

**CITY OF MESA
MINUTES OF THE DOWNTOWN DEVELOPMENT COMMITTEE
MEETING**

DATE: August 15, 2002 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Dave Wier, Chair
Art Jordan, Vice-Chair
Theresa Carmichael
Vince DiBella
Deb Duvall
Wayne Pomeroy
Mark Reeb
Charles Riekema

STAFF PRESENT

Shelly Allen
Katrina Bradshaw
Tony Felice
Greg Marek
Amy Morales
Patrick Murphy
Bryan Raines

OTHERS PRESENT

MEMBERS ABSENT

Terry Smith

1. Call to Order

The August 15, 2002 meeting of the Downtown Development Committee was called to order at 7:30 a.m. in the City Council Chambers located at 57 E. First Street by Chair Wier.

2. Items from Citizens Present

There were no items from citizens present.

3. Approval of Minutes of June 27, 2002 Special Meeting

It was moved by Art Jordan, seconded by Wayne Pomeroy to approve the minutes.

Vote: 8 in favor; 0 opposed

Approval of Minutes of July 18, 2002 Study Session

It was moved by Wayne Pomeroy, seconded by Theresa Carmichael to approve the minutes.

Vote: 8 in favor; 0 opposed

Approval of Minutes of July 18, 2002 Regular Meeting

It was moved by Art Jordan, seconded by Wayne Pomeroy to approve the minutes.

Vote: 8 in favor; 0 opposed

4. **Discuss and consider amendment to the Mesa City Code amending section 11-18 of the Zoning Ordinance to add a new section, 11-18-15 regarding a Citizen Participation Plan requirement for public hearing cases.**

**Staff Contact: Patrick Murphy, Sr. Redevelopment Specialist, (480) 644-3964
e-mail address: patrick_murphy@ci.mesa.az.us**

It was moved by Deb Duvall, seconded by Art Jordan, to continue this agenda item to the next regular meeting on September 19, 2002.

Vote: 8 in favor; 0 opposed

5. **Discuss and consider amendment to the Mesa City Code amending chapter 18 of the Zoning Ordinance to establish a "Redevelopment Committee" to assume the duties of the Planning and Zoning Board and Design Review Board within designated and redevelopment areas outside of the Town Center Redevelopment Area.**

**Staff Contact: Patrick Murphy, Sr. Redevelopment Specialist, (480) 644-3964
e-mail address: patrick_murphy@ci.mesa.az.us**

Mr. Murphy explained that a new ordinance has been proposed to create a Redevelopment Committee to have jurisdiction over new redevelopment areas in the City. This ordinance was suggested by the Planning and Zoning Board who had previously raised the question of who should have jurisdiction over new redevelopment areas that are approved by City Council. The current Zoning Ordinance gives that jurisdiction to the Downtown Development Committee, however, members of the Downtown Development Committee, Planning and Zoning Board, and City staff got together and decided that a new committee should be created consisting of five members: two from the Downtown Development Committee, two from the Planning and Zoning Board, and one from the Design Review Board. City Council approved of this proposal and directed staff to draft an ordinance to create this new Redevelopment Committee. The draft ordinance, created by the Planning and Zoning staff, indicates that the Redevelopment Committee would assume the same duties as the Downtown Development Committee, Planning and Zoning Board, and Design Review Board for all projects pertaining to new redevelopment areas. The members would be appointed to a three-year term and would meet on an as-needed basis.

Mr. Murphy said the Redevelopment Office has reviewed the draft ordinance and has requested a few additional changes, including: an amendment be made to Title 2 of the City Code pertaining to Boards and Committees; include a clarification that the DDC will no longer be the primary advisor to the City Council regarding Historic Preservation issues (this was assumed by the Historic Preservation Committee); and request that the new Redevelopment Committee Board members serve staggered terms to ensure that member term renewals/new appointments do not occur all at one time.

Mr. Murphy pointed out that a few additional changes have also been requested by Debbie Spinner, the City Attorney, who found some discrepancies in the current Zoning Ordinance pertaining to the Downtown Development Committee's role in processing Special Use Permits and Variances. For example, one section of the Zoning Ordinance indicates that the Downtown Development Committee only reviews appeals of the Zoning Administrator's decision regarding Special Use Permits and Variances. Another section states that the DDC holds public hearings. The clarification in the wording reflects the process that has been followed in the past, which is that the Downtown Development Committee will hold public meetings to make recommendations to the Zoning Administrator on Special Use Permits, Variances, and Zoning Interpretations for matters pertaining to the Town Center Redevelopment Area.

Mr. Murphy stated that all of the modifications that have been suggested to the draft ordinance will be compiled into one document, reviewed one last time by the City Attorney's Office, and then presented to the City Council for final adoption.

Mr. Marek pointed out that the new Redevelopment Committee will remain unstaffed until the City Council approves a new redevelopment area within the City. Since there are currently no other redevelopment areas, other than the Town Center Redevelopment Area, the Mayor will wait to make appointments to the committee until a new redevelopment area is established.

Ms. Duvall asked who would have jurisdiction if the Town Center Redevelopment boundaries were expanded. She wanted to know which committee would have jurisdiction over the expanded area, the Downtown Development Committee or the new Redevelopment Committee.

Mr. Marek said the ordinance states that the Downtown Development Committee will have jurisdiction over the Town Center Redevelopment Area, including any modifications made to the existing boundaries. He added that if a new redevelopment area is created that abuts up to the Town Center Redevelopment Area, it would be under the jurisdiction of the new Redevelopment Committee. Mr. Marek felt that it was more likely that a new redevelopment area would be created either abutting or close proximity to the Town Center Redevelopment Area, than an expansion to the existing Town Center Redevelopment Area boundaries.

Mr. Reeb asked who will staff the new Redevelopment Committee.

Mr. Marek said it will be staffed by the Redevelopment Office. He added that a new position has been requested in the budget to fund an additional employee for the Redevelopment Office in the event that a new redevelopment area is created. It would be too difficult for the Redevelopment Office to staff this additional committee without acquiring additional staffing.

Mr. Reeb asked what the Planning and Zoning Board's vote was in regards to the new ordinance.

Mr. Murphy said both the Planning and Zoning Board and the Design Review Board voted unanimously to approve the ordinance to create a new Redevelopment Committee.

Mr. DiBella asked if the decisions made by the new Redevelopment Committee will go directly to the City Council.

Mr. Murphy said the new Redevelopment Committee will follow the same processes that the Downtown Development Committee follows, including making recommendations to the City Council.

It was moved by Vince DiBella, seconded by Deb Duvall, to amend the Mesa City Code amending chapter 18 of the Zoning Ordinance to establish a "Redevelopment Committee" to assume the duties of the Planning and Zoning Board and Design Review Board within designated and redevelopment areas outside of the Town Center Redevelopment Area.

**Vote: 7 in favor
1 opposed (Mark Reeb)**

Ms. Duvall asked why Mr. Reeb voted nay.

Mr. Reeb said he felt either the Planning and Zoning Board or the Downtown Development Committee should be able to handle cases in new redevelopment areas. He felt that the system in place was sufficient.

6. Update on the Rehabilitation Code.

Mr. Marek said the Building Department is still working on the Rehabilitation Code. The next step in the process is to hold public meetings and obtain comments on the draft Rehabilitation Code. One of the issues that has been discussed at the staff level is that the Code is very technically written. Some people feel it should be more user friendly so the average person will be able to read and understand the requirements. Staff is asking that a companion document be written to accompany the Rehabilitation Code that would explain some of the more difficult technical requirements in simpler terms.

Mr. DiBella asked if the draft Rehabilitation Code parallels the Uniform Building Code or if it is a separate, independent document.

Mr. Marek said it parallels the Uniform Building Code and provides cross-referencing to that document. As mentioned earlier, the document is extremely technical and difficult for the average user to interpret. Mr. Marek said the hazard categories have helped make the document more user friendly as well as a companion document with simpler terminology will help make the Code easier to interpret for those who are not engineers or architects.

Mr. Marek also brought up the point regarding fire sprinkler systems as part of the Rehabilitation Code. He pointed out that the bulk of the expense to add a sprinkler system to an existing structure may not necessarily be the installation itself, but the cost to run the water lines to the building. Mr. Marek suggested that the City provide some incentives to help with this type of situation, for example, the City may want to look at waiving the impact fees in order to relieve some of the financial burden to install the water lines. He added that for some of the smaller in-fill properties, the requirement to install the sprinklers may be a financial hardship due to the water line issue that the project cannot handle.

Chair Wier asked if Latte' Dah was unable to complete their project due to the fire sprinkler requirements.

Mr. Marek said they were unable to complete the approved project, consisting of retail and office uses, due to the fire sprinkler requirements. Mr. Marek said the applicant was prepared to budget \$15,000 to install the sprinkler system, but couldn't provide the additional \$15,000 to run the water line to the building. As a result, the applicant could not use the building for a commercial use and decided to lease it as a single-family home instead (which does not require a sprinkler system to be installed). Again, Mr. Marek reiterated that staff is working with the Fire Department to see if any compromises can be worked out in the Rehabilitation Code to reduce the financial hardship for structures that require a sprinkler system to be installed.

Mr. Reeb asked if the Fire Department has provided any written documentation explaining the rationale for requiring sprinkler systems in all commercial buildings.

Ms. Allen said the Fire Department has not yet provided anything but may do so as part of the draft process for the new Rehabilitation Code.

Mr. Reeb said it would have been nice to have that information up front before the requirements were put in to place. He was wondering if the sprinkler systems were meant to provide safety to the occupants of the building or to provide fireman safety in the event of a fire.

Mr. Marek said he supposed it was to provide safety for both occupants and firemen. He added that he was in favor of applying some real life examples to the new Rehabilitation Code to get an idea of how effective it is when applied to a real project.

Mr. Jordan asked if any meetings have been scheduled with the Fire Chief to discuss these issues.

Mr. Marek said the Fire Chief has instructed the Fire Marshall to work with staff on these types of issues throughout the Rehabilitation Code process. He added that Chief Compton has stated that it is not their intention to make the requirements cost prohibitive to the applicants who come forward with their projects. The Redevelopment Office felt it would be better to allow the Fire Department to come up with a proposal on how to address these issues and then schedule a meeting to discuss them as a group.

Mr. Jordan asked that the Downtown Development Committee have an opportunity to comment on the proposal developed by the Fire Department before it is adopted in the final Rehabilitation Code.

Mr. Marek said he would be willing to arrange a meeting with the Fire Marshall and his staff. He explained that the reason he had not already arranged a meeting was because the Fire Department is still holding meetings to try and formulate some recommendations to address these issues. Mr. Marek said once the draft document is complete, which will include the suggestions made by the Fire Department, the Downtown Development Committee will have the opportunity to read and comment on what has been proposed. Mr. Marek said the meeting in which this is discussed will have members from the Fire Department and Building Department in attendance to answer questions and explain recommendations.

Mr. Riekena asked if the surrounding communities are requiring sprinkling systems or if they have the ability to waive that requirement.

Mr. Marek said none of the surrounding cities have a Rehabilitation Code and Mesa will be the first to develop and implement the Rehabilitation Code in the Valley. Mr. Marek said rehabilitation projects in surrounding cities have to comply with their current Building Code requirements. In addition, it is his understanding that some of the surrounding cities are adopting the City of Mesa's fire sprinkler ordinance, which requires all commercial buildings to have sprinklers. Mr. Marek said that staff has conducted some general research and found that, other than Chandler which allows some very limited exemptions, most surrounding cities are enforcing the same standards as Mesa.

Ms. Duvall asked if Matthews the Printer is having similar problems with their building permit due to the fire sprinkler requirements.

Mr. Marek said their project was approved before the new fire sprinkler standards were adopted, but because they took so long to apply for their building permit, the new standards were already being required. Mr. Felice added that there are other issues delaying the Matthews the Printer project other than just the fire sprinklers.

Mr. Jordan asked if the Kid's Play Daycare Center on University Drive was required to sprinker their building during their rehabilitation project or if the building was already sprinkled.

Mr. Felice said he wasn't sure if it had a sprinkler system or not since that is an issue that is addressed during the building permit process. He added that the Building Department never brought this to his attention as being a problem or setback for the project.

Mr. Jordan said he felt that the Fire Department is taking the most sophisticated approach to fire safety by requiring sprinkler systems when there may be other avenues to address fire safety that may be more cost effective. Some examples may be to require wider exits, width of doorways, and maintain clear exit ways.

Mr. Marek said the Fire Marshall has indicated that fire sprinkler installation costs have increased dramatically. He said the Fire Department is not really sure of the cause, other than supply and demand.

Mr. Reeb said he believes that the costs that were estimated when the fire sprinkler ordinance was passed were not accurate. He said the costs have never gone up, but were inaccurate to begin with.

Mr. DiBella said that statistical data will probably show that most lives are lost in residential fires rather than in commercial building fires.

Mr. Marek said that the development of this Rehabilitation Code is a good opportunity to discuss all types of rehabilitation issues, not just fire sprinklers. This will take away a lot of the guesswork when dealing with existing buildings that do not comply with current building standards. He also hoped it will eliminate the need for so many variances.

Chair Wier said once the draft Rehabilitation Code document is complete the Committee would like to meet and discuss the fire sprinkler issue with the Fire Department.

7. Director's Report, Greg Marek

Sign Ordinance – In 1999, the City of Mesa updated its Sign Ordinance to make it more business friendly, particularly for the Town Center Redevelopment Area. For instance, the downtown area was allowed to have sidewalk A-frame signs and projecting signs, which were not even allowed in surrounding cities. In addition, businesses in the Town Center Redevelopment Area were granted the ability to apply for a Comprehensive Sign Plan, which could allow signage that would otherwise be prohibited. The City's goal was to allow downtown businesses to have unique opportunities for signage, which were better suited to the urban environment in which they were located. In addition, the City of Mesa's Sign Ordinance allows 30% window sign coverage whereas other cities only allow 25% or less. Mr. Marek pointed out that when the revisions to the

Sign Ordinance were being discussed a team was formed consisting of seven downtown business owners and seven staff members.

Mr. Marek explained that about five years ago, the previous City Council asked staff to start enforcing the Sign and Zoning Ordinance and even included this as part of the 1999 Redevelopment Plan. As a result, staff will report violations to the Code Enforcement Division when they are spotted.

In the case of the Winchell's Donut shop, they exceeded the 30% coverage that was allowed and were visited at least three times by Code Enforcement asking them to comply with the requirements. They became angry and threatened to take this issue to the press. The article accused the City for having a photo database of signage for buildings in downtown. Mr. Marek explained that these photos were taken to protect the grandfathered rights of existing businesses who had window signage in place before the revisions were made to the Ordinance. An interpretation of the City Attorney said that once a business removes their window signage, then they have lost their grandfathered rights and the new signage must comply with the 30% window coverage. Mr. Marek explained that as a result of this incident, City Council is taking a closer look at how we enforce the Ordinance and this issue may come up again at a future Downtown Development Committee meeting.

Eminent Domain- This Friday the Goldwater Institute is hosting a forum to discuss the abuses of eminent domain. The panel will be focusing on Scottsdale and Mesa. Mr. Marek pointed out that Phoenix, Glendale, and Tempe have extensively used eminent domain for redevelopment projects, but for some reason they have not been targeted by newspapers.

Ms. Duvall said she believes the newspapers for Scottsdale and Mesa are owned by the same company.

September DDC Meeting – Projects scheduled for the agenda at the September DDC meeting are:

- Design Review for a fourplex on Center Street, north of University Dr.
- Citizen Participation Ordinance
- Variances for Daryl's Towing, located at 458 W. 3rd Ave.
- Zone Change and Variance for the City of Mesa Well Site at 3rd Ave. and Robson St.
- Special Use Permit for the Farmer's Market

Arizona Bronze Foundry – The City Council voted unanimously to proceed with discussions to develop an agreement with the Arizona Bronze Foundry to locate at the old Mesa Vista School on Broadway Road and Center Street.

RFPs – The City Council authorized staff to issue the Request for Proposals for Site 21, the Mitten and Pomeroy House, and 146 W. Main Street. The Downtown Development Committee will probably be reviewing the responses to the RFPs at the November meeting.

Brown and Brown Comprehensive Sign Plan – The City Council upheld the Downtown Development Committee’s decision to allow the freestanding sign to remain for one year. At the end of the one-year period, the sign will have to come back for review to the Downtown Development Committee and City Council.

Salvation Army – The Salvation Army, located on 6th Street, is proposing some additional buildings and the Downtown Development Committee will consider the design review in October or November.

Kid’s Play – Staff followed up with the observations made by Art Jordan on the landscape/irrigation issues. Staff discovered that the inspector did not examine the project thoroughly and signed off on approval. The Redevelopment Office has talked with the Inspectors to discuss ways to improve the procedure for inspections. In addition, staff has asked Code Compliance to work with Kid’s Play to have them comply with the approved plans.

Nile Theater – The County Attorney’s Office is proceeding with the criminal abatement trail for the Nile Theater. The trial is on hiatus while the defense attorney is challenging the constitutionality of the criminal abatement law.

Main Street Landscaping Maintenance – The trees have been pruned severely so the Redevelopment Office is scheduling a meeting with the landscape architects and maintenance people to discuss how much trimming can be done without damaging the trees.

Mr. Jordan suggested staff take a trip to Phoenix to see how their Palo Brea trees are being trimmed.

Mr. Pomeroy suggested that the maintenance staff also check the irrigation for vegetation in the parking areas and in between the buildings where a lot of plants have died.

Mt. Calvary Baptist Church – The City Council has already heard the introduction to the Historic Landmark Overlay for Mt. Calvary Baptist Church. The final vote will take place at the August 26th City Council meeting.

8. **Report from Mesa Town Center, Tom Verploegen – Executive Director**

Chair Wier said Mr. Verploegen is absent today but he and Dave Wilson had recently returned from a trip from Loveland and Grand Junction. They talked with over 300 artists at the Sculptures in the Park exhibit in Loveland and the artist’s display of sculptures in downtown Grand Junction. Chair Wier said they would like to have a similar festival in downtown Mesa and will provide more details on this at the next meeting.

9. **Board Member Comments**

Ms. Duvall said this would be her last meeting serving on the Downtown Development Committee and thanked the members of the Board and staff for all their service. She said that they should all feel a sense of pride for what has been accomplished in downtown.

Ms. Carmichael expressed concern that sometimes the well-intentioned updates to City zoning ordinances actually create a larger problem in their wake. She explained that many property owners will go through great lengths to maintain their grandfathered rights, even to the point where the City is stuck with something that is worse than what was intended. She explained that instead of property owners making improvements and repairs, they will hold on to dilapidated signage which is old and in disrepair so they will not have to comply with the new standards. She said she has struggled with the problem and has not been able to come up with a solution.

Mr. Marek said part of the responsibility needs to lie with the property owners. He explained that some property owners do not remove abandoned signs without being asked. Usually when a city makes improvements to their downtown, the property owners will make more effort to keep their properties clean and in good repair. Mr. Marek said he felt that there should be a partnership between the City and the property owners to keep things looking nice and in good repair. He added that the Property Maintenance Ordinance can also be enforced for properties that are not making the necessary repairs.

10. **Adjournment**

With there being no further business, this meeting of the DDC was adjourned at 8:28 a.m.

Respectfully Submitted,

Mr. Gregory J. Marek, Director of Redevelopment
Minutes prepared by Katrina Bradshaw