

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

DATE: May 18, 2006 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Chuck Riekema, Chair
Jeff Jarvis, Vice Chair
Christine Close
Adam Decker
Dean Taylor

STAFF PRESENT

Patrick Murphy
Katrina Rogers
Liz Kuwamoto
Gordon Sheffield

STAFF ABSENT

Shelly Allen

MEMBERS ABSENT

Steve Chucri
Michelle Dahlke
Gary Gallagher
Nabil Abou-Haidar

1. Call to Order

The May 18, 2006 meeting of the Downtown Development Committee was called to order at 7:33 a.m. in the City Council Chambers located at 57 E. First Street by Chuck Riekema, Chair.

2. Approval of Minutes of the April 20, 2006 Regular Meeting.

It was moved by Jeff Jarvis, seconded by Adam Decker, to approve the minutes of the April 20, 2006.

**Vote: 5 in favor.
0 opposed.**

3. Discuss and consider three design elements pertaining to signage and building illumination associated with Administrative Design Review Case No. ADR06-002TC for the ARCO gas station located at 406 N. Country Club Drive.

Ms. Rogers reported that the ARCO gas station at 406 N. Country Club Drive (Country Club and University) is requesting an update on their site. She stated that the owner of the ARCO AM/PM is requesting an approval to install a LED "laser line" on the canopy and on the front of the building above the main entrance, a bull nose banding on the building and canopy, and illuminated logos on the canopy. Ms. Rogers stated that the LED laser line is an exterior building illumination and the Supplemental Provisions of the Zoning Ordinance states that the Design Review Board or the DDC has to approve the exterior building illumination.

Ms. Rogers reported that there are two monument signs that will remain and the existing sign above the building will be replaced with an updated pan channel letter sign.

Mr. Eddie Vidales with Donco & Sons Inc. of Anaheim CA presented the LED illuminated light strip with a bull nose banding to the DDC members. He stated that the light strip has a low voltage of 120 to 24 volts and is very durable, unlike the florescent or neon lighting that gives 120 to 9,000 volts. Mr. Vidales indicated that he has not seen any malfunctions or many burnt out light strips; and the light strips are easily replaced by snapping them on and off.

Mr. Sheffield stated that there has been concerns' regarding the brightness of the LED causing distraction to drivers. Mr. Sheffield stated that City Council established limitations in the Sign Ordinance on the brightness and intensity level that governs LED signs. Mr. Sheffield suggested a stipulation of approval that the brightness of the LED not exceed the levels specified in the chart of the Sign Ordinance 11-19-8-D-17, which states that the intensity level for a red LED for daytime should not exceed 3,150 nits and for night to not exceed 1,125 nits.

Mr. Vidales stated that the LED complies with the Sign Ordinance.

It was moved by Jeff Jarvis, seconded by Adam Decker, to recommend approval of Case No. ADR06-002TC subject to the following stipulations:

1. Compliance with the plans, elevations, and color samples dated June 10, 2003.
2. All proposed signage is subject to the approval of a separate sign permit.
3. Other than the replacement of the existing sign on the building, no new signage shall be allowed on the building.
4. The brightness shall be governed by the City of Mesa, Sign Ordinance Brightness Chart (Intensity Levels).

**Vote: 5 in favor.
0 opposed.**

4. **Discuss and consider Design Review Case No. DR06-001TC for Auto Insurance America located at 162 S. Morris Street.**
5. **Discuss and consider Special Use Permit and Variance Case No. ZA06-034TC for Auto Insurance America located at 162 S. Morris Street to allow a drive-through lane in conjunction with a professional office building in the TCB-2 zoning district and to allow the following variances:**
 1. **Reduce the west side landscape setback from ten feet (10') to five feet (5').**
 2. **Reduce the east side building setback from fifteen feet (15') to ten feet (10')**
 3. **Reduce the east side landscape setback from fifteen feet (15') to eight feet (8').**

Ms. Rogers presented Case No. DR06-001TC, and Special Use Permit and Variance Case No. ZA06-034TC and these two cases pertain to (Agenda Item 4 & 5) Auto Insurance America located at 162 S. Morris Street. The applicant is requesting

approval of a Design Review Case subject to stipulations, a Special Use permit, and Variances for the construction of a new insurance office at 162 S. Morris Street. Ms. Rogers stated that the lot is a narrow infill parcel surrounded by three street frontages. She stated that the frontages on Country Club and 2nd Avenue are wide with the right-of-way at sixty-five feet in both cases, and Morris Street having a right-of-way of fifty-feet. Ms. Rogers stated that the architect was able to design an urban design project and he did comply with requests from staff for modification to the plans. Ms. Rogers stated that staff is pleased with the plans. Ms. Rogers stated that the building is oriented towards the corner allowing the drive-through lane and the parking to be in the back. She stated that there are no driveways off Country Club or 2nd Avenue. Ms. Rogers stated that the site plan exceeds the five space-parking requirements; whereby the owner is providing seven parking spaces. Ms. Rogers stated that they are also providing a pedestrian pathway that leads from the parking lot to the west entrance of the building, with adequate lighting within the parking lot, and on the building. She stated that they have also provided screen walls for the parking lot, drive-through lane, and the roll out barrels.

Ms. Rogers stated that the signage is well within the required limits for the zoning district. The applicant is requesting one monument sign and one wall sign on 2nd Avenue. The applicant is requesting a building setback on Morris Street side from fifteen feet to ten feet. Ms. Rogers stated that there are reductions in the landscape setback both on Country Club and Morris Street. Ms. Rogers reported that the applicant did not cut back on the landscape numbers of trees and shrubs for the site and is pleased that they were able to provide the lush landscape palette. Ms. Rogers stated that the interior parking lot is not required to be landscaped, however, the owner did provide it along the median area and along the five-foot setback on the north side of the parking lot. Ms. Rogers stated that staff is recommending approval of the variances because of the preexisting conditions of the sight that were not created by the property owner.

Ms. Rogers stated that the special use permit is to request a drive thru lane in conjunction with the office use and the drive-through lane is to be used for payment of insurance bills by their customers. She added that the owner reported that the transactions would only take 30 to 60 seconds to process, with no traffic problems. Staff is recommending approval of the special use permit because it is not a detriment to the surrounding area. The Zoning Administrator will review the special use permit and variances at his hearing on May 30. Ms. Rogers reported that the applicant complied with public participation by notifying everyone within three hundred feet. Ms. Rogers stated that there were no comments, concerns, or feedback received. Ms. Rogers stated that staff is recommending approval of this design review case subject to the stipulations that are listed on the staff report and is recommending that the DDC make a recommendation of approval to the Zoning Administration for the Special Use Permit and Variance.

Mr. Freeman, P/D Architects reported that the drive-thru was being added so that customers can make transactions from their vehicles without having to get out of their cars thus making it convenient for parents with kids who need to pay a bill. He also stated that the main office is located in Las Vegas and is currently obtaining a permit

to construct one in Glendale, Arizona, and is looking at constructing four others in the Phoenix Area. He stated that stone veneer goes across the front of the building to the trash enclosure and will include stone veneer on all four sides of the building. He stated that the monument sign will be angled on 2nd Ave and Country Club.

Ms. Close expressed concerns regarding the future use of the building with a drive-through window if it is no longer occupied by the applicant.

Ms. Rogers stated that a special use permit usually runs in perpetuity with the land, however, the DDC could add a stipulation of approval that the Special Use Permit for the drive through lane is linked solely to the current property owner.

Chair Riekema favored placing a restriction to limit the use of the drive-through to the use that is approved; and had concerns with the business model changing to something else and could the condition of the use also be changed.

Mr. Sheffield stated that the DDC could recommend any restrictions to the Special Use Permit and between now and the hearing he will research the case laws to make sure it is a viable condition. Adding if the business model were to change the business, it could be considered a change of use with other issues that may need to be addressed.

It was moved by Christine Close and seconded by Dean Taylor, to approve the Design Review Case No. DR06-001TC with the following stipulations:

- 1. Full compliance with the approved plans dated February 7, 2006 and all current Building Code requirements, unless modified through the appropriate review.**
- 2. Approval of Special Use Permit and Variance Case No. ZA06-034TC.**
- 3. Final placement, quantity, and design of all signage (wall, monument, window, etc.) shall be subject to the approval of a separate sign permit.**
- 4. Obtain necessary right-of-way permits from the Building Safety Department prior to performing any work within the right-of-way.**
- 5. Final placement of plant/landscape materials shall be subject to the approval of the City of Mesa's Landscape Inspector.**
- 6. Site lighting shall be in accordance to the City's Outdoor Lighting and Control Ordinance (Night Sky Ordinance), and shall ensure that light does not spill over into the adjacent properties.**
- 7. Add stone veneer to the south and north elevations of the facility.**

**Vote: 5 in favor.
0 opposed.**

It was moved by Christine Close and seconded by Adam Decker, to approve Variance Case No. ZA06-034TC for Auto America following staff recommendations in regards to the variances listed in the staff report.

- a. Reduce the west side landscape setback from 10' to 5'
- b. Reduce the east side building setback from 15' to 10'
- c. Reduce the east side landscape setback from 15' to 8'

**Vote: 5 in favor.
0 opposed.**

It was moved by Adam Decker and seconded by Jeff Jarvis, to approve the Special Use Permit Case NO. ZA06-034TC for Auto Insurance America subject to the following restrictions:

1. Approval of Design Review Case No. DR06-001TC.
2. Compliance with the development plans dated February 7, 2006.
3. The Drive-thru is directly linked to the Auto Insurance America.
4. The Special Use Permit (SUP) is directly linked to the proposed and represented type of business as stated in the application for the SUP, which is to conduct and provide insurance to the general public.

**Vote: 5 in favor.
0 opposed.**

Chair Riekema commented that he supports this motion, but is opposed to having a drive-through for this type of use in this particular area, and has concerns about a subsequent use that could come into the building.

6. Discuss and Consider approval of Amendment to the Zoning Ordinance of Accessory Retail Uses in RV and Manufactured Home Parks – a.k.a. “County Stores” (Citywide) of the City of Mesa Zoning Ordinance.

Mr. Gordon Sheffield, Zoning Administrator discussed an Ordinance Amendment to the Zoning Ordinance Sections 11-17-2 and 1-17-3 of Accessory Retail Uses in RV and Manufactured Home Parks.

Mr. Sheffield stated that Special Events take place in RV parks and Manufactured Home parks in their activity center or clubhouse, wherein tables are leased to vendors in which the people from the park purchase services/products from the vendors during the temporary events. He stated that the Mesa Regal had a weekly event every Friday morning, and would like to continue their events. Mr. Sheffield stated that Council heard testimony to that effect at a study session. The City Council advised staff to proceed forward with an amendment to allow this time of activity. Mr. Sheffield stated that they prepared a definition to what constitutes an accessory retail event is permitted one time per week, and is allowed as a permitted activity within RV Parks, Manufactured Home Parks, and RV Subdivisions.

Ms. Close discussed that she would like to see the owners be given the opportunity to speak out on the issue and let the majority rule. She stated that the people should be aloud to gather as a community.

Mr. Sheffield stated that the winter resident community is very supportive of the changes and were frequently calling the City Council and Mayor's Office for support. He stated that other gift shop owners also called and voiced their opinions. He stated that based on the Downtown Development Committee and Planning and Zoning recommendations, the ordinance will be up for consideration by City Council.

It was moved by Vice Chair Jarvis to not approve these standards because they are too inclusive and does not support the standards. Vice Chair Jarvis stated he would like to see the frequency and type of materials become more restrictive.

Motion failed due to lack of a second.

Chair Riekema asked the Committee to make a new motion.

It was moved by Adam Decker, seconded by Christine Close, to recommend the Amendment to the Zoning Ordinance of Accessory Retail Uses in RV and Manufactured Home Parks subject to the following restrictions:

When dealing with country stores and other vendors, the vendors must be a resident of the RV and Manufacture Parks where the activity is taking place.

**Vote: 5 in favor.
0 opposed.**

7. Discuss and Consider approval of Amendment to the Zoning Ordinance of Regulation of Payday Loan Stores and Non-chartered Financial Institutions.

Mr. Gordon Sheffield, Zoning Administrator discussed "Alternative D" of the Amendment to the Zoning Ordinance of Regulation of Payday Loan Stores and Non-chartered Financial Institutions. Mr. Sheffield stated that Alternative D was prepared based on the recommendations made by the DDC at their May 18, 2006 Study Session. Mr. Sheffield stated that Alternative "D" is the most restrictive of the four options. The following is a synopsis of Alterative "D".

- 1) Requiring a Council Use Permit in the C-2 and C-3 Zoning Districts (not permitted in OS and C-1)
- 2) Requiring one thousand two hundred feet (1,200) of spacing between like uses and from a school;
- 3) Requiring five hundred feet (500) of spacing between a residential district;
- 4) There is a clause in the M-1 and M-2 that will allow these type of uses in the Industrial Zones.

Ms. Close commented that this use is one that she would not want to see perpetuated in the City.

It was moved by Adam Decker, seconded by Jeff Jarvis for Approval of the Amendment to the Zoning Ordinance of Regulation of Payday Loan Stores and Non-chartered Financial Institutions under Option "Alternative D".

**Vote: 5 in favor.
0 opposed.**

8. Board Member Comments.

None.

9. Director's Report – Shelly Allen.

Shelly gave Director's Report at the Study Session.

10. Items from Citizens Present (No action can be taken)

None.

11. Adjournment

With there being no further business, this meeting of the Downtown Development Committee adjourned at 8:26 am.

Respectfully Submitted,

Shelly Allen, Town Center Development Director
Minutes prepared by Liz Kuwamoto