

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

DATE: September 18, 2003 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Art Jordan, Chair
Christine Close
Theresa Carmichael
Marshall Poe
Wayne Pomeroy
Terry Smith

STAFF PRESENT

Shelly Allen
Katrina Bradshaw
Tony Felice
Greg Marek
Patrick Murphy
Bryan Raines

MEMBERS ABSENT

Chuck Riekema, Vice-Chair
Jeff Jarvis
Mark Reeb

1. Call to Order

The September 18, 2003 meeting of the Downtown Development Committee was called to order at 7:33 a.m. in the City Council Chambers located at 57 E. First Street by Chair Jordan.

2. Items from Citizens Present

There were no items from citizens present.

3. Approval of Minutes of August 21, 2003 Regular Meeting

It was moved by Wayne Pomeroy, seconded by Theresa Carmichael, to approve the minutes.

Vote: 6 in favor; 0 opposed

4. Discuss and consider rezoning case No. CZ03-002TC from R-4 to C-2 located at 438 and 450 W. 5th Place. (This item has been continued from the August 21, 2003 meeting; the applicant has again asked that it be continued to the October 16, 2003 meeting.)

It was moved by Marshall Poe, seconded by Terry Smith to continue rezoning case No. CZ03-002TC from R-4 to C-2 located at 438 and 450 W. 5th Place to the October 16, 2003 meeting.

Vote: 6 in favor;
0 opposed

5. **Discuss and consider Special Use Permit Case No. ZA03-064TC to locate the Farmer's Market on the sidewalk of Main Street between Center Street and Robson Street, and the sidewalk of Macdonald Street south of Main Street to the alley.**

Mr. Murphy said this case is a proposal to continue the Farmer's Market on the south side of Main Street from Center Street to Robson Street and on Macdonald Street south of Main Street to the alley. The proposed start date for this year's market is October 25, 2003. Staff recommends approval of the Special Use Permit subject to the stipulations written in the staff report. Mr. Murphy said, based on the discussion at the study session, the Committee members can modify stipulation number 10 to reduce the time frame of the Special Use Permit if they desire. Mr. Murphy said Dee Logan is the administrator of the Farmer's Market and has agreed to the stipulations.

Mr. Murphy said the businesses in the area were notified of the Special Use Permit application at the Downtown Network meeting and all of the merchants at the meeting were in favor of the market. In addition, a flyer was distributed to all property owners and business owners within 300 feet of the market and no negative comments have been received. Mr. Murphy said Tom Verploegen, Executive Director of MTCC, and Gerry Fathauer, Director of the Mesa Arts Center, are both in favor of the market and in concurrence with staff's recommendations.

Mr. Pomeroy said he felt Ms. Logan did an excellent job as the administrator of the market and said he has never heard any complaints from business owners about the market. He asked if staff has ever received any complaints or negative comments regarding the market.

Mr. Murphy said the comments that he has received have been very positive and most people seem to be happy with Dee Logan's efforts as administrator of the market. He added that it is Ms. Logan's and staff's hope that additional farmer's can be recruited for the market to make it bigger and more vibrant.

Mr. Poe said the Committee has some concerns with the length of time that the Special Use Permit is being proposed. He said that with all of the projects going on in the downtown area at this time, both existing and proposed, the Farmer's Market could be greatly affected by the significant changes in downtown over the next five years. He suggested that the time frame of the Special Use Permit be shortened to three years instead of five years and asked Ms. Logan how she felt about that.

Ms. Logan said she has no problem coming back before the Board in three years to reevaluate the market and reapply for the Special Use Permit. Ms. Logan said she has seen the changes taking place in downtown and thinks they are very exciting. She asked more specifically what the Committee's concerns are related to the Farmer's Market.

Mr. Poe said the primary reason for shortening the time frame of the Special Use Permit is to provide an avenue to empower the Downtown Development Committee to reevaluate and possibly make changes to the Farmer's Market should the need arise as the downtown area evolves.

Ms. Logan said she would prefer to work in partnership with the goals of the Downtown Development Committee and not be a deterrent to the downtown area.

Ms. Carmichael said she would like to see as much emphasis made as possible to include more growers in the Farmer's Market and provide more produce than arts and crafts. Ms. Carmichael asked if Ms. Logan was working with the merchants on Main Street and with Mesa Town Center Corporation on marketing and promotion of the Farmer's Market.

Ms. Logan said she has worked closely with Mesa Town Center Corporation on marketing and promotional venues. She said the last couple of years she has visited with the merchants to obtain feedback and encourage them to help promote the Farmer's Market. She said there is a very friendly rapport between the business merchants and the Farmer's Market and they have offered assistance to each other in different ways. She explained that the merchants would like to have a merchant event in tandem with the Farmer's Market but many of them have experienced difficulty in doing so due to limited resources and staff. Ms. Logan went on to explain the difficulty in recruiting growers for the Farmer's Market and her efforts to increase participation.

Chair Jordan said it's obvious that the Committee shares the same goals as Ms. Logan and said the core issues are to increase vibrancy and provide quality produce goods. He asked if there is a concurrent Farmer's Market being held in Tempe at the same time as Mesa's market.

Ms. Logan said there is a market held in downtown Tempe however they have had difficulty maintaining their market since it started in 1999. She said she doesn't know if they will try again this year or not.

Ms. Smith said that a lot of the private and charter schools have student gardens which are very successful and productive. She suggested that Ms. Logan contact those schools to see if the students are interested in selling their produce at the Farmer's Market.

Ms. Logan said she would be very interested in contacting them for participation in the market.

It was moved by Marshall Poe, seconded by Wayne Pomeroy, to approve Special Use Permit Case No. ZA03-064TC to locate the Farmer's Market on the sidewalk of Main Street between Center Street and Robson Street, and the sidewalk of Macdonald Street south of Main Street to the alley subject to the following stipulations:

1. **Compliance with the Farmer's Market Operational Guidelines.**
2. **Compliance with all building, fire safety, and tax and licensing regulations of the City of Mesa.**
3. **Compliance with all health permit regulations.**
4. **Compliance with the site plan, labeled Exhibit No. 2 of the staff report, which delineates the basic layout of the Farmer's Market.**
5. **A Certificate of insurance for \$1,000,000, and a hold-harmless agreement shall be in effect for the term of the permit.**
6. **Compliance with the Good Neighbor Policy dated August 27, 2001.**
7. **Only a washable chalk shall be used to outline the location of the vendor area on the sidewalk.**
8. **Every effort shall be made to protect the landscaping within the Farmer's Market area.**
9. **The City shall reserve the right to make necessary adjustments to the Special Use Permit to ensure pedestrian safety, and that the landscaping is properly maintained.**
10. **The Special Use Permit shall be valid until October 1, 2006.**

**Vote: 6 in favor;
0 opposed**

6. Discuss and consider Special Use Permit Case No. ZA03-055TC to locate an office within a Level One Historic Structure for the Mitten House located at 238 W. 2nd Street.

Mr. Felice said the Committee is being asked to evaluate a Special Use Permit to allow an office use within a Level One Historic Structure at 238 W. 2nd Street. The Disposition and Development Agreement between the City of Mesa and John Giles requires that an application be submitted and that the Committee make a determination on the appropriateness of the Special Use Permit. Both staff and the Historic Preservation Committee (by vote of 6-0) recommend approval of the Special Use Permit. This case will be considered by the Zoning Administrator on Tuesday, September 23, 2003.

Mr. Felice said this Special Use Permit is being considered in tandem with the Design Review application, which will be considered following this agenda item. Mr. Felice pointed out Mr. Giles intends to use this property as a law office which is an appropriate use for this property especially since the Municipal Court is located directly across the street. He also pointed out that the adjacent properties along this street are predominately commercial.

Mr. Giles said he felt that a commercial use at this location is appropriate given the other commercial uses in the neighborhood. He also felt that the law office would have a low impact on the adjacent residential neighborhood. Mr. Giles urged the support of the Committee for the Special Use Permit and offered to answer any questions about the project.

It was moved by Marshall Poe, seconded by Theresa Carmichael, to recommend approval of Special Use Permit Case No. ZA03-055TC to locate an office within a Level One Historic Structure for the Mitten House located at 238 W. 2nd Street.

**Vote: 6 in favor;
0 opposed**

7. Discuss and consider Design Review Case No. DR03-004TC for the Mitten House located at 238 W. 2nd Street.

Mr. Felice said the Disposition and Development Agreement between the City of Mesa and John Giles requires that this project obtain Design Review approval through the Historic Preservation Committee and the Downtown Development Committee.

Mr. Felice said that staff's recommendation on the Design Review is that it be approved subject to the stipulations outlined in the staff report. He explained that there are no major changes to the building. The colors are compatible to the project and the surrounding area. Both the Historic Preservation Committee and staff recommend that the landscape plans reflect the historic character of the Robson neighborhood, which has been lost over the years. As a result, staff recommends that the entire front of the building be turf, and that some of the shrubs on the landscape plan be relocated around the foundation of the property. Both the applicant and the architect, Judy Ramos with BPLW Architects, support and approve of these recommendations.

Mr. Marek added that staff concurs with the Historic Preservation Committee's recommendation that the meandering sidewalk be replaced with a straight ribbon sidewalk which is more consistent with the other sidewalks in the Robson Historic District. He encouraged the Committee to add this as a stipulation of approval.

Ms. Ramos, architect with BPLW, said they studied the natural character of the area including colors and landscaping to come up with the design that is being considered today. She offered to answer any questions from the Committee.

Chair Jordan asked if the applicant and architect are comfortable with the stipulations suggested by staff and the Historic Preservation Committee to replace the meandering sidewalk with a straight ribbon sidewalk.

Mr. Giles said he had no objections to the stipulation.

Chair Jordan asked if the irrigation will be flood or sprinkler irrigation. He suggested that if extra time is spent in leveling the dirt before the turf is planted, that it produces a higher quality finished product that is easier to maintain down the road.

Ms. Ramos said the irrigation system will be sprinklers and she agreed to forward Chair Jordan's suggestions to the landscaper.

Ms. Smith noticed that the list of shrubs on the landscape plan includes Morning Glory which is an annual vine that must be reseeded every year. In addition, she felt certain that the Morning Glory is not on the list of approved plants. She suggested that the Morning Glory be replaced with some other type of perennial shrub.

Ms. Ramos agreed to look into other possibilities.

Mr. Poe said there were a couple of issues discussed at the study session regarding the replacement of turf for decomposed granite and relocation of shrubbery to the foundation of the building. He asked if these suggestions are included in the stipulations and if there were any objections.

Mr. Marek said those issues were addressed in stipulation #1 of the staff report.

Ms. Ramos stated that the applicant is already aware of those issues and has agreed to the modifications as mentioned in stipulation #1.

Mr. Poe asked if the only stipulation that needs to be added as part of the approval in this case is to replace the meandering sidewalk with a straight ribbon sidewalk. Mr. Marek concurred.

Ms. Smith added that the reconsideration of the Morning Glory should also be added as a stipulation.

Chair Jordan pointed out that there are two types of Morning Glory, the bush and the vine. He said the landscape palette probably meant to include the bush Morning Glory which is a perennial shrub.

It was moved by Marshall Poe, seconded by Christine Close, to approve Design Review Case No. DR03-004TC for the Mitten House located at 238 W. 2nd Street subject to the following stipulations:

- 1. The landscape plans shall be revised to reflect turf as the ground cover on the front half of the property with additional shrubs or flowering plants installed around the foundation.**
- 2. Compliance with the City's Outdoor Lighting and Control Ordinance (Night Sky Ordinance).**
- 3. Outdoor lighting should be residential in character and sensitive to the neighborhood.**
- 4. Applicant shall obtain permission for roll-off barrel pickup service from the City's Engineering Plans Examiner in accordance with City policy and approval prior to submission of a building permit application.**
- 5. Replace the meandering sidewalk with a straight ribbon sidewalk to be in character with the Robson Historic District.**

Ms. Carmichael said she felt that the request to replace the meandering sidewalk with a straight one was micromanaging and that she would not be opposed to the

meandering sidewalk if it is what the applicant desired; however, if the rest of the Committee is in favor of the modification and the applicant is not opposed to the change, then she could agree to go along with the stipulation.

Mr. Giles said the meandering sidewalk was an attractive architectural feature that was suggested by the architect, but if the consensus of the Committee is that it is not historically appropriate, then they do not have a problem changing it.

Chair Jordan said he is not knowledgeable about what is historically correct and suggested the Committee leave it up to the architect and staff to come up with a solution that is historically appropriate.

Mr. Marek said the Historic Preservation Office has already reviewed this issue and has determined that the straight sidewalk is what is historically appropriate for the Robson Historic District, which is on the National Register of Historic Places.

**Vote: 6 in favor;
0 opposed**

8. Director's Report, Greg Marek

Request for Qualifications (RFQ) Site 7 and Site 17 – The City received three submittals to the Request for Qualifications for Site 7 and three submittals to the Request for Qualifications for Site 17.

Staff feels that at least two of the submittals for Site 7 come from qualified developers. One submittal is from an architectural firm called Circle West.

Two of the submittals for Site 17 were from quality housing developers, one of which was from Equus who previously submitted a Request for Proposal for Site 21.

The Downtown Development Committee will consider the submittals at the next meeting on October 16, 2003 and copies will be distributed for the Committee's review. Staff is asking the Committee to make a recommendation to City Council on whether to proceed with the Request for Proposals for these two sites.

Hunter Interests Report for MCC – Hunter Interests has prepared their interim report for the Mesa Community College. Their proposal is to use downtown Mesa as a campus. Staff has conducted at least half a dozen tours for the MCC Governing Board and staff. This downtown Mesa campus will be included as part of the bond package that will be held in November 2004.

Forum on Eminent Domain – The Institute for Justice and the Valley Business Owners are holding a forum on eminent domain at Mesa Community College next week. They are starting an initiative to change the City's Charter which would prohibit the use of eminent domain for redevelopment. Their intent is to

place a requirement that if the City uses eminent domain for redevelopment, that it is not able to sell, transfer, or lease the property for ten years.

Chair Jordan asked staff to provide the Committee with the exact date of the meeting in case some of the members would like to attend.

Downtown Development Committee Retreat – The DDC Retreat will be held on October 9, 2003 from 4:00 to 8:00 p.m. in the Redevelopment Office conference room.

Brown and Brown Chevrolet Comprehensive Sign Plan – The City Council considered the Comprehensive Sign Plan for Brown and Brown Chevrolet and decided to revisit the issue in two years.

Ms. Carmichael asked if Brown and Brown Chevrolet will be working with staff on an alternative to the 45-foot-high freestanding sign during the interim.

Mr. Marek said staff had a meeting with Brown and Brown Chevrolet in which they provided a letter from General Motors stating that an exception to the sign design would not be granted. The City Council's decision to extend the use of the sign for two more years did not require any kind of research on alternatives during the interim.

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

There was no report from MTCC.

10. Board Member Comments

Chair Jordan asked the Committee members to spend some time preparing for the DDC retreat and to let him know if there are any particular issues that they would like to discuss at the meeting.

11. Adjournment

With there being no further business, this meeting of the Downtown Development Committee adjourned at 8:10 a.m.

Respectfully Submitted,

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