

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

DATE: July 27, 2006 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Adam Decker, Vice Chair
Nabil Abou-Haidar
Steve Chucri
Michelle Dahlke
Dean Taylor

MEMBERS ABSENT

Christine Close
Gary Gallagher
Jeff Jarvis, Chair
Chuck Riekema

STAFF PRESENT

Shelly Allen
Patrick Murphy
Cathy Ji
Katrina Rogers
Sue Cason
Gordon Sheffield
Judge Matias Tafoya
Paul Thomas
Susan Bozile
Kelly Jensen
Raul Varela

STAFF ABSENT

None

GUEST SPEAKERS

Tom Verploegen

1. Call to Order

The July 27, 2006 meeting of the Downtown Development Committee was called to order at 7:30 a.m. in the Town Center Development Large Conference Room located at 20 E. Main Street, Suite 200 by Boardmember Abou-Haidar.

2. Approval of Minutes of the June 15, 2006 Regular Meeting.

It was moved by Dean Taylor, seconded by Michelle Dahlke, to approve the minutes of June 15, 2006 with minor corrections.

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

3. Discuss and Consider a Minor General Plan Amendment, Case No. GPMinor06-01TC, to change the General Plan Land Use Map from Arts/Cultural Entertainment to Retail/Commercial Services for the property located south of East University and east of North Center, and to change the General Plan Land

Use Map from Arts/Cultural Entertainment to Public Office/Facilities with an Office Overlay for the property south of East Third Street and east of North Center. Approximate total of 17.8 acres.

Mr. Murphy presented a Minor General Plan Amendment (MPGA), Case No. GPMinor06-01TC. Today is the second of two public hearings and the Committee will be asked to conduct that second hearing, and then make a recommendation to the City Council on the proposed General Plan Amendment. This General Plan Amendment is to further our partnership with MCC to expand their presence downtown. In the last meeting, Ms. Allen provided a detailed report on what MCC was planning for the area. Staff conducted a neighborhood meeting on June 7, 2006 with five citizens in attendance. All were in favor of the MPGA. Mr. Murphy stated that he also met individually with the owner of Pier D'Orleans as he is the only property owner other than City owned property within that area. The owner of Pier D'Orleans is also in favor of the change. At the first public hearing there were no citizens present and staff has received no objections since they began this process. Staff is recommending approval of the Minor General Plan Amendment and the next step is to take it to City Council for their consideration.

There were no comments from the board.

It was moved by Michelle Dahlke and seconded by Dean Taylor to recommend approval of the Minor General Plan Amendment, Case No. GPMinor06-01TC, to be changed on the General Plan Land Use Map from Arts/Cultural Entertainment to Retail/Commercial Services for the property located south of East University and east of North Center, and to change the General Plan Land Use Map from Arts/Cultural Entertainment to Public Office/Facilities with an Office Overlay for the property south of East Third Street and east of North Center. Approximate total of 17.8 acres.

**Vote: 5 in favor
0 opposed**

4. Discuss and Consider Rezoning Case No. Z06-01TC from TCR-3 to TCB-1 for parcel number 135-59-073 located at 270 N. Country Club Drive.

Ms. Rogers presented this project in conjunction with several other zoning cases necessary for the expansion of the existing Carwasher business at 324 N. Country Club Drive. The Carwasher has purchased the property on the south side of 3rd Street at 270 N. Country Club Drive where the existing Dunkin Donuts is located. They also purchased the vacant parcel behind Dunkin Donuts. The vacant parcel is currently zoned TCR-3 and needs to be rezoned to TCB-1. A detailing facility will be built on the south side of 3rd Street as an expansion of the existing business on the north side of 3rd Street. The existing facility will continue to function for the washing of the exterior of the cars, while the new facility will function for the detailing of the cars. Although the two sites are separated by 3rd Street, they will work in harmony with one another.

It was moved by Steve Chucuri and seconded by Dean Taylor to recommend the approval of Rezoning Case No. Z06-01TC from TCR-3 to TCB-1 for parcel number 135-59-073 located at 270 N. Country Club Drive with the following staff stipulations:

- a. Compliance with all City development codes and regulations.**
- b. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).**
- c. Compliance with all requirements of the Downtown Development Committee.**

**Vote: 5 in favor
0 opposed**

5. Discuss and Consider a Council Use Permit Case No. CUP06-01TC to allow the expansion of a car wash within the TCB-1 Zoning District for The Carwasher located at 270 N. Country Club Drive.

Ms. Rogers explained that in conjunction with the rezoning request, the TCB-1 Zoning District requires a CUP to allow a car wash facility. The Carwasher is requesting a Council Use Permit even though they will not be washing cars on this particular site. However, the type of use designated for this site is within the definition of a car wash.

It was moved by Steve Chucuri and seconded by Dean Taylor to recommend the approval of a Council Use Permit Case No. CUP06-01TC to allow the expansion of a car wash within the TCB-1 Zoning District for The Carwasher located at 270 N. Country Club Drive with the following staff stipulations:

- a. Approval of Zoning Case No. Z06-01TC.**
- b. The Council Use Permit is to allow a car wash facility in the TCB-1 Zoning District.**
- c. Compliance with the basic development as described in the project narrative and as shown in the approved development plans submitted.**
- d. Compliance with all stipulations of the approved Design Review Case No. DR06-002TC.**
- e. Compliance with all requirements of the Downtown Development Committee.**
- f. Dedicate the Public Utilities and Facilities Easements (PUFE) required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.**
- g. Compliance with all City development codes and regulations.**
- h. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).**

**Vote: 5 in favor
0 opposed**

6. Discuss and Consider Design Review Case No. DR06-002TC for the expansion of The Carwasher located at 270 N. Country Club Drive.

Ms. Rogers explained that the new building is located in close proximity to Country Club Drive, which helps to promote urban design in downtown and also screens the activities of the car wash from Country Club Drive. A six-foot block wall is located in front of the large detail canopy on 3rd Street to help screen the detailing activities from the public right-of-way. In addition, an eight-foot screen wall is located along the west and south property lines to screen the intermingling of residential and commercial uses. Staff believes the applicant has shown diligence in buffering the adjacent single residences from this commercial use. The only access to the business is off of 3rd Street. Three driveways, one entrance and two exits, will be used to help vehicular traffic get in and out of service bays in an orderly fashion. Staff at first did not want the third driveway, but Solid Waste felt the site should provide it's own doublewide trash enclosure and the Solid Waste truck needed an adequate turning radius, resulting in a third driveway.

Staff is pleased with the landscape plan, as they have exceeded the total number of trees and shrubs required for the site. The additional landscaping is another means to support the Council Use Permit because it buffers the use from surrounding properties. Staff is asking for two more trees to be planted along Country Club Drive in order to meet the required numbers for the front landscape setback.

No signage is being proposed at this time. If they choose at a later date to have signage, that will be reviewed under a separate sign permit.

It was moved by Steve Chucuri and seconded by Dean Taylor to recommend the approval of Design Review Case No. DR06-002TC for the expansion of The Carwasher located at 270 N. Country Club Drive with the following staff stipulations:

- a. **Approval of rezoning case number Z06-01TC**
- b. **Approval of Council Use Permit Case No. CUP06-01TC.**
- c. **Approval of Variance Case No. ZA06-061TC to allow a canopy and parking lot to encroach into the fifteen-foot (15') side yard setback.**
- d. **Full compliance with approved plans and all current Code requirements, unless modified through the appropriate review.**
- e. **Compliance with the basic development as shown on the site plan and elevations dated June 22, 2006.**
- f. **The lighting plan shall be developed according to the City's Outdoor Lighting and Control Ordinance (Night Sky Ordinance), and shall ensure that light does not spill over onto the adjacent properties.**
- g. **Final placement, quantity, and design of all signage (wall, monument, window, etc.) shall be subject to the approval of a separate sign permit.**
- h. **Obtain necessary right-of-way permits from the Development Services Department prior to performing any work within the right-of-way.**
- i. **Final placement of plant/landscape materials shall be subject to the approval of the City of Mesa's Landscape Inspector.**

- j. The trash enclosure must comply with Mesa Standard Details and Specifications M-62.**
- k. The equipment yard must be screened by a six-foot (6') block wall.**
- l. All roof-mounted equipment must be screened from public view.**
- m. Plant two additional 24" box trees (or larger) in the front yard setback.**

**Vote: 5 in favor
0 opposed**

7. Discuss and Consider Special Use Permit and Variance Case No. ZA06-061TC to allow a canopy and parking lot to encroach into the fifteen foot side yard setback and to modify the Comprehensive Sign Plan for the existing Carwasher at 324 N. Country Club Drive to allow the electric message display sign to change every 15 seconds instead of one hour.

Ms. Rogers explained that a request has been submitted for two Variances to allow a detail canopy to encroach five feet into the side yard setback and a parking lot to encroach two feet four inches into the side yard setback on 3rd Street. A side yard setback is normally required at 15 feet.

The Carwasher located at 324 N. Country Club Drive has also requested a Special Use Permit to modify an ordinance to allow an electronic sign to change its message every fifteen seconds from once every hour.

The Carwasher has met all of their citizen participation requirements and have not had any calls in opposition to their requests.

It was moved by Steve Chucuri and seconded by Dean Taylor to recommend the approval of a Special Use Permit and Variance Case No. ZA06-061TC to allow a canopy and parking lot to encroach into the fifteen foot side yard setback and to modify the Comprehensive Sign Plan for the existing Carwasher at 324 N. Country Club Drive to allow the electric message display sign to change every 15 seconds instead of one hour with the following staff stipulations:

- a. No other changes are proposed to the existing electronic message display monument sign, with the exception of the frequency of the message to change no more than one (1) time per fifteen (15) seconds.**
- b. There are no other modifications to the existing signage on the site.**
- c. The intensity of the red LED display must be factory pre-set not to exceed 3,150 nits at day and 1,125 nits at night, and the intensity level must be protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Building Safety Director.**

**Vote: 5 in favor
0 opposed**

8. **Discuss and Consider the site analysis of the proposed sites for the new City Court Building.**

Mr. Murphy explained that the City Courts are expanding and are relocating to Site 7. An analysis was done to find which site within Site 7 would be the preferred location. Site A is on the NWC of 1st Avenue and Pomeroy and Site B is on the SEC of Main and Hibbert Street. As part of this analysis, Engineering hired two consultants. The first consultant is Elliott D. Pollack & Company and the second was RNL/KMD Architects. Pollack recommended Site A (NWC of 1st Avenue and Pomeroy) for the following reasons; Site B should be reserved for major office development and one of the prime sites for future development for the Downtown. The Pollack report also stated that there is no evidence that the City Court Building will provide sufficient economic or physical impact to Downtown Mesa. The Pollack report indicated that the nature and character of the visitors to the courts would not generate additional business for the area. The Pollack report also pointed out that if the Site B location were selected it would be a significant under utilization of the property. Hunter Interest, Inc. also indicated the potential for an office building on that site.

RNL/KMD Architects recommends locating on Site B (SEC of Main and Hibbert Street) for the following reason; the Courts should have a more prominent and civic presence in the Downtown area.

The recommendation the Town Center Development Staff, City Manager's Office, Development Services Staff and the Downtown Mesa Association is that the new City Courts be located on Site A, however, the City Court Staff recommends the new City Courts be located on Site B.

Judge Tofoya stated that a City Court building has always been in our country, the center of any community and brings tradition and growth. The issue is not as simple as presented. Court buildings bring a symbolism to our communities and without symbolism we lose our country. The decision you make concerning this recommendation will impact your community for the next 25, 30 or 40 years. The new Court building is a Litigation Court (Limited Jurisdiction Court) and handles 93% of all court cases. There are 250,000 people coming into the court and 43% are not there for violations, but are juries, witnesses, victims, boy and girl scout troops, etc. Many of the cliental that comes into the courts, are members of the community and bring a hub of activity to the Downtown. Judge Tofoya commented that it is not easy to find the Court building where it is located now and feels that the Court building should be on Site A (SEC of Main & Hibbert Street) to give a prominent presence and symbolism to Mesa Downtown. The cost for either site would be about the same.

Mr. Thomas, a member of the City Court Staff, stated that the amount of people generated at the courts each day averages around 900. If the Court building were located at Site A that would be 900 people per day on Main Street.

Ms. Dalhke stated she is very torn over which site to recommend as she is very interested from an Urban Designer standpoint in civic identity and feels that is just as

important for downtown development as economic growth. Ms. Dalhke feels the City Court is a very important building and does not want to focus only on the economic standpoint, and asked Mr. Verploegen to give his view on the issue.

Mr. Verploegen stated that the Court building should be located on Site A. Mr. Verploegen feels that 1st Avenue has a great presence with the Temple, the Mesa Arts Center and the Tribune. Mr. Verploegen indicated that 1st Avenue has a lot of regional type users and in turn believes that people are going to find the Court building, as it is a destination. Mr. Verploegen also stated that we shouldn't just look at what 1st Avenue looks like today, as a lot of the south side is going to change dramatically in a few years to be high density residential or whatever the case may be. If the Courts were put on Main Street, then the question becomes, what are you going to put on 1st Avenue to bring balance and a true destination? From an economic development stand point you want private sector offices on Main Street, especially after the City spent 20 million dollars on streetscape.

Mr. Abou-Haidar expressed his concern about the large setback for Site B, as it does not give an urban feel for Main Street. People tend to like the buildings on a Main Street to be closer to the sidewalk and activity such as retail or restaurants. Mr. Abou-Haidar's preference is for the Court building to be built on Site A and doesn't feel Site B would generate the activity needed Downtown.

Mr. Taylor asked if there has been any commercial interest in Site B. Ms. Allen stated that there have been several inquiries, however, nothing will be solidified until after a decision has been made on the location of the Court building. Mr. Verploegen also commented that they have had some interest as well, but finds the site would be difficult to market until the City decides to demolish the existing buildings. Mr. Verploegen also expressed concern about the parking in the area and suggested possibly adding another level to the parking garage, which would add another 200 spaces and also the possibility of covering the top level.

Mr. Murphy asked if the Courts have to be a certain distance from the street. Judge Tafoya answered yes due to security and a need for ambience. The required security setback is 50 to 55 feet according to Mr. Varela from the Engineering Department. Mr. Taylor also feels that development needs to occur more than just on Main Street and that the Court building is a great feature for 1st Street, and will drive more development and add more density to the Downtown.

Vice Chair Decker commented that the City's crown jewel is the Mesa Arts Center and with all the development efforts made with the streetscape, he feels that any land available on Main Street should be kept available for commercial/retail. Vice Chair Decker said he believes Site A is the best location for the new City Court building.

It was moved by Adam Decker and seconded by Steve Chucuri to recommend that the City Court Building be built on Site A (NWC of 1st Avenue and Pomeroy).

Vote: 5 in favor

0 opposed

9. Board Member Comments.

None.

10. Director's Report, Shelly Allen.

1. Ms. Allen notified the Committee of the trees damaged in the Downtown area as a result from the recent storm. A meeting will take place later today to determine what will be done to replace the trees and the Committee will be updated on the replacement/repair action plan.
2. Town Center Staff and Mr. Sheffield from the Planning Division have met concerning Development Incentive Permits and Substantial Performance Improvement Permits. These two processes will remain the same, yet it will allow the applicant more flexibility and less variances for staff to deal with. Staff is looking for direction from the Committee to come back to the DDC with a recommendation that the Town Center area and zoning districts be part of these processes.
3. The Master Plan for MCC is moving forward. MCC is working on the programming portion of the Master Plan, once this information is given to the consultant, the site portion of the Master Plan will begin. Committee members Michelle Dalhke, Jeff Jarvis and Nabil Abou-Haidar have expressed their desire to be involved with the process and the consultant has been notified.
4. Staff will be bringing forth an Auto Sales at Country Club and Broadway, requesting a Special Use Permit on a City owned lot.
5. Coffee Talk has changed ownership and is now being called "Inside the Bungalow". They would like to continue with a Special Use Permit that allows the outdoor entertainment. They need to start the public meeting process to get the permission of the Robson Villas and surrounding neighbors for the entertainment.
6. A Special Use Permit request for a cell tower at the First Presbyterian Church will be discussed at the August meeting.
7. A General Plan Amendment request is coming up in September. On the north side of University between Country Club and Drew there is a small section that is part of the Evergreen District that was excluded from the Office Overlay. There are two single family homes zoned residential, not allowing any commercial uses at this time.
8. The vacant lot next to Pete's Fish & Chips on Mesa Drive has been sold to the owner of Pete's Fish & Chips. The vacant lot between Dairy Queen and the Mexican Restaurant on Country Club Drive has also been sold to the owner of the Mexican Restaurant.
9. There is some demolition work being done around the Temple area. Several of these properties have been purchased by a developer and the plans for the area are unclear.

11. Report from Downtown Mesa Association, Tom Verploegen – Executive Director.

Mr. Verploegen mentioned that he has spoken to Ms. Allen about having a closer collaboration between DMA, DDC, and the Economic Development Department with leadership issues and focusing on incentives. He is working on the figures for the total of gross public revenue that the Downtown District is generating. Downtown is generating more than 50 million a year in gross public revenues with about 8 million net to the City. The DMA Bus Tour is scheduled for Wednesday, August 23 from 7:30 or 9:30 AM. There are twice as many businesses Downtown today than 21 years ago. DMA will be participating in the Zoning Ordinances update. The Staff is also working on sculpture recruitment for the upcoming exhibit. There are presently 30 permanent sculpture pieces in the collection worth over a million dollars, so the program continues to grow. New flex banner arms have been purchased, as many were broken or missing and causing liability issues.

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

13. Adjournment.

With there being no further business, this meeting of the Downtown Development Committee adjourned at 8:45 a.m.

Respectfully Submitted,

Shelly Allen, Town Center Development Director
Minutes prepared by Sue Cason