

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

DATE: June 21, 2001 **TIME:** 7:00 a.m.

MEMBERS PRESENT

Dave Wier, Chair
Vince DiBella, Vice-Chair
Theresa Carmichael
Debra Duvall
Art Jordan, AIA
Shanlyn Newman
Wayne Pomeroy

STAFF PRESENT

Shelly Allen
Katrina Bradshaw
Greg Marek
Patrick Murphy
Bryan Raines

OTHERS PRESENT

Rulon Anderson
Susan Cook
Tom Landry
John Rosenkrans
Tom Verploegen

MEMBERS ABSENT

Lori Osiecki
Terry Smith

1. Call to Order

The June 21, 2001 meeting of the Downtown Development Committee was called to order at 7:01 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 May 17, 2001 Regular Meeting

It was moved by Art Jordan, seconded by Deb Duvall to approve the minutes.

Vote: 7 in favor; 0 opposed

Approval of Minutes of June 7, 2001 Special Meeting

It was moved by Vince DiBella, seconded by Shanlyn Newman to approve the minutes.

Vote: 7 in favor; 0 opposed

4. Election of Committee Chair and Vice-Chair

It was moved by Deb Duvall, seconded by Vince DiBella to nominate Dave Wier to continue as Chair of the Downtown Development Committee.

Vote: 7 in favor; 0 opposed

It was moved by Wayne Pomeroy, seconded by Vince DiBella to nominate Art Jordan as Vice Chair of the Downtown Development Committee.

Vote: 7 in favor; 0 opposed

5. Discuss and consider Special Use Permit Case No. ZA01-036TC for a flag pole/communications tower located at 225 E. 1st St.

Applicant: Rulon Anderson, Cricket Communications
Staff Contact: Patrick Murphy, (480) 644-3964
e-mail address: patrick_murphy@ci.mesa.az.us
Recommendation: Denial

Mr. Murphy explained that the applicant has applied for a Special Use Permit to locate a communications tower/flag pole at 225 E. 1st St (Family Violence Center). The tower is a 53-foot flagpole, 19 inches in diameter. Mr. Murphy went over the land uses surrounding the proposed location of the flagpole. Staff feels that this flagpole meets the definition of a communication tower according to the Zoning Ordinance and therefore should meet the requirements of the communication tower guidelines that the City has established.

Mr. Murphy displayed a before and after shot of what the flagpole would look like. Mr. Murphy explained that staff is concerned that it is not compatible with the surrounding area since the adjacent buildings are approximately 30 feet tall. Mr. Murphy also pointed out that flag poles located in the Town Center area should have a maximum height of 40 feet, so this flag pole is proposed to be an additional 13 feet beyond the maximum height requirement.

Mr. Murphy stated that staff is recommending denial of the Special Use Permit based on the following findings:

1. The proposed 53 foot tall flag pole/ communications tower is not compatible with the surrounding properties.
2. There will be a negative aesthetic impact made to the surrounding area in order to achieve the necessary height request of Cricket Communications for the 53-foot tall flag pole/ communications tower.
3. The proposed 53 foot tall flag pole/ communications tower does not comply with the City of Mesa's Commercial Communications Guidelines requirement that towers should be set back from the right-of-way a least one foot for each one foot of tower height.
4. The proposed 53-foot tall flag pole/communications tower is 13 feet higher than the permitted height of flagpoles in the TCC zoning district.
5. The proposed 53-foot tall flag pole communications tower will look out of scale with the adjacent building, and flagpoles located at 1st Street and Center Street.
6. There is a possibility to place the necessary equipment on an existing facility instead of constructing a new communications tower.

Mr. Murphy said staff has notified the surrounding properties and various representatives from Brown and Brown Chevrolet, the Wilbur Historic District, and Tom Verploegen with MTCC. These representatives expressed concern with the compatibility of the tower to the surrounding area. Staff has not heard any additional comments from public citizens.

Mr. Murphy said staff recommends that the Downtown Development Committee recommend denial of this Special Use Permit based on the findings that were listed earlier.

Mr. Anderson with Cricket Communications said that if his application was for a monopole instead of a flagpole, then he could go as high as 65 feet without exceeding the regulations. He decided, however, to utilize the flagpole because he felt it would be more aesthetically pleasing to the surrounding area. Mr. Anderson said Cricket Communications has gone out of its way to locate 85 to 90% of their equipment on existing structures. Mr. Anderson gave examples of flag poles in the surrounding area that are just as high as the one he is proposing. He explained that by using the flagpole for a communication tower, it will provide another venue to display an American flag.

Mr. Anderson felt it was possible that the City may have a fiduciary conflict of interest in this case because it is his understanding that the City may be interested in purchasing the Family Violence Center. If that is the case, then the City may be recommending denial because the purchase price would increase if a communication tower was located at that site.

Mr. Anderson said he has spoken with Brown and Brown regarding locating the communication tower on their parking garage, however, in order to get the required height that Cricket Communications needs at this site, they would need to install a 20 foot pole. He felt that this would be more visible and unsightly than concealing the communication tower within a flagpole.

Mr. Jordan felt that Cricket Communications could more easily conceal the communication tower from public view if they were to install a monopole rather than a 53-foot flagpole carrying a 20-foot flag, which would draw attention to the structure. Mr. Jordan stated that he was not opposed to the display of the American flag, but he suggested that the 20-foot tower on top of the Brown and Brown parking garage was a better option.

Mr. Anderson said the lease rate at Brown and Brown was too high, and therefore, he would not be willing to locate his tower there.

Mr. Jordan asked what was the going lease rate for a communication tower.

Mr. Anderson answered that it could be anywhere from \$500-\$1,200 a month depending on the location.

Mr. Jordan asked if the Zoning Ordinance precludes all residential districts from locating a tower on private property and Mr. Marek answered affirmatively.

Mr. DiBella asked if it would be acceptable if the applicant decided to build a monopole at that same location rather than the flagpole.

Mr. Murphy replied that the applicant would still have to apply for a Special Use Permit and staff would recommend denial because a monopole is even more incompatible to the surrounding area than a flagpole. Mr. Murphy explained that the monopole would eliminate only one of the six findings that were mentioned earlier, that being the height requirement.

Mr. Marek stated that there have been other requests for similar types of communication apparatus, which the City has been able to accommodate by placing them on existing buildings or on top of the Sheraton Hotel. Mr. Marek said this is the first time that staff has been approached with a request to have the communication tower at 53 feet. Staff has not had that problem with other providers.

Mr. Anderson explained that the technology is different for a pager company than it is for cellular communications and the bandwidth which they are allowed to operate at by the Federal government doesn't allow them to go up to 90 feet. Mr. Anderson explained that he has done all that he can to minimize the impact of the communication tower by stealthing it within the flagpole and by cutting back the height of the flagpole as much as possible.

Mr. Jordan asked if Cricket Communications would agree to a monopole at the same location.

Mr. Anderson said he prefers to have the flagpole but he would agree to a monopole.

Mr. Jordan said he was concerned with the haphazard placement of these flags in an urban planning area and how they will affect the view of the skyline.

Mr. Anderson said some communities have asked him to eliminate the flag and just use the monopole. He said he displays a flag in front of his home everyday and did not feel the flagpole would look out of place.

Mr. Pomeroy said he was patriotic and was not opposed to the display of flags but pointed out that the project does not comply with the City's Communication Tower Guidelines, and therefore he would not be in support of this project.

It was moved by Wayne Pomeroy and seconded Deb Duvall to recommend denial of Special Use Permit Case No. ZA01-036TC for a flag pole/communications tower located at 225 E. 1st St. based on the six findings mentioned by staff.

Vote: 6 in favor; 1 opposed (Theresa Carmichael)

6. Discuss and consider amendments to the City of Mesa's Sign Ordinance and Design Guidelines for signs in the Town Center Redevelopment Area.

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

Mr. Murphy explained that the purpose of this agenda item was to discuss the amendments to the Sign Ordinance and to consider Design Guidelines for the Town Center Redevelopment Area. The proposed guidelines will complement the other requirements of the City of Mesa's Sign Ordinance. Mr. Murphy stated that both the guidelines and the amendments only pertain to the signs within the Town Center Redevelopment Area. Staff is recommending that the DDC recommend to the City Council to approve the amendments to the Sign Ordinance and the resolution for the Design Guidelines.

Mr. Murphy gave a PowerPoint presentation providing some general information as well as an outline of the proposed changes to the Sign Ordinance listed below:

1. Allow monument signs in the Pedestrian Overlay Area (POA) if the business is located on 1st Street, 1st Avenue, and/or Country Club.
2. Limit the height of monument signs where they are permitted in the Town Center Redevelopment Area to five (5) feet.
3. Increase the maximum permitted area of projecting signs from 15 s.f. to 24 s.f.
4. Limit the area of a banner covered by a sponsor to 15%.
5. Reduce the time allowed for a discontinued sign from 12 months to 6 months.
6. Require a Comprehensive Sign Plan for all buildings over one story.
7. Allow signs not permitted by the Sign Code, subject to the approval of a comprehensive sign plan, if the business/development is located in the Town Center Redevelopment Area.
8. Limit window sign coverage to businesses in all zoning districts located in the Town Center Redevelopment Area to 30%, and requiring that 70% of the window must be able to be seen through.
9. Allow "A" frame signs in the Pedestrian Overlay Area.
10. The Project Team recommended not allowing flags with the text "open" imprinted on the flag.
11. The Project Team also recommended that we adopt Sign Design Guidelines by a resolution to assist our customers in the sign review process. (Mr. Murphy talked about the City of West Hollywood's Sign Design Guidelines, which the Project Team used to develop the City of Mesa's guidelines).

Mr. Murphy said staff met with the MTCC Program and Operations Committee, which recommended approval of the proposed changes. They did want to note, however, that they would be in favor of allowing "A" frame signs throughout the entire City rather than limiting it to the

Pedestrian Overlay Area. Mr. Murphy also said staff conducted a public meeting in which the attendees were in favor of the changes to the Sign Code as well as the Sign Design Guidelines. There were comments made at the public meeting that portable signs should be allowed in the entire Town Center Redevelopment Area and not just in the Pedestrian Overlay Area.

Mr. Murphy clarified that the amendments to the Sign Code will apply to all new signs and existing signs will become legal nonconforming. Staff recommends that the City Council adopt the Ordinance for the amendments to the Sign Code as well as the resolution for the Guidelines.

Tom Landry, with Dickson's Jewelers in downtown Mesa, spoke in favor of "A" frame signs and talked about how important they are to his business. He feels that his "A" frame sign is more visible and therefore brings in up to \$5,000 more business to his store every month. He said he would rather give up his building sign than his "A" frame sign because he felt it was that important.

Ms. Duvall asked if the proposed Sign Ordinance amendments have any guidelines for the use of the "A" frame signs such as the hours that it can be displayed, restrictions on size, location, etc.

Mr. Murphy discussed the requirements noted in the proposed amendments, which states that only one portable sign is allowed per business; the maximum permitted area is seven square feet with a height limit of 3.5 feet; the business will need to obtain an Administrative Use Permit for their portable sign from the Redevelopment Director with a cost of \$25 per year. The Redevelopment Director will need to approve the location of the sign to be sure it will not obstruct the pedestrian walkway. Portable signs can only be used during the regular hours of the operation of the business and it will need to be removed when the business is closed.

Mr. Marek pointed out that with the streetscape improvements there is a lot more sidewalk area and landscaping area, which will now allow room for the "A" frame signs.

Ms. Duvall said she was in favor of the portable signs because she felt they would add warmth to the street and lure pedestrians into the shops. She was glad to see that there will be guidelines for the portable signs because she felt it was important to regulate their use.

Ms. Carmichael asked if any type of flag will be restricted or just the flags that say "open."

Mr. Murphy stated that flags representing countries or religions are not regulated, however, once you have a banner or a flag with text it becomes a commercial sign and must comply with the Sign Ordinance.

Ms. Carmichael asked if the height requirement for monument signs will apply to the entire Town Center Redevelopment Area and if there is any kind of sign that could go higher than five feet.

Mr. Murphy replied that the height limit for monument signs applies to the entire Town Center Redevelopment Area and there is no other type of sign that is allowed to go higher than five feet in the Town Center Redevelopment Area.

Ms. Carmichael asked what would be the incentive for a business owner to replace their legal nonconforming sign with a more attractive sign if they are going to be limited to a sign with a five-foot height. She gave the example of the sign in front of her business complex, which goes much higher than five feet but is very unattractive. She pointed out that if they wanted to fix up the sign they would lose a lot of their sign area and height which would deter them from making it more aesthetically pleasing.

Mr. Marek agreed that those kinds of signs will probably stay legal nonconforming until they are required to upgrade their sign because of a new use.

It was moved by Wayne Pomeroy, seconded by Shanlyn Newman to recommend approval of the amendments to the City of Mesa's Sign Ordinance for signs in the Town Center Redevelopment Area.

Vote: 7 in favor; 0 opposed

It was moved by Wayne Pomeroy, seconded by Shanlyn Newman to recommend approval of the Design Guidelines for signs in the Town Center Redevelopment Area.

Vote: 7 in favor; 0 opposed

(Art Jordan and Vince DiBella left the meeting at this time.)

7. Discuss and consider amendments to the City of Mesa's Zoning Ordinance pertaining to office uses in TCR-2 and TCR-3 zoning districts.

Mr. Murphy explained that one of the proposed amendments to the Sign Ordinance was to update the reference of historic properties from Level One historic structures to contributing properties of a historic district. He explained that the City has not referred to these properties as Level One historic structures for quite some time and rather has referred to them as contributing properties to a historic district.

Mr. Murphy said the Historic Preservation Committee looked at this Ordinance at their meeting on June 14, 2001, and recommended that the City Council approve the proposed Ordinance subject to some minor modifications to the definitions of a contributing property to a historic district. Mr. Murphy said part of this change required the City to define what a contributing property was and also what a non-contributing property was as well as a historic district. Mr. Murphy again stated that they removed the obsolete reference to Level One historic properties and also included some guidelines for office uses within those designated contributing properties. Mr. Murphy stated that these guidelines were adopted by City Council in 1995, but they were not formally adopted into the Zoning Ordinance so staff is recommending that we include it in the Zoning Ordinance at this time.

Mr. Murphy stated that these amendments were discussed at the public meeting along with the Sign Ordinance amendments and there were no negative comments made regarding these changes. Staff recommends that the DDC recommend to City Council to approve the proposed changes to the Zoning Ordinance.

Ms. Duvall asked why the City would include a definition for of a noncontributing property to a historic district. She thought that if it doesn't fit the description of a contributing property, then by elimination it would automatically be considered noncontributing.

Mr. Marek explained that if a contributing property wants to make improvements or renovations to their home, there are specific guidelines that they must follow in order to remain as a contributing property to the district. The City wanted to have a clear, legal definition of what a contributing and noncontributing property was.

It was moved by Shanlyn Newman, seconded by Deb Duvall to recommend approval of the amendments to the City of Mesa's Zoning Ordinance pertaining to office uses in TCR-2 and TCR-3 zoning districts.

Vote: 5 in favor; 0 opposed

8. Director's Report -- Greg Marek

Site 21 – Staff has talked to a couple of developers who are interested in the former Bank One building. Staff is revising the Request for Proposals to recommend that City Council be more flexible on the retail requirement on the ground floor. The City wants to be sure that they have an interested developer that has the wherewithal to undertake the project before they issue a new Request for Proposals. The building is now asbestos-free and has been completely gutted.

Day Labor Center – The City is still searching for a site for the Day Labor facility. They are looking along the Broadway corridor, which means it will probably be located in the Redevelopment Area. The City hopes to find something as soon as August or September and will bring this issue to the Downtown Development Committee for consideration once the site has been selected.

Building Rehab Code – Staff has been working with Mesa Town Center Corporation to obtain the Rehab Code and recommend amendments that would apply to the City's Building Code. That information has been sent to the Fire Chief and the Building Director for their review and comments. This issue will be brought to the Downtown Development Committee at some future meeting.

Chair Wier complimented staff on their efforts to get the Winchell's Donut Shop repainted to more appealing colors.

Mr. Marek also informed the Downtown Development Committee that the Nile Theater has been condemned by the City. The owner built a loft in the theater without obtaining a building permit. The City is concerned that the structural aspects of the building could have been altered and, until the City has a chance to review the plans and determine what alterations have been made, the building has been posted as condemned.

Ms. Carmichael asked what the Downtown Development Committee will be considering when the issue of the Day Labor Center is brought before the Board.

Mr. Marek replied that the Downtown Development Committee will be considering the Council Use Permit, which would require a review of the design plans as well as the compatibility of that location to the surrounding area. Mr. Marek explained that the issue will not be whether the City should have a Day Labor Center, but rather finding the proper location and approving the site design.

9. Report from Mesa Town Center Corporation, Tom Verploegen, Executive Director

Mr. Verploegen talked about the presentation given by Donovan Rypkema at the Tempe Annual Meeting and said the Redevelopment Office and MTCC would like to try to get together and encourage Mr. Rypkema to do a similar evaluation of Mesa's downtown similar to the one he did for Tempe.

10. Board Member Comments

Ms. Duvall expressed concern over the recent hits that Mesa has taken from the media and was a little concerned about bringing Mr. Rypkema to grade Mesa's downtown, especially if it will have a derogatory affect on our image.

Mr. Marek said that Mr. Rypkema would not grade downtown Mesa as he did with downtown Tempe. He felt that overall the City would benefit from Mr. Rypkema's assessment of Mesa's downtown to reinforce the things that Mesa has done well and also make us aware of what we need to work on.

11. Adjournment

With there being no further business, this meeting of the DDC was adjourned at 8:19 a.m.

Respectfully Submitted,

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

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