proposed guidelines were specific to online orders.

MICAH MIRANDA commented on the changing nature of businesses and individuals prefer the convenience of remaining in their vehicle.

MARK STEWART expressed concerns about potentially burdening business owners with hefty investments to meet new code requirements for drive thru lanes.

KEVIN MAYO assured that the code specifies certain minimum requirements for drive-thru lanes. He explained some businesses opt for longer lanes based on their expected volume and as for online pickups, the code also has set minimums. He further explained that staff has encountered situations where businesses wanted a pickup spot right at a building corner, anticipating that customers would barely halt their vehicles – merely slowing down to collect their orders. He stated the goal is to establish clear minimum standards to avoid repeated negotiations with businesses on requirements.

JANE POSTON confirmed this is not setting a minimum requirement for a drive-thru lane for online pick up orders, this is allowing it.

Slide#9 Modify Requirements for Drive Througths (multiple drive-thru lanes)

LAUREN SCHUMANN stated in the presented image, the design previously went before the Council in 2018 and while staff aimed to closely match the 150-foot criteria, there was ambiguity about the specifications for a secondary window. She further stated another emerging trend observed is businesses desiring multiple drive thru lanes to efficiently handle customer volume. Some establishments construct a drive-thru and then divide the mandated queuing area into two separate lanes, only to merge them back into a singular lane. At peak times, one lane is often closed, which leads to vehicle overflow from the establishment onto neighboring properties or even public roadways. To address this, staff aims to incorporate explicit guidelines into the code. While businesses can opt for multiple queuing lanes, one lane must adhere to our set minimum requirements, with any additional lanes deemed as supplementary or bonus lanes.

JANE POSTON clarified that any secondary lane would not need to adhere to the 150-foot requirement, allowing for some flexibility.

KEVIN MAYO elaborated on the real-world challenges post-COVID, citing examples from businesses like Chick-fil-A. He emphasized the importance of establishing clear codes for both new constructions and redevelopment.

MICAH MIRANDA highlighted the need for clearer codes to provide better clarity for applicants and to uphold community values.

CHRISTINE ELLIS pointed out the challenges of enforcing rules that are not clearly defined.

Slide#10 Increase Height for Mid-Rise Overlay (MRO)

LAUREN SCHUMANN stated the next proposed code amendment would increase the height for the mid-rise overlay. In 2006, a mid-rise policy was established through an ordinance stipulating that any building exceeding 45-feet in height would necessitate an additional ordinance. The original intent of this policy was to regulate structures exceeding five stories; however, over the past decade, staff has observed changes in architectural and engineering practices. Floor heights and mechanical zones have been increasing in size. Consequently, mechanical screening, even for buildings that are essentially three or four stories, is often pushing these structures beyond the 45-foot mark. This trend requires developers to undergo another entitlement process to be permitted to build above the 45-foot limit. To accommodate these evolving building standards and practices, the propose would raise the height threshold to 55-feet. This means only buildings surpassing 55 feet would necessitate an additional ordinance to breach the 55-foot ceiling.

JANE POSTON asked for clarification the purpose of the mid-rise overlay.

LAUREN SCHUMANN responded in 2006, a policy regarding mid-rise was designated in specific city areas where buildings could be constructed at a height of 45-feet or taller. These zones were mainly situated around the mall and employment areas. The aim had been to promote the construction of high-rise office buildings and mixed-use developments, and these areas generally had to be within a quarter mile of a freeway.

KEVIN MAYO added the policy had stipulated an increased notice area for those wishing to build higher than 45-feet. Instead of the standard 600-feet for property owners and a quarter mile for registered neighborhood organizations, this radius was doubled. He noted that building specifications had evolved over the years. For instance, floorplates had shifted from 10-feet to 15-feet for the first floor and 12 to 14 feet for the subsequent ones. As HVAC systems had improved in efficiency, their height had increased, which impacted building heights. The purpose of the mid-rise policy had been to maintain buildings under 45-feet, primarily limiting them to four stories or fewer. The additional height is not to add more floors but to account for the increased height of essential equipment.

CHRISTINE ELLIS stated buildings between five to seven stories would still follow the previous process, but the change is to accommodate three and four-story buildings.

KEVIN MAYO confirmed that was correct and gave the example of the Ferguson building that faced such challenges. He stated the 45-foot limit had previously restricted architectural variation and this new policy would provide more design flexibility. While a height of 60-feet or 65-feet would be sufficient for five stories, anything beyond that would trigger additional notice areas and other regulations.

MARK STEWART asked why 60-feet or 65-feet was not chosen.

KEVIN MAYO replied that height of 60-feet or 60-feet starts to accommodate five stories.

MARK STEWART favored the expedited process and inquired about the possibility of evaluating the overlay or mid-rise overlay policy to enhance employment quarters and allow vertical height along Price Road, North Arizona Avenue, and downtown. He mentioned the importance of gauging community receptiveness to these ideas, especially in said locations. He suggested a study or similar forum, with the aim of feedback and by doing so, there could be an opportunity to increase building heights, thereby potentially revitalizing numerous commercial properties.

KEVIN MAYO stated the general plan and mid-rise policy together are comprehensive, but a review could be beneficial. He stated most developers and zoning attorneys are aware of height restrictions in key areas.

Slides#11 & #12 Mechanical Screening

LAUREN SCHUMANN elaborated that expanding the mid-rise overlay could aid with the next potential code amendments, especially concerning mechanical screening on building rooftops, such as air conditioners. The objective was to effectively screen this equipment from view. The existing code mandates concealment from view and while developers typically preferred metal boxes for this purpose, the code had stipulated architectural integration from all vantage points. She noted that the issue pertained to buildings containing offices, commercial spaces, and hotels. She emphasized the need for architectural integration and comprehensive screening from all sides using materials and colors consistent with the building. She highlighted that some developers had expressed concerns about the code's restrictiveness compared to codes in other cities, but many cities are adopting similar guidelines. She cited examples where screening was mandated at a 45-degree angle from across the street, but identified the potential complications arising from changes in the road gradient. Therefore, the recommendation was to retain the existing code, insisting on complete architectural integration and screening from all sides for roof-mounted equipment.

MICAH MIRANDA mentioned this topic frequently arises.

MARK STEWART recalled a personal experience where someone was not grandfathered in or did not know the requirement. He emphasized the importance of understanding rules.

JANE POSTON inquired about the street view and if that would be included in the review. She raised concerns about neighborhoods adjacent to industrial areas and their need for screening.

KEVIN MAYO agreed with Council Member Poston and confirmed the need to clarify in the code about arterial street views and any potentially adjacent residential areas. He also noted the added benefit of noise attenuation provided by the screening.

LAUREN SCHUMANN stated another part of this potential code amendment is to consider buildings taller than five-stories, especially if equipment is placed centrally on the roof. Using an example of a building in Chandler, she discussed giving staff the ability to waive screening if the AC unit is placed in such a way that remains unseen from the road.

MICAH MIRANDA expressed his view that the requirement to screen equipment that is not visible from the street was not logical.

MARK STEWART acknowledged the importance of noise control. He referred to complaints he had received about noise and stressed the need for attenuation measures, especially around air conditioning units.

KEVIN MAYO agreed and pointed out the importance of considering not just visual screening but also distance-based noise attenuation. He expressed optimism about their ability to address the issue.

Slide#13 Enlarge Permitted Blade Sign Area

LAUREN SCHUMANN introduced the next potential code amendment relating to business signage. Frequently, staff receives requests for improved signage, particularly blade signs. Under the existing code, sign projection from a building is limited to two feet, except for downtown areas where it can extend to four feet. An exception was made for The Uncommon thorough a hearing board review process to project 10-feet from the building elevation. The proposed adjustment permits blade signs to extend beyond four-feet, allowing up to 10-feet in downtown zones without the need for an exceptional review.

JANE POSTON sought clarification about features on a colonnade.

KEVIN MAYO stated currently businesses can have a four-foot sign projection without any additional review. He explained staff as gradually been testing the waters and exploring this concept further and this instance represents a significant step forward. Historically there has been

hesitance around requesting more than what the code technically allows, often raising concerns. In the past, these requests were evaluated by the ARC (formerly known as the Architectural Review Committee) and now the Historic Preservation Commission. These bodies granted approval based on the design's aesthetics and quality. Interestingly, when the recent 10-foot projection request was approved, it didn't lead to any adverse consequences or bring operations to a halt. It was a sort of reassuring experience. This led planning to consider setting a predefined maximum limit, while still focusing on extracting innovative design solutions. This approach aligns with our current method even for the standard four-foot projections. There could be a set of templates or guidelines for instances where businesses reach that point, ensuring that their designs are not only aesthetically appealing but also address concerns. Of course, there's a potential concern that structures projecting too far might appear overly prominent or out of place.

CHRISTINE ELLIS raised valid concerns regarding potential unintended outcomes such as vandalism and the possibility of objects colliding with the extended signs.

JANE POSTON commented on the uniqueness of certain designs.

CHRISTINE ELLIS wondered about the potential oversaturation of such signs if every building adopted similar designs.

KEVIN MAYO acknowledged the points raised and hinted at the possibility of revisiting the limits.

JANE POSTON inquired about the origin of the proposed amendments, whether from staff or local businesses. KEVIN MAYO clarified that the suggestions arose from staff observations over time and emphasized the setting of precedents once so many were passed.

MARK STEWART shared concerns about fairness in the application of the rules, especially given previous approvals.

MICAH MIRANDA asked to give clarification on the process.

KEVIN MAYO elaborated on the current procedure and the challenges faced by businesses under the existing code. To illustrate with an example, when The Uncommon was considering a sign similar to the one showcased, they could have chosen to scale it down to fit within the current four-foot projection allowance. This would have eliminated the necessity of undergoing the Historic Preservation Commission's review process and the associated task of producing specialized drawings. This approach involves advertising and participating in the commission's proceedings, a route that was taken each time a similar scenario occurred in that area. It's notable that there's yet to be a sign that adheres strictly to the code's specifications, as all instances have involved the preservation process. This undertaking consumes time and introduces an element of unpredictability. Considering the implicit precedent that has been established, the four-foot

projection standard has effectively evolved. While it doesn't adhere strictly to four feet anymore, it lies within a range, usually between six and ten feet, with the majority falling within the six-foot to seven-foot range. Consequently, a review will be conducted to ascertain the precise threshold for by-right allowances. This means that businesses could still engage in the commission's process if they wish to exceed that range. It's possible that at some point, if a request comes in, and there are concerns about the extent of projection, proponents could refer to existing examples as evidence that similar extensions have been accepted without significant issues. In essence, the track record indicates that concerns have generally been minimal.

MARK STEWART pointed out a lot of focus is on the center city district and inquired about the focus on areas outside downtown.

LAUREN SCHUMANN responded by pointing to the development trends in North and West Chandler. She emphasized the feedback from business owners wanting more visibility for their signs, especially for drivers in fast-moving traffic.

JANE POSTON observed that the neighborhood has excessive signage, which is neither aesthetically pleasing nor conducive to development. She compared it to a 1970's style of development, noting the saturation of signs between Chandler Boulevard and Warner Road.

MARK STEWART emphasized the importance of the Historic Preservation Commission in downtown decisions. He stated that Planning and Zoning exist for a reason, cautioning against allowing oversized signs, as someone will inevitably exploit the allowance.

JANE POSTON agreed that some would certainly take advantage of leniencies. She appreciated the flexibility in sign regulations but expressed hesitancy in proceeding without further contemplation by Council.

MICAH MIRANDA confirmed that the subcommittee is not ready to move forward with the proposed changes.

KEVIN MAYO stated the current process is effective in managing sign regulations.

MARK STEWART stated that changes can be revisited should real-world issues arise.

CHISTINE ELLIS inquired about the frequency of sign request alterations.

KEVIN MAYO explained that most developers and property owners search for sign regulations online and act accordingly without consulting city personnel. He commented on the predictability and current behavior of developers relying heavily on online information.

Slide#14 Permit 'For Lease' Banner Signs

LAUREN SCHUMANN stated the next proposed code amendment addresses a change made to the sign code in 2017. She pointed out a discrepancy where banners indicating "For Lease" or "Space Available" on buildings are not compliant with the 30-day display rule within a six-month period. She proposed a potential code amendment to address this, therefore, "For Lease" or "Space Available" banners can remain in spaces unoccupied.

JANE POSTON expressed concerns about the unlimited display of such banners and their potential to be permanent signs. She suggested a longer, but still limited, display time to prevent misuse.

KEVIN MAYO acknowledged the need for a limitation on display times to prevent misuse.

JANE POSTON reiterated that 30 days is too prohibitive, and a balance should be struck between flexibility and prevention of misuse.

CHRISTINE ELLIS questioned the permanency of such signs if their primary purpose is advertising available spaces.

JANE POSTON warned that the current proposal could potentially allow permanent displays.

CHRISTINE ELLIS was puzzled, as she has not observed such signs being displayed permanently.

MARK STEWART clarified that the proposed change could permit such a display.

KEVIN MAYO acknowledged that some places have had vacancies for extended periods, and he has even seen some suites vacant for two years. He emphasized the potential for long-term banner displays under the proposed code amendment.

CHRISTINE ELLIS asked if there is a time limit on a sign and it gets taken down, can they then put up a different one, especially if the space is still available for leasing? She asked, if anyone is concerned with the sign staying up indefinitely and why can't a sign stay up permanently?

JANE POSTON stated her concerns with the permanence transforming into a permanent sign. She asked how this differs from permanent signs.

MICAH MIRANDA stated the ultimate goal for both the City and the property owners is to avoid empty spaces. Property owners want to advertise available leases and there might be a way to meet in the middle, by allowing a "For Lease" sign, but ensuring it's within the current sign code parameters.

JANE POSTON stated we need to establish some maximum limitations without making it overly complex.

MICAH MIRANDA stated if the main concern is about signs being up indefinitely, then a potential solution could be allowing them to replace the tenant sign with a "For Lease" sign in their allotted space. This would be a temporary cover-up, not a large banner.

CHRISTINE ELLIS commented this approach would certainly improve visibility.

JANE POSTON asked if this was inadvertently increasing costs for property owners and stated vinyl banners are cost-effective and preferred for their impermanence and attention-grabbing nature.

KEVIN MAYO stated initially, property owners prefer banners because they are not permanent and can easily capture attention. However, if a space like the Orbital building remains vacant for years, a "For Lease" sign could remain up for a significant period. He further stated the challenge is to find a balance.

JANE POSTON suggested a solution that is lasting but not permanent.

Slide#15 Murals

LAUREN SCHUMANN moved on to the next proposed code amendment to address murals. The current zoning code does not address murals and there has been challenges with murals that contain commercial imagery being classified as signs. The proposed would allow murals by right, so long as they do not display commercial imagery. If, for example, a taco restaurant displays a flying taco, it would be viewed as a sign rather than a mural.

JANE POSTON inquired if murals are essentially protected under the First Amendment and should be allowed by default.

LAUREN SCHUMANN explained the aim is to avoid regulating murals since determining what qualifies as art versus a sign can be subjective.

JANE POSTON asked for clarification.

KEVIN MAYO explained the goal is to be able to categorize a display as either a mural or a sign.

MARK STEWART stated Council Member Poston is correct and mentioned the Town of Gilbert case in the Supreme Court that clarified that the City cannot determine a sign by its content and cannot dictate the wording if it is labeled as a sign.

KEVIN MAYO clarified if a display is classified as a sign, Planning cannot dictate what the sign says; however, if it is a sign, then the City's sign code regulates it. The proposal will dictate whether the display is a mural or sign.

JANE POSTON asked who will be deciding whether a display is a mural or a sign.

KEVIN MAYO stated it would go through the eyes of the zoning code and ultimately would fall on the Zoning Administrator to determine. He further stated delegation of authority regarding signs typically falls on Site Development in Development Services.

MICAH MIRANDA elaborated on the distinction, stating that while murals are typically artistic expressions, signs could include commercial branding, such as a brewery's name. He pointed out that context matters, such as "cactus wren brewery," which might be considered a sign due to its commercial nature if the display is of a cactus wren.

KEVIN MAYO reinforced the notion that context matters in determining whether a display is a mural or a sign. He mentioned the Craft 64 mural, confirming that certain murals are indeed signs because of their connection to a specific establishment.

CHRISTINE ELLIS shared her perspective on the discussion, expressing interest in the distinction between a sign and a mural.

JANE POSTON inquired about the regulation process for such cases, asking whether the mentioned sign underwent any regulatory process.

KEVIN MAYO explained that due to the timing coinciding with the COVID period, the sign in question was deemed a temporary sign. An enforcement resolution related to temporary signs during COVID had been put in place, allowing flexibility. This specific sign's temporary status was acknowledged, and an agreement was reached with the property owner.

JANE POSTON questioned if the sign went through a regulatory process that had been suspended during that time.

KEVIN MAYO confirmed that during COVID, temporary sign enforcement was suspended, which allowed for the situation with the sign to be handled as a temporary case.

JANE POSTON acknowledged the unique circumstances of the temporary sign and expressed appreciation for its visual impact.

MARK STEWART inquired about the objective and asked what are we trying to fix here.

KEVIN MAYO addressed the concern of potential challenges arising if the City were to consider murals for commercial messages, emphasizing that the City aims to prevent possible issues by holding a line on this matter.

MARK STEWART brought attention to the role of the Arts Commission in evaluating mural-related matters, highlighting the role of the Arts Commission as a potential safeguard against turning murals into commercial messages.

KEVIN MAYO acknowledged the role of the Arts Commission and its involvement in evaluating and differentiating murals from signs.

MARK STEWART stated paintings on building exteriors require involvement from the Arts Commission to determine their appropriateness. This process can serve as a safeguard, functioning as a checkpoint to ensure the artworks aligned with established standards.

KEVIN MAYO acknowledged the suggestion and underscored the importance of collaborative judgment rather than relying solely on individual perspectives.

Slide#16 Medical Parking Requirements

LAUREN SCHUMANN shifted the discussion to the next potential code amendment related to parking regulations, specifically addressing changes in the medical industry. She highlighted the necessity of updating the zoning code to account for various medical facilities with differing parking needs.

CHRISTINE ELLIS mentioned the shift in medical services due to telemedicine, resulting in changing demands for parking and hospital visits. She suggested reevaluating parking requirements for various medical uses, like outpatient surgeries that demand less parking compared to pediatric clinics. She used an example of a colonoscopy facility to illustrate the changing landscape.

MICAH MIRANDA noted that this topic frequently arises, particularly in relation to redevelopment.

Slide#17 Revise Uses Permitted in Non-residential Properties

LAUREN SCHUMANN moved on to the next potential code amendment, focusing on updating the table of permitted uses in the zoning code. She emphasized the need for a restructured table that groups similar uses for better accessibility. She highlighted the inclusion of missing permitted uses such as breweries and emerging concepts like cloud kitchens. She also introduced the notion of "ancillary" uses, aiming to formalize this term within the code. Furthermore, she suggested reconsidering the allowable office space in industrial zones, proposing a potential increase to 40%, provided parking conditions allow.

JANE POSTON inquired the rationale behind the traditional limits on office space in light industrial zones. She speculated whether safety concerns played a role and asked for clarification on the City's preference for businesses to rent commercial spaces instead of industrial ones.

LAUREN SCHUMANN addressed the query, explaining that industrial spaces often offer lower rental costs compared to commercial spaces. She mentioned that the City possesses an inventory of office spaces and prefers businesses to utilize those. Safety concerns were also mentioned as potential factors, given the possible presence of hazardous operations in industrial areas.

JANE POSTON further inquired about the challenges of integrating recreational uses and daycare facilities with industrial operations, considering potential safety implications.

MARK STEWART expressed support for increasing the allowable office space in industrial zones, possibly surpassing the 40% mark. He pointed out the scarcity of commercial spaces and potential issues arising from limited parking in industrial areas, especially if commercial activities were to expand there. He highlighted concerns about potential parking challenges if commercial activities were to expand without sufficient parking provisions. He suggested that allowing more businesses into industrial zones could attract smaller headquarters and improve opportunities.

KEVIN MAYO shared historical insights, explaining that when industrial zones were established, land was more affordable. Developers often opted for shallow retention basins, enabling additional parking. This approach makes it feasible to adjust and increase parking availability in the current context.

Slide#18 Enforcement of Use Permit Renewal

LAUREN SCHUMANN moved forward with discussing the next potential code amendment regarding use permit renewal enforcement. She highlighted the absence of specific guidelines in the current zoning code and emphasized the need for clarity, particularly in cases when an application is under review. Using an entertainment use permit as an example, she demonstrated the stipulation of a two-year period. If renewal is not pursued after this period, it results in a violation. However, if a renewal application is submitted, enforcement is suspended until a Council decision is reached.

KEVIN MAYO pointed out that instances have occurred where business owners panicked upon discovering a perceived code violation. He shared a scenario involving a co-owner who mistakenly believed their business had to be shut down. The goal is to provide clear code explanations to prevent unnecessary stress for business proprietors.

Slide#19 Outdoor Speakers

LAUREN SCHUMANN presented the next potential code amendment concerning outdoor speakers. She highlighted the requirement of an entertainment use permit for businesses selling

alcohol, which employ outdoor speakers within 600-feet of residential areas. She used the example of Gadzooks to illustrate this situation. The proposal is to retain the entertainment use permit for live music, whether indoor or outdoor, while eliminating the requirement for having a speaker without live music on the patio.

CHRISTINE ELLIS recounted a previous issue involving a business failing to comply with entertainment use permit regulations.

LAUREN SCHUMANN acknowledged the incident, referring to a downtown area business that played recorded music on their patio without the necessary entertainment use permit.

JANE POSTON noted that the primary recourse for such violations is typically contacting the already busy code enforcement.

MICAH MIRANDA indicated that this matter would be addressed in subsequent discussions.

LAUREN SCHUMANN proceeded with her presentation, outlining a proposal to limit the music's noise level from speakers at the property line. She outlined the current process where liquor license requests trigger a planning review to determine if an entertainment use permit is required. The proposed change would involve responding with a letter specifying requirements to ensure music levels remain compliant.

MICAH MIRANDA clarified that the proposed update aims to simplify the process for businesses playing background music, such as ambient sounds that are not at an entertainment level.

KEVIN MAYO indicated the conditions typically associated with entertainment use permits would be codified. If a business plays music excessively loud, they would face the same enforcement procedure, regardless of possessing an entertainment use permit or not.

JANE POSTON echoed the concern that the primary measure against violators is to engage code enforcement.

KEVIN MAYO clarified that the enforcement process remains consistent, whether an establishment holds an entertainment use permit or not. The objective is to facilitate the process for businesses playing ambient background music while still regulating those featuring entertainment-oriented music.

MARK STEWART questioned the purpose of permits and the potential for revoking them if recipients continuously garner neighbor complaints. He emphasized the permit's role in regulation and presented a hypothetical scenario where a permit holder receives multiple calls within a short span. He solicited others' viewpoints on this matter.

KEVIN MAYO expressed hesitancy to penalize many due to the actions of a few. He recounted a situation involving Regal Beagle, underscoring the significance of businesses being good neighbors. He also mentioned the importance of maintaining positive relations with neighbors, as they often form a business's customer base. He concluded by affirming the presence of codes to address businesses not adhering to regulations.

JANE POSTON raised concerns about potential disturbances to nearby residents.

KEVIN MAYO responded, emphasizing that most downtown businesses do not contribute to disruptions.

MARK STEWART asked how 600-feet was selected for the distance.

KEVIN MAYO provided insights into the rationale behind the 600-foot notice area and stated that 600-feet is the notification radius used for notices.

CHRISTINE ELLIS shared thoughts on allowing businesses to operate within defined parameters before implementing regulatory actions.

KEVIN MAYO committed to reviewing the code language in detail, considering distances, and identifying potential areas of concern within the city.

MARK STEWART stated the distance can be revisited or regulations can be modified if issues arise in the future.

Slide#20 Establishments Operating Under a Bar License

LAUREN SCHUMANN continued to the next proposed code amendment that's objective is to delineate the distinction between series six and series seven bar licenses. She explained with a series six bar license, a business could sell all types of alcohol and the proposal aims to protect residents or neighborhoods from a bar going in operating under a series six. She stated a series seven is a bar license to sell beer and wine and typically sought by tasting rooms. She elaborated on the complexities faced by businesses under these licenses, and exemplified the issues faced by GameShow Battle Rooms. She suggested removing the use permit requirement solely for the series seven beer and wine license.

JANE POSTON recalled this matter and stated businesses mentioning timing-related issues hindering their ability to meet deadlines. She also noticed prior references to state requirements impacting these matters.

KEVIN MAYO clarified when we introduced the use permit for a bar into our zoning code, the state only had a single bar license, rather than the series six and seven licenses now available. In recent decades, no new licenses were introduced, resulting in a virtual black market for the original licenses now priced at around \$140,000. This situation posed challenges for those seeking to sell only beer and wine. The lobbying group facilitated the introduction of series seven, as the 'bar' definition in our zoning code was too broad. This led to businesses selling beer and wine being unfairly categorized with potentially disruptive venues causing disturbances late into the night.

Slide#21 Water Conservation for Landscaping

LAUREN SCHUMANN stated the last potential code amendment pertains to water conservation in landscaping. The zoning code currently dictates the maximum proportion of turf in developments, usually around 20%. Given concerns about water scarcity, staff would like to consider changes to promote xeriscaping and prohibit non-functional turf in new projects. She presented an example of the intersection of Cooper and Germann. Although initial plans included lush landscapes and turf, the prevailing trend now leans toward reducing turf usage due to its significant water consumption. Additionally, there is a suggestion to mandate smart irrigation controllers for new developments to enhance sustainability.

JANE POSTON inquired how does this proposal align with our existing water mandates, which prioritize education over stringent regulation. She is concerned about imposing stricter standards on new projects compared to existing establishments. She asked are we treating all establishments equally.

KEVIN MAYO stated eventually a line must be drawn. Those who currently possess water allocation will likely retain it for their current landscapes but when redeveloped the new regulations would apply. This decision was made when reclaimed water was abundant and consumption was encouraged due to excess, but our supply is diminishing. Consequently, the following measures are proposed in response, currently allowances persist and adjustments to the regulations have not been made. Collaboration with developers has ensued, particularly in subdivisions curtail non-functional turf and encourage water-efficient flora. This marks an initial stride towards implementing future guidelines for all redevelopment projects. If retaining the zoning code were a possibility, it might require Public Works' involvement to engage with stakeholders in addressing these considerations.

MICAH MIRANDA clarified that this proposed code amendment was not initiated by Planning.

MARK STEWART presented concerns revolving the balancing of water conservation and the heat island effect as grass naturally offers more cooling than concrete. He stated there is evidence that the removal of green spaces will exacerbate the heat island effect and water usage trends are declining, but we seem to repeatedly burden residents with water conservation while major industries are the primary consumers. Our focus should be on industries adopting water-neutral

practices. Intel, for instance, has taken proactive steps and I would like to see data before we make hasty decisions.

KEVIN MAYO clarified that the proposed code pertains to non-residential and HOA-managed areas and does not impact individual homeowners. This proposal essentially formalizes practices already initiated with southeast area subdivisions. He stated the heat island effect was considered and a mix of trees, shrubs, and grass significantly reduces the heat island impact, providing shade and cooling effects.

CHRISTINE ELLIS inquired about the replacement with a particular type of rock, tree, or shrubs.

KEVIN MAYO noted that several subdivisions had begun replacing turf areas with xeriscaping due to maintenance concerns. He explained that the cost was not just related to labor but also water usage. When these subdivisions opted to remove grass, they were bound by the landscaping code. They could not merely substitute turf with decomposed granite but had to reconsider the entire landscape, potentially incorporating trees, shrubs, and ground cover.

MARK STEWART proposed revisiting the topic as it is veering into a new subject area and emphasized the need to address it with Public Works.

LAUREN SCHUMANN informed the group that she was currently in the process of drafting new language and the plan is to present this to the Planning and Zoning Commission for feedback at a Work Session on September 20, 2023. She also mentioned the upcoming neighborhood subcommittee meeting for potential code amendments. She stated the aim is to have these potential amendments ready for review by December 2023.

JANE POSTON sought clarity on the group's position regarding the administrative process for drive thru pads.

KEVIN MAYO clarified their decision, explaining that they had opted for two versions, a two-pad floor then the ability to get additional ones that are greater design, mirroring the current PAD language.

CHRISTINE ELLIS inquired about the availability of an administrative path.

KEVIN MAYO confirmed the existence of an administrative path, while noting that alternative routes would demand more effort.

MICAH MIRANDA emphasized the necessity of clearly articulating the pathways.

CHRISTINE ELLIS stressed the importance of understanding and determining the pathways and choice.

JANE POSTED stated she is interested in seeing what it looks like.

MARK STEWART asked if there was a way to codify queuing for schools.

KEVIN MAYO responded that is not a possibility because per state law, cities cannot regulate schools through zoning or site design, only building & safety matters.

MICAH MIRANDA expressed appreciation for Lauren's substantial efforts in refining the codes and language. He conveyed the intention to have more frequent code updates in the future, potentially an annual practice.

KEVIN MAYO stated his preference for designating a specific month annually for these reviews, if needed, as accumulating these tasks over the years is not ideal.

2. Infill Incentive Plan Amendments

MICAH MIRANDA pointed out the time constraint and presented two options: continuing the discussion to cover the Infill Incentive Plan Amendment for the last 10-12 minutes or rescheduling this item for another day.

CHRISTINE ELLIS voiced concerns about the complexity of the topic and recommended rescheduling, highlighting the numerous questions she had and her desire to avoid rushing the discussion.

JANE POSTED recommended that the meeting be rescheduled soon due to the importance of this topic.

MICAH MIRANDA acknowledge planning's hard work and thanked the subcommittee for their feedback.

Adjourn

The meeting was adjourned at 5:41 p.m.


Recording Secretary