

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

DATE: August 21, 2003 **TIME:** 7:30 a.m.

MEMBERS PRESENT

Art Jordan, Chair
Chuck Riekena, Vice-Chair
Theresa Carmichael
Christine Close
Jeff Jarvis
Marshall Poe
Wayne Pomeroy
Mark Reeb
Terry Smith

STAFF PRESENT

Katrina Bradshaw
Tony Felice
Greg Marek
Amy Morales
Patrick Murphy

OTHERS PRESENT

Ken Eller
Bryan McCormick
Alex Roberts
Jordan Rose

MEMBERS ABSENT

n/a

1. Call to Order

The August 21, 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 July 17, 2003 Study Session

It was moved by Wayne Pomeroy, seconded by Chuck Riekena, to approve the minutes.

Vote: 9 in favor; 0 opposed

Approval of Minutes of July 17, 2003 Regular Meeting

It was moved by Wayne Pomeroy, seconded by Chuck Riekena to approve the minutes.

Correction to amend the recognition of who called the meeting to order.

Vote: 9 in favor; 0 opposed

4. Discuss and consider Rezoning Case No. CZ03-002TC from R-4 to C-2 located at 438 & 450 W. 5th Place.

Mr. Marek explained that the applicant Mr. Mark Miku has requested that this item be continued to the September 18, 2003 DDC meeting.

It was moved by Mark Reeb, seconded by Chuck Riekena, to continue Rezoning Case No. CZ03-002TC to the September 18, 2003 DDC Meeting.

Vote: 9 in favor; 0 opposed

5. Discuss and consider Special Use Permit Case No. ZA03-061TC to allow a dwelling unit in conjunction with a primary use for the property at 12 W. Main.

Ms. Bradshaw explained that Strauch's Stationers formerly occupied this property, adding that the new tenant, Mr. Bryan McCormick, wishes to use the building as an art gallery and commercial office building. Ms. Bradshaw stated that Mr. McCormick has remodeled the existing loft/employee lounge and converted the space into an open space loft, which the tenant wishes to occupy as his permanent residence. Ms. Bradshaw explained that in order to do so, the TCC Zoning District requires that the applicant apply for and obtain a Special Use Permit.

Ms. Bradshaw discussed that the art gallery will be located at the front of the building and will have a window display that will be visible from Main Street. Mr. McCormick plans on rotating artwork that will be displayed from local artists that will be available for purchase on site. The area in back of the art gallery will be an open space office area, which will be used by both the tenant and the artists. The tenant wishes to conduct bookkeeping and general office operations for the business in this area. This office space can also be utilized for local artists who use the gallery for their displays.

Ms. Bradshaw stated that the tenant has expressed an interest in making façade improvements to the building. If he chooses to do so, Mr. McCormick has been informed that he will need to submit an application for design review to the DDC.

Ms. Bradshaw stated that the property owners and tenants within three hundred feet (300') of this location were notified of what is being proposed for this project and no comments have been received to date. Ms. Bradshaw stated that staff recommends approval of this Special Use Permit, adding that this use is compatible with the Town Center Concept Plan as well as with the uses that are encouraged by the Arts and Cultural District. The Zoning Administrator will consider this case on August 26, 2003. Mr. McCormick was present at the meeting and available to answer any questions.

Mr. McCormick stated that he was born and raised in Mesa, Arizona and has always had an interest to live and work in the downtown. He said there is an art

gallery located in the front of the building and general offices in the back of the building.

Ms. Carmichael asked the applicant what his plans were for the basement portion of the building.

Mr. McCormick responded that the basement would be used for storage.

Mr. Riekena asked if Mr. McCormick owned the building. Mr. McCormick said he did not own the building, however; he was currently leasing the building with an option to buy.

It was moved by Marshall Poe, seconded by Terry Smith, to approve Special Use Permit Case No. ZA03-061TC to allow a dwelling unit in conjunction with a primary use for the property located at 12 W. Main.

Vote: 9 in favor; 0 opposed

- 6. Discuss and consider Variance Case No. ZA03-060TC to reduce the front landscaping and building setbacks from 20 feet to 8 feet and to modify the Design Guidelines in Chapter 15 of the Zoning Ordinance to eliminate the 15-foot required building foundation landscaping requirements for Daryl's Towing located at 458 W. 3rd Ave.**

Ms. Bradshaw stated that the applicant currently occupies this property for his towing business and subleases the existing warehouse building to an automotive repair business. The applicant is proposing to construct an addition to the south elevation of the existing warehouse structure that will become the new office and customer waiting area for both of the businesses. This will eliminate the need for the existing mobile mini that currently serves as the office.

Ms. Bradshaw stated that the existing warehouse on the site meets the 20-foot setback requirement in the M-2 zoning district; however, with the construction of the office addition to the front of the warehouse, it will encroach in the front setback area, creating the need for a variance. Both businesses would like to have the office located in the front of the property so that the public entrance can be located along 3rd Avenue. It will also help restrict customers from obtaining access to the impound yard and the repair shop.

Ms. Bradshaw explained that the applicant proposes to construct a six-foot (6') high masonry wall along the front of the property in alignment with the addition of the office building. The Zoning Ordinance does not allow freestanding wall heights in the front yard setback to exceed three feet, six inches (3'6"). The intent of this wall is to provide after hours security to this property and screen the impound yard and auto body repair bay doors from 3rd Avenue.

Ms. Bradshaw then displayed pictures of adjacent properties along 3rd Avenue to illustrate that the variance would not create a granting of special privilege.

Ms. Bradshaw further discussed two design standard modifications that are being proposed. The proposed modifications are to allow the installation of a chain link fence to be installed on the interior of the property to separate the impound yard from the customer parking lot and eliminate the requirement for foundation landscaping around the existing warehouse. Ms. Bradshaw said that staff feels that these modifications are appropriate because the applicant is proposing to install a six foot (6') high masonry wall around the entire perimeter of the property, as well as enhance the landscaping on the front of the property. In addition, most of the interior of the property will be screened from 3rd Avenue.

Ms. Bradshaw explained that the applicant is not required to obtain design approval for this property; however, for informational purposes she pointed out that the applicant is proposing to slightly modify the façade of the warehouse to be more aesthetically pleasing by adding a stucco and cornice treatment. This will help it blend in with the new addition of the office building, making the building's appearance more aesthetically pleasing from 3rd Avenue.

Ms. Bradshaw stated that staff recommends approval for the modifications to the design standards and the variances. The Zoning Administrator will hear this case on September 2, 2003.

Ms. Bradshaw stated that Mr. Ken Eller, from Archi-CAD Architects, was present to answer questions.

Chair Jordan questioned whether or not the applicant would be providing any additional retention to the site, in order to meet current City Code.

Mr. Eller answered that there is no retention being added to this property, but that the existing retention for the site is located in the impound yard located in the rear of the site.

Chair Jordan asked staff to clarify why there is additional retention being required. Chair Jordan also inquired how this case would be handled if the applicant chose to add additional paved parking spaces in the existing retention area located at the rear of the property sometime in the future. Chair Jordan also inquired why no additional landscaping is required to be provided by the applicant.

Mr. Eller responded that the existing retention area is located to the rear of the property within the impound yard, and that there were no retention areas being provided in the front of the property.

Chair Jordan inquired since there is an asphalt parking area located on a large piece of land, why is a non-paved, non-building area not required to be landscaped.

Mr. Marek stated that the area in question is not visible from the street, that staff was concentrating on the areas that are visible from the street.

Chair Jordan stated that this property is being treated like a pre-existing condition, and that if the applicant approaches staff in the future to pave the area in question, will staff require the applicant to provide additional landscape areas at that time.

Ms. Bradshaw stated that the only landscaping required that is not going to be provided is the foundation landscaping around the existing warehouse, which will not be visible from the street. Ms. Bradshaw added that the applicant is not proposing to add any additional landscape areas behind the warehouse, as it would take away from needed space for the impound yard. The applicant has proposed to enhance the landscaping on 3rd Avenue and to install landscape islands in the parking lot.

Mr. Marek added that if the applicant does contact staff regarding possible future expansion, the applicant would need to follow the criteria set in the existing landscaping and zoning requirements. He added that the applicant is meeting the requirements set by code at this time for the area along 3rd Avenue.

Chair Jordan then questioned what the M-2 zoning requirements are for side yard perimeter landscaping?

Ms. Bradshaw responded that M-2 zoning normally requires perimeter landscaping, except in this particular case due to the fact that the two like uses with outdoor storage are separated by a screen wall.

Chair Jordan then asked the applicant to provide further justification as to why the approval of this case would not be a granting of special consideration.

Mr. Eller answered that this site is in character with the neighborhood and is in alignment with the properties. The applicant is not asking for permission to encroach further into the street than any of the surrounding properties. Mr. Eller stated that the proposed improvements are intended to improve the appearance of the properties street frontage, and to raise the bar of the design of the street.

Mr. Reeb inquired if the applicant is planning to install barbed wire on top of the new six-foot (6') high masonry wall at any time. Mr. Reeb also suggested that a stipulation be added that the applicant not be allowed to install barbed wire and be required to use wrought iron as the material instead.

Chair Jordan questioned what the applicant's intentions were for the maintenance of the landscaping?

Mr. Eller responded that there is some existing landscaping on the property that the applicant plans on replacing, adding that the applicant is very concerned with the appearance of the property and its visibility from the street. Mr. Eller stated that the applicant's intentions for this property are very clear, and that is to provide enhancements to the property and make the property look better.

It was moved by Wayne Pomeroy, seconded by Jeff Jarvis, to approve Variance Case No. ZA03-060TC, along with the following stipulations:

- 1. Provide a revised landscape plan showing placement of trees and shrubs disbursed evenly between the City of Mesa right-of-way area and setback area along 3rd Avenue;**
- 2. Provide additional lighting in the customer parking lot and impound yard and refrain from using screening material for the new wrought iron rolling**

- gates as per the recommendation from the Crime Prevention Through Environmental Design (CPTED) office; and
3. **Compliance with approved plans dated July 14, 2003.**
 4. **If any material is to be installed on top of the new six-foot (6') high masonry wall, the material must be wrought iron.**

Vote: 9 in favor; 0 opposed

7. **Discuss and consider a request by Qwest Communications to extinguish the easement along the east side of the building located at 25 W. Pepper Place.**

Mr. Murphy stated that Qwest proposes to expand their current building and needs to extinguish the easement on the east side of their building, located at 25 W. Pepper Place. Mr. Murphy stated that Jordan Rose is the representative for Qwest Communications. Mr. Murphy stated that this project does not meet the criteria to have design review by the DDC, but staff has made some recommendations for some stipulations regarding the design of the property.

Mr. Murphy stated that as part of the public participation for this property, a flyer was mailed out to property and business owners within three hundred feet of this site. Mr. Murphy added that staff met with Mr. Alex Roberts, who was present at the meeting and is the owner of the adjacent surface parking lot that serves the building located at 12 W. Main. Staff also met with Mr. Jim Allen of Millano's, who indicated that he did not have any objections regarding the abandonment of the easement. Staff also met with Karen Brown of Prehab, a retail store that is located directly south of Qwest. Ms. Brown had two concerns regarding the construction aspect of the expansion. Ms. Brown wanted to ensure that the contractor work with the businesses during construction not to block the alleys for loading or unloading and not to hinder access for Prehab customers. Mr. Murphy also discussed the expansion plans with Mr. Tom Verploegen of Mesa Town Center.

One of the items discussed was the area on the east side of the expansion area, which is a surface parking lot owned by Mr. Roberts. Staff is in agreement that it is inevitable that Main Street patrons will use this pathway to access the business entrances on Main Street, as well as the Mesa Arts Center. Mr. Roberts has requested that Qwest repave his surface lot with a nice brick paver pattern to help the area look better. On the west side of the building Qwest has agreed to work with staff to work on designing and constructing a pedestrian pathway on the west side of the building to replace the pathway on the east side.

Mr. Murphy then showed the surface parking design that was approved by the DDC in 1998. All of the improvements are not going to be completed as part of the Macdonald Street, Streetscape project; only a portion of the project will be done. As part of these improvements to the parking lot, about 20 parking spaces will be lost. Mr. Murphy stated that one of Mr. Verploegen's concerns is that once the proposed pedestrian pathway along with landscaping is

constructed on the west side of the Qwest building, that no other additional parking spaces be lost. Mr. Murphy stated that staff's goal is not to lose any more than the planned number of twenty parking spaces while making these improvements.

Mr. Murphy stated that no other comments or concerns have been received at this time. Mr. Murphy stated that staff recommends approval of the abandonment of the easement, subject to five conditions:

1. Qwest shall construct a new pedestrian walkway consisting of brick pavers and landscaping on the west side of their building connecting Pepper Place to the alley, subject to the approval of the DDC;
2. Qwest shall repave the parking lot to the east upon completion of Qwest's expansion project and shall install brick pavers as part of the pedestrian walkway connecting Pepper Place to the alley, subject to the approval of the DDC;
3. Qwest shall provide a façade on the expansion and existing building that is in keeping with the character of the area;
4. The ground mounted and roof mounted generators shall be removed, and all roof mounted equipment shall be screened from view; and
5. The extinguishment of the easement is conditioned on final approval of the full expansion plans, including the proposed pedestrian pathway improvements.

Mr. Murphy stated that based on the recommendation received from the DDC, this case will be considered by the City Council on September 8, 2003. Mr. Murphy then introduced Ms. Rose.

Ms. Rose explained that she serves as outside legal council for Qwest Communications for all of their land use and zoning work in Arizona. Ms. Rose explained that the Qwest building is a switching facility, serving every home and business in an approximate twenty-mile area. The services provided are: fax, phone, 911-service, internet, some television, burglar alarms, and some smart home technology. Ms. Rose further explained that many cables run underground from every home and business that connect to this facility. Once the lines reach this facility, each line then breaks off into an average of five lines. Each phone line takes up space in the facility. If you were to walk into the Qwest facility, you would see rows and rows of circuit boards; there is no more room at this facility. Ms. Rose stated that Qwest is able to provide services to their clients at this time, however; if they do not expand their facility soon, they will run out of space and be unable to provide services to their clients as early as next year.

Ms. Rose further explained that if Qwest did run out of space, clients would probably then consider using another phone service provider. Because of the Federal Communications Act that was passed in the late 1990's by the Federal

Government, the existing switching facilities have to provide dedicated space for their competitors. This Act is one of the reasons why the facility is so full. Another reason why the facility is full is because it is one of two facilities in the State of Arizona that have a number portability system that is called "Tekelek". It is a back up system for the phone lines, which is key to ensuring that Arizona's phone lines operate correctly.

Ms. Rose explained that this facility needs to grow. Ms. Rose then stated that in order to expand this facility, two switching facility bays need to be added, which are each twenty feet wide. She explained that the size of the bays are not flexible. Qwest is proposing to add forty feet to the east, expanding out to their property line. Qwest has been discussing these improvements with their neighbor, Alex Roberts, ensuring that he was happy with the proposed project. Ms. Rose further explained that Qwest plans on installing brick pavers and will re-pave the parking lot. She said Qwest is more than willing to be flexible with the proposed improvements.

Ms. Rose stated as part of this expansion, Qwest plans to also include a full elevation revamp. Ms. Rose stated that there are no elevations for the proposed exterior remodel at this time; Qwest has chosen to hold off on having those plans drawn up until a decision is made regarding the proposed easement extinguishment. Ms. Rose explained that Qwest plans on providing a high quality exterior remodel and set a standard for this area. Ms. Rose stated that Qwest agrees with all of staff's stipulations with no modifications and welcomed any comments or suggestions.

Mr. Reeb asked whether or not she had any idea when Qwest planned on revamping the façade of the building.

Ms. Rose replied that the money has been budgeted for construction in the year 2004. She further explained that the dates provided are estimated dates of when Qwest will be willing to begin construction.

Mr. Marshall asked for clarification on a previous statement that Ms. Rose had made regarding that Qwest was willing to work with on the façade improvements with City staff. Mr. Marshall also questioned if Ms. Rose if there was information available to show how long the proposed expansion would work for Qwest before they would need to expand again.

Ms. Rose answered yes, Qwest is willing to work with the City staff on façade improvements, and that the proposed expansion plans are for ten to fifteen years in the future, adding that it is the longest time that they are able to plan for at this time, as they have no idea how technology will change in the future.

Mr. Riekema questioned if Qwest was willing to relocate the Prehab of Arizona sign.

Ms. Rose answered yes; Qwest is willing to have Prehab's sign relocated.

Chair Jordan stated that he was excited, because something that is being done that will benefit Qwest will create an opportunity for others. Chair Jordan knows that today's business is giving Qwest the confidence to move forward with their expansion project. Chair Jordan feels that the walkway will be an offset urban connection point that will provide people an opportunity to walk in an area that has been refined.

It was moved by Theresa Carmichael, seconded by Mark Reeb, to recommend that the City Council extinguish the easement subject to the following stipulations:

- 1. Qwest shall construct a new pedestrian walkway consisting of brick pavers and landscaping on the west side of their building connecting Pepper Place to the alley, subject to the approval of the DDC;**
- 2. Qwest shall repave the parking lot to the east upon completion of Qwest's expansion project and shall install brick pavers as part of the pedestrian walkway connecting Pepper Place to the alley, subject to the approval of the DDC;**
- 3. Qwest shall provide a façade on the expansion and existing building that is in keeping with the character of the area;**
- 4. The ground mounted and roof mounted generators shall be removed, and all roof mounted equipment shall be screened from view;**
- 5. The extinguishment of the easement is conditioned on final approval of the full expansion plans, including the proposed pedestrian pathway improvements; and**
- 6. Qwest shall relocate the sign for Prehab of Arizona as part of this project.**

Vote: 9 in favor; 0 opposed

Mr. Pomeroy questioned what the conditions were on the existing lighting where the proposed walkway is to be installed as well as for the surface parking lot. Mr. Pomeroy also inquired who is responsible for the lighting in that area.

Mr. Murphy responded that the lighting questions are part of the design aspects of this project that have not yet been discussed by the applicant or City staff. Mr. Murphy added that the applicant would first like to receive an answer from City Council before they begin addressing any design items for this project.

Mr. Marek added that one of the requirements for the design of the pedestrian connection is that it is compatible with the existing parking lot and that both areas include lighting. Mr. Marek stated that once the applicant receives a

decision from Council, this case would be brought back to the DDC as a comprehensive plan so that the DDC will have an opportunity to provide comments on this project.

Chair Jordan inquired who are the owners of the ten-foot (10') area where the new pedestrian walkway will be.

Mr. Murphy responded that the City of Mesa owns the ten foot (10') area.

Chair Jordan questioned if Qwest is proposing to develop the ten-foot (10') area. Chair Jordan then asked whether or not in the future, when people visit the Arts Center, would people be parking in the Pepper Street Garage. Chair Jordan stated that if people did indeed park in the garage, wouldn't the people want to have a delightful experience while walking, adding that lighting would be a big part of the experience.

Mr. Marek recommended that no one be bound to the thought of a ten-foot (10') pathway width, as that is the minimum width. Mr. Marek stated that staff is working on possibly widening the pathway by repositioning some of driveway widths in the existing parking lot, without losing additional parking, to create a better pedestrian experience. Mr. Marek stated that staff is very appreciative of Mr. Roberts, the property owner to the east. Staff plans on signing the pathway on the west side of the building as the pedestrian pathway, to provide access to Main Street.

8. **Director's Report, Greg Marek**

Open Meeting Laws – When three or more committee members get together (in person, on the phone, or via e-mail) they should not be discussing any issues. This needs to take place in a public meeting. Also formal minutes for study sessions do not need to be taken any longer, so they will no longer be provided. The study sessions are taped and available to be reviewed in the Redevelopment Office. When people attend public meetings, they are no longer required to identify who they are or where they are from.

Family Life Center – The Family Life Center is nearing completion, and upon request, tours of this facility can be taken.

Paul Sale Building – Brent Berge has purchased the primary Paul Sale building (the annex building was not sold). The intended use is retail on the ground floor with offices on the second floor.

Upcoming IDA Conference – Due to budget issues, no City staff members will be going, and the City will no longer be able to pay expenses for members to attend as done in the past.

Arizona Bronze – Arizona Bronze missed the submittal deadline on August 28, 2003. Mr. Bollinger had submitted a letter and stated that he is putting his project on hold at this time while he pursues other opportunities. Staff is

contemplating drafting a Request for Qualifications to gauge the interest of other foundries of possibly locating to the site.

Aquatics Center-- The City of Mesa has secured funding to construct the facility. The City is still trying to secure operating funds for the facility.

Mesa Community College – Tours have been given to MCC Staff and board members around the downtown regarding a possible partnership with the College and the City to use existing buildings in the downtown to create a downtown campus, in order to expand the College's downtown preference. Hunter Interests has been hired to develop a plan for the Northeast Quadrant. One of the issues that they are working on in their study is MCC having an urban community college campus in downtown Mesa. When the report is finalized, copies will be routed to committee members.

Site 7 & 17 RFQ's – Submittals received will be considered by the DDC in October.

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

Downtown Focus – Inserts included: Safe & Sound Downtown, Top 40 Revitalization Projects.

Donation Received – \$1 million dollars was recently donated to the Mesa Arts Center.

Bus Tour – The upcoming bus tour will show projects that have been in the works for the past 19 years and projects that are soon to be underway.

Sheraton Hotel – Pacifica Company is proposing to spend \$7-9 million dollars on upgrades to the Sheraton Hotel, planning later to convert the hotel to a Marriott Hotel.

Diagonal Parking – Analysis of 1st Avenue and 1st Street is underway to possibly convert the existing parallel parking to diagonal parking, adding 130 parking spaces to the downtown.

Sculpture Program – MTCC is currently in the process of recruiting sculptures for the upcoming exhibit that will run from November 15, 2003 to April 15, 2004. Mr. Verploegen and Mr. Wier recently returned from the largest outdoor sculpture festival in the United States, which was held in Loveland, Colorado. There are currently 15 permanent sculptures. MTCC is currently working on obtaining five new sculptures.

10. Board Member Comments

None

11. Adjournment

With there being no further business, this meeting of the Downtown Development Committee adjourned at 8:55 a.m.

Respectfully Submitted,

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