

2022-09-27 Public Meeting

Tuesday, September 27, 2022 • 5:00PM

SUMMARY KEYWORDS

Proposed text amendments, outdoor eating areas, temporary use permits, drive, thrus.

SPEAKERS

Rachel, Assistant Planning Director

Kellie Rorex, Senior Planner

Assistant Planning Director Rachel Prelog welcomed everyone to the meeting at 5:00 PM

City staff and attendees introduced themselves.

Rachel Prelog and Kellie Rorex presented the Zoning Code Text Amendments PowerPoint.

Rachel Prelog

We have three different zoning text amendments that we're going to be bringing forward as a group to city council, hopefully by the end of the year. Those three amendments have to do with outdoor eating areas, temporary use permits, and drive thru regulations, which I'm guessing most of you are here for the drive thru regulations. The goal of this public meeting is to receive feedback on these proposed amendments, and we will take that feedback and revisit our proposals. Then we will go back to and talk once again with the Planning and Zoning Board and City Council, and we'll be going back for hopefully, an approval of an ordinance.

The first one that we'll be discussing is outdoor eating areas. The purpose of this text amendment is to really expand on the successes that we saw from the Mesa Alfresco program. Back when COVID first hit, our City Council and our mayor approved a resolution that allowed us to administratively review and approve outdoor eating areas through the Alfresco program. It was incredibly successful; we were able to assist 49 businesses, and in doing so they were able to keep open and still serve their customers while also social distancing. With the Mesa Alfresco program, we were also able to reinvest around \$26,000 within the city of Mesa and the small businesses here.

With these amendments, we want to continue on with that success. We want to increase opportunities for outdoor eating areas and we also want to enhance the aesthetics of those areas. Currently, in our zoning regulations, outdoor eating areas require either a special use permit, or an administrative use permit in certain zoning districts. Within the downtown pedestrian overlay area, so within our downtown, there is already an approved special use permit, so any outdoor eating areas there are allowed by right

and will only go through the site plan process. But we only have limited standards for the development of those and how they look and how they're arranged.

With this amendment, what we're recommending is that we allow outdoor eating areas by right in all commercial districts, and that we include some design standards to guide them. Examples of those would be the materials on the enclosures for the patio areas, having standards for encroachments and what pedestrian walkways would need to be, what the process would be if you are wanting to locate those in a public right away versus if you were in zoning districts where that's not allowed, what the process would be to encroach into some of your landscape yards. So those are some of the standards that would be included with those amendments.

Kellie is going to come up and present this next section here.

Kellie Rorex

All right, so temporary use permits. What is a temporary use permit? The temporary use permit is a tool that gives temporary authorization to certain uses that are intended to be of a limited duration at a specified site, and the use will not physically alter the site in any way.

Per current regulations, we have a very limited number of uses that are allowed to use the temporary use permit as a tool. Right now that only includes swap meets and farmers markets. All other uses such as firework stands and Christmas tree lots, those would be processed through a special events license, and then things that would go past 4 consecutive days, or four times per calendar year would require a special use permit. The special use permit is a two-to-three-month process that goes through the Board Adjustment. It's a very bureaucratic and timely process for applicants.

So, the purpose of the text amendments would be to reduce these timely barriers and allow more temporary uses where appropriate, and clearly define specific temporary uses. So, expanding that definition, what else can be considered a temporary use? And then refining the temporary use process, procedures and guidelines. That's really going to be a balance between providing a more administrative process for applicants but also balancing compatibility between wherever these temporary uses may be and their permanent neighboring land uses.

Our recommendations would be to expand the temporary use categories, so Christmas tree lots, haunted houses, firework stands, and then we would allow a 90 consecutive day period with a 30-day extension. Or if there's something that is only twice a week, so something that's only on the weekends, like a swap meet or a farmers' market, then they would be allowed to do a 180-day total duration. Then again, we've refined the approval criteria and operational standards that are balancing the process with some more ability to ensure compatibility amongst uses in any location in the city.

Rachel Prelog

Okay, and so on to our drive thru regulation proposals. We were asked by City Council to take a look at our drive thru standards. By some of the council members, we were asked to look at minimizing the clustering of drive throughs to address the urban form and make sure that we're preserving the integrity of Mesa neighborhoods. Some of the common concerns that we have heard from the public and from

council include the nuisances or the externalities that come with Drive Thru uses. So, the lights, the smells, the noise, there's also safety concerns that come up because of drive throughs, such as when you have multiple curb cuts mixed with the crossing of traffic with pedestrians and bicycles.

Also looking at our commercial centers, we are seeing an influx of applications where it is just this kind of a flood of drive thrus and it's turning into a makeshift food court, as opposed to your neighborhood commercial center. So, by way of example, these are an example of what we as staff have been seeing a lot coming in for applications where we have group commercial centers that are just lined with Drive Thru uses along our arterial streets, in conjunction with other auto dominant uses, such as car washes, and gas stations. Here's another example for a proposal where you see that by and large, the whole center is dominated by just a grouping of drive thru uses. And the pictures on the right, you kind of see some of the impacts of those uses being located adjacent to one another and how it really does provide some congestion. There's all the externalities that I had mentioned, and then the safety concerns.

So as staff how we've approached this is we've tried to understand what the common land use concerns are with these drive thru facilities and identify what the goals of these new regulations would be and how those align with our city goals and policies. We've been researching best practices and conducting outreach to citizens and reviewing these proposals with council and receiving feedback. For best practices we looked at drive thru regulations both in our neighboring cities but also major cities nationwide. We've also looked at academic research, which, as planners, we have to go and do. And then we've been discussing this with different fields experts or people in the profession, and then reviewing our public comments.

As far as supporting policies, the General Plan, one of the main three components is maintaining great neighborhoods. With this, we want to make sure that our commercial centers that are part of our neighborhoods, really are maintained as healthy, safe and vibrant communities. We also have the Mesa Climate Action Plan where it talks about increasing access to healthy transportation systems, providing equity in land uses, but of course, inherently to a Climate Action Plan, there's also kind of the effects on the climate as well by auto uses.

So currently, as you can see on the screen, these are our zoning districts where drive thru facilities are possible. It is a mix of land use processes right now. Some are permitted by right, some require a Special Use Permit, and others require a Council Use Permit. Currently, we don't have any sort of limitations on the number of drive thru facilities that can be located adjacent to one another. We also don't have any distinction between a drive thru facility or a pickup window. We are recommending some changes and the first one would be to prohibit drive thru facilities in the Neighborhood Commercial districts. These districts are really your smaller scale commercial centers that are really supposed to serve the immediate neighborhood within a one-to-two-mile radius. They're really intended to generate minimal traffic and provide those immediate services for their neighborhoods. Our other recommendation as far as process change, is to require a Special Use Permit in the Limited Commercial district. So once again, these are supposed to serve a smaller kind of trade area or radius, of five to 10 miles. They're also supposed to be low intensity, more service-oriented businesses.

Another recommendation that we are making is to make a distinction between what drive thru facilities are and what pickup windows are. That is something that we discussed at council, and we can see that there really is a distinction in the kind of the effects or impacts between those two facilities. With the code amendments, we are distinguishing between the two. There would be no changes to the pickup windows as far as the processes or where they'd be allowed. So, if you don't have a menu ordering board, speaker box or someone out, physically taking orders, you'd be considered a pickup window. As far as impacts of those, there's not as much stacking with those as compared to drive thrus, where you're actually generating a waiting time behind them.

As well as those changes to the land use charts, we are also recommending some base standards for drive throughs as well. I say these are base standards because there is the ability to exceed these by requesting a Council Use Permit. They're not restricting them outright, but it would require a Council Use Permit approval. The first one is to locate no more than two drive throughs adjacent to one another. The next one is if you did have two drive throughs located adjacent to one another and you wanted to put a third one adjacent, like we saw in those pictures of those group centers in the site plans, that third one would have to be located at least 750 feet away from the other two. The next standard would be to have no more than two drive throughs in a group commercial center and then no more than two drive throughs at an intersection.

On the screen here, I just want to show you a couple examples of the impacts of what this looks like. When we talked about restricting drive throughs in the Neighborhood Commercial zoning district, this map shows you the location of all those zoning districts within the city. As you can see, there aren't very many, not as much as you would see for the Limited Commercial or General Commercial, and once again, the scale of these is much smaller because they're intended to serve those immediate neighborhoods there. This, by contrast, is a map that would depict where drive throughs would be allowed by right within the city with these text amendments. So still large areas where you could go through a site plan review process, just like you would in many of the districts today. Then finally, this is a map showing all the areas where drive throughs would be a possibility whether it is by right or if you did need to get a use permit. So, these are all the possible zoning districts in which drive throughs might be allowed.

So really, the outcome of these amendments is to manage the clustering of drive throughs and some of the externalities that come with them, we want to be able to support a sustainable city, we want to be able to strengthen our pedestrian realm, we want to be able to protect our urban form with this and make sure that we're providing walkable neighborhoods and transit friendly centers. We have heard a lot from the public about wanting to be able to have a say in what development comes into the city and wanting to be able to come and make comments. This provides them an opportunity to provide input on development coming into the city as well.

Our next steps with these amendments, this slide shows the continuum of public participation and we're right here in the middle section, where we're still kind of listening and getting feedback from everybody and engaging in this problem solving. This being a linear diagram is a little misleading because it's really a circular process. We're still receiving feedback; we're still working on this. We know we've received lots of requests to review the text amendments themselves, the actual ordinance, but we

aren't ready as staff to release that because we really aren't ready with final recommendations yet. So, by today, we're hoping to be able to work with you, we know that there are lots of concerns and that people have various ideas. We'd love to hear those we'd love to work with you on ways that we can come to a problem-solving solution to accomplish our goals as a city, but also be able to accomplish your goals as well. Where we're at right now is we had a public meeting at the end of June, we had one last week, that was a virtual meeting, and then we're having this in person one today. Then after this, like I said, we're going to be going back, we're going to be talking more and refining our proposals and then be going back to both the Planning and Zoning board and City Council, hopefully by the end of the year. With that I'm going to open it up for comments and discussions. I just ask that since we're recording this for our transcripts, if you could say your name, again, kind of like a public meeting, so that we'd have that on record, it would be appreciated. If you all just want to raise your hand we'll start calling.

David Johnson

How do you deal with the state law or trying to diminish the value when you change the allowable use on a site?

Rachel Prelog

Right. I know that question has come up from a couple of land use attorneys. That's something that we'll be discussing with our city attorneys. I personally, don't feel comfortable answering that myself but I know that is something that we don't feel is outside of the nexus between health, safety and welfare as far as police powers, so that's something definitely we'll be discussing with them. We've had a couple of correspondences from attorneys that we've already forwarded on to them to kind of look at.

David Johnson

So, it's being discussed internally then, or how would we find out more about that, as that progresses? Would there be a proposal to impacted parties before this gets passed through the council and is considered?

Rachel Prelog

Well, we're going to be going back out for public hearings. So when we go to Planning and Zoning, and to City Council, those are public hearings that you'd be able to provide input and feedback on but before we do so, whatever we come up for our final proposal, the ordinance, is going to be posted online, so it will be posted for public comment before we go back to city council.

David Johnson

Normally if I want to sue the city for a grievance, I have to first exhaust all administrative avenues first, and then make the notice of claim, is that correct?

Rachel Prelog

I wouldn't be able to answer those legal processes. They are not here tonight, but there is someone in our city attorney's office we could get you in touch with if you had questions. Do you want to email me or I can provide you my card after? Okay, I think we have a question back here.

Jeff Welker

A couple of questions, they are kind of related. You mentioned that some of the concerns, I guess, coming from counsel and elsewhere is that the drive thru restaurant eating establishments are creating a bunch of driveways that cause concern for safety, for walking, pedestrians, folks riding bikes and my curiosity about that is that the city's transportation department is involved with every single driveway that gets put in Mesa. Mesa reviews and approves them. When we go through site plan review or rezoning cases, transportation looks at those driveways. What's changed in philosophy between what transportation, the city, has been approving today? And what these regulations are using as rationale or justification for making these proposed text amendments?

Rachel Prelog

Right, our transportation department does review site plans, but they have limited regulations on the spacing and the number of those curb cuts. They are able to make a limited amount of requirements or recommendations for those but it is limited in some sense. They don't have full authority to completely deny access and curb cuts.

Jeff Welker

The city has already established how many curb cuts and how close in separation and all that. Now, it sounds like there's a concern that the existing standards don't provide the protection for pedestrians and people on bikes that I haven't ever heard anyone mention a concern about before. So that's something I want to throw out there. The idea was that you're talking about how citizens have said they'd like more of a say, in the development that comes to Mesa. It's my perception of the citizens get plenty of say, they get to comment on site plans, they get to comment on rezoning cases. I'm not sure what additional commentary they're going to get out of this. Can you help me understand that?

Rachel Prelog

Well, in some cases, site plans do not have to go to a public hearing. So when we do notice something for public hearing, the public does have the opportunity to come in to speak, but sometimes they don't sometimes cases are done administratively and citizens don't have the opportunity to participate in those discussions and shape the outcome of that. That's where we hear from the public. We've heard specifically for drive throughs that they wanted to be able to have more input into the development that was coming near them.

Jeff Welker

I'll send you guys more, I got silly questions, but the last of my 140 ideas, lots of folks have existing rezoning site plans and just simple site plans that have been approved by the City of Mesa. And as you know, sometimes those campus-like developments take years to fully mature and fill in. A lot of times those pads on the front of the streets are some of the last ones to fill out. What Jeopardy does this put them in with the currently approved site plans and the zoning they vested with these proposed text amendments?

Rachel Prelog

So if they already received their entitlements, and they're still valid, so as long as they were vested through either a PAD or their approvals haven't lapsed, per our standards in that section of the zoning

ordinance, they would still be allowed. They're vested, they would be allowed to those entitlements and to go build.

Jeff Welker

So these text amendments wouldn't apply to them if they were adopted?

Rachel Prelog

Right.

Jeff Welker

And that language would be included in the text to guide staff and developers into understanding that?

Rachel Prelog

It would likely not be in the text itself, but it is in the zoning ordinance provisions.

Mary Grace McNear

Hi, Mary Grace McNear, Beus Gilbert and McGroder, we wrote a couple of letters to the Planning department staff with some of those questions that you've referenced. So, you mentioned and a couple of your slides, both last week and tonight that you've done academic research, you've looked at some studies, or whatever. When will share that with us?

Rachel Prelog

Kellie has some of that information. If you want to hear just kind of the basics of what we have. We could tell you who we've looked at. Would you mind coming up, Kellie?

Kellie Rorex

We've done research around the valley. We looked at Tempe, Phoenix, Chandler, Tucson, and then some of the other states we've looked at who have gone through this process already and do have some more restrictions on drive throughs, Missouri, California, and I can send you others as well.

Mary Grace McNear

I'd be really grateful for the actual research, because I am not trying to be controversial or challenging, but I have yet to hear somebody say that there is scientific empirical evidence that shows drive throughs, as opposed to, you know, fast food restaurants, but drive throughs cause these secondary effects that you're talking about. And for any exercise of police power, that needs to be the basis and so I'm just trying to understand, that's why I asked for that. And the second thing I would say about that is that it's my understanding, and you can correct me if I'm wrong, I love to see the actual things that you've looked at. But it's my understanding that the cities in the Valley have done mostly design regulations, not a ban in a particular zone. Is that your understanding as well?

Kellie Rorex

That's correct. So most cities would have a longer queuing distance than we currently have. They have more screening requirements. Then there's some similarities between distinguishing between the drive thru and the pickup window. But that's very few.

Rachel Prelog

But we do have other cities that have prohibited drive throughs in certain zoning districts as well.

Mary Grace McNear

Which cities in Arizona have prohibited them? Can you share that?

Rachel Prelog

Yes, I want to make sure we're not getting into a confrontational situation. Because when we talk about research across the country, we're looking at regulations from other cities, we're not looking at academic articles like you were referring to before about proving externalities. When you're saying how other cities have proven impacts of those that would be more on the academic lines, as opposed to when we're looking at best practices from other cities.

Mary Grace McNear

I am sorry, I am just going off what you provided in your other slide, that you looked at academics.

Rachel Prelog

Right, which we did as well. But when you were asking for those other cities and saying that you hadn't seen anywhere else that had proven those externalities, I wanted to be clear what we're talking about.

Mary Grace McNear

I just wanted to know what other cities you've looked at and if you've looked at any actual research with evidence that shows that a drive thru causes or draws that conclusion. It's only a question I have, you know, I've done some research, but it's not been extensive. And then I guess I would wonder if most of what you see you've seen is about increased regulations, why aren't design standards like stacking queuing, curb cuts, making sure the noise isn't too loud from the menu, then make sure the lights are not too loud, the smells, things like that. Why not just make those changes? Why make a change where you're basically eliminating it in the Neighborhood Commercial? I'm just curious what makes you think that that's not far enough, just doing design standard changes?

Rachel Prelog

We have looked at both. We currently already have stacking regulations. But we are looking into possible distance requirements as opposed to restricting it in the Neighborhood Commercial district. So, I won't say that we haven't looked at both. But currently, this is what we are proposing because the intent of the Neighborhood Commercial just does not align with Drive Thru facilities as outlined in our zoning ordinance.

Unknown 1

Can you elaborate on that? It doesn't fit with the general plan or Neighborhood Commercial?

Rachel Prelog

When you look at the purpose and intent of the Neighborhood Commercial zoning district in the Zoning Ordinance, it describes the intent of the district. It's supposed to be a small-scale neighborhood serving

commercial for a one-to-two-mile radius that's supposed to have very minimal traffic impacts to that area. So that's why we believe that it doesn't align that with the intent.

Unknown 1

Where does it talk about the traffic impact? I agree with everything you said but I didn't see that traffic impact in the Neighborhood Commercial, or General Plan.

Rachel Prelog

It is in chapter six of the zoning ordinance when we talk about commercial districts and the intent of those, so it's in the very beginning.

Unknown 1

Right, and I read those and that is why this is a bit of a surprise with the ban as proposed. It seems like a coffee shop and a drive-through is a great thing for Neighborhood Commercial. Everyone wants a Starbucks or a quality company in their neighborhood. So they go hang out, meet people have meetings.

Rachel Prelog

Okay.

Brad Ford

Yeah, my name is Brad Ford, I'd like to chime in now, because I feel like a lot of my concerns are right in line with a couple of these others. You know, I was talking to my wife about this and again, we own a few properties here in Mesa and we have several kids and my wife's driving around, and I'm really trying to reconcile the consumer demand with doing what's right for the community and its citizens. Because the way I see it is that there's, there's a lot of people that like the drive-throughs and prefer to use them. My wife in particular with a bunch of small kids in tow, would rather not get out of the car, and try to walk those kids across the parking lot, she'd rather keep them in their seat belts in the car and go through the drive thru, and have that convenience. I think using design standards to try to mitigate some of those negative neighborhood impacts, if they're there, but again, we see tremendous demand and I think the retailers and the QSR, and those that are using those drive throughs are very in tune with their consumers. It seems like few that I've talked to maybe 70 to 80% of the business that they're doing is actually running through those drive throughs and showing the demand for that. Frankly, it seems like there might be more danger trying to get into a parking stall and then reverse back out of that parking stall, and everybody trying to do that, and with pedestrians, but then there would be a drive through that is just a straightforward drive through, with slow speed. I mean, I'd like to see some kind of empirical evidence, something just suggesting that there really is a life safety issue with drive throughs. To me, it seems like putting people in the parking lot and pulling in and out of the parking stalls would be more dangerous from a life safety issue than the national drive through with slow speeds and straightforward driving. So anyway, what can we do then to meet the consumer demand? These things are full of all sorts of people that want these options. Am I missing something there, why are we not trying to make safe drive throughs? If that's what consumers and citizens want? Or is that really in question?

Rachel Prelog

Well, I think that's what we're here to discuss. I mean, we as staff have come up with a proposal of amendments, as I described, to try to address some of the concerns, with direction to look at our standards. This is a forum, if you have suggestions then we can go back and take a look at those and refine them.

Brad Ford

Just another vote for some design standards because I think we have to look at the businesses, the businesses are very in tune with their consumers. I feel like I fit into that category, I want these options, I want the drive throughs, I feel like they're safer. I feel like they're convenient. I feel like they're what people would like to have. You know, we went through COVID and a pandemic, and that kind of demand soared through something like that. I would rather my wife take our children through the drive thru and have a relatively contactless experience than to get out of the car, walk across the parking lot, and go into the store or go into the place and buy something and have that contact that's in there. So, I just, again, just trying to reconcile the demand of consumers and citizens who I think most of which really enjoy drive-throughs, and all that comes with those. So, whatever you can do to help us have more would be great.

Rachel Prelog

Okay.

Lyndsie McMullin

He spoke exactly to what I wanted to talk about. I am a stay-at-home mom. This is my first City Chamber meeting, kind of fun. Anyway, I want to just say, I think this is going to do a lot of harm to moms. When you have a little one, it is a wild inconvenience to have to get them dressed, find a parking spot, have to lug their tiny bodies in and try and keep them calm. It's to the point where I don't do it. I exclusively use drive thrus, most of my friends exclusively use drive thru. For example, my sister has eight children, right? For me, it is an inconvenience to not have a drive thru. I'm here for me but I am also here for her, she has three kids under four, it is impossible for her to go into a restaurant with those children. She couldn't come here today, because this facility isn't designed for parents and young children, right? So, I guess I just wanted to speak on behalf of parents with young children. It is the one way that we have access to food that we're not making at home, because the effort to go into a facility is just too great. And I mean, think about the last time you were at a restaurant, right? I mean, when was the last time you heard a kid screaming? It's probably been a while. And that's because parents are very cognizant of not ruining your experience. And so, I was just hoping you guys could be equally cognizant of like, making sure you're not ruining moms experiences, if that makes sense.

Rachel Prelog

Yeah. Okay. And I just want to go back and kind of reiterate, we are not banning drive throughs within the city. I feel like I'm hearing a lot of that, that's not our proposal. Where we talked about restricting drive throughs, as I'm showing on the screen, it's a very limited number of districts. Some of these probably already have built facilities. So, the impact of those we don't see as being much, but when it comes to redevelopment, it'd be turning those into more, walkable, transit friendly environments.

Vice Mayor Duff?

Vice Mayor Duff

Are you differentiating between calling a drive thru, for instance, like a Dutch Brothers, which has no seating area at all, it is purely a drive thru and a very intense use, versus like say, Panera Bread. Which has a seating area and drive-thru. So is Panera considered a drive thru as well?

Rachel Prelog

If it had a menu ordering board, or a speaker box, or someone out there taking orders, yes. We had looked at defining it by square footage but then we saw that it really turns into a matter of singling out certain users. If we said you have to have at least 1500 square foot. I mean, we can, you know, vary obviously see which are singled out. So, we were trying to be careful on that aspect. So currently, they are included with drive throughs. Yeah.

Reese Anderson

So, in the NC district today you could have a drive thru restaurant, or restaurant with a drive-thru, with a Special Use Permit. Is that right?

Rachel Prelog

That's correct.

Reese Anderson

So that's a good vehicle for everybody to look at the system to check for the placement as well, so what's wrong with that vehicle? Maybe you could share more on that? Because I think the use permit process is a wonderful one. A tool in the toolbox. That lets everybody look at it to say, not all NC districts are created equal.

Rachel Prelog

That's correct. Yeah.

Reese Anderson

Why depart from that? Does my question make sense?

Rachel Prelog

Now, that's fine. It was really looking at the intent, like we described before about those centers and really trying to preserve them. Yep, so that was the intent of those.

Reese Anderson

So that goes back to my questions last week, you can start to set up the right parameters through the use permit process and design criteria. So we're not getting fumes and order boxes too close to the neighbors, right? Because in a super narrow NC district, it may not be the best use. On a larger one it may fit, but prohibition doesn't seem like it's the best tool.

Rachel Prelog

Yeah, yeah. And we heard you and we think those are great suggestions. And we're gonna go back and we're gonna look at those. There're different ways you can address this, you can go really into detail about the development standards, or you can go the other way about the use and the process that it has to go through and making it go through that public hearing process and letting those boards make those calls about the conditions of that area.

Reese Anderson

And I get that. Last week, you were gathering info. You have ideas but no final decision?

Rachel Prelog

That is correct. I am seeing lots of hands.

Vance Marshall

I am Vance Marshall, and for 23 years we've owned a property that's zoned LC. And now you're saying if there was a shift, if we were to add users, that they would be required to get a special use permit. From your presentation, I don't really understand what the criteria would be for approval or disapproval of the special use permit.

Rachel Prelog

The special use permit largely has approval criteria that looks at the impact of the use. So making sure it's compatible with the surrounding area and looking at the impacts. So, some of the criteria talks about compatibility with the general plan and various sub area plans and any specific plans. It talks about compatibility with the zoning district. It talks about existing infrastructure being in place it talks about the impacts, making sure there's no meaningful impacts on surrounding properties. So those, in general, are what those criteria cover for the special use permit, which is very similar to the council use permit as well, really, any of the conditional use permits have a very similar criterion. Yes?

Unknown 2

Just in my experience, you talk about a Special Use Permit like it's simple, I have a couple of sites and the site plan review and design plan review are costly, upwards of 15 or \$20,000, just to find out if that's a possibility. So, I'm developing a site on Main Street and it occurs to me that you're 2050 plan is really trying to push everything out to the street. And maybe that is in conflict with some of these drive thru issues. If you're trying to get everything right up onto Main Street, maybe that is an issue. Maybe that urban design that you're looking for, might be a problem. I guess my other concern is you have this slide up here and how you interpret this today might sound fine. I also own the site just about 100 yards from here at Sistine and First Avenue, where we operated for 10 plus years, where brown brown was there, and it was industrial zone and everything was fine. And then a couple of years ago, they said, oh, this is the downtown corridor, we've changed all those rules. Now this, this and this, are outside of the zoning. So, things change as the city progresses and things progressed to have a hard rule in place. I think is used when you started this presentation, you talked about an administrative review and help some restaurants. I think that's a helpful process. Let's see. So having a hard rule in place makes no sense.

Unknown 3

My comment kind of goes along, I guess. I have a question on the intersection. What was the determining factor that two drive thru facilities could be at an intersection? I mean, why not leave that up to a citizen, you know, through the citizens having feedback? And having the ability to amend that to have three or four? Why two?

Rachel Prelog

Yeah, that's a base standard and it's something similar we have to some of our other auto related uses where we try to limit those auto related uses at the intersections. So it still would be able to exceed that through the Council Use Permit. So there still is that venue that you're talking about, to have that kind of discretion

Unknown 3

I guess another question, I have been born and raised in Mesa in your model life and, and I've, you know, Mesa is built on the square grid system, right? By miles square grids. And I mean, as a kid, I rode my bike around, but as an adult, I just don't walk. It's you know, it's you get in your car, if I'm going to the next, you know, the next development over I get in my car and I drive with just the heat and everything. I think the walkability you know, I think that if it's within the actual development, I think that's smart. But I think sometimes that that utopian idea that we're going to, as residents of Mesa, are going to walk through these facilities, I think sometimes is a little bit more of the big city, New York type things where things are really tight together. That doesn't necessarily reflect how Mesa is laid out.

Rachel Prelog

Okay. Back there?

Jeff Welker

I have a suggestion. Since there have been a few questions about the comparisons you did with other jurisdictions, other locales, might I suggest it could be helpful for us all to understand, and in future presentations for staff to create a one-page matrix, a comparative matrix that says, here's Mesa's proposal and here's how it compares to the cities and jurisdictions we've looked at. To kind of get their arms around this?

Rachel Prelog

I can, I can do that. But I just want to make it clear that ultimately, these recommendations are the discretion of Council. It's a legislative action. So, it's really at their discretion if they want to enact these so we can provide that information, but I'm not sure to what end what that's going to accomplish, I guess.

Jeff Welker

Well, it would be providing information.

Rachel Prelog

Okay, and we can do that. I'm just feeling like I'm up on trial a little bit here. And I'm trying to have a discussion with everybody to come to, you know, a general consensus about how we can improve these text amendments to accomplish common goals. So-

Lindsay Schube

Rachel, you're doing very well. I have a meeting tomorrow night, and I'm going to get yelled at. So, I'm very, I'm like, this feels good sitting on this side. There you go, you are doing great though.

Unknown 4

Just kind of building on that. I've been on the virtual calls and I think I think why we're requesting those documents is just some transparency to see why it's moving you guys in this direction. I don't think it was on the first call, the first time I heard of any of these studies was actually this last week. I personally apologize if that's not the case. But it seems like it's been like a new thing but we can share information on. So if that's something helping you guys and your team guide you to these new decisions, we're just trying to understand who else is doing it, and how it's working?

Rachel Prelog

Sure.

Kellie Rorex

I could also post online the Cities that we have looked at in the valley, they're very different. So, I'm not sure a matrix would work to compare the cities. But you can do that research yourself to look at those differences.

Rachel Prelog

I've tried to put together a table and it becomes difficult because the zoning districts don't align. They don't match up necessarily. We have very different districts. So you know, comparing our General Commercial to another cities, it's not apples and apples. But we do know that other cities do have certain zoning districts in which they restrict drive thru facilities and they have different development standards as well from us. But yeah.

Andy Call

Someone who has lived most of her adult life in Mesa and served on the design review board, but I've also coached several teams and spent a lot of time weekends driving around twin soccer games and basketball games. I have found and not only look for the kid's preference, where to eat, but also where to save. And I found that drive throughs created the least amount of corralling these kids from two SUVs to into the restaurant to eat and hustle back over the game where we can just go to the drive thru that's significantly safer in my eyes, most of my parents' eyes. So that's, that's one thing. But I do have two questions, one is if you guys looked at the supply and demand as you start to limit the supply and drive throughs, and we all know and there's been multiple studies, Marcus mill chaps came up with a study recently where the demand for these drive thrus are increasing, where typical restaurants that don't have drive throughs and if they don't start doing drive thrus, they're probably not going to survive the economy in the next few years. And it's moving very, very quickly. So, as you start to limit the supply, but the demand is increasing, are we causing more issues for the drive thrus that we do have at those intersections and centers? Are we going to start creating some big hazards in those areas by creating a scenario? And then two, have we looked at the economies or the economic side of it, because these guys, not only have they paid handsomely for that stuff, but in our developments, we rely on a lot of these uses to allow us to do all the improvements that the cities are putting on us and

burning the projects with half street improvements signals, lane extensions, all that stuff is burning the center. And that handcuffs us where we can't find the boutique uses to come in. There has to be a balance there because those boutique uses cannot fill that economic side that a lot of these other groups are filling. So I'm not sure we're looking at both those two questions.

Rachel Prelog

Right. Yeah. And in our discussions with some people out in the field, we have heard that about how from the financing side, how often there's more pressure for the drive thrus to be included. It's just hard. We can't, we don't know of a way to quantify, quantify that. So, you know, I think qualitatively we've heard both of those things, but we don't know exactly how many drive thrus these regulations would prohibit? If we did, if we did approve them, and what that impact would be. I don't know if there's a way for staff to be able to quantify those effects. But we did have the same kind of question come up in our public meeting last week about the tax revenue, and we will be looking into seeing how much on average revenue brings into the city to have that information.

Reese Anderson

I think what Andy is saying though, is if they don't have sufficient number, this is gonna make the whole project even worse. And so it's more than just tax revenue it's the ability to do the project, because those users pay the higher costs, which then helps do the offsite improvements. So those higher rents are able to balance the project out

Unknown 4

And draw in some of the users that you're hoping to get more of in these neighborhood areas. Those guys are not kicking off our project by any means. But they are definitely an addition to what we're trying to attract.

Rachel Prelog

If you have any information you could share about how many of those users are needed to be able to fund the other developments? I think that's the hard part for staff. Yeah, we don't.

Reese Anderson

Not every NC and not every LC project is the same, but with different sizes. Need some flexibility as you go along?

Lindsay Schube

Rachel, I think that's part of it is when we see these and where you're hearing anxiety and stress from us is because we see hard fast rules, like two drive thrus at an intersection, well, how many acres do you have at that commercial corner? How many drive thrus are already there? What does that look like? And to just say, you know, you don't even know what impact some of these rules would have on the corners. You know, that's scary, right? For us. And to know, if you have a 40-acre commercial corner, well, is that treated the same as a two-acre commercial corner? So, I think some of those, you know, I think it's very hard just to say too hard corner, when not all corners are treated the same? It's an arterial, is it a collector? Is it a local street? I think we all want to support Mesa in terms of protecting the neighborhoods, but I don't think all, you know, I can see the distinction on the on the different zoning

districts. But again, I live where we ride bikes through a cute little commercial corner. It has a Starbucks drive thru, and we like it, you know, it doesn't cause chaos I go through with my bikes, it's all fine. I find it interesting, the juxtaposition between the first two amendments that we talked about tonight, which are outdoor eating and the TUP, I love those, by the way. So, support those two, and you're trying to simplify the process and you're trying to work with the property owners. And you know, I think you said you're changing some of this SUP to TUP's because the SUP is a bureaucratic entitlement process. Well, so now when we're talking about either eliminating the ability to ask for an SUP in Neighborhood Commercial or I think the reason why you're seeing so many drive throughs is there is a demand for them. Right? And so we need a mechanism together. Those are just a couple of my comments. And also we are just, we are an auto dominated society. I'm a mom with, as well as like the real estate concerns that I can talk to you about all day long. Just as humans, I think, you know, there is a shift. People want drive thrus, restaurants want drive thrus, maybe there's something there with the size. Again, not you know, maybe there's other concerns there too. But I think, you know, just making these blanket regulations, what's leading some of us here and what impact it would have.

Rachel Prelog

Yup, and keep in mind, it's a hard balance between you know, the business community and us looking also at the urban form and in trying to look at a vision for the city and what it can be also in the future.

Reese Anderson

Is this the approved plan for Gallery Park?

Rachel Prelog

You're not supposed to call it the name Reese. It is an early version, so staff does spend a lot of time as you know, with applicants.

Unknown 4

So that's not?

Reese Anderson

That is not the final plan, what Rachel is confirming.

Rachel Prelog

Right.

Reese Anderson

This was an early, early plan that got proposed.

Rachel

Yeah. But as you know, often to get to a common ground, there's lots of conversations with staff, council members and DA gets involved, which ends up extending the process even further. So it's not that easy at a staff level either to get there.

Lyndsie McMullin

I'm sorry, can I say? You're doing a great job. When I was looking at your map, but you know, the area that it involves, I live in Lehi Crossing. So that's right on McDowell and Gilbert. So we're kind of encompassed in that. And right now, to get to somewhere where there's healthy takeout, I have to drive to Brown and Higley. So, it's about seven miles it takes me 15 minutes to get there, 15 minutes down. So, I know you're not limiting the current drive thrus. So, I know in my neighborhood, talk around the park is that we really, really, really do want more accessibility closer to us. There was a rumor going around that Chick fil A was going to Gilbert and McKellips, turns out it was a McDonalds. We're still annoyed. So, I know in terms of moms, or, I used to be a special education teacher, when you have kids with special needs, you can't take them into public settings like a normal person. I think everything's there anyone that has any kind of mobility issues, and just make sure that you're accommodating them as well. And I know you're not planning on getting rid of anything. Thank goodness, but I do think even eliminating is going to have a negative impact on people with mobility issues.

Rachel Prelog

Okay, we got a couple of minutes left. I haven't heard from this gentleman yet.

Unknown 5

So, I just wanted to make point. Andy from Thompson Thrift, I would really take what he says, with some serious weight, he's done a lot more development than I have over the years. I've done a decent amount, I would just want to underscore what he said in regards to the economic aspect produced by drive thrus. For these to actually be developed or for them to be redeveloped. There's a lot of redevelopment in Mesa that basically needs to happen. So important for us to have flexibility. But there's also a very important aspect that draw other users in synergistic aspect. Coming into a center, a lot of times you have users who want to go in line, you want to get that retail, that larger box, a life card into that shopping center, those eyeballs to be the cast eyes, their vision about to see what else is in that center. And so that's me, that's what I like to see our staff discuss it, we can come back. The other thing would be, I'd love to see the implementation strategy in advance, it would be nice to know how this resource get passed. How our applicants grandfathered in and how's that working? If I'm on a pre-app, if I am in a formal application, what step in the process am I protected on some of the other previous level? The other aspect I would throw out there would be, I just wrote down a couple of notes here, would be just in regards to, you know, you heard some emotion here tonight by some parents, and most of us are not just developers we're property owners. As we go through the process of development, we sit down and work with those gamers. And then we come to the build back end of the staff, we go back with ownership and our users, then we come back to the neighbors. And so I think that's a key step in this that I will recommend is for staff to come back to the owners and say, here's where we think we are, we understand it. And here's our best approach to hear your concerns in regards to life safety in regards to I mean, some of these lifeless Rally's. I mean, these are businesses people trying to provide for their families. And all they're trying to do is follow the demand of the clients of their customer base, and all are heading towards drive thru. To only allow two at an intersection, it's strangling everything we're trying to. We're trying to make Mesa, redeveloping it, developing it making it something that we all want.

Rachel Prelog

Alright, we got time for one more.

Daniel Leung

My name is Daniel. So to get our Rally's going, I mean, the processes in place took over two years. We, from our first submittal, the pre app, to getting approvals took over a year and 18 months, and so it took two years, so to even to add another process on top of that. We've had numerous hearings in our zoning. I don't know what kind of developers don't have opinion processes that is designed to reward employees. And part of the problem I'm hearing is that you're putting a broad stroke on all drive thrus so what is it about particular drive thrus? Is it traffic? Is it design standards to address stacking? You mentioned the lightning standards, you have to have screen walls that is higher than car lights. And there's a number of other standards it seems like to go through this other process, we sort of have an arbitrary set of standards that I'm not sure what I'm trying to get permission for, what are the concerns, or differences between drive thrus for banks, ATMs, oil changes or restaurants in particular? If it's a safety issue, I can't address that particularly. But it doesn't seem like a lot of the usage is coming. Because as I see, if we're driving demand away from ordering the drive thru windows to pickups, I find that we're having a lot of problems, safety issues with GrubHub deliveries in a rush and hurry, they're jumping out of the cars, they're stopping the cars and the drive thru lanes and parking so we can run in for getting out of the cars in and out trying to go through the pickup delivery. So just seems like its hard to address. The second is, you know, I also go into the properties that are zoned LC and I couldn't get any, this is the first time that I've been to a public meeting. And I wrote to my architect, I wasn't sure how to see the notices, specifically to search for this.

Rachel Prelog

We posted it in several places. But it's hard to get out to every property owner, I mean, to be able to do any sort of mailing or to be able to identify all interested stakeholders is very difficult. But we do we do post notice of it in several places.

Daniel Leung

The NC and LC property owners should be noticed. As developers we are required to send notices out 1000 feet. You should be able to get more input on this.

Rachel Prelog

Okay.

Steve Dunn

Can I say one thing? My name is Steve Dunn, I'm with Roosters Country here in Mesa on Main Street. And I didn't want to interrupt your guys's conversations over the way. But we were one of the 49 restaurants and drinking establishments that was part of the Alfresco outdoor dining program that has been a huge success. So we want to thank the city of Mesa, and Heather and Tanya for really making it a real simple process. For us, you know, we were shut down for five months completely. And they were on five to six, seven months and 50% Occupancy. So allowing this to happen still, it's been a great success. And we're still, you renewed it three times for us already, the start come to the end. And we're still getting phone calls from Canada. And from all of our winter visitors wondering, if we're still, if we're

going to have that because they're really comfortable with that. And so again, thank you guys, for all that has been such a great success, we're willing to invest in the beautification, you know, to make it look better. And if we want to stay there, we have this Temporary Use Permit, are we going to have to get a Special Use Permit to make this more of a temporary, or to make this a permanent deal? So, we can allow that outdoor dining to continue.

Rachel Prelog

No with those proposals, it would be allowing those by right. So depending we would just be looking at a site plan amendment. It's just a minor amendment to your site plan to have that permanently. Right, Heathers actually switched positions, but yes, you would go through staff.

Steve Dunn

Okay, go through staff, so that should be pretty simple? Right, thank you.

Rachel Prelog

Right. Okay, well, thank you all for coming out. And just want to say if you have not yet signed up for our email notifications, the specialprojects@Mesaaz.gov. This is how you can do so to get any updates. That's our mailing list. So, if you want to receive any updates about us posting any information on the website about any future meeting dates, please sign up for this. And we also have contact information up here. And we do have information posted to our special projects website. So we have our PowerPoints. That's where we're going to be posting the proposed text amendments in the future. But other information as requested today will probably be posted as attachments there as well.