

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

DATE: October 16, 2003 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Art Jordan, Chair
Chuck Riekena, Vice Chair
Christine Close
Theresa Carmichael
Jeff Jarvis
Wayne Pomeroy
Mark Reeb
Terry Smith

STAFF PRESENT

Katrina Bradshaw
Tony Felice
Kit Kelly
Greg Marek
Amy Morales
Patrick Murphy
Ruth Anne Norris

OTHERS PRESENT

Linda Flick
Theresa Bryce-Heames

MEMBERS ABSENT

Marshall Poe

1. Call to Order

The October 16, 2003 meeting of the Downtown Development Committee was called to order at 7:35 a.m. in the City Council Chambers located at 57 E. First Street by Chair Jordan.

2. Items from Citizens Present

There were no items from citizens present.

3. Approval of Minutes of September 18, 2003 Regular Meeting

It was moved by Chuck Riekena, seconded by Terry Smith, to approve the minutes.

Vote: 8 in favor; 0 opposed

4. Discuss and consider rezoning case No. CZ03-002TC from R-4 to C-2 located at 438 and 450 W. 5th Place. (This item has been continued from the September 18, 2003 meeting; the applicant has asked that this item be continued to the December 18, 2003 meeting.)

It was moved by Wayne Pomeroy, seconded by Mark Reeb to continue rezoning case No. CZ03-002TC from R-4 to C-2 located at 438 and 450 W. 5th Place to the December 18, 2003 meeting.

Vote: 8 in favor;
0 opposed

5. Discuss and consider a Local Historic Landmark Overlay, Case No. HL03-001TC, for the Federal Building located at 26 N. Macdonald Street.

Mr. Marek stated that this is a request for a Zoning Overlay to designate the Federal Building as a Local Historic Landmark, located at 26 N. Macdonald Street. The Historic Preservation Committee has forwarded a recommendation of approval to the DDC.

It was moved by Mark Reeb, seconded by Wayne Pomeroy to approve Case No. HL03-001TC for the Federal Building located at 26 N. Macdonald with a Local Historic Landmark Overlay.

Ms. Carmichael stated that she would not support this case because she felt that this building is not historic, the interior of the building is significantly gutted, and there is nothing in the building that is considered to be historic. Ms. Carmichael commented that the building was remodeled or added onto in 1960, and added that the building's architectural style "Federal Moderne" was utilized in an effort to reduce construction costs and eliminate or reduce ornamentation. Ms. Carmichael said that at the time this building was constructed, the Federal Moderne style was quite common.

Mr. Marek said that the homeless shelter proposal was withdrawn a couple of years ago. Mr. Marek stated that the addition was a different architectural style than the original building was for historic preservation purposes. Mr. Marek noted that additions to historic buildings are purposely constructed to be differentiated from the original structures in order to distinguish between the historic building and the addition.

Ms. Carmichael inquired if that was the case with the historic property "Latte Da" that is located on Center Street that has been added onto.

Ms. Corrine Brooks, a long time Mesa resident, owner of a building on the corner of Main & Macdonald stated that she was in favor of the building being designated with a Historic Overlay. Ms. Brooks inquired what the future intended use of the building would be.

Mr. Marek responded that the building was formerly surplus federal property. Mr. Marek stated that the City was able to have the federal government give the building to the City, only if the building is used as a public use. Mr. Marek added that the Southwest Museum plans to use the building for offices, archaeological and paleontological activities. The Southwest Museum plans on renovating and using the building.

Ms. Brooks stated that at one time, there were rumors floating around that the building was going to be used for a homeless shelter, and added that if the Museum plans to use the building, she has no problem with the proposed use.

Mr. Marek stated that particular building is located within the West Second Street Historic District and could lose its contributing status to the historic district. Mr. Marek stated that the original aspects of the home are still visible, adding that there is a strong possibility that the contributing nature of the house is still intact.

Mr. Pomeroy added a supporting comment, stating that he had attended the dedication of the building in 1938. Mr. Pomeroy informed the DDC that Mr. James Farley, who was the Postmaster General at the time, attended the dedication of the building. Mesa had about 5,000 residents at that time and the City held a banquet in honor of his visit. Mr. Pomeroy also noted that at that time, Mr. Farley was the number two man in the Country. Mr. Pomeroy stated that Mr. Farley held the positions of Campaign Manager for President Roosevelt and Postmaster General for the Cabinet, adding that Mr. Farley was a very prominent man at the time of his visit. Mr. Pomeroy stated that it was a great honor to have the building designated as a historic building.

Chair Jordan stated that he encourages the decision makers, who participate in deciding the buildings use; to ensure that the building's full potential is met. Chair Jordan suggested that any alterations done to the building or the landscaping should be done in the most enhancing sense.

**Vote: 7 in favor;
1 opposed**

6. Discuss and consider Design Review Case No. DR03-005TC for The Towers located at 22 N. Robson Street.

Mr. Murphy stated that the purpose of this Design Review application is the proposed improvements to The Towers located at 22 North Robson. The Towers are currently an independent living and light-care assisted living 197-apartment community. The proposed improvements will reduce the number of livable rooms from 197 units to 190 units. Mr. Murphy stated that currently, independent residents and those who need care are inter-mixed throughout the community. The proposed addition on the south side of the building will allow for the separation of these individuals.

Mr. Murphy stated that Mr. John Jespersen, the applicant and owner, and Mr. Gil Rand, architect, were present at the meeting and would provide a detailed description of the proposed improvements to The Towers. Mr. Murphy stated that staff is pleased with the proposed improvements. Mr. Murphy then showed a rendering of what the building is supposed to look like. Mr. Murphy stated that staff believes that the proposed landscaping, new colors of the building, and the addition will enhance the building and the surrounding area.

Mr. Murphy displayed a rendering of what the building would look like after the improvements were made. Mr. Murphy stated that the applicant proposes to remove the existing swimming pool area located on the south side of the building and replace it with a three-story addition. Mr. Murphy added that the

applicant also proposes to remove seven (7) existing parking spaces that are adjacent to the south side of the building and replace them with additional landscaping to help soften the mass of the building. Mr. Murphy stated that three parking spaces located on the northeast side of the building would also be replaced with a new enclosed landscaped area. Mr. Murphy stated that the landscape island that will be installed on the south elevation will include a stipulation that one van accessible ADA space will be required to be installed, as suggested by the Building Divisions, Plan Review Team.

Mr. Murphy stated that The Towers had received previous parking reductions over the past years, when they had originally done their project. The parking reductions were granted because of the use, the parking analysis that was done in the past showed that the maximum number of parking spaces that was required by the Zoning Ordinance was not necessary. Staff and the applicant believe that the 62 parking spaces that will be provided is more than adequate for the use and will serve the facility well. Mr. Murphy stated the adjacent public parking spaces located on the street and the adjacent parking lots will assist in providing additional parking if needed. Mr. Murphy added that staff and the applicant believe that The Towers currently has more than enough parking spaces to accommodate use within their project area.

Mr. Murphy stated that a few stipulations were placed on the landscape plan. For the south elevation, staff has requested that the boulder theme be continued, providing lantana as ground cover. Mr. Murphy stated that staff believes that the landscaping will complement the architecture of the building and will tie in nicely with the streetscape improvements on Robson Street. Mr. Murphy stated that notations need to be added to the revised landscape plan delineating the size of the various trees and oleander shrubs.

Mr. Murphy stated that staff is very pleased with the proposed elevations. Mr. Murphy then circulated the color board, adding that the color board is currently incorrectly labeled. Mr. Murphy stated that the trim color is actually the body color and that the rendering is correct. Mr. Murphy stated that a stipulation will be added that a correct color board be submitted.

Mr. Murphy stated that the applicant sent out letters to property owners and tenants within 300 feet of this project informing them of the design review application as well as the date/times of the DDC meeting. Mr. Murphy stated that he has met with Tom Verploegen of Mesa Town Center Corporation, the manager of Kings Tapes, and the owner of Coffee Talk. Mr. Murphy stated that they did not express any concerns with this project.

Mr. Rand, the architect, stated that the applicant does not have any problems with the requirements set by staff concerning the suggested changes, and that most of the requirements have been incorporated into the plans. Mr. Rand stated that an addition was made on the north side of the building in 1997; the owner and the architect feel that they would like to carry the same theme that was added to the north side onto the proposed new addition on the south side of the building. Mr. Rand believes that the existing landscaping fits well with the

building and he plans to further expand the same theme onto the new landscape areas. Mr. Rand noted that a major architectural problem found when working with the building was its vertical shape. Mr. Rand stated that he worked on lessening the impact of the building by painting the building with a darker colored band on the top and changing the color of the body of the building, continuing the darker color band onto the base of the building. Mr. Rand said that the addition on the south side of the building will allow The Towers to provide better care for residents that require additional care. The addition will provide open space, living room space and dining room space for the residents.

Mr. Rand stated that he drove through the parking lot at 12:30 a.m. and noticed that there were probably only 25 cars in the parking lot. Mr. Rand believes that half of the cars in the lot were probably employees of The Towers and the residents probably owned the remainder of the cars. Mr. Rand added that the overall number of units on site has been reduced. Mr. Rand stated that the new residents that will inhabit the 2nd, 3rd and 4th floors are people that will not have cars, because they are not capable of driving.

Mr. Jespersen stated that The Towers currently has 37 employees, adding that The Towers expects to employ about 60 employees when the expansion project is completed, with only about 25 employees on the site at a time. Mr. Jespersen does not see an increase in the number of needed parking spaces during the day, but does see an increase in the number of spaces needed at night. This increase in the evening is a result of a need for residents to receive 24-hour care, which they were not previously receiving. Mr. Jespersen added that the majority of residents receive their visitors at night. Mr. Jespersen stated that the employees are required to park in the spaces farthest away from the facility, and that the residents have a series of covered parking spaces with their names on the spaces; also available are a series of parking stalls marked for visitors, and a series of unmarked parking stalls to accommodate any overflow.

Mr. Alan Hatch, neighbor and President of the Robson Street Villas Homeowners Association, stated that the Villas are consistently experiencing problems with four of their parking spaces located to the north of The Towers, being utilized by both The Towers and Coffee Talk. Mr. Hatch further explained that spaces are located to the north of The Towers. Mr. Hatch requested that The Towers and Coffee Talk cease using the spaces.

Mr. Jespersen and Mr. Hatch discussed and agreed that the solution to the parking matter would be to schedule a meeting at a later date amongst themselves, to strategize and provide a solution for Mr. Hatch's parking problem.

A discussion was conducted by the DDC concerning the use and compatibility with the surrounding area, the colors that were chosen for the building, as well as the number of parking spaces being provided.

Mr. Marek stated in the future the City would be working with the Mesa Town Center Corporation to create a parking management plan that would focus on the entire Town Center Redevelopment Area. Mr. Marek added that as the downtown develops, the overall parking situation will have to be monitored. Mr. Marek stated as The Towers building is enhanced with the proposed amenities, a new parking issue is not being created. Mr. Marek stated that the City is expecting to have future parking issues due to the new development occurring in the downtown, that just need to be planned for and addressed.

Mr. Jespersen added that in other communities, a directed care facility, in his belief, is one of the lowest parking demands when compared to other uses. Mr. Jespersen stated that The Towers really needs to begin their construction improvements, so that the project does not run out of funding while they are awaiting the approval from the City to begin construction. Mr. Jespersen's intent is to enhance and soften the appearance of the building, instead of leaving the building as it is with a lot of concrete and asphalt. Mr. Jespersen added that he would be willing to make any arrangements with the Villas that they would accept.

Ms. Carmichael stated that it is her understanding that the evenings are the time when The Towers experience their highest level of parking, adding that evenings are the same time when Coffee Talk and Mezona Inn also experience their highest levels of parking.

Mr. Jespersen stated that any development that is done in the downtown might experience some problems with parking. Mr. Jespersen stated that he does not currently have a parking problem at The Towers, but if he does come upon a problem, he would agree that he would want to find a reasonable solution, that would possibly include a shared parking agreement with one of the adjacent businesses.

Mr. Riekema stated that the desire of the committee is to help encourage development in the downtown, but he also sees Mr. Hatch's point of view. Mr. Riekema then inquired if Mr. Jespersen and Mr. Hatch could successfully work together to come up with a solution that would accommodate both parties.

Mr. Jespersen re-stated that he would be willing to work with Mr. Hatch and, if necessary, he would not refuse any assistance that City staff may be able to provide.

Mr. Murphy stated that staff does support the recommended conditions of approval, adding that he will ensure that the conditions are modified to reflect the comments that have been received by the DDC, as shown below. Some of the modifications will include full compliance with the approved plans as submitted.

It was moved by Mark Reeb, seconded by Theresa Carmichael, to recommend approval of Case No. DR03-005TC for The Towers located at 22 North Robson Street, subject to the stipulations in the staff report.

Mr. Riekema proposed an amendment to the stipulations that the use must continue as defined in the Design Review application and that the City staff will provide a status update of the parking issue to the DDC in 6 months.

Ms. Carmichael proposed an additional amendment that the approval of the Design Review case is based on the maximum units that The Towers will have is 175.

Chair Jordan proposed an additional amendment that the color board be relabeled by City staff to reflect the applicant's true intention for the building's colors.

Chair Jordan inquired whether or not Mr. Jesperson accepted the modifications to the stipulation. Mr. Jesperson responded that he did.

The revised stipulations are shown below:

- 1. Full compliance with approved plans as submitted and all current Code requirements.**
- 2. Compliance with the basic development as shown on the site plan which includes a parking reduction of the required number of parking spaces from 190 spaces to 62 spaces, landscape plan, and elevations. The use must continue as defined in the Design Review application.**
- 3. Modify the new landscape area located south of the building to provide an additional ADA parking space that is van-accessible.**
- 4. A revised landscape plan shall be submitted to the Office of Redevelopment for review and approval prior to the issuance of a building permit. The revised landscape plan shall add large boulders, and ground cover materials, such as lantana, in the new landscaped area to the south of the building. The revised landscape plan will also note the sizes of the plant materials as follows: minimum 36-inch box for the Palo Verde trees, minimum height of 20 feet for the Palm trees, and minimum 5-gallon Oleander shrubs.**
- 5. The revised color board will be submitted, prior to the issuance of a building permit, noting the correct colors.**
- 6. The applicant is to contact Mr. Hatch, President of the Robson Street Villas to work out any current or potential parking conflicts, and provide a copy of that to the City, and that City staff will provide an update on the parking to the DDC in 6 months.**
- 7. That the maximum number of dwelling units does not exceed 175.**

**Vote: 8 in favor;
0 opposed**

8. Discuss and consider Special Use Permit Case No. ZA03-076TC, to allow outdoor entertainment in the TCC Zoning District for Saltmine Studios Oasis, located at 48 S. Macdonald Street.

Mr. Felice stated this case is to discuss and consider an application for a Special Use Permit, which is to allow for outdoor entertainment in the TCC Zoning District. Mr. Felice explained that the applicant is required to apply for and obtain a Special Use Permit for outdoor entertainment. Mr. Felice stated that typically if a special event were to be held in downtown Mesa, the applicant would need to apply for a Special Use Permit. If an applicant were to apply for multiple special events in downtown Mesa, the applicant would need to apply for a Special Use Permit for multiple special events. This particular application is for a Special Use Permit for outdoor performance, which supercedes all of the previously mentioned applications. Mr. Felice stated that in order to examine this application for outdoor entertainment, this project must be looked at from a larger scope of what type of entertainment is being proposed and what are some of the issues that may surround large-scale entertainment opportunities.

Mr. Felice stated that the facility that Mr. Salter has rehabilitated is located at 48 South Macdonald Street, which was the former home of the Faith Harvest Church as well as the previous original location of the Mesa Tribune. Mr. Felice stated that the site is comprised of several buildings which Mr. Salter has spent considerable time, effort and financial resources to reconstruct. Mr. Felice stated that the entire facility contains recording studios, rehearsal spaces, a convenient store, a vacant space that can be used to service a catering operation. The recording studio is designed to record outdoor performances, hence the need for a Special Use Permit.

Mr. Felice stated that the boundaries of the Special Use Permit are outlined on the site plan that was included in the DDC packets and is delineated in a gray shaded area. The outdoor entertainment consists of an outdoor courtyard and a recording stage. This area is unique because an artist will be able to do a live performance outside in front of an audience, while being professionally recorded, then go inside the building to finish recording. Mr. Felice stated that sufficient research using a conservative approach based on the facility accommodating at least 100-people in order to recommend needed stipulations: parking, signage, restrooms and security. Mr. Felice stated that the stipulations have been framed with the perspective that other large activities may be held nearby at the same time as an event at the Saltmine. Mr. Felice stated that staff recommends that the DDC forward a recommendation of approval to the Zoning Administrator.

Mr. Don Salter stated that he supports the application that he has submitted and the stipulations, adding that it has been a wonderful experience to work with the City of Mesa to bring his project into fruition. Mr. Salter explained how

he has strived to create a unique recording studio in order to inspire artists to their full potential when recording at this studio as well as provide an economically positive business to the downtown.

Mr. Al Motley, from the Tribune Newspaper, inquired what the stipulations of approval consisted of and when the events were proposed to take place. Mr. Motley stated that the Tribune currently has over 400 employees and expressed his concerns about the safety of the employees as well as the safety of the employees' property. Mr. Motley stated that previously there were businesses located just north of the Tribune and the Tribune's employees frequently experienced theft to their vehicles. Mr. Motley added that he does appreciate all of the improvements being made by Mr. Salter and would like to obtain a copy of the stipulations.

Chair Jordan stated that a copy of the stipulations would be provided for Mr. Motley. Chair Jordan suggested that Mr. Motley meet with Mr. Salter so that they can discuss any mutual issues that they may have.

Mr. Reeb questioned if there was an estimated number of what the occupancy number may be for the area within the courtyard.

Mr. Felice responded that no number has been set as far as how many people can attend an event. Mr. Felice stated that staff is currently working on establishing different pre-approved scenarios such as A, B, C, D and E, in an effort to reduce the number of onsite inspections the Fire Marshall may have to conduct. Mr. Felice explained that the benefit of pre-setting these scenarios is that the Saltmine will be able to contact the City Fire Marshall to give advance notice as to what type and size of function will be held at the facility.

Mr. Felice stated that no set number has been established for the occupancy at this time. The architect is currently working with the Fire Marshall to establish a set maximum number of attendees based on standing room area only. Mr. Felice stated that the estimated number of people that will be able to attend an event in the courtyard as standing room area only would be about 700 people shoulder to shoulder. Mr. Felice added that one of the stipulations of approval is that the established occupancy number will be identified and will be consistent with what is safe from the Police and Fire Departments.

Mr. Doug Brimhall, the architect, stated that he is currently working with the City of Mesa's Fire Marshall to establish the occupancy number. Mr. Brimhall stated that an estimated maximum number for occupancy based on the raw square footage of the courtyard is about 1000 people. Mr. Brimhall stated that he is currently working on creating a series of scenarios (A, B, C...) such as; Event A - standing room only, Event B - sit down event, Event C - standing room and sit down event, etc. Mr. Brimhall stated that he is working to create scenarios that the Fire Marshall would be willing to support and possibly approve with the maximum number of occupants being proposed would be between 900 and 1000 people.

Mr. Reeb questioned how staff structured the set stipulations for this project.

Mr. Felice responded that staff was able to review this project from both a creative and technical approach. Mr. Felice stated that Mr. Salter has exceeded what the City's building code expectations are as well as the City's expectations for quality and effort. Mr. Felice added that Mr. Salter has worked out an agreement with TLC to lease out a portion of his space to TLC as well as employee individuals from TLC to work on his project. Mr. Felice stated as a businessman, employing individuals from TLC has created a very positive relationship between the Saltmine and TLC. Mr. Felice stated that Coffee Talk and the Amphitheatre do not have stipulations in place that are at the same extent as the stipulations that have been proposed for the Saltmine. Mr. Felice stated that Mr. Salter has made many recommendations for the stipulations of this project himself and paid continual great attention to detail.

Mr. Marek stated that the stipulations for this case were developed in part by considering problems of the past that were caused by businesses like the former Nile Theater. In those previous instances, the City was limited in its ability to control adverse conditions created by the Nile that were associated with its operation. Because there was no legal instrument like the Special Use Permit in place, other than a request to require the Nile to adhere to the specifics of any agreements that they had made with the City, the City was limited in its ability to respond to complaints by neighbors about the Nile. That situation existed because the Nile was a permitted use and required no Special Use Permit or other formal approvals by the City to operate.

Mr. Marek noted that this case is different because this use does require a Special Use Permit in the TCC Zoning District; staff has the ability to create stipulations regarding the operation of the use. Mr. Marek stated that this Special Use Permit could be revoked at any time if the applicant fails to comply with the pre-determined stipulations that have been created; therefore Mr. Salter has an incentive to comply with the set stipulations.

When asked to address this issue, Mr. Salter explained that his financial investment and his livelihood as a businessman is totally dependent upon his ability to conduct his business to the highest level of everyone's expectations and that includes maintaining a strong positive relationship with the City.

Mr. Reeb questioned how the stipulations that have been set for the Saltmine compare with the stipulations previously set that address amplified sounds for Coffee Talk and the Amphitheatre.

Mr. Felice stated the stipulations that have been created for the Saltmine are probably in between the stipulations that have been set for Coffee Talk and the Amphitheatre. Mr. Felice stated that Mr. Salter is a sound professional who has examined the loudest decibel expected to be heard from his facility, which he estimated 80-90 decibels. Mr. Felice added that the 80-90 decibels are probably very similar to the sound that is heard from Nita's Hideaway in Tempe. Mr. Felice added that the sound heard is muffled when you approach Nita's

Hideaway until you are about 150' feet away from the facility, and at that point you are able to hear the music. Mr. Felice stated that the adjacent buildings would assist buffering the sound and that Mr. Salter has designed his stage so that the sound will be carried up, which would further assist the redirection of the sound. Mr. Felice stated that people passing by would be able to hear some level of sound, which is not at all uncommon when visiting a vibrant downtown.

Ms. Smith questioned whether or not there were any parameters that have been set for the word entertainment for this project. Ms. Smith also questioned if the entertainment was subject to any type of community standard restraints.

Mr. Felice stated that the outdoor performance is not limited specifically to musical acts; the facility could host a variety of events. Mr. Felice stated that there are no community standard restraints being placed on this property. Mr. Felice stated that Mr. Salter's main concern is to provide the best quality performances at his facility.

Ms. Smith then presented a hypothesis regarding the outdoor open area: what if a rap band came to perform at the Saltmine, and lyrics from the rap band are then present in an outdoor form and at the same time a residential atmosphere is trying to be formed in the downtown area. Ms. Smith then inquired if anyone had any concerns about that type of situation.

Mr. Riekema stated that he did have a concern with the requirement that proposed to be set in stipulation 1b, a requirement to have all of the names of the performers to be sent to the City to have on record. Mr. Riekema stated that he does not feel that the title or type of event should be a required submittal. Mr. Riekema stated that if an event were to take place that not everyone agreed with, he does not feel that the City has the right to govern who comes to the downtown to perform. Mr. Riekema stated that he would like to have item 1b removed from the stipulations.

Mr. Marek stated that the title of the event would be a useful piece of information to keep on record. If the City needed to contact the Saltmine about a specific issue or complaint, the name and type of event could be mentioned when contacting them.

Mr. Riekema stated that he has reservations as to what the City will do with the name and type of event once they have that information available. Mr. Riekema stated that he believes if this information were to be given to the City, it could cause a negative effect.

Mr. Felice suggested that only the type of event be given to the City, to address Mr. Riekema's concerns.

Chair Jordan asked what the Mesa Town Center Board had to say about the Saltmine project.

Mr. Verploegen stated that Mesa Town Center was involved in recruiting the Saltmine Studios to downtown Mesa, adding that the project is First class. Mr. Verploegen stated that the Saltmine is being profiled in the Downtown Focus.

Mr. Felice stated that he has received inquiries from individuals that have requested to take tours of the facility. Mr. Felice also stated that Councilmember Kyle Jones would like to see collaboration between the promotion efforts of the Mesa Arts Center, the Arts and Cultural District, Downtown Mesa and the City of Mesa as a whole. Mr. Felice added that, to date, no negative feedback has been received from these efforts.

Mr. Murphy stated that he attended the Downtown Mesa Network meeting and at that meeting the Saltmine Studios was discussed and everyone present was very excited to see the Saltmine come to downtown Mesa.

Ms. Smith stated that she feels as if the Board was speaking out of both sides of their mouth, when speaking about the Nile. On one hand the Board did not like the entertainment, but the concern was from the people in the downtown area having to deal with the results of the entertainment. The concern was not with what ever happened when the people went inside the Nile; it was with what happened on the outside of the building after the entertainment was over which was a concern to the community. Ms. Smith added that she likes what has been done with the Saltmine Studios, it looks fabulous; her only concern is that the Board needs to make decisions a little bit more responsibly and take into consideration the people in the downtown area who may not want to participate in the outdoor entertainment, who are subject to it nonetheless.

Chair Jordan stated that there is a vision and there is a reality, and a lot of the negative connotation that went along with the Nile was some of the behavioral aspects of the clientele, and the police activity that had gone on. Chair Jordan stated that he is hopeful that not everyone will couple a vibrant outdoor scene along with common drug usage in outdoor spaces.

Ms. Smith stated that was not her issue, her issue was for people who happen to be walking by the facility will inadvertently be participating with whatever is happening in the outdoor courtyard, whether they want to or not.

Mr. Reeb stated that he is a downtown resident and downtown business owner, who has a concern with noise levels that would interrupt the day-to-day living of other downtown residents. Mr. Reeb stated that the vision in mention is a great concept that would be wonderful, and that the reality of the vision has been addressed in the stipulations. Mr. Reeb stated that the project's stipulations that have been presented to the committee simply need to be adhered to.

Mr. Pomeroy stated that this project is very exciting and feels that the recommended stipulations are necessary.

It was moved by Wayne Pomeroy, seconded by Christine Close to approve Special Use Permit Case No. DR03-076TC to allow outdoor entertainment in the TCC Zoning District for the Saltmine Studio Oasis, located at 48 S. Macdonald, subject to the following stipulations:

- 1. Saltmine Studios will provide advance notice (in writing by E-mail or US Mail, no less than one week) to the Mesa Police Department, Mesa Fire Marshall, City of Mesa Redevelopment Office and Mesa Town Center Corporation, of an outdoor performance or schedule of performances or events that will exceed 100 people. Such advance notice will include:**
 - a. The day, beginning and end time of event**
 - b. The title of the event**
 - c. A primary contact name for the event and contact phone numbers**
 - d. A primary contact for event promoter**
 - e. An anticipated number of people attending the performance**
 - f. An explanation of security personnel, equipment and protocol**
 - g. A plan for line queuing that provides for security, control and safety**
 - h. A solid waste procedure**
 - i. A plan for alcohol (if served), control, safety, security.**
- 2. Provide on-site security for all events and performances based upon a needs assessment by E.M. Jarvis of the Mesa City Police Department, or his designee, as is customary with the Mesa Amphitheater. A copy of that assessment will be provided to the Redevelopment Department to be placed in this case file.**
- 3. Coordinate with the Mesa City Fire Marshall to obtain a written assessment of the outdoor space with procedural recommendations regarding exiting and provide a copy of that assessment to the Redevelopment Office to be placed in this case file.**
- 4. Amplified outdoor sound will terminate at 10:00 p.m. (unless modified by future City Ordinance) and the event itself will conclude by 12:00 a.m.**
- 5. Public ticket sales may be conducted at authorized off-site locations but “will call” and “at the door” ticket sales are allowable, provided however, that such sales are within the interior perimeters of the site such as the courtyard or the leased spaces of the facility or at another authorized local vender.**
- 6. Saltmine Studios will maintain the lines of communications with City authorities, Mesa Town Center Corporation, City arts and cultural**

- facilities and Saltmine Studio's neighbors. Should conflicts arise, Saltmine Studios is directed to contact an Office of Redevelopment designate to discuss the problem so that a timely resolution can be reached.**
- 7. The proposed restroom facility and storage facility must be approved through the standard City of Mesa building development and permit process.**
 - 8. The size of the event will dictate the amount of restroom facilities that must be made available for use. Existing restroom facilities may be used for events smaller than 100 people in attendance provided they are adequately signed and secured. For events exceeding 100 people, at least two portable restrooms for every 100 people must be provided on-site within the perimeter of the facility's private property. No restroom facilities are permitted on City right-of-way though they may be placed on adjacent private parking lots provided that written permission from the owners of such lots is submitted with the notice required in Stipulation No. 1 above.**
 - 9. Saltmine Studios will provide post-event patrols for the pick up of trash and debris immediately (not the next day) following all events. The areas to be cleaned include both sides of Macdonald Street from Main Street to First Avenue; the Tribune parking lot on the northwest corner of Macdonald and 1st Avenue; the south side of Main Street from Robson to Macdonald, and the large open public parking lot within the block defined by Main, First Avenue, Robson and Macdonald.**
 - 10. Gates and entry/exit points will be manned by security staff during the hours of operation for events and performances that exceed 100 people.**
 - 11. For events that exceed 100 people, security staff will patrol the public areas adjacent to the event and security details will be posted and will remain during the event at the front Macdonald gates, at the alleyway serving the rehearsal spaces and rear entrance to the facility and in the west parking lot.**
 - 12. Security staff must ensure that event-goers are respectful of the surrounding areas and businesses to include the prevention of the placement of flyers and bills on automobile windshields, light poles, colonnade, business frontages or street furniture.**

Mr. Riekema recommended an amendment to stipulation 1b, instead of applicant being required to provide the title of the event, that the applicant be required to provide the type of event and the scenario concept that the applicant is creating along with the Fire Department.

Both Mr. Pomeroy and Ms. Close accepted the amendment to the stipulation.

**Vote: 7 in favor;
1 opposed**

Ms. Carmichael wanted to know what the remedy would be if there are extreme issues that develop in the future or if the business changes ownership.

Mr. Felice stated that Mr. Salter is a business person who has a reputation at stake; at the same time, whatever he proposed to do at his facility needs to be held in concert with whatever the City is doing. Mr. Felice added that stipulation number 6 states that Mr. Salter needs to maintain an open line of communication with the City, which will be a difficult stipulation to enforce, adding that Mr. Salter is currently very willing to work along with the City.

Mr. Marek stated that the City cannot regulate the content of the performers that Mr. Salter chooses to have at his facility; it would violate the 1st Amendment. It is one of the risks of holding outdoor venues. Mr. Marek added that if Mr. Salter does choose to sell his business, the new owners would have to follow the same agreements as set in the stipulations or the Special Use Permit would be revoked. Mr. Marek also explained that in the past the City did not have this type of an arrangement with the Nile Theatre, that is why the City experienced continual problems when working with that business. Mr. Marek also reiterated that the City cannot regulate content and as part of Mr. Salter being in the downtown community, Mr. Marek does not foresee any problems working with Mr. Salter.

Mr. Salter stated that he understands and shares all of the concerns that the Board has, adding that he is a strong believer in problem solving. Mr. Salter stated that as part of the approach that he used when he has been working with this project is to try and foresee any problems that may occur and solve them before they even happen. Mr. Salter stated that if any of the Board members have any comments or concerns about the way that his business operates, he urged them all to feel free to call him.

8. Presentation and discussion on the draft Housing Master Plan.

Ms. Kelly gave a presentation to the DDC on the draft Housing Master Plan.

Mr. Jarvis stated that he reviewed the draft and has identified some recommendations that he would like to provide for the plan that he plans to forward to Ms. Kelly.

9. Director's Report

Patrick Murphy gave the Director's Report for Mr. Marek.

146 W. Main – Submittals were due for bids. Two bids were received, one from a trust for \$181,000 and the other from Theresa Carmichael and her partner for \$155,000. The Real Estate Department will work with the top bidder. If the top bidder still wants to proceed, the bid will go onto Council for final approval.

Site 24 – The City lost the Court of Appeals case involving Bailey's Brakes. Negotiations are still going on.

Parking – There was a pilot section of diagonal parking on 1st Avenue from Macdonald to Hibbert, which went well. Staff will be going before the Transportation Advisory Board with a proposal to extend the diagonal parking from County Club to Mesa Drive. Staff is working to place diagonal parking on 1st Street. Due to a need to obliterate the existing striping and repave the street, staff is hopeful that they will have money to do this project sometime next summer.

Sheraton – Staff met with the new owners of the Sheraton, Pacifica Companies. Their goal is to become a Marriott, which would consist of making interior and exterior improvements no later than March 1, 2004.

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

There was no report from MTCC.

11. Board Member Comments

Chair Jordan stated that an upcoming item would be the minutes from the DDC Retreat. Chair Jordan also stated that there will be an adhoc committee that will soon be formed to discuss reducing the Town Center Redevelopment Area boundaries, and Chair Jordan has suggested that some of the members of that committee be members of the DDC.

Ms. Carmichael stated that at the DDC retreat Mr. Reeb had brought up affordable housing for the downtown and would like to have that included in the Housing Master Plan.

12. Adjournment

With there being no further business, this meeting of the Downtown Development Committee adjourned at 10:05 a.m.

Respectfully Submitted,

Mr. Gregory J. Marek, Director of Redevelopment
Minutes prepared by Amy Morales