

# Meeting Minutes

## Historic Preservation Commission

### Regular Meeting

April 12, 2023 | 5:00 p.m.

Public Works & Development Services

South Atrium Conference Room

215 E. Buffalo Street, Chandler, AZ



### Call to Order

The meeting was called to order by Chairman Velasquez at 5:03 p.m.

### Roll Call

#### Commission Attendance

Chairman Jeff Velasquez

Vice Chairman Kevin Weight

Commissioner Cheryl Bell

Commissioner Erika Finbraaten

Commissioner Bryan Saba

Commissioner Devan Wastchak

Commissioner Mark Yost

Ex Officio Member Jody Crago

#### Staff Attendance

Derek Horn, Director of Development Services

Harley Mehlhorn, City Planner

Thomas Allen, Assistant City Attorney

Julie San Miguel, Clerk

### Scheduled and Unscheduled Public Appearances

Members of the audience may address any item not on the agenda. State Statute prohibits the Board or Commission from discussing an item that is not on the agenda, but the Board or Commission does listen to your concerns and has staff follow up on questions you raise.

CHAIRMAN VELASQUEZ announced Action Agenda Item No. 3 will be heard before all agenda items and the record shall reflect Commissioner Finbraaten is appearing by way of WebEx.

## **Action Agenda and Discussion**

### **1. Meeting Minutes of February 22, 2023, Historic Preservation Commission**

Move Historic Preservation Commission approve Historic Preservation meeting minutes of February 22, 2023.

CHAIRMAN VELASQUEZ confirmed there were no questions or comments from the Commission regarding this item.

### **Action Agenda Item No. 1 Motion and Vote**

COMMISSIONER WASTCHAK moved to approve Action Agenda Item 1, of the April 12, 2023, Historic Preservation Commission Meeting; Seconded by COMMISSIONER YOST.

Motion carried unanimously (7,0).

### **2. PLH23-0010 Historic Preservation Ordinance Amendments, Ordinance 5051 and General Design Guidelines for Historic Preservation Districts, Resolution 5680**

HARLEY MEHLHORN, CITY PLANNER presented details regarding Historic Preservation Code Amendments of PLH23-0010, Ordinance 5051, as recommended by the Development Services Department.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES presented details regarding General Design Guidelines for Designated Historic Preservation Districts and Landmarks of PLH23-0010, Resolution 5680, as recommended by the Development Services Department.

COMMISSIONER WASTCHAK asked if there was going to be 100% and there were 100 homes and in a given district if and 40% who did not sign if they can do what they want and if they do not if they do opt in later on, what does that require the other the future owners to be committed to it.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated the 40% do not have to opt in, they can do what they want with their home.

HARLEY MEHLHORN, CITY PLANNER stated the idea is to vote on one motion, but there can be discussions of specific items if the commission would like to itemize them and talk about them individually.

COMMISSIONER WASTCHAK stated he had some questions about the 60% and asked if there was going to be further information presented.

HARLEY MEHLHORN, CITY PLANNER stated the information has been presented and staff welcomes feedback and questions.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES clarified, the original threshold was set at 90% is based on other cities, experiences and because that Arizona proposition 207 was passed in 2006. He explained, the proposition established certain property rights, regarding zoning, and staff thought 90% was reasonable. He stated over the years, staff talked with several groups who wanted to form preservation districts and they struggled to get 90%, but there seemed to be good support otherwise in the district. He further stated, staff thought 60% would be a good threshold as before proposition 207 other municipalities used 60% as a threshold for forming districts. He explained properties that did not opt into the district are not to be subject to the rules, but they can be apply to be added to the district later. He added the intent of the 60% is to allow interested groups likelihood of success.

COMMISSIONER WASTCHAK asked if there 100 homes were given a historic overlay, if the 40% who did not sign can do what they want with their houses. He further asked if those who did not opt in can do so later, but whoever buys after them is committed.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated yes they would be committed and even the successors of original owners that formed the district would be part of that history and subject to the rules.

HARLEY MEHLHORN, CITY PLANNER clarified that due to the zoning, it would stick with the property.

COMMISSIONER WASTCHAK thanked staff for the clarification and stated the 40% that decides they are not interested and are not subject to any of the requirements seems like it could cause a hodgepodge. He presented statements regarding Willow District in Phoenix and stated it sound like 60% is a good compromise.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated staff believes that over time, people will realize the value of being a district because it tends to stabilize and improve property values over time. He further stated that an owner who decided not to opt in can change their mind and staff wanted to create process for that.

VICE CHAIRMAN WEIGHT mentioned that the 90% change to 60% was discussed last meeting and he remembers stating it would be a good change and he still supports it. He asked if a different approach could be taken where owners have three years to file a claim and opt out and once that window expires their opportunity goes away.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY presented concerns and stated he can look further into this and report back to staff.

VICE CHAIRMAN WEIGHT stated that is correct and he just wanted to mention it for consideration but did not know the potential for legal issues. He further stated the potential for legal issues would need to be addressed.

CHAIRMAN VELASQUEZ asked Vice Chairman Weight if that is how the City of Phoenix operates.

VICE CHAIRMAN WEIGHT stated that the City of Phoenix has not been so bold as to even designate a district since prop 207 has taken effect. He further stated this is new territory as Phoenix has talked about it for years, but has not move forward with it yet, but may over the next two to four years.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY presented further legal concerns and stated he can look further into this with his office and report back to staff.

COMMISSIONER SABA presented concerns regarding the 60% cheapening the preservation yield of the historic preservation designation. He stated it could look like a hodgepodge or patchwork with 40% not involved. He struggles with the 60% because a higher number would be ideal, but he liked that 60% is enough to give a neighborhood a reasonable chance of success. He is also concerned if 40% opt out and the homes look brand new it can cheapen the significance of the designation. He explained that Vice Chairman's Weight idea is intriguing, but there could be legal complications. He advised that he is supportive of the idea but he is concerned that if 40% of the homes are not participating that the district will not appear to be a historic neighborhood.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated that is a concern of his as well, but staff will keep promoting and doing their best to get homeowners on board. He further stated there is a certain cool factor to historic neighborhoods for those who have experienced them.

VICE CHAIRMAN WEIGHT stated if the district is zoned single family residential with 60% of the homeowners on board and the other 40% do not respond, it seems like a safe situation to move forward. He further stated in the event of a multifamily residential, commercial, or high rise with vocal opposition, even with 60% it is best to steer clear of that situation given the risk.

COMMISSIONER FINBRAATEN stated the more homeowners who are bound by regulations and guidelines the better as it can be difficult for staff to enforce and make good decisions when there is a Swiss cheese effect within the district. She gave an example of solar panels on non-contributing properties and how those within the district can get upset when they are restricted but others are not.

COMMISSIONER WASTCHAK presented concerns regarding the idea for 60% commitment to make the district with three years to opt out and stated his support for the current proposal.

CHAIRMAN VELASQUEZ asked to explain the proposed exception regarding fencing.

HARLEY MEHLHORN, CITY PLANNER stated the City Code does not allow wood as the primary material within a fence or wall. He further stated Silk Stocking has white picket fences in their front yards, and it is part of the character to neighborhood, therefore staff felt that it was worth putting into the new ordinance.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES thanked the commission members for their comments and stated the proposed code amendments will also go through Planning and Zoning Commission and City Council.

CHAIRMAN VELASQUEZ asked if the general design guidelines will also fall under an ordinance.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated the general design guidelines will fall under a separate resolution.

HARLEY MEHLHORN, CITY PLANNER stated the reason why staff is adopting the guidelines as a resolution versus ordinance is because it is much simpler process to pass through a resolution versus having to amend Chapter 35. He further stated it is a much more onerous process to do code language versus just amending a resolution.

COMMISSIONER FINBRAATEN presented concern regarding wording contained in the proposed amendments and presented recommendations. She asked about reconstruction and if this was something the city might consider for interpretation of important sites. She stated there are some clever ways that you can do that and explained there is a site is where they use tubular buildings to represent the outlines of the structure to show an old village. She presented further examples of the use of GIS and photographs to overlay the outline of a significant place to give the public a idea of what used to be there. She explained, these sorts of reconstructions are very educational and helpful to understand the past but not so literal. She presented concerns regarding windows and recommending weather proofing.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES thanked Commissioner Finbraaten for her comments and stated it was staff's intent to keep the design guidelines general, but he appreciated her input on the windows.

EX OFFICIO MEMBER JODY CRAGO stated Commissioner Finbraaten was referring to the Ben Franklin house which is absent as it was torn down years ago, but it currently a tubular structure so you can go to where Benjamin Franklin's house was and see the massing and the size of it compared to the neighborhood but it's just a structure.

COMMISSIONER BELL stated she is still a bit torn on the 60% as the intent is to have this overlay to protect the neighborhood and preserve the historic nature of it. She further stated she really feels that more than 60% is needed to accomplish that, but on the other hand 60% is at least something. She presented statements regarding losing a contributing property in her

neighborhood because the home was sold to an investor who changed the windows and original siding on the house and how contributing numbers can be affected by rental properties. She further stated that the guidelines and other requirements make sense when examined comprehensively.

CHAIRMAIN VELASQUEZ asked if he lived in a historic neighborhood and wanted a room addition on the side of the home and there's room to do it, how would that process play out. He asked if there be a normal review process with a building permit through the city then Historic Preservation through your office.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated there is a process so that a building permit would not be issued on a historic property until it has been reviewed by historic preservation officer. He further stated in our system, there would be a requirement to sign off by a historic preservation office, therefore a building permit would not issued by accident. He advised this would be on a case-by-case basis and there would be discussions between the Applicant and historic preservation officer regarding the code.

CHAIRMAIN VELASQUEZ asked how paint changes would be processed.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated that could go through the guidelines.

COMMISSIONER SABA asked what if the homeowner and historic preservation officer could not reach an agreement and if there was an appeals process.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated there is a process in the original ordinance. He further stated it involves going through a public hearing process, then if an agreement is not reached Superior Court.

VICE CHAIRMAN WEIGHT stated during the presentation, it was specified that the guidelines do not apply to non-contributors and this number could be 40% of the district. He asked if the terms of non-contributor and participant should be defined to be specific as to what these statuses mean.

COMMISSIONER FINBRAATEN agreed with Vice Chairman Weight.

HARLEY MEHLHORN, CITY PLANNER stated maybe the addition of a disclaimer that a non-contributor is still part of that historic district as from a definitional standpoint.

VICE CHAIRMAN WEIGHT mentioned at City of Phoenix, they do not necessarily require non-contributors have their historic character preserved. He stated they do not try to preserve a character that has been lost, but still want non-contributors to be generally consistent with the

larger district. He explained there needs to be a consistent setback on the street and the addition of a second story would not be appropriate in a one-story district. He wondered if it should be specified in the code amendments that non-contributors still need to be compatible with the district at large but not necessarily have to preserve their individual historic character.

HARLEY MEHLHORN, CITY PLANNER stated that is a great idea and presented concerns from an ordinance perspective. He explained the complications with applying them is that there must be some sort of superseding ordinance over those properties beyond what they allowed by Chapter 35 by right.

VICE CHAIRMAN WEIGHT clarified that he was talking about non-contributors who wanted to make additions to the building that could potentially protrude into the front yard or adding a second story, things that are an extra level of intrusion to district. He wondered if there's anything that could be done to prevent those instances.

HARLEY MEHLHORN, CITY PLANNER stated maybe the addition of a disclaimer that a non-contributor is still part of that historic district as from a definitional standpoint.

VICE CHAIRMAN WEIGHT stated that in the earlier review for signage, the property in question was identified as non-contributing to the district; nevertheless, it is still reviewed by the Historic Preservation Commission, to ensure compatibility within the district and to verify that the property is consistent with the character of the area, specifically in terms of historic districts with non-contributors and associated changes.

COMMISSIONER FINBRAATEN stated if design was monitored closer, these non-contributors could be converted to a contributor.

COMMISSIONER SABA asked regarding the proposed change to 60%, if there was a reason a higher threshold was not chosen. He asked if staff experienced vocal opposition from homeowners or if there was just apathy and they could not get owners board.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated staff has not encountered a vocal opposition and that its more apathy. He explained as Commissioner Bell brought up there are a lot of rentals and out of State property owners who are hard to get a hold of.

COMMISSIONER SABA confirmed that staff has not encountered anyone that opposed. He stated that he is getting more comfortable with the idea of getting the overlay in place with the 60%, then trying to expand from there.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES reminded that the 60% is just the threshold and in most neighborhoods the participation could be well over 60%. He stated staff wanted neighborhoods to have an achievable threshold and explained there is an appeals



processes built into the ordinance if a property owner and historic preservation officer cannot reach an agreement. He stated the first step is a public hearing scheduled with the Preservation Officer and the officer can hire an outside person for neutrality, the next step would be an appeal to the Historic Preservation Commission, then Superior Court.

COMMISSIONER SABA asked if a public hearing is the natural next step for this type of situation and if the public hearing would be advertised to the neighborhood for them to participate.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated this process was put in place years ago and read aloud, 35-3409 section 3D from the ordinance to provide clarification.

COMMISSIONER WASTCHAK asked if the Historic Preservation Commission in this aspect is acting as a recommending or decision-making body.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated the commission would be a quasi-judicial deciding body, but there is the opportunity for appeal to Superior Court.

COMMISSIONER FINBRAATEN stated she did not believe certificates of no effect could be appealed and presented concerns regarding the number of hearings if every decision of staff could be appealed.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated as the original ordinance is written they can be appealed.

COMMISSIONER YOST thanked staff for the presentation and work. He stated he used to live in Dearborn, Michigan, a town built by Henry Ford and the Ford Motor Company. He explained the town had distinctive streetlights and street signs to identify when one was in a historic area and asked if the City was considering putting historic features as such.

DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated there is the ability through the design guidelines to add certain features. He presented statements regarding a concrete street that is maintained in Silk Stocking because it is considered a historic feature.

HARLEY MEHLHORN, CITY PLANNER stated there is a small pool of funds for investments within historic districts for improvements. He further stated there is not enough of a pool at this time to do significant improvements, but in the future, there could be more funding that could potentially be invested into something like that.

CHAIRMAN VELASQUEZ presented statements regarding enhancing street signs.

HARLEY MEHLHORN, CITY PLANNER stated staff is currently working with the first historic conservation district that this commission recommended approval of this last year to get custom made historic markers to identify structures within the district.



DEREK HORN, DIRECTOR OF DEVELOPMENT SERVICES stated as the city gets more districts there will be more support for these kind of historic recognition elements.

CHAIRMAN VELASQUEZ confirmed there were no questions or comments from the Commission regarding this item.

## **Action Agenda Item No. 2 Motion and Vote**

Code Amendments:

Move Historic Preservation Commission recommend City Council approve PLH23-0010, Ordinance 5051, Historic Preservation Code Amendments, as recommended by the Development Services Department.

General Design Guidelines:

Move Historic Preservation Commission recommend City Council approve PLH23-0010, adopting General Design Guidelines for Designated Historic Preservation Districts and Landmarks, Resolution 5680, as recommended by the Development Services Department.

VICE CHAIRMAN WEIGHT moved then withdrew his motion for the approval of Ordinance 5051, Historic Preservation Code Amendments as recommended by Development Services.

THOMAS ALLEN, ASSISTANT CITY ATTORNEY recommended the motion include both elements of Action Agenda Item 2.

VICE CHAIRMAN WEIGHT moved to approve Action Agenda Item 2 in its entirety with modifications as discussed on record, of the April 12, 2023, Historic Preservation Commission Meeting; Seconded by COMMISSIONER FINBRAATEN.

Motion carried unanimously (7,0).

### **3. PLH23-0022 SanTan Sign Relocation, located at 8 S. San Marcos Place, generally located south of the southwest corner of Arizona Avenue and Chandler Boulevard**

HARLEY MEHLHORN, CITY PLANNER presented details regarding the request for architectural plan review approval to move an existing sign to a new location for an existing building located at 8 S. San Marcos Place, generally located south of the southwest corner of Arizona Avenue and Chandler Boulevard.

CHAIRMAN VELASQUEZ asked if the sign would be maintained the same and internal illuminated.

HARLEY MEHLHORN, CITY PLANNER confirmed that nothing would change and the Applicant is present and available for questions.

VICE CHAIRMAN WEIGHT asked if the current or proposed sign locations are in the right of way.

HARLEY MEHLHORN, CITY PLANNER stated the existing sign location is not in the right of way, but the proposed likely will be thus requiring a civil encroachment permit. He further stated this is a common process for civil overhang for right of away that can be done through the Development Services Department at the City.

JAMIE HOFFMAN, APPLICANT stated their intention is to move the sign as soon as they can find someone to do it.

COMMISSIONER WASTCHAK asked if there is more traffic in the back alley and if the purpose of moving the sign is to get more visibility than they currently have.

JAMIE HOFFMAN, APPLICANT confirmed this is correct, he explained that the Downtown Chandler Community Partnership (DCCP) put a pedestrian counter in the alley to track usage and this has motivated them to get more lighting in the alley. He further explained that they want the signage, but they also want the illumination of the sign to improve the lighting in the alley because of the pedestrian traffic.

EX OFFICIO MEMBER JODY CRAGO stated the alley will be part of a pedestrian pathway that will be connecting all the way to Wall Street and this is envisioned to be a major pedestrian corridor for the downtown in the future.

HARLEY MEHLHORN, CITY PLANNER explained there was a third-party study completed that spoke to the greater need for pedestrianization within this particular alley.

COMMISSIONER WASTCHAK presented statements regarding previous cases and stated it makes sense to move it to the back as there is enough signage out-front.

VICE CHAIRMAN WEIGHT thanked staff for clarifying in the report that this property is on the National Register but is a non-contributor.

CHAIRMAN VELASQUEZ confirmed there were no questions or comments from the Commission regarding this item.

### **Action Agenda Item No. 3 Motion and Vote**

Move Historic Preservation Commission approve PLH23-0022 SanTan Sign Relocation, approval of the relocation of a sign that deviates from code, subject to conditions as recommended by Planning staff.

Upon finding the proposed exterior sign complements the existing Early Twentieth Century Commercial style of architecture, Planning staff recommends the Historic Preservation

1. The sign shall be in substantial conformance with Exhibit A, kept on file in the City of Chandler Planning Division, in File No. PLH23-0022 SanTan Sign Relocation.
2. A sign permit must be processed for the subject signage.

COMMISSIONER WASTCHAK moved to approve Action Agenda Item 3, of the April 12, 2023, Historic Preservation Commission Meeting; Seconded by COMMISSIONER SABA.

Motion carried unanimously (7,0).

## **Discussion**

4. Discussion to determine if the commission would prefer to have a predetermined monthly meeting date.

HARLEY MEHLHORN, CITY PLANNER stated as the staff is expecting increasing frequency of Historic Preservation Commission meetings. Staff wanted to have the discussion of possibly having a regularly set monthly meeting day.

COMMISSIONER SABA stated he is in support of having a day set aside.

COMMISSIONER FINBRAATEN agreed and stated a monthly date is helpful to the public and Applicants.

HARLEY MEHLHORN, CITY PLANNER asked for feedback on the possibility of setting the monthly meeting date for 5:00 p.m. for the fourth Wednesday of the month.

COMMISSIONER SABA asked if staff could poll the commission through email so the commission would have a chance to review their calendars.

HARLEY MEHLHORN, CITY PLANNER stated he will follow up with the commission individually on this.

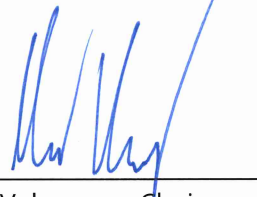
## **Member Comments/Announcements**

THOMAS ALLEN, ASSISTANT CITY ATTORNEY thanked Derek Horn for this work and commitment to historic preservation and announced that Derek will be missed as he is retiring in a few months.

CHAIRMAN VELASQUEZ congratulated Derek and thanked staff for their work on this project.

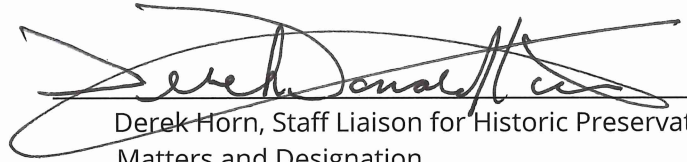
## Adjourn

The meeting was adjourned at 6:16 p.m.



---

Jeff Velasquez, Chairman



---

Derek Horn, Staff Liaison for Historic Preservation  
Matters and Designation



---

David de la Torre, Staff Liaison for City Center District  
Matters and Reviews