

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

DATE: May 17, 2007 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Jeff Jarvis, Chair
Adam Decker, Vice Chair
Nabil Abou-Haidar
Gary Gallagher
Dean Taylor

STAFF PRESENT

Shelly Allen
Sue Cason
Cathy Ji
Patrick Murphy
Katrina Rogers
Gordon Haws
Kelly Jensen
Steve Stettler
Judge Matt Tafoya

STAFF ABSENT

Others Present

Tom Verploegen

MEMBERS ABSENT

Steve Chucri
Christine Close
Linda Flick

1. **Call to Order**
The May 17, 2007 meeting of the Downtown Development Committee was called to order at 7:32 a.m. at the City Council Chambers, Upper Level 57 E. First Street by Chair Jeff Jarvis.

2. **Approval of Minutes of the March 15, 2007 Regular Meeting.**

It was moved by Adam Decker and seconded by Dean Taylor to approve the minutes of March 15, 2007.

Vote: 5 in favor
0 opposed

3. **Discuss and Consider Design Review Case No. DR07- 002TC for the proposed Municipal Court Facility located at 260 East 1st Avenue.**

Mr. Patrick Murphy stated that the Municipal Court Facility will be located at the northwest corner of 1st Avenue and Pomeroy Street. The purpose of the project is to meet the expansion needs of both the Municipal Courts and City Prosecutor's Office. The Municipal Court Facility will accommodate 10 courtrooms. The site can also support an additional 2 courtrooms, should the need arise, bringing the total to 12 courtrooms.

For security reasons the project lends itself more to a suburban style development with larger setbacks, even though the property is located primarily within an urban setting. The proposed building is three stories high and 97,000 square feet in area. Staff feels that the architect has provided architectural relief throughout the building and the main architectural feature of the building is the entrance. The entrance is prominent and forms a transition from the exterior to the interior.

The primary colors of the building will be a dry creek (taupe color), with accents of colonial red, off white and a dark bronze. During the study session the Committee mentioned that they might want to add a condition of approval that staff will work with the architect to provide a different palate of colors. At the study session, members of the DDC also discussed concerns regarding the overall quality of the design of the building. One of the concerns was that the exterior elevations were not the quality of development that should occur for a building of this stature.

Customer parking will be provided in the adjacent Pomeroy Garage. A liberal landscape plan and lighting will provide a shaded and lighted pathway to the Court Facility. Also on-street parking spaces are located in the surrounding area. Secured parking will be provided for employees in the basement of the Pomeroy Garage.

The design review application includes one wall-mounted sign. The Zoning Ordinance does permit additional signage, however, the applicant is not requesting any additional signage. Staff recommends approval of the wall-mounted sign.

The landscape plan exceeds the number of trees and shrubs required, and includes increased landscape setbacks. The landscape materials are desert in character and are abundant to give a lush appearance.

All citizens, property owners, neighborhood associations and businesses in the vicinity of the project site were informed of this design review application. A neighborhood meeting was conducted on May 8, 2007 with 5 people in attendance. All were in favor of the project and staff has not heard any negative comments from those notified.

The project is consistent with the Redevelopment Plan, Town Center Concept Plan, and is compatible to the surrounding area. Staff is recommending approval of Design Review Case No. DR07-002TC with the stipulations outlined in the committee report.

Mr. Richard Shiffer, the principal architect of RNL Design, was asked to explain the differences of courtrooms and judicial chambers from the old Court Facility to the new Court Facility.

Mr. Shiffer stated that the new Court Facility has 10 courtrooms, 10 judge's chambers plus one for the presiding judge. The existing Court Facility has 7 courtrooms and 1 in the Police Building. The building can easily be expanded to 12 courtrooms and 12 judge's chambers along with the court services needed to support them. More design work would need to be completed in order to expand the building to accommodate 14 courtrooms plus services, however, the proposed site can accommodate such an expansion.

Mr. Shiffer further stated that the existing facility for the Prosecutor's Office accommodates approximately 34 or 35 people, whereas the new facility will accommodate approximately 60 people. The greatest constraint in the existing facility is in the support areas. The new facility provides enough space for both the support areas, and the Judges facilities.

There was significant discussion regarding the design of the building. Comments were made that the design of the building seemed quite timid, and that the Municipal Court Facility should support dignity and formality. One concern with the design of the buildings is that the exiting stair towers were placed on the exterior of the building instead of on the interior. Another comment was that although the entrance to the facility is the best part of the design it should be more pronounced and moved more toward the corner.

Mr. Shiffer answered that the project has a very tight budget. The stair towers have been problematic since the beginning. Initially the towers were partially engaged within the building, but as space became tighter, the stair towers were moved to the exterior. Mr. Shiffer and his staff are continuing to work on the design to engage them within the building. From a functional and exiting standpoint, the stair towers need to be in the current location based on the public circulation pattern.

Additional questions/comments pertained to how the design has negotiated the transition of the public coming from the parking facility located at the back of the proposed building to the front entrance, and if the sidewalk could be brought inside the lines of trees to create a promenade experience.

Mr. Shiffer said they could change that aspect of the walkway. Mr. Shiffer stated that the majority of the public will exit the parking garage from the southeast corner and walk down Pomeroy Street approaching the facility from the east side. With the designed landscape plan and building setbacks, it creates a pleasant environment to walk along the east side of the building. The eastside and southside are the prominent elevations of the building. The building layout is such that all the courtrooms are in the south wing and the east wing is almost all office functions.

Mr. Shiffer stated that every aspect of the design has been studied and discussed. The building is very much budget-driven and has been discussed with City Council as well as other departments throughout the City. Mr. Shiffer pointed out that the City Council has already approved an increase to the budget for this project.

Another concern expressed by the DDC, was that the east/west elevations do not adequately address the sun exposure. The design of the building should address east and west exposures for the offices within the building. One suggestion made by the DDC was to change the design of the east and west elevations to a vertical instead of a horizontal shade.

Mr. Shiffer stated that they have reviewed this issue and that there is a deep setback of columns (2 to 3 feet), so the glass will be recessed. All the sun angles are continually being studied.

Additional comments from the DDC were that the building appears to be functional and fulfills its purpose, but that the design should be more aggressive in light of the fact that this is a significant public building that will be around for 50+ years. Another concern with the design of the building is the use of EFIS on the exterior elevations. EFIS will not last 50+ years, and comments were made that a more permanent material will add value to the building.

Mr. Shiffer replied that due to budget restraints EFIS was used instead of limestone.

The DDC asked about the security plan for the building. Mr. Shiffer replied that security was definitely considered and have imposed a fifty- foot (50) setback from all curbs and any areas where a vehicle could be located. Federal guidelines call for 100 to 150 foot setbacks. The site is also secured with a gate to the west with the intent to keep any vehicles away from the building. Also there are bollards proposed along the street frontage.

A question from the DDC was asked if there is anything that the Committee could do as far as recommendations to get the attention of the City Council to find some more money for this project?

Ms. Allen replied that the Committee had several options. The DDC could deny the project, approve the project with the stipulations recommended by staff, or approve the project with additional stipulations from the Committee.

Ms. Allen further stated that the Committee could request that the project come back to the Committee for additional consideration, or stipulate that staff will consider the revised plans to ensure that the stipulations approved by the DDC have been met.

It was moved by Adam Decker and seconded by Gary Gallagher to approve Design Review Case No. DR07-002TC for the proposed Municipal Court Facility located at 260 East 1st Avenue subject to the stipulations provided by the City Staff, but would also like to increase the stipulations in agreement that staff will be heavily involved with the development relative to both the color scheme and to the direct design, and that the design and further improvements be made following our recommendations and suggestions put forth this morning.

- 1. Full compliance with approved plans and all current Code requirements, unless modified through the appropriate review and stipulations outlined below.**
- 2. Compliance with the basic development as shown on the site plan, landscape plan, and elevations dated May 3, 2007.**
- 3. 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 into the adjacent properties.**

4. **Final placement, quantity, and design of all signage shall be approved under a separate sign permit.**
5. **Final placement of plant/landscape materials and pedestrian lighting shall be subject to the approval of a City of Mesa Landscape Inspector.**
6. **Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).**
7. **A revised color scheme shall be submitted to the Town Center Development Director for review and approval prior to the issuance of a building permit.**
8. **The elevations shall be revised to provide more depth to the building, and improve integration of the stair towers into the overall design of the building. The revised elevations shall be submitted to the Town Center Development Director for review and approval prior to the issuance of a building permit.**
9. **The sidewalk shall be relocated to the inside line of the trees.**

**Vote: 3 in favor
2 opposed**

4. **Discuss and Consider Design Review Case No. DR07-03TC for Tige Boats and Brown Family Communities located at 33 West Broadway Road.**

Ms. Katrina Rogers stated that the property is located on the southwest corner of Broadway Road and Center Street and owned by Brown Family Communities, a residential builder. The Brown Family has occupied the site for about 4 years and uses the site for outdoor storage of construction trailers, and building number 3 is used for the storage of model home furniture. Since a good portion of the site is unused by Brown Family Communities, approximately three-quarters (3/4) of the site has been leased to Tige Performance Boats, a retail boat sales and service business, currently located at 629 West Broadway Road. Tige Performance Boats has been searching for a larger site to expand their business and will now occupy buildings one and two of the of the site located at 33 West Broadway Road, and Brown Family Communities will maintain the southern portion of the site to meet their storage needs.

The design review case consists mostly of atheistic improvements. Staff is requesting that the chain link fence along the east property line be removed, which actually encroaches approximately five to seven feet into the City of Mesa right-of-way on Broadway Road, and replaced with a wrought iron fence matching the existing fence currently along Broadway Road and Drew Street. The applicant applied for, and received approval from the City Engineer, for an encroachment permit for the existing wrought iron fence. Also a small portion of the wrought iron

fence extends into adjacent property owned by South Pacific Railroad. That portion of the fence will be removed and realigned with the east property line. The new wrought iron fence will extend approximately two-thirds of the east property line in front of the portion of the site occupied by Tige Performance Boats. Brown Family Communities' outdoor storage will be screened by an eight-foot block wall.

Staff is recommending approval of the proposed Design Review request subject to the following stipulations.

It was moved by Adam Decker and seconded by Nabil Abou-Haidar to approve Design Review Case No. DR07-002TC for Tige Boats and Brown Family Communities located at 33 West Broadway Road subject to the following stipulations:

- 1. Full compliance with approved plans and all current Code requirements, unless modified through the appropriate review and stipulations outlined below.**
- 2. Compliance with the basic development as shown on the site plan and elevations dated May 1, 2007.**
- 3. Any new sign permits issued for the site shall require the nonconforming pole sign to be removed. Final placement, quantity, and design of all signage (wall, monument, window, etc.) shall be approved under a separate sign permit.**
- 4. Obtain necessary Right-of-Way permits from the Development Services Department prior to performing any work located within the Right-of-Way.**
- 5. Obtain approval of an Encroachment Permit from the City of Mesa City Engineer for the existing planter, parking lot, and wrought iron gate located within the City of Mesa right-of-way.**
- 6. Final placement of plant/landscape materials shall be subject to the approval of a City of Mesa Landscape Inspector.**
- 7. All trees located beneath power lines must be approved by a City of Mesa Landscape Architect.**
- 8. The site plan and landscape plan dated May 1, 2007 and April 17, 2007, shall not require compliance with the Site Development Design Standards as listed in Chapter 15 of the City of Mesa Zoning Ordinance, specifically pertaining to setbacks, landscaping, and screening, except where compliance is shown on the development plans.**
- 9. Outdoor storage areas shall be screened by an eight-foot (8') block wall.**
- 10. Removal of all existing chain link fencing within or adjacent to property lines.**

11. The solid waste enclosure shall comply with M-62 of the Engineering 2007 Mesa Standard Details and Specifications.

12. Approval of Special Use Permit and Variance Case No. ZA07-044TC by the Zoning Administrator.

**Vote: 5 in favor
0 opposed**

5. Discuss and Consider Special Use Permit/Variance Case No. ZA07-044TC for Tige Boats and Brown Family Communities Located at 33 West Broadway Road.

Ms. Katrina Rogers stated that the new proposed uses of the property located at 33 West Broadway Road mentioned in agenda item #4 above, requires three Special Use Permits in the TCB-2 Zoning District, outdoor boat sales, general boat service and repair, and outdoor storage.

The site contains three (3) existing buildings, all of which are currently located within the setback areas. This leaves no room for additional landscaping. Due to the pre-existing conditions of the site, the applicant is also requesting four (4) variances for this site. These variances are to reduce the required street side building and landscaping setbacks (Drew Street) from fifteen feet (15') to zero feet (0'), reduce the required front yard landscaping setback (Broadway Road) from 10 feet (10') to zero (0'), reduce the required parking spaces from forty-nine (49) spaces to eighteen (18) spaces and allow an existing eight-foot (8') wrought iron fence to exceed the maximum height permitted within the required front yard.

The request for the variance for the setback reductions are necessary due to the pre-existing conditions of the current building locations. The property owner did not create these conditions, and compliance with the setback requirements would create an undue hardship to the applicant.

The landscaping setbacks along Broadway Road and Drew Street do not comply with the current required setback areas because of the pre-existing locations of the buildings and pre-existing wrought iron fence. The applicant is adding the required number of trees and shrubs along Broadway Road, as well as additional landscaping within the existing planters in front of the retail building (Building One), and in some existing planters next to the building for foundation based planting. There will be no provision for landscaping within the parking lot area, which has been addressed as part of the Design Review case as an exception to the site development design standards that are in Chapter 15 of the Zoning Ordinance.

Although the applicant is requesting a reduction of 31 parking spaces, staff believes that the 18 spaces will adequately provide for the needs of the businesses.

The proposed fence is a high quality wrought iron fence that provides security to the site enclosing the outdoor display area for the boats. The applicant has obtained approval from the City Engineer to retain the existing fence, subject to the stipulation indicating that the property owner must remove the structure at their own expense in the event that work must be performed within the City of Mesa right-of-way.

The Downtown Development Committee is being asked to make a decision regarding the Design/Review case and also make a recommendation to the Zoning Administrator regarding the Special Use Permits and Variances. The Zoning Administrator will be considering them on June 12, 2007.

Mr. Mike Seabrook from Brown Family Communities stated that their main objective is to improve the look of the site. In the last several months the Brown Family has invested a great deal of money to upgrade the site. Mr. Seabrook feels that the decorative block wall to enclose the trailers from sight and the boats being in the front will make the site more attractive.

Staff is recommending approval of the Special Use Permits and Variances subject to the following stipulations, as the uses are compatible to the surrounding area, which consists mainly of industrial and commercial uses.

It was moved by Adam Decker and seconded by Nabil Abou-Haidar to recommend approval of Special Use Permit/Variance Case No. ZA07-044TC for Tige Boats and Brown Family Communities located at 33 West Broadway Road subject to the following stipulations:

- 1. Compliance with the basic development as described in the project narrative and in compliance with Design Review Case No. DR07-03TC as conditionally approved by the Downtown Development Committee.**
- 2. Compliance with all City development codes and regulations.**
- 3. Outdoor storage, occurring on the southern portion of the site as depicted on the site plan dated May 1, 2007, shall only consist of construction trailers for Brown Family Communities. All other materials related to Brown Family Communities shall be stored within the enclosed warehouse building.**
- 4. Outdoor boat sales shall occur only in the area designated on the site plan dated May 1, 2007.**
- 5. Outdoor storage shall be screened by an eight-foot (8') block wall.**
- 6. All boat service and repair shall be conducted within an enclosed building.**
- 7. Obtain approval of an Encroachment Permit from the City of Mesa Engineer for the existing wrought iron gate located within the City of Mesa right-of-way.**

**Vote: 5 in favor
0 opposed**

6. Discuss and Consider the initial Design Concept report for the Lewis Street Pedestrian Walk (First Street to the Convention Center).

Mr. Patrick Murphy stated that this Design Concept report is Phase 2, extending from 1st Street to the Convention Center. It is a continuation of the north/south pedestrian pathway that begins at 1st Avenue and traverses north through the Mesa Arts Center and currently ending at 1st Street. The Town Center Development staff is pleased with the Design Concept Plan, but did have a few comments.

Staff believes the entry to the pathway on 1st Street could be enhanced more to call attention to the pathway as it continues north to the Convention Center. Also, there is a need to address the site visibility at the library driveway onto 1st Street if additional trees are proposed, potentially creating a safety issue. Staff also believes that there should be an attempt to retain or relocate some of the existing mature trees/palms that are labeled for removal. Another concern is the newspaper bins located at the library, which detract from the area and staff is requesting that during the design phase a solution be considered to lessen the visual impact of the newspaper bins. Also, the chain link fence adjacent to the Mesa Public School property north of the Post Office should be removed, and enhancements made to the pedestrian connections between the Mesa Public School building and the library. Another suggestion is to consider painting or doing some type of mural to enhance the utility boxes.

The initial Design Concept Plan was presented to the Downtown Development Committee's attention to incorporate comments, and bring back to the Committee as the pathway plan progresses. The goal is to have a plan completed in the fall of 2007 with construction starting in the summer of 2008.

One comment from the DDC was that the mature trees should not be removed. Questions were raised pertaining to the reasoning for the choice of trees.

Mr. Steve Stettler, Landscape Architect for the City of Mesa, stated that he fully supports the trees chosen for the plan. Mr. Stettler feels that the fall colors of the trees chosen gives the plan its character. The Arizona Ash trees that are planned for the pathway are the same ash trees that are already there. One of the goals of the plan is to keep the palm tree grove. It may not be possible to save every tree, but need to look at it selectively to open up the pathway to enhance the design and experience. Mr. Stettler told the Committee that he would welcome any comments or suggestions they might have concerning the landscape materials.

The DDC asked if there were any plans or budget to add artwork or a piece of sculpture to the Memorial Garden.

Mr. Stettler replied that is not currently a part of the project, however, it may be possible to incorporate art into the plan. There are several locations along the pathway that could accommodate the Sculpture program.

Mr. Stettler also commented that staff would like to regain part of the thirty-five foot (35') deep parking area (driveway actually) on the west side of the library and narrow it down, then widen the pathway east to give it more prominence and balance.

A member of the DDC suggested that the design team look at crumb-rubber concrete for the concrete benches. Crumb-rubber concrete uses rubber instead of some of the sand and finds in the mix. As a result the concrete doesn't hold the heat and makes it more comfortable to sit on.

7. **Amending Sections 11-18-2, 11-18-6, 11-18-8, 11-18-9 and 11-18-10 of the Zoning Ordinance pertaining to Fees for planning services – John Wesley, Planning and Zoning Director.**

Mr. Patrick Murphy spoke for Mr. John Wesley, Planning and Zoning Director, concerning the Amendment of the Zoning Ordinance. The amendment removes the fees from the Zoning Ordinance and puts them into a Resolution form. The main point is that it simplifies the process when the City wants to update the fees, which is continually done each year. It helps with the notification process as well as having to go to City Council once instead of twice. Then the fees will become effective upon adoption of the Resolution instead of 30 days after the adoption of an Ordinance. Most cities use the Resolution process.

Staff is recommending approval of this ordinance change.

It was moved by Adam Decker and seconded by Dean Taylor to recommend approval to amend Sections 11-18-2, 11-18-6, 11-18-8, 11-18-9 and 11-18-10 of the Zoning Ordinance pertaining to fees for planning services.

**Vote: 5 in favor
0 opposed**

8. **Board Member Comments**

There were no comments.

9. **Director's Report - Shelly Allen**

1. Ms. Allen received a letter of resignation from Christine Close due to her work schedule. The Mayor and City Council will select a replacement.
2. The City Council has agreed to end the discussion to combine the Downtown Development Committee with any other Board. The City Council is pleased with the work of the Committee.

3. The City has received an offer for the property at 51-55 West Main Street. The offer was \$1.8 million and the intent is for restaurants at that site.
4. The City property located at Main and Hibbert Streets is currently on the market and the offers submitted are currently under review.
5. Site 17 on the southwest corner of University and Mesa Drives has been put up for sale and the City has hired a Broker to market the site. A great deal of interest and inquires have been generated already.
6. The old bowling alley behind the Blue Adobe Restaurant located at 140 West Country Club, is converting to an indoor paintball facility.
7. A Design Review case for Lucas Automotive located at the Broadway Road overpass and Country Club Drive, will be presented at the July meeting.
8. The City owned property located at 603 North Center Street has been sold and the new owner plans to construct condos on that site.
9. At the June meeting a Special Use Permit will be considered for the vendors of the Friday Farmer's Market. They are also considering doing the Farmer's Market on a Monday.
10. The West Main Street Study involving the area of Main Street west of Country Club Drive should be in draft form this summer and will be brought back to the Committee as well.
11. The Ahlston House located within the Escobedo Housing District will be brought back to the Committee for a Special Use Permit to allow an office use in a Historic Structure.
12. Regency Gardens located at 25 North Robson Street wants to renovate the façade of the colonnade by adding brickwork.
13. The Mass Transit Study has begun. The alignment of the light rail will be considered and will be presented to the Committee for consideration at a later date.
14. The Fiesta District Study is underway with Cathy Ji as the project manager. An open house, town hall type of meeting will be held at Fiesta Mall on June 5, 2007 from 5:00 PM to 7:00 PM to inform the public of what is happening in the area.

10. Report from Downtown Mesa Association – Tom Verploegen, President

Mr. Tom Verploegen gave a brief report of Downtown Mesa Associations activities.

1. Shannon Selby from Phoenix Commercial Advisors will be giving a presentation at the May 30, 2007 Board Meeting on the 3 sites that the City has contracted with them to market. Mr. Verploegen stated the Association is very pleased with the Brokerage firm selected.
2. The Executive Committee is the Ultimate Imaginations Board, which they are looking to separate so that Ultimate Imaginations can do the sculpture program with the exhibits and permits. This may create more fund raising and event opportunities.
3. Since some of the permanent sculptures are mobile, Downtown Mesa Association would like to work with The City to possibly incorporate some of the sculptures into the Lewis Street Pedestrian Walkway.

4. The Downtown Mesa Association is working with their Board Members and Town Center Development Staff to update the Concept Plan. The rough internal draft will be available soon.
5. The Friday Night-Out Program for Downtown merchants is working out well.
6. The Private Parking Enforcement Ordinance is now going through the process of City Council approval. .

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

There were no items.

12. Adjournment

With there being no further business, this meeting of the Downtown Development Committee adjourned at 8:58 a.m.

Respectfully Submitted,

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