

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

DATE: September 19, 2002 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Dave Wier, Chair
Art Jordan, Vice-Chair
Theresa Carmichael
Vince DiBella
Robert Fletcher
Mark Reeb
Charles Riekena

STAFF PRESENT

Shelly Allen
Katrina Bradshaw
Patrick Murphy
Ann Blech

OTHERS PRESENT

MEMBERS ABSENT

Wayne Pomeroy
Terry Smith

1. Call to Order

The September 19, 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 August 15, 2002 Study Session

It was moved by Charles Riekena, seconded by Theresa Carmichael to approve the minutes.

Vote: 7 in favor; 0 opposed

Approval of Minutes of August 15, 2002 Regular Meeting

It was moved by Art Jordan, seconded by Charles Riekena to approve the minutes.

Vote: 7 in favor; 0 opposed

4. Presentation of awards for departing Board member, Lori Osiecki.

Chair Wier presented an award to Lori Osiecki for the time she has served on the Downtown Development Committee and thanked her for her service.

Ms. Osiecki said she really enjoyed serving on the Board and the opportunity to work with the other members of the Downtown Development Committee.

5. Discuss and consider Special Use Permit Case No. ZA02-061TC for the proposed Farmer's Market located on the south side of Main Street, between Robson Street and Center Street, and on Macdonald Street south of Main Street.

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

Mr. Murphy explained that this request is to continue to operate the Farmer's Market, as it was approved last year, on the south side of Main Street from Center Street to Country Club Drive. Mr. Murphy said the market will operate on Saturdays, from 9:00 a.m. to 2:00 p.m. beginning on October 12, 2002, through the end of May 2003. Friday's Farmers Market will continue to operate at its current location on Center Street.

Mr. Murphy said staff feels that there is adequate room on the sidewalks to accommodate the Market due to the widening of the sidewalks. He added that the Farmer's Market was a success last year and feedback from the business owners indicates that they are in favor of the Market.

Mr. Murphy said staff distributed a flyer to all the property and business owners within the Pedestrian Overlay Area and, to date, staff has not received any opposition in response to the flyer.

Mr. Murphy said the conditions of approval remain the same as last year and the applicant has agreed to those conditions. Staff recommends approval of the Special Use Permit of the Farmer's Market subject to the stipulations stated in the staff report. The Zoning Administrator will consider the Special Use Permit on October 1, 2002.

Chair Wier asked when the permit will expire.

Mr. Murphy said it will expire on October 1, 2003.

It was moved by Theresa Carmichael, seconded by Mark Reeb to approve Special Use Permit Case No. ZA02-061TC for the proposed Farmer's Market located on the south side of Main Street, between Robson Street and Center Street, and on Macdonald Street south of Main Street.

Vote: 7 in favor; 0 opposed

- 6. Discuss and consider an 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

Mr. Murphy said early citizen involvement with projects is the cornerstone of good planning. The purpose of a Citizen Participation Ordinance is to ensure applicants pursue early and effective citizen participation in conjunction with their application.

Mr. Murphy explained that the proposed ordinance, which was drafted by the Planning Division, requires a citizen participation plan for applications that require a public hearing, such as re-zonings and council use permits. The Redevelopment staff recommends that the ordinance also include design review applications. Staff feels it is important that the neighbors be aware of the design of the project because it will have a definite impact on their neighborhood.

Mr. Murphy explained that the Redevelopment Office has been implementing a citizen participation plan for a number of years. This plan has worked very well for the Redevelopment Area to help mitigate concerns and controversy on projects. Property owners and tenants also appreciate knowing what's going on in their neighborhood and have an opportunity to comment on the project and negotiate resolutions to their concerns.

Mr. Murphy said staff recommends approval of the ordinance with the additional requirement that design review applications also be included as part of the requirement for a citizen participation plan. Mr. Murphy added that Anne Blech, with the Planning Division, is in attendance at today's meeting and can help answer any questions.

Mr. DiBella said he was in support of the Citizen Participation Ordinance but needed some clarification on the recommendation to include design review. He said typically the citizen participation plan is accomplished during the Planning and Zoning phase of the project in which the development plans have already been reviewed. He asked if the Redevelopment Staff is suggesting that the applicant would have to go through another citizen participation process when the project goes through design review.

Mr. Murphy explained that this is handled a little differently in the Redevelopment Area because, in many cases, the Downtown Development Committee handles the re-zoning and design review all in one meeting. In these cases, only one citizen participation plan would be required. Mr. Murphy said that the Design Review Board should follow a similar process to that of

Redevelopment's and require the notification of surrounding property owners for design review cases.

Mr. Reeb asked about the process for notifying people outside of the 300 feet required area and what criteria is used to determine if that is necessary.

Anne Blech, Planner II with the Planning Division, said the ordinance does not address specific criteria but suggests that the Planning Division work with the applicant and the developer to determine what is appropriate. She added that that the reason that the Planning and Zoning Board rejected the initial Citizen Participation Ordinance was because of its stringent requirements and inflexibility. As a result, the ordinance was changed to permit a lot more flexibility to allow the applicant to customize its citizen participation plan to the uniqueness of his project. She added that the 300 feet is a minimum notification requirement for all planning and zoning cases.

Mr. Reeb asked if the proposed ordinance will continue to implement a similar process for citizen participation to what has been done in the past.

Ms. Blech said it will be very similar but will also provide some additional flexibility. She explained that they did not want to make the ordinance too strict because there needs to be flexibility to resolve differences of opinion and to adapt each citizen participation plan to meet the needs of each unique project.

Mr. Riekema asked what is typically discussed at the neighborhood meetings and do neighbors seemed to be more concerned with the use of a property or the design and look of the project.

Ms. Blech said there are many types of neighborhood meetings. As a rule, the neighborhood meeting is a chance for the applicant or developer to "sell" the project to the neighborhood and convince them that it will be an asset to their community and that they will be good neighbors. It also gives the neighbors a chance to offer feedback.

Ms. Blech went on to explain that currently design review does not require a public hearing and therefore does not require citizen participation. She explained that the Planning Division is different from the Redevelopment Office because their projects are first required to obtain zoning approval before the design review will be considered. One of the reasons it would be difficult to require citizen participation for design review is because it is not covered at the same time as the planning action and therefore could ensue a double citizen participation process. She said the City would have to go back to the Zoning Ordinance and rework the sections pertaining to design review to require a public hearing process, which would then kick in the citizen participation requirement.

Mr. Riekema asked what types of things the developer offers in order to convince the neighbors that he will be a good neighbor and an asset to their

community. He seemed to think that the aspects that the developer can work with to please the neighbors pertain to the look and design of the project.

Ms. Blech said most often people are concerned with how the project will impact them directly. Most of these concerns are related to traffic, noise, and preservation of their privacy. Occasionally there are concerns with aesthetics but mostly people want to be assured that their lives will not be negatively impacted by the project. The Planning Office requires the applicant to provide the minutes of the neighborhood meeting listing the concerns of the neighbors, resolutions that were provided, and impacts that were not resolved. Typical remedial actions to alleviate concerns include increased setbacks, increased landscaping, additional screening, etc.

Mr. Riekema observed that those things are generally considered as part of design review.

Ms. Blech said not necessarily. The setbacks and landscaping are included in site plan review, which is considered during the zoning approval process, not design review. On the other hand, the fine-tuning of the project in terms of the fabric of the development, the color, the details that dress up the project—those are the things that are considered in design review.

Mr. Riekema explained that one of the reasons this is a concern for him is because it appears as though Mesa considers aesthetics to be a low priority. He asked what would be wrong with having a joint meeting where both aesthetics and land use issues could be discussed at one time as opposed to a separate meeting for Planning and Zoning and Design Review. He pointed out that the Downtown Development Committee reviews them in one meeting and it seems to work very well.

Ms. Blech agreed there are benefits to combining the process of zoning and design review, which, she added, is how it had been organized in the past. The problem with this arrangement is that, for one reason or another, many of the zoning projects would not carry through to completion. As a result, projects that were not approved became an extra burden for planning staff and the Design Review Board. As a matter of economics, the Planning and Zoning Office decided to wait until the zoning projects were approved before expending the effort to go through the design review process, which is very meticulous. In addition, they also found that stipulations placed on zoning projects at City Council meetings sometimes have impacts on the design. Consequently, they felt they could not approve a final design until City Council had a chance to consider the zoning request. Ms. Blech said she would like to see if the current process can be streamlined even further but felt that a task force should be formed to consider the possibilities before asking City Council to require Design Review as part of the Citizen Participation Ordinance.

Mr. Fletcher asked if the developer is in charge of providing the minutes of the neighborhood meetings or if City staff is required to be in attendance and assist with the minutes.

Ms. Blech said currently City staff is not required to attend neighborhood meetings and the Citizen Participation Ordinance will not change that. The Planning staff feels that they develop a certain amount of trust and confidence with the applicant/developer during the pre-submittal process and trust them to accurately report what happens at the neighborhood meetings. She said they have had a very good record of successful neighborhood meetings that have been conducted by the applicant. In the case of controversial projects, the Planning staff will attend the neighborhood meetings for practical reasons; however, the Ordinance does not compel it.

Mr. Fletcher asked if they are required to submit the minutes of the meeting as part of their citizen participation plan. Ms. Blech said yes.

Mr. Jordan asked how the recommendation to include the design review in the Ordinance will be addressed.

Ms. Blech said the City Council will consider the recommendations of both the Planning and Zoning Board and Downtown Development Committee and will adopt an Ordinance that reflects their decision. She pointed out that if they choose to include design review in the Ordinance, staff will need to rework the Citizen Participation Ordinance to include it, as well as revise the Zoning Ordinance pertaining to design review.

Mr. Jordan stated that it is his observation that when stipulations aren't included as part of the written document presented to City Council, they may get lost in the shuffle or fail to get the same attention as the written proposal. He pointed out that the Redevelopment Office is the petitioner to include design review in the Ordinance and asked why it was not included as part of the written document, rather it is mentioned as a verbal recommendation and open to the scrutiny of discussion.

Ms. Blech explained that the Planning Director and Zoning Administrator have jurisdiction over Planning and Zoning for the City of Mesa and therefore have the authority to draft the written document to serve as a module to begin discussions for the final product. She explained that the process of gaining input is imperative to the success of the final product. For example, she explained that by requesting citizen participation for design review, the Zoning Ordinance will need to be amended to require design review to be a public hearing. She felt it was important to bring this proposed amendment before the Planning and Zoning Board and Design Review Board so they had a chance to voice their opinions and concerns before it is officially adopted. In summary, she explained that the drafting of the Ordinance is only the first step in the process and many discussions and/or revisions are inevitably part of that process.

Mr. Jordan said he felt it was important for everyone's opinion to be well represented. He voiced concern that, even though the concerns of the Redevelopment Office will be included in discussion, it will not be weighed as

heavily during the vote because it is not part of the written document, and therefore not given as much consideration as it deserves.

Ms. Allen said Greg Marek, Redevelopment Director, will be attending the Planning and Zoning Board meeting later today to ensure that the Redevelopment Office's position is made known.

Mr. Jordan explained that the point he is trying to make is that it does not seem uncommon for the City of Mesa to have breakdowns in its communication system. He felt that many of the high quality, master-planned developments that were approved by City Council, were broken into smaller pieces when the developer claimed a hardship. As a result many of the original comments and stipulations that were placed upon the approval of the project were lost or forgotten. He felt that if the end goal is quality, then the City should not allow this to happen.

Ms. Blech said the Citizen Participation Ordinance will help to increase quality by requiring all developers to meet certain citizen participation standards rather than making it voluntary. Ms. Blech also pointed out that the comments and stipulations placed by the advisory boards are included in the staff reports presented to City Council, which is separate from the citizen participation plan.

Mr. Jordan said he believes that after all of the interaction between developer, staff, and public participation, some of the most meaningful quality improvement comes at the staff level of planning and zoning. He encouraged the Planning and Zoning staff to hold to the standards that they initially envisioned for the project and not be influenced by hardship claims by the developer who asks to build a project that is different from what was approved.

Mr. DiBella believed that the reason there were so many comments and concerns from the Board members on this agenda item is because the request to include design review in the Ordinance seems to be an afterthought. He felt that more research was needed by staff to come up with a process and recommendation on how that is going to happen. He stated that he did not feel comfortable approving the proposed Ordinance to include design review because he felt that the zoning and design review processes were two different entities with two separate sets of criteria and didn't see how the process could be changed to combine the two actions.

Ms. Carmichael said she is not comfortable including design review in the Ordinance because the additional time lapses and duplication of effort would put an additional burden upon the developer. If a procedure could be developed without creating additional work for the developer then she would consider it, however, she had reservations as to whether this was possible.

Mr. Reeb suggested that if the Board supports the idea of including design review, then the Board may want to continue the agenda item to a later meeting until staff comes back with specific language in the Ordinance for the Board to consider.

Mr. DiBella asked if the Board could remove the stipulation to include design review and just approve the Citizen Participation Ordinance.

Mr. Murphy said the Board has several options, one is to approve the Ordinance as written, deny the Ordinance, or approve the Ordinance with the additional stipulation to include design review. He explained that if the Board chooses to include the requirement for design review, then it would have to be re-written to include the wording in the document.

Mr. Jordan asked what was the genesis for the Planning and Zoning staff being asked to write this Ordinance.

Ms. Blech said City Council directed staff to prepare an Ordinance to replace the resolution back in February of this year.

Mr. Jordan asked if the Redevelopment Director has enough authority to influence the writing that would be presented to City Council or does his opinion have the potential to get vetoed before it is given consideration by Council.

Ms. Blech said she didn't think there is any time when a staff opinion would be vetoed; however, the Planning Division does not support spending hundreds of hours on design review if the zoning of the project will never be approved by City Council. They feel it is better to wait until approval is obtained before considering the final design of the project. It is for this reason that the Planning Division separated the two processes.

Mr. Jordan said regardless of what decision is made with this Ordinance, he felt that when staff has a strong opinion it should be included in the dialog that is presented to City Council rather than being tossed around for discussion and possibly vetoed by another division director.

Ms. Blech agreed with Mr. Jordan excluding the idea that one division director would veto the ideas of another division director. In addition, she suggested that there isn't really a disagreement between the two divisions. She felt that this is a procedural discussion. If the Citizen Participation Ordinance is approved as written, a recommendation from this Committee can be forwarded requesting the Planning and Zoning staff and Redevelopment Office to further research consolidation of design review and bring the solutions back to this Committee and to City Council for consideration. She added that she would hate to see this Ordinance turned down just because they have not already taken the extra step to conduct that research.

Mr. Jordan said even if the Committee voted to deny the Ordinance, it would not necessarily derail the project from moving forward and getting approval by City Council.

Mr. Murphy said he agrees with some of the comments that Mr. Jordan has made alluding to the lack of communication between the divisions. He said the Redevelopment Office and Planning Division are working to improve in this area

to avoid the communication problems that they have experienced in the past. He said that Ms. Blech has been very open to comments regarding this Ordinance but it boils down to a simple difference of opinion as it pertains to design review. He added that these differences are not uncommon and the only way to handle it is to provide City Council with a list of all the concerns and comments so that they can make an educated decision on how to proceed. Mr. Murphy went on to explain that the Redevelopment Office would like to see design review included in public participation because usually citizens are more concerned with the look and feel of a development and how it will interact with their neighboring properties than they are with what type of zoning it has been assigned. As a result, Redevelopment staff feels neighbors would be more inclined to want to be included in the design review process than they would for zoning approval.

Ms. Carmichael said she could understand why Redevelopment staff is recommending public participation for design review (she referred to the involvement that the Wilbur neighborhood had in the design of Fire Station 201, which helped mitigate some of the issues that they had, which could have killed the project) however, her concern lies with the additional burden it will create on staff and the developer. She asked if it is at all possible to think that some preliminary design review could be presented during the citizen participation process of the zoning case to allow the citizens some involvement with Design Review.

Mr. Riekema concurred with Mr. Murphy's comment that citizens are more concerned with the design and appearance of a development more so than they are concerned with what type of zoning classification has been assigned. In addition, he felt that the City of Mesa should put more emphasis on aesthetics and that somewhere along the way the Ordinance will require developers to take into consideration the input of the citizens regarding the design.

Ms. Allen reminded the Committee that the minutes of this meeting will be forwarded to City Council so they will be able to read all the comments and concerns that were discussed at today's meeting.

It was moved by Vince DiBella, seconded by Robert Fletcher, to approve an 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 subject to the following stipulation:

- 1. That Planning and Redevelopment Staff further investigate the proposal to include design review in the citizen participation ordinance for consideration at a later date.**

Ms. Carmichael agreed that an element of design review would be beneficial in the citizen participation process; however, she didn't feel that it was possible without creating excessive additional workloads for staff and the applicant and therefore would not be supporting the motion.

Mr. Reeb said he would not support the motion because he felt that the appropriate time for the neighbors to voice their concerns is during the site plan review process. This process allows discussion for negotiation of landscaping, screening, setbacks, etc., which will help mitigate the negative impacts of a project. Design Review, on the other hand, is a very particular and subjective process in which he did not feel it would be beneficial to involve the neighbors. Instead, he felt that the professionals who serve on the Design Review Board, the competence of staff, and the new design guidelines adopted in the Zoning Ordinance are better suited to handle the details of the design.

Mr. Jordan said he agreed with Mr. Reeb's comments. He felt that well-designed projects by good-intentioned developers and qualified architectural firms typically do not need citizen involvement to be successful projects. It is only when one of these elements is missing that a project becomes more controversial. In addition, he felt that the most meaningful feedback on projects comes at the staff level and, if they enforce higher quality standards throughout the process and avoid becoming influenced by hardship claims by the developers, then the City of Mesa wouldn't have the issues with quality that it continues to have. It is his observation that the Planning Department has not enforced this on a continuous basis.

Ms. Carmichael suggested that the neighbors be informed of design review as an informational item only so that they will have a better idea of what the project will look like. She did not feel it would be beneficial to have the neighbors involved throughout the entire design review process or be able to help select colors, materials, etc.

Mr. Riekema said he concurred with the other Board members comments that the citizens should not be able to help design the building or that the developers should be burdened with holding two neighborhood meetings. On the other hand, he felt that there should be a means for citizen comments to be forwarded to both the City Council and Design Review Board. He asked Mr. DiBella to restate his motion and clarify it to the rest of the Committee.

Mr. DiBella said his motion states to approve the Citizen Participation Ordinance as written and, in addition, recommend staff further investigate the implications of including design review as part of the Citizen Participation Ordinance. The Committee can then review their findings at a later date and determine whether or not to include design review as part of the Citizen Participation Ordinance. Mr. DiBella also added that he felt the citizens have all the information they need during the site plan review process, which includes a large portion of the development plans, in order to bring forward the concerns and comments that they have. He felt that if the citizens are included in any part of the design review process, they will inevitably question or challenge any number of design elements that are presented to them which he did not feel should be under their jurisdiction.

Mr. Jordan said that he understood the motion to mean that the Committee would pass the Citizen Participation Ordinance and allow it to progress to the

next level of approval and, in addition, make a claim that the Redevelopment staff work with the Planning Division staff to try to perfect the process in the future by coming up with a procedure that would integrate some level of design review in the public participation process.

Vote: 7 in favor; 0 opposed

Chair Wier encouraged staff to keep the Committee abreast of the latest developments of their findings and make sure to follow-up with their resolution at a future DDC meeting.

7. Director's Report, Shelly Allen

Ms. Allen indicated that she had provided a report at the study session and didn't have anything additional to add at this time.

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

There was no report from Mesa Town Center Corporation.

9. Board Member Comments

Mr. Jordan asked for an update on the Aquatics Center.

Ms. Allen said the City is still short of funding and there have been no new recent updates on the status of this project to her knowledge.

Chair Wier said he hopes the City will wait to acquire the funding that is needed to build the project as designed and refrain from building a lower quality project that does not represent what was approved.

Mr. Jordan said he was concerned about the recent coverage on David Molina who is pursuing the requirement that any capital project over \$1 million dollars must require a public vote. He asked that staff stay abreast of this issue and bring updates before the Committee.

10. Adjournment

With there being no further business, this meeting of the DDC was adjourned at 8:37 a.m.

Respectfully Submitted,

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