

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

DATE: February 20, 2003 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Dave Wier, Chair
Vince DiBella
Robert Fletcher
Wayne Pomeroy
Mark Reeb
Chuck Riekema
Terry Smith

MEMBERS ABSENT

Theresa Carmichael
Art Jordan

STAFF PRESENT

Katrina Bradshaw
Greg Marek
Amy Morales
Patrick Murphy
Bill Petrie
Joe Padilla
John Gendron
Gerry Fathauer
Deanna Villanueva-Saucedo

OTHERS PRESENT

Jeff Fairbanks
Judd Fuller
Ray Hart
Julie Johnson
Jeremy Jones

1. Call to Order

The February 20, 2003 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 January 16, 2003 Study Session

It was moved by Wayne Pomeroy, seconded by Mark Reeb to approve the minutes.

Vote: 7 in favor; 0 opposed

Approval of Minutes of January 16, 2003 Regular Meeting

It was moved by Vince DiBella, seconded by Wayne Pomeroy to approve the minutes.

Vote: 7 in favor; 0 opposed

4. Discuss and consider amending Section 11-19-5 of the City of Mesa Sign Ordinance relating to the definition of terms for window sign area.

Chair Wier introduced staff member Patrick Murphy who presented this case.

Mr. Murphy explained that the purpose of this staff report is to discuss and consider an amendment to the City of Mesa's Zoning Ordinance, relating to signs; amending Section 11-19-5: Definition of terms for window sign area.

Mr. Murphy stated that the definition of window sign area is utilized to assist efforts to regulate the area used for window signs. Businesses in the Town Center Redevelopment Area are allowed to cover 30% of their window with a sign(s); 70% of the window must be able to be seen through. Mr. Murphy discussed that the current definition of a window sign area has been defined as part of this report.

Mr. Murphy explained that the proposed changes are that the window sign area shall be computed by calculating each window pane or panel. A group of window panes or panels may be considered one window if they are adjoining or not separated by more than six-inches (6"). The area shall be separate for each building face, and for each window, but for the purposes of this definition, the building face shall include any doors or walls with varying wall planes.

Mr. Murphy further explained the results of a survey that was conducted of other Valley cities on how they define or measure window sign areas. Staff believes that the proposed definition of window sign area will be more in line with the other cities.

Mr. Murphy stated that staff discussed the proposed modification to the definition of the window sign area at the November 12, 2002 and December 10, 2002 Downtown Network meetings. No opposition to the proposed text change was noted at the meetings.

Mr. Murphy stated that on December 4, 2002, staff also conducted a public meeting on the proposed update to the Sign Ordinance. Approximately 1,300 flyers were sent to all of the businesses and property owners of business property within the Town Center Redevelopment Area. The flyer notified them of the public meeting and the DDC meeting, as well as the proposed modification to the definition of window sign area. Mr. Murphy stated that the public meeting was also posted on the City's website. Ten people came to the public meeting; two representatives from the media, two lawyers from the Institute for Justice, and six business owners. The businesses represented at the meeting were from Winchells, MAACO, Mesa Jewelry and Loan, Tribune, Antique Wedding House, and the Antique Plaza. Mr. Murphy stated that no opposition was expressed at the meeting; however, the following comments were made:

1. City needs to ensure that enforcement of the Sign Ordinance is across the board.
2. City needs to consider if 30% window coverage is a constitutional rights issue.

Mr. Murphy stated that currently, the City Attorney's Office is responding to the lawsuit filed by the Institute for Justice on behalf of Winchells Donuts. The City Attorney's Office does not feel that this ordinance would be in violation of any constitutional amendment.

Mr. Murphy stated that staff also reviewed the previous updates to the Sign Ordinance and discussed that there has been public involvement, which included numerous public meetings, and a project team composed of business/property owners and staff.

Mr. Murphy added that staff had also discussed the proposed definition of the changes with Tom Verploegen, the Executive Director of Mesa Town Center Corporation. Mr. Verploegen stated that he was in agreement with the proposed amendment to the definition of window sign area. Mr. Verploegen also stated that he was not aware of any other sign issues that he felt that staff should address as part of this update to the Sign Ordinance. Mr. Murphy noted that staff advertised the public hearing for the proposed ordinance in compliance with the City of Mesa's Zoning Ordinance.

Mr. Murphy stated that staff recommends approval of the ordinance, and that the City Attorney's Office has approved the legal form of the proposed ordinance.

It was moved by Wayne Pomeroy, seconded by Terry Smith, to approve amending Section 11-19-5 of the City of Mesa Sign Ordinance relating to the definition of terms for window sign area.

Vote: 7 in favor; 0 opposed

Mr. Riekema added that he chose to vote in favor of this item, and feels strongly as a resident that the board has the ability to regulate commercial speech. One of the worst things that he feels that a community can have is clutter. Mr. Riekema notices every time that he drives down a street that there is more and more signs, and that the aesthetics of a community is often driven by the amount of signage within the community.

5. Discuss and consider Variance Case No. ZA03-003TC to reduce setbacks, landscaping, and building separation requirements at 108 S. Pasadena, 110 S. Pasadena, and 123 E. 1st Ave.

Ms. Bradshaw stated that this project includes several variances associated with three single-family homes at 108 S. Pasadena, 100 S. Pasadena, and 123 E. 1st Ave. These variances are necessary in order to rebuild a new single family home and to bring the entire property into zoning conformity. Staff recommends approval of these variances; the Zoning Administrator will consider this application on February 25, 2003.

Ms. Bradshaw stated that the construction of a new single-family residence and garage at 110 S. Pasadena will replace an existing house and garage that

experienced extensive damage from a fire. Rather than repair the damaged structures, the owner believes it would be more beneficial to construct a new home and garage, which will be safer, more functional, and will meet the current building codes requirements.

Ms. Bradshaw explained that the Zoning Ordinance states that any non-conforming use or structure that is damaged by more than 50% of its replacement value cannot be reconstructed or replaced, except that it is in conformity with current code requirements. For this reason, combined with the fact that the owner is proposing a larger home than what previously existed, the code requires that the entire property come into conformity with the current code. The parcel on which this house is located is shared with two other single-family homes that have detached garages. Due to the fact that there are three single family homes on one parcel that is zoned TCB-1, it is considered to be a multiple residence use, and is therefore subject to the design standards for a multiple residence property. Ms. Bradshaw further explained that typical multiple residence properties consist of apartment buildings, condominiums, or other such types of developments. As a result, the zoning requirements for multiple residences are geared towards these types of developments in order to buffer them from neighboring properties.

Ms. Bradshaw explained that these requirements are quite extensive for a parcel of this size, containing only three single family homes. This is the reason that there are several variances associated with this project.

Ms. Bradshaw explained the reasoning for each of the requested variances. The first two variances are to eliminate the side and rear yard setbacks for the detached garage, and to reduce the rear yard setback from twenty-feet (20') to four-feet (4'). Ms. Bradshaw explained that the owner proposes to rebuild the new detached garage in the same location as the original garage with a zero (0') setback on the west and south property lines. The neighboring properties along this street also have zero (0') setbacks for their garages. Ms. Bradshaw stated that this property is being developed with continuity to the rest of the neighborhood.

Ms. Bradshaw stated that the applicant has obtained written permission from the adjacent property owner, to rebuild the new detached garage along the common property line. Because of this, the Building Department has required that the fence be constructed of new 1-hour fire rated construction material. The existing detached garages of the other two adjacent homes are located only four-feet (4') from the rear property lines, so they will also require variances to bring them up to code. The third variance is to reduce the building separation requirement from thirty-five feet (35') to eighteen feet (18'). The intent of the Zoning Ordinance was to require a twenty-five foot (25') building separation between multiple apartment buildings on the same parcel. In this case it would be excessive to require twenty-five feet (25') between the new single family home and the existing home. Most of all, there is not enough room to provide for this kind of separation. The fourth variance is to eliminate the required fifteen-foot (15') landscaping setback on the west property line and

the twenty-five foot (25') setback on the south property line. Ms. Bradshaw explained that these landscaping setbacks are meant to buffer typical multiple occupancy uses from single-family dwelling units; in the case of this development, it is not necessary to provide such large landscaping setbacks.

Ms. Bradshaw explained the current Zoning Ordinance requires this parcel to contain ten (10) trees and forty (40) shrubs. The applicant is proposing to provide twelve (12) trees and thirteen (13) shrubs. Staff feels that the landscaping plan is conducive to the use and compatible with the surrounding area. The variances that have been requested meet the justification set by the Zoning Ordinance, which are that there are special pre-existing circumstances that are not being created by the property owner, the strict application of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other properties in the same zoning district, and the variance does not constitute a granting of special privilege.

Ms. Bradshaw stated that staff has provided administrative design review on this project, and staff feels that the design of the new home and garage will enhance the existing property and is compatible with the surrounding neighborhood. The new home will be slightly larger than the pre-existing home, and will have a newly added basement to increase livable square footage for the tenant. The architectural style of the home and detached garage is consistent to the surrounding neighborhood and is an improvement to the previous structures before they were destroyed in the fire. Staff also believes that this project is in keeping with Mesa's General Plan and the Town Center Concept Plan, and staff recommends approval of this project. Ms. Bradshaw pointed out that the applicant, Jeff Fairbanks, was present at the meeting along with his architect, Judd Fuller.

Chair Wier then asked if there were any questions.

Mr. David Manes from 127 S. Sistine Street was present and expressed his concerns about infill additions to the neighborhood that may be insensitive to the existing neighborhood.

Ms. Bradshaw responded that the applicant has indeed designed the new home to be more compatible to the neighborhood.

Mr. Marek added that when it comes to single family homes, staff has administrative design review abilities; staff really does not have any ordinance that would allow staff to require certain design features in homes, unless they are located within existing historic districts. Mr. Marek also notes that this home is not located within a historic district.

Mr. Reeb asked for clarification on whether the DDC's purpose was simply to review the variances related to this property and not to review the design review of the home.

Mr. Marek responded that Mr. Reeb was correct; the DDC's role is to only review the variances.

Ms. Smith questioned whether or not Mr. Manes would have any recourse if any homes were to be constructed within his neighborhood because his neighborhood is not a listed historic district.

Mr. Marek responded that Ms. Smith was correct that Mr. Manes does not have any recourse other than appealing to the homeowner directly.

Mr. Reeb inquired as to whether or not the City had any residential home design guidelines.

Mr. Marek responded that the City does not have any residential guidelines. Instead, staff administratively reviews the plans, and provides recommendations for changes to the design elements of the home.

Ms. Smith questioned if the new garage abuts the west property lot line, and questioned whether or not the pre-existing garage was located in the same place.

Ms. Bradshaw responded that the pre-existing garage was about four-feet (4') from the west property line, adding that along the west property line there is a six-foot (6') block wall, that has a commercial parking lot on the other side of the wall.

Mr. Reeb questioned when someone applies for a building permit whether or not there was some kind of review process that the applicant would go through in reference to the design of the home.

Mr. Marek called upon Mr. John Gendron in the audience to give clarification. Mr. Gendron responded that there is no process set by the Building Department for the design review of residential homes.

Mr. Murphy stated that Chapters 14 and 15 of the Mesa City Zoning Ordinance pertain to site development standards, and both chapters specifically exempt residential properties.

Mr. Manes questioned if any portion of the new detached garage was abutting up to the adjacent neighbor's yard.

Ms. Bradshaw responded that the detached garage is being proposed to be constructed on a zero (0') property line, and will be separated from the neighbor by a six-foot (6') concrete wall.

Mr. Wier questioned whether staff had received any comments from adjacent property owners regarding this site.

Ms. Bradshaw responded that she had received a letter from the property owner to the west, stating that he was okay with the proposed construction of the garage.

Mr. Fairbanks stated that he felt that the construction of the new home blends in nicer with the neighborhood than the pre-existing home did, adding that he was more than willing to speak to Mr. Manes to address any concerns that he may have.

It was moved by Wayne Pomeroy, seconded by Vince DiBella, to approve Variance Case No. ZA03-003TC to reduce setbacks, landscaping, and building separation requirements at 108 S. Pasadena, 110 S. Pasadena, and 123 E. 1st Ave.

Vote: 6 in favor; 1 opposed (Terry Smith)

Mr. Reeb commented that he supported the recommendation to approve the above variances, and encouraged the property owner in the future to be prepared to spend a little extra time on his project to integrate the home better with the neighborhood, in order to be a more successful investor.

Ms. Smith provided an explanation of why she voted against the above variance. Ms. Smith stated that being a former resident of an older Mesa neighborhood that later turned into the West Second Street Historic District, she felt that the six-foot (6') block fence was not in line with the original design of the neighborhood when it was first built.

6. **Discuss and consider Council Use Permit Case No. CUP03-001TC to allow a social service facility in an R-4 zoning district and Variance Case No. ZA03-014TC to reduce landscaping and parking requirements for the Salvation Army located at 241 E. 6th Street.**
(Application has been withdrawn)

Ms. Allen explained that due to financial reasons, the Salvation Army has withdrawn their application.

7. **Discuss and consider Special Use Permit Case No. ZA03-011TC, for a modification to the Comprehensive Sign Plan for the Mesa Arts Center located at 1 E. Main Street.**

Ms. Allen stated the case being presented is a modification to a sign plan that was approved about 1 year ago. Ms. Allen stated that staff recommends approval of the modifications with the following stipulations:

1. Full compliance with Special Use Permit Case No. ZA01-064TC, Comprehensive Sign Plan, with modifications presented in Special Use Permit Case No. ZA03-011TC and all current Code requirements, unless modified through the appropriate review.

2. The Office of Redevelopment shall approve the exact locations of both the freestanding Mesa Contemporary Arts sign and the freestanding box office sign prior to installation.

Mr. Jeremy Jones from DWL Architects explained that originally Thinking Caps was hired to design the signs for the Arts Center. Although the signs designed were very nice, the signs did not appear to blend easily with the buildings architecture. As they began to fine-tune the architecture of the buildings, it was apparent that the previously approved sign plan would have to be modified.

Ms. Fathauer added that staff is pleased with the design of the signs that have been presented.

It was moved by Vince DiBella , seconded by Terry Smith to approve Special Use Permit Case No. ZA03-011TC, for a modification to the Comprehensive Sign Plan for the Mesa Arts Center located at 1 E. Main Street, along with the following conditions:

1. **Full compliance with Special Use Permit Case No. ZA01-064TC, Comprehensive Sign Plan, with modifications presented in Special Use Permit Case No. ZA03-011TC and all current Code requirements, unless modified through the appropriate review.**
2. **The Office of Redevelopment shall approve the exact locations of both the freestanding Mesa Contemporary Arts sign and the freestanding box office sign prior to installation.**

Vote: 7 in favor; 0 opposed

8. Director's Report, Greg Marek

Redevelopment Agreements for Mitten and Pomeroy Houses and Arizona Bronze - Staff is currently working on the agreements, and depending when all of the comments are received, tentatively the items will be on either the March or April DDC agenda.

Comprehensive Sign Plan for Wells Fargo – The Special Use Permit was approved by the Zoning Administrator

Arts & Cultural District – The City Council has approved the District by Resolution, which will be a cooperative marketing venture between the Arts & Cultural Division, Mesa Town Center Corporation, and the Redevelopment Office.

Mr. Pomeroy inquired what area would be included in the Arts District.

Mr. Marek responded that it will roughly include the area between the Amphitheater down along Center Street including the current Mesa Arts Center, along with the entire downtown core area, as well as the new Mesa Arts Center, and the location for Arizona Bronze.

Upcoming Agenda Items – The Tribune will be submitting an application for a Council Use Permit for their entire site. Also the City will be developing a Well Site on Robson Street as a Special Use Permit, as well as two Design Review cases: one for a retail building on Country Club and University, and the other a law office on the south side of University just west of Center Street.

Downtown Development Committee Retreat – Will be held on March 5, 2003, from 4:00 p.m. to 8:00 p.m. in the large Redevelopment Conference Room.

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

There was no report from MTCC.

10. Board Member Comments

Mr. Pomeroy inquired whether or not the City is planning to display the Christmas lights in 2003.

Mr. Marek responded that the City is currently going through a budget process, and there is currently \$109,000 budgeted for the Holiday Lights, which would be enough money to light the core area, install the banners, and light the median all the way to Hobson Street. No decisions have been made at this time.

Mr. Pomeroy added that the DDC Board Members have already made their comments as to how they feel about eliminating the Redevelopment Office, The DDC will be sure to follow through on that matter at a later date.

11. Adjournment

With there being no further business, this meeting of the Downtown Development Committee adjourned.

Respectfully Submitted,

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