

DRAFT MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW BOARD MEETING

**CITY OF MESA**  
**DRAFT MINUTES OF THE**  
**DESIGN REVIEW BOARD**  
**AUGUST 2, 2006**

A meeting of the Design Review Board was held in the Utility Building Community Room, 640 N Mesa Drive, at 3:30 p.m.

MEMBERS PRESENT

Pete Berzins - Chair  
Dave Richins- Vice Chair  
Tom Bottomley (*arrived after  
the regular agenda*)  
Tim Nielsen  
Robert Burgheimer

MEMBERS ABSENT

Vince DiBella (excused)  
Wendy LeSueur (excused)

OTHERS PRESENT

Kim Steadman	Marc Davis
Lesley Davis	Ralph Coldiron
Debbie Archuleta	Darren Berger
Mia Lozano Helland	Heather Beattie
John Wesley	Nick Rice
Veronica Gonzalez	Betzolt
Jennifer Gnifke	Jesse Macias
Ryan Matthews	Mark Abel
Lorenzo Barcelona	John Harrison
Dorothy Chimel	Others
Gordon Sheffield	
Todd Nedderman	
Robert Short	
Mheagan Larkins	
Doug Himmelberger	
David Udall	
Kevin Kerbo	
Jerry Fannin	

## DRAFT MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW BOARD MEETING

### 1. Work Session:

**CASE:** Jack in the Box  
SEC Power & Ray

**REQUEST:** Approval of a fast food restaurant with drive-thru

### **DISCUSSION:**

Boardmember Dave Richins:

- Finish the trim on the back sides.
- If they use a cornice they need to return it.

Boardmember Rob Burgheimer:

- They need to have an interior roof access ladder
- The light fixtures should match the center
- It looks set like
- There ay be too much going on for such a small building
- Finish the rear sides of the parapets
- Could the parapets be reduced in size
- Look at the sizes of the cornices
- Liked the colors and materials

## DRAFT MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW BOARD MEETING

**CASE:** Jasmine Court Landscaping  
600 block of E Jasmine

**REQUEST:** Approval of the landscaping in the common area for a single family subdivision; per the Planning and Zoning Board.

### **DISCUSSION:**

Staffmember Rich McAllister explained that this case was coming to the Board as a condition of approval for the Planning and Zoning case.

Boardmember Tim Nielsen:

- Look at reducing the size of the mail box area and the area for the trash barrels
- Also reduce the parking area

Boardmember Rob Burgheimer:

- 15 gallon trees are very small
- Provide a pedestrian connection for the neighbors to bring their trash barrels across

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**CASE:** Hillyard Industries Warehouse Addition  
1755 S Extension

**REQUEST:** Approval of an addition to an existing building

**DISCUSSION:**

Boardmember Rob Burgheimer:

- Appreciated the additional landscaping

## DRAFT MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW BOARD MEETING

**CASE:** Famous Dave's  
202 & Dobson

**REQUEST:** Approval of a sit down restaurant

### **DISCUSSION:**

Boardmember Dave Richins:

- Should not look just like the Bass Pro but should pull elements from that building
- Appreciates the stone and the roof color
- Concern with the screening of the roof top mechanical from the freeway

Boardmember Tim Nielsen:

- A lot of blank gables
- Should add interest to the gable on the west
- Provide score lines

Boardmember Rob Burgheimer:

- It's a boring building
- Building could easily take on a Bass Pro look
- Look at roof color and building color
- The stone needs to match the Cracker Barrel and Bass Pro
- Add interest to the gables

## DRAFT MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW BOARD MEETING

**CASE:** Parkwood Ranch Marketplace  
NEC Crismon & Southern

**REQUEST:** Approval of a shopping center

### **DISCUSSION:**

Boardmember Rob Burgheimer:

- Too much going on
- The elements compete with each other
- Scale it back
- Doesn't harmonize well
- The styles clash
- Too many arch styles
- Do they need fluted roof tile? Could they use flat tile with less variation?
- Pick the elements they like the most and eliminate the rest

Boardmember Dave Richins:

- Maybe only one stone type
- Like the different articulations but eliminate some colors

Boardmember Tim Nielsen:

- Handsome center
- Too many textures
- Too many colors
- Could simplify it and still be very nice

## DRAFT MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW BOARD MEETING

**CASE:** Sonic Drive-Thru  
10060 E Southern

**REQUEST:** Approval of a fast food restaurant with drive-thru

**DISCUSSION:**

Boardmember Tim Nielsen:

- The sign elements could be really nice as light fixtures
- Concerned with the white color for the tensile fabric canopy roof. It will be dirty very quickly

Boardmember Rob Burgheimer:

- Too many sign elements

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**CASE:** Signal Butte Mini-Storage  
E of the NEC Signal Butte & Guadalupe

**REQUEST:** Second review by the Board of a mini-storage facility with office/caretaker quarters

**DISCUSSION:**

This case was not discussed. There was no revised submittal.

## DRAFT MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW BOARD MEETING

**CASE:** Las Sendas Office  
7565 E Eaglecrest

**REQUEST:** Second review by the Board of an office building

**DISCUSSION:**

Boardmember Dave Richins:

- Concerned with the height of the center portion.

Boardmember Rob Burgheimer:

- Understood there were a lot of mixed use developments planned for Las Sendas originally.
- A two-story house would be 24' to 25'.

Chair Pete Berzins:

- Still thinks this is a very nice building

## DRAFT MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW BOARD MEETING

### 2. Call to Order:

Chair Pete Berzins called the meeting to order at 4:50 p.m.

### 3. Approval of the Minutes of the July 6, 2006 Meeting:

On a motion by Dave Richins seconded by Tim Nielsen the Board unanimously approved the minutes.

### 4. Design Review Cases:

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**CASE #: DR06-66 QuikTrip**

**LOCATION/ADDRESS:** 1141 S Crismon  
**REQUEST:** Approval of a convenience store and gas canopy  
**COUNCIL DISTRICT:** District 6  
**OWNER:** QuikTrip Corporation  
**APPLICANT:** David Cisiewski  
**ARCHITECT:** JMS & Associates

**REQUEST:** Approval of a 5,104 sq. ft. convenience store and a 9,879 sq. ft. gas canopy

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-66 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board Staff Report and as shown on the site plan, landscape plan, floor plans and exterior elevations, with the following modifications to be provided to Design Review Staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. The SES shall be internal to the building.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.
5. Fire risers, building downspouts and roof access ladders are to be located within the building.
6. Provide two half size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

**VOTE:** Passed 4 - 0

**REASON FOR RECOMMENDATION:** This project meets the design standards of the City.

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**CASE #: DR06- 67 Banner Baywood Children's Choice**  
**LOCATION/ADDRESS:** E of NEC Broadway & 63 St.  
**REQUEST:** Approval of a 9,806 sq. ft. day care center  
**COUNCIL DISTRICT:** District 5  
**OWNER:** Banner Healthcare  
**APPLICANT:** Robert Short  
**ARCHITECT:** Robert Short

**REQUEST:** Approval of a 9,806 sq. ft. day care enter

**SUMMARY:** Boardmembers Tim Nielsen and Dave Richins declared conflicts of interest; therefore, there was no longer a quorum and the case could be not be heard. Staff will work with the Board and the applicant to schedule a special meeting to hear this case.

**REASON FOR RECOMMENDATION:** No quorum.

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**CASE #: DR06-68 Power Ranch RV, Boat & Mini-Storage**  
**LOCATION/ADDRESS:** 8200 E Germann  
**REQUEST:** Approval of a 186,687 sq. ft.  
**COUNCIL DISTRICT:** District 6  
**OWNER:** Gregg Sherwood, Germann Road LLC  
**APPLICANT:** Gregg Sherwood  
**ARCHITECT:** Don Cramer

**REQUEST:** Approval of a 186,687 sq. ft. mini-storage facility with boat and RV storage

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-68 be continued to the September 6, 2006 meeting)

**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** The case has not been heard by the Planning and Zoning Board.

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**CASE #: DR06-69 Alta Mesa Villas**

**LOCATION/ADDRESS:** 5750 E Main

**REQUEST:** Approval of a multi-family residential project totaling  
87,877 sq. ft.

**COUNCIL DISTRICT:** District 5

**OWNER:** Shane Kubler

**APPLICANT:** Gerald Kesler

**ARCHITECT:** Gerald Kesler

**REQUEST:** Approval of a 87,877 sq. ft. multi-family residential project with 149 units

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-69 be continued to the October 4, 2006 meeting

**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** The Planning and Zoning Board continued this case to their September 21, 2006 meeting.

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**CASE #: DR06-70 Wendy's**  
**LOCATION/ADDRESS:** NEC Juanita Ave & East Valley Auto Dr  
**REQUEST:** Approval of a 3,300 sq. ft. restaurant with drive-thru  
**COUNCIL DISTRICT:** District 6  
**OWNER:** Wendy's International  
**APPLICANT:** Mark Abel  
**ARCHITECT:** Mark Abel

**REQUEST:** Approval of a 3,300 sq. ft. restaurant with drive-thru

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-70 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and exterior elevations with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. Compliance with all conditions of the following cases except as modified through any Administrative Approvals: **Z04-67, S04-45**
  - b. Provide materials and colors for storefront system and glazing.
  - c. Provide trash enclosure elevations.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Subdivision Regulations if the pad/building sites are to be individually owned or if there is to be a condominium form of ownership.
5. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.
6. Fire risers, building downspouts and roof access ladders are to be located within the building.
7. Provide two half size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** This project meets the design standards of the City.

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**CASE #: DR06-71 Applebee's**

**LOCATION/ADDRESS:** 2055 S Alma School  
**REQUEST:** Approval of the raze and rebuild of a 4,911 sq. ft. restaurant  
**COUNCIL DISTRICT:** District 3  
**OWNER:** David Dobson V7 Investments  
**APPLICANT:** Ralph Coldiron  
**ARCHITECT:** Janet Pugh

**REQUEST:** Approval of a 4,911 sq. ft. restaurant

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-71 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and exterior elevations with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. Provide the glass color specifications to Design Review staff.
  - b. Finish the back side of the parapets to match the front wherever they project above the lowest roof line or provide a fourth wall that completes the square, finished to match.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Zoning Administrator or Board of Adjustment for the Substantial Conformance Improvement Permit (SCIP).
5. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.
6. Fire risers, building downspouts and roof access ladders are to be located within the building.
7. Provide two half size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

**VOTE:** Passed 4 - 0

**REASON FOR RECOMMENDATION:** The project is well designed and will be an enhancement to the existing shopping center.

## MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW MEETING

**CASE #: DR06- 72 Cracker Barrel**

**LOCATION/ADDRESS:** Loop 202 & Dobson  
**REQUEST:** Approval of a 12,222 sq. ft. restaurant  
**COUNCIL DISTRICT:** District 1  
**OWNER:** DeRito/Kimco Riverview  
**APPLICANT:** Design & Engineering  
**ARCHITECT:** Colleer Atwood

**REQUEST:** Approval of a 12,222 sq. ft. restaurant

**SUMMARY:** Dave Udall, Doug Himelberger, Kevin Kerbo and Jerry Fannin represented the case. The applicants presented a revised elevation to the Board.

Boardmember Rob Burgheimer thought the Riverview project was coming to a turning point where this board needs to decide what direction they see the project going. Should this project be like Stapley and the Freeway or the Superstition Springs restaurant area? The Cinemark is a different building, the Bass Pro is different, the Power Center is very much the same. Bass Pro is a cabin look. He thought the gables worked as an element. He confirmed there were 24 pads in within the project. He did not think the City should be homogeneous.

Mr. Himelberger stated the initial intent was to set up a series of districts. The theatre district, the power center, and the Bass Pro. The pads they have seen have matched the power center. If everything looked like the theatre district the Bass Pro would stick out.

Mr. Kerbo stated there are 540 Cracker Barrel buildings and they are all basically the same. He stated this is the "Phoenix Building". He stated they added gables on the sides and rear and they would match the stone used on the Bass Pro. He presented revised elevations dated August 2, 2006, that brought the stone up higher on the side elevations and added a second gable over the false windows at the rear of the elevations. Mr. Kerbo stated hardipanel includes a true batten trim piece at 16" on center. The building has a southern road house look.

Boardmember Dave Richins liked the district concept. He thought this area should pick up elements from the Bass Pro. He preferred the revised elevation. He thought the four pads around Bass Pro should be responsive to that district.

Boardmember Tim Nielsen stated when he sees the Cracker Barrel logo he knows it's a Cracker Barrel; it doesn't have to look like every other store in the Country. He suggested it could be stucco over Adobe with mission tile and he would know it's a Cracker Barrel. He stated they could branch out and be different. They should be sympathetic to the desert. This store could be a very unique Cracker Barrel.

Chair Pete Berzins agreed there should be districts. This project is at the entrance to the Bass Pro, so it should be compatible with that district. The building is not rustic like Bass Pro but it is similar to Bass Pro. He agreed they could change the style and people would still know it was a Cracker Barrel.

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**MOTION:** It was moved by Dave Richins and seconded by Rob Burgheimer that DR06-72 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and the revised exterior elevations presented at the meeting with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. **Use architectural grade gutters and downspouts painted to match, at the front porch.**
  - b. Remove light standards from parking lot landscape islands. (Detail on C-5)
  - c. Provide product and color information for real and false windows / frames.
  - d. Provide colored, scored concrete for pedestrian paths in the parking field.
  - e. Fully recess the SES into the building.
2. **The signage is to be come back to the Board for future review.**
3. Compliance with all City development codes and regulations.
4. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
5. Compliance with all requirements of the Subdivision Regulations if the pad/building sites are to be individually owned or if there is to be a condominium form of ownership.
6. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.
7. Fire risers, bldg. downspouts & roof access ladders are to be located within the building.
8. Provide two half size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** The Board determined this design is appropriate for the center.

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**CASE #: DR06-73 Commercial Center Major B and Shops A**

**LOCATION/ADDRESS:** NEC Greenfield & Baseline

**REQUEST:** Approval of a new commercial center, including Major 'B' and Shops 'A' totaling 149,841 sq. ft. of retail space

**COUNCIL DISTRICT:** District 6

**OWNER:** Diversified Partners

**APPLICANT:** Kevin D. Kerpan

**ARCHITECT:** Robert Kubicek Architects

**REQUEST:** Approval of a 149,841 sq. ft. of retail

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-73 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and exterior elevations with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. All gooseneck lighting fixtures to be one, darker, color. Revise elevations and identify the color. Identify where fixture 'W-3' is used.
  - b. Provide cut sheet and color for the round wall sconces on the stone piers.
  - c. Provide detail and color for the square accents and the round accents.
  - d. Provide finish color for the aluminum storefront system.
  - e. Provide cornice and color on all four sides of the pop-up elements.
  - f. Revise elevation drawings to identify the colors.
  - g. Provide landscaping in the ROW per §11-15-3 (F) 11.
  - h. Add 14 trees to the Greenfield ROW (69 required) & 18 to Baseline (50 req'd)
  - i. Add 4 trees to the east Property Line (45 required).
  - j. Provide landscape islands for a maximum of 8 contiguous parking spaces between islands. The parking areas at Major 'B' and Pad 'E' are deficient.
  - k. Provide decorative pavement at pedestrian crossings.
  - l. Lengthen the center median of the main signaled entrance drive from Greenfield Road to keep cars from turning left into the Pad 'B' parking area.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Subdivision Regulations if the pad/building sites are to be individually owned or if there is to be a condominium form of ownership.
5. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.

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6. Fire risers, building downspouts and roof access ladders are to be located within the building.
7. Provide two half size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** The proposed project is well designed and sets a good architectural standard for the rest of the center.

## MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW MEETING

**CASE #: DR06- 74 M & I Bank**

**LOCATION/ADDRESS:** NEC Baseline & Greenfield – Pad A  
**REQUEST:** Approval of a 4,600 sq. ft. bank  
**COUNCIL DISTRICT:** District 6  
**OWNER:** M & I Bank  
**APPLICANT:** Kevin Bollinger  
**ARCHITECT:** Kevin Bollinger

**REQUEST:** Approval of a 4,600 sq. ft. bank

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-74 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and exterior elevations with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. Provide a revised landscape plan that indicates the screen wall locations and meets minimum standards including parking lot tree islands, street frontage landscaping and dimensions for foundation base requirements.
  - b. Provide light fixture cut sheets and color specifications. Fixtures must be decorative and enhance the building design.
  - c. Stone to match center – Cultured stone CSV2054-2042 “Chardonnay” Ledgestone and Fieldstone Mix.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Subdivision Regulations if the pad/building sites are to be individually owned or if there is to be a condominium form of ownership.
5. All backflow preventers 2” or larger shall be screened with landscape material located within a 6’ radius of the backflow preventer. All backflow preventers less than 2” shall be placed in a wire mesh basket and painted to match the primary building color.
6. Fire risers, building downspouts and roof access ladders are to be located within the building.
7. Provide two half size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

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**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** The project is well designed and ties into the proposed surrounding center.

## MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW MEETING

**CASE #: DR06-75 Riverview Retail J**

**LOCATION/ADDRESS:** 202 & Dobson  
**REQUEST:** Approval of an 81,662 sq. ft. retail building  
**COUNCIL DISTRICT:** District 1  
**OWNER:** DeRito/Kimco  
**APPLICANT:** Saemisch DiBella Architects  
**ARCHITECT:** Vince DiBella

**REQUEST:** Approval of a 81,662 sq. ft. retail building

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-75 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and exterior elevations with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. Exterior light pole fixtures to match what is approved through the current Administrative Approval request, painted white and 750 watts maximum.
  - b. All exterior light fixtures attached to the building revised to match what was approved as part of the Riverview at Dobson Design Guidelines.
  - c. Planter pots to be added to the east elevation at the base of the columns as shown on the north elevation.
  - d. Service doorframes to be painted Berridge "Hemlock Green" to match doors.
  - e. Depth of arched entry walls to be at least 10'.
  - f. Provide matching grout for CMU #1 4"x8"x16" Superlite, Mesa Stone, "Mission White".
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Subdivision Regulations if the pad/building sites are to be individually owned or if there is to be a condominium form of ownership.
5. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.
6. Fire risers, building downspouts and roof access ladders are to be located within the building.
7. Provide two half size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff

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prior to submitting for building permit application.

**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** The project blends well with the proposed surrounding center.

## MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW MEETING

**CASE #: DR06-76 McDonald's**

**LOCATION/ADDRESS:** Dobson & 202

**REQUEST:** Approval of a 4,857 sq. ft. restaurant with drive-thru

**COUNCIL DISTRICT:** District 1

**OWNER:** DeRito Partners

**APPLICANT:** RHL Design

**ARCHITECT:** RHL Design

**REQUEST:** Approval of a 4,857 sq. ft. restaurant with drive-thru

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-76 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and exterior elevations with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. Provide color specifications for the wall mounted exterior light fixtures.
  - b. Revise the landscape plan to meet Code requirements for on-site landscaping; 10% of trees need to be 36" box or larger.
  - c. Provide samples for the trash enclosure wall and gate paint color.
  - d. All exterior light fixtures must be installed per City of Mesa Outdoor Light Control as specified in Title 4 Chapter 6.
  - e. Provide 15' of foundation base along entry elevation.
  - f. Provide a monument sign to be approved by Design Review. Reverse the wave motif on one side of the base to mirror one another. The sign cabinet must be bordered by the architectural features, materials and embellishments per §11-14-3(E) of the Zoning Ordinance.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Subdivision Regulations if the pad/building sites are to be individually owned or if there is to be a condominium form of ownership.
5. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.
6. Fire risers, building downspouts and roof access ladders are to be located within the building.
7. Provide two half-size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

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**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** The project is an interesting departure from earlier McDonald's buildings and integrates well with the proposed center.

## MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW MEETING

**CASE #: DR06-77 Self-Storage – 2<sup>nd</sup> floor addition**

**LOCATION/ADDRESS:** 5932 E Brown

**REQUEST:** Approval of a second floor for a previously approved mini-storage facility

**COUNCIL DISTRICT:** District 5

**OWNER:** Brown Recker SS Investments

**APPLICANT:** Mark Davis

**ARCHITECT:** Brian Moore

**REQUEST:** Approval of a second floor addition to a previously approved mini-storage facility.

**SUMMARY:** Michael Roth and Mark Davis represented the case. They explained that since the work session they had removed the tower element from the east elevation; they tried to relate the relief on the second elevation where it took place vertically, so they aligned them with the elements on the first floor; they extended the columns element vertically with the EIFS so it will look like a center scored cmu block and they will paint it the same red as the lower level. The difference in the relief's they are using a 2" thick foam board with elements cut into it. The decorative cornice will match the office on Brown. They were keeping the towers on the north and south to screen the mechanical units. They added spandrel glass on the north and south elevations. The windows on the east elevation would be transparent so you would see the storage units.

Boardmember Dave Richins thought the eave was thin. He wanted it thicker.

Staffmember Lesley Davis then stated she had received a letter from a neighbor who lives in the condominium project to the west. The neighbor was concerned with the second floor blocking his view of the Superstition Mountains.

Boardmember Tim Nielsen thought the color was so heavy it looked like the columns were floating in air. He thought the pilasters should go all the way up. He thought they should clean it up and simplify it. He thought they should have the same cap element and the same fascia treatment so there was a consistent band at the top. He thought that if the lighter fingers were brick in between the doors it would look fine. He was OK with stepping it if they wanted.

Boardmember Rob Burgheimer agreed with Boardmember Nielsen. He suggested the cornice be brought down and bring it around. He thought the building should disappear. One cornice that goes around, but smaller. He stated he does not like spandrel glass and he thought it was a waste of money. He suggested they use a color change for the whole element.

Chair Pete Berzins agreed they spandrel was a waste. It would be different if they were using real windows so you could see in. He agreed with the use of a color change to break up the element. He also agreed the columns should go all the way to the roof line.

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**MOTION:** It was moved by Rob Burgheimer and seconded by Tim Nielsen that DR06-77 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and exterior elevations with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. Provide storefront and glass specifications to Design Review staff.
  - b. **Remove the spandrel glass on the north and south.**
  - c. **Provide a color change for the entire element.**
  - d. **Revise the columns up to the roof line.**
  - e. **Reduce the size of the cornice and continue all the way around, except on the west elevation.**
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Subdivision Regulations if the pad/building sites are to be individually owned or if there is to be a condominium form of ownership.
5. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.
6. Fire risers, building downspouts and roof access ladders are to be located within the building.
7. Provide two half size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** The addition was reasonably well incorporated into the original design.

## MINUTES OF THE AUGUST 2, 2006 DESIGN REVIEW MEETING

**CASE #: DR06-78 Chick Fil-A**

**LOCATION/ADDRESS:** Dobson & Loop 202  
**REQUEST:** Approval of fast food restaurant with drive-thru  
**COUNCIL DISTRICT:** District 1  
**OWNER:** DeRito/Kimco Riverview, LLC  
**APPLICANT:** Darren Berger, Quality Project Management, LLC  
**ARCHITECT:** Robert Hornacek, CRHO Architects

**REQUEST:** Approval of a 4,227 sq. ft. fast food restaurant with drive-thru

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-78 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and exterior elevations with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. Provide color specifications for the trash enclosure wall and for the exterior light fixtures.
  - b. Revise the trash enclosure to comply with Code; maximum wall height is 8', and the gate must be solid metal (wood slats are not allowed).
  - c. Provide a redesigned monument sign, and reverse the wave motif on one side of the base. The sign cabinet must be bordered by the architectural features, materials and embellishments per §11-14-3(E) of the Zoning Ordinance.
  - d. Revise the landscape plan to meet Code requirements for on-site landscaping; each landscape island is required to have one tree and three shrubs.
  - e. Provide grading and drainage plans to document compliance with Code.
  - f. All exterior light fixtures must be installed per City of Mesa Outdoor Light Control as specified in Title 4 Chapter 6.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Subdivision Regulations if the pad/building sites are to be individually owned or if there is to be a condominium form of ownership.
5. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.
6. Fire risers, building downspouts and roof access ladders are to be located within the building.

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7. Provide two half-size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** This project ties into the proposed center.

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**CASE #: DR06-79 Panda Express**

**LOCATION/ADDRESS:** Dobson and Loop 202

**REQUEST:** Approval of a 2,888 sq. ft. fast food with drive-thru

**COUNCIL DISTRICT:** District 1

**OWNER:** DeRito Partners

**APPLICANT:** Panda Restaurant Group

**ARCHITECT:** ITRA Group

**REQUEST:** Approval of a 2,888 sq. ft. fast food restaurant with drive-thru

**SUMMARY:** This case was on the consent agenda and therefore was not discussed individually.

**MOTION:** It was moved by Tim Nielsen and seconded by Dave Richins that DR06-79 be approved with the following conditions:

1. Compliance with the development as described in the Design Review Board staff report and as shown on the site plan, landscape plan, floor plans and exterior elevations with the following modifications to be provided to Design Review staff for review and approval at least one week prior to submitting construction documents to the Building Safety Division:
  - a. Correct the color board and the elevation drawings to reflect the color scheme represented in the color elevations, & correct the north elevation.
  - b. Provide a monument sign to be approved by Design Review. Reverse the wave motif on one side of the base to mirror one another. The sign cabinet must be bordered by the architectural features, materials and embellishments per §11-14-3(E) of the Zoning Ordinance.
  - c. Provide a darker shade of the wall color at the recessed areas inside arches.
  - d. Correct the discrepancies between the site and landscape plans provided with the DRB request. Submit an application to administratively amend the Council approved site plan and comply with all requirements of the administrative approval.
  - e. Provide design of the dining shade structure for staff review and approval.
  - f. Provide 15' of Foundation Base at the south and west elevations. Provide 2' at the north, drive-thru, elevation.
  - g. Fully recess the SES into the building. Staff to review and approve.
  - h. Provide pedestrian paths to Dobson Road, and, through the parking field, to adjacent pads. Hardscape materials to match the colored, scored concrete approved for the Riverview center.
  - i. Provide access to the trash enclosures for employees.
  - j. Provide additional screening trees at the east property line.
  - k. Provide a landscape island between the dining area and the parking stalls.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic, Solid Waste and Facilities, etc.)
4. Compliance with all requirements of the Subdivision Regulations if the pad/building sites are to be individually owned or if there is to be a condominium form of

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ownership.

5. All backflow preventers 2" or larger shall be screened with landscape material located within a 6' radius of the backflow preventer. All backflow preventers less than 2" shall be placed in a wire mesh basket and painted to match the primary building color.
6. Fire risers, building downspouts and roof access ladders are to be located within the building.
7. Provide two half size color elevations, one full size and one 8-1/2 X 11 set of reproducible revised site plans, landscaping plans and elevations showing compliance with conditions of approval for this case to the Design Review Staff prior to submitting for building permit application.

**VOTE:** Passed 4 – 0

**REASON FOR RECOMMENDATION:** The building is well designed with interesting entry elements, and integrates well into the proposed center.

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### Other Business:

Jim Smith spoke regarding Trademark Law and FLMS

Assistant City Attorney spoke to the Board at their request to explain the laws regarding signage and trademarks.

Mr. Smith gave a quick background on the act, which was passed in 1982. He stated it is frequently called the "Century 21 amendment" because Century 21 has a trademark that required the national logo takes up 80% of the space and the local agent can only take up 20%. Many cities or states tried to change the percentage. Century 21 went to congress and got the act passed. It states "no state or other jurisdiction of the united states or any political subdivision or any agency thereof, may require alteration of a registered mark..." He stated there were two cases before the 9<sup>th</sup> circuit that interpreted this language. There were two cases in Tempe that involved this act. Blockbuster and Video Update sued Tempe. Blockbuster was denied because they wanted signage on an awning and on the building. Video Update was denied because of the color. Video Update was allowed to have their sign because requiring them to change the colors was an alteration of the trademark. Blockbuster was not allowed to have their signage on the awning because they were allowed to have other signs in the same colors. Then in Tempe again, in the case involving Subway, Tempe denied two Subway signs because they were yellow and white, the court then stated they could not deny the yellow and white trademark and force them to use their black and white trademark, which Tempe would have allowed. Any attempt to create an aesthetic uniformity that would require a business to alter their mark will not be enforceable in the 9<sup>th</sup> circuit. So you cannot regulate the colors of the sign copy or background if they are part of a registered trademark.

Boardmember Rob Burgheimer stated he was the one who requested Mr. Smith speak so the Board could understand what the issues were related to those cases. He asked what if the developer of the center sets standards that require all the signs to be specific colors such as all white letters with black outlines? Mr. Smith stated an individual could do that in their deed restrictions, or tenant lease; however, they could not do that as part of their comprehensive sign package, because that would be enforced by the City. He also stated that the tenant lease could be changed by the property owner. It must be an agreement between third parties that the City is not involved in. Boardmember Burgheimer then asked if the font could be regulated. Mr. Smith stated the font is part of the trademark for most companies. Boardmember Burgheimer then asked if the background color could be regulated on monument signs. Mr. Smith stated the background color is very often part of the trademark. Boardmember Tom Bottomley then stated that it sounds like on freeway signs the Board can regulate the design of the sign but not the field where you are mounting the registered logos or trademarks. Where it is a sign panel divided into grids the actual sign panel is trademark. Staffmember Kim Steadman stated that on signs where there are signs all in the same plane backed into the sign we have a problem. What staff would like to do is break each sign panel out three-dimensionally so the sign panels are floating in front of a set-back plane.

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Respectfully submitted,

Debbie Archuleta  
Planning Assistant

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