

November 27, 2023

To: City of Mesa Planning & Zoning Department

From: Larry Potthoff/President & Owner of The View at 55th Pl.

Subject: Rezoning Request from Light Industrial to Commercial

To Whom it may Concern,

I am Larry Potthoff, Owner of the building located at 3633 N. 55th Place in Mesa. I worked with my architect John Manross (Cc'ed here) designing a beautiful office space and had this building constructed in 2018. From within this building I own and operate two different companies; "Enterprise Networks Solutions Incorporated" ("ENS") and "The View at 55th Pl." an LLC company¹.

ENS is a Value-Added-Reseller serving Arizona with information technology solutions including network security, network switching, WiFi and compute/storage. ENS is a \$30M/Yr. in revenue company and The View at 55th Pl. is approximately a \$330K/Yr. in revenue LLC. ENS account base includes K-12 schools, Universities, Cities and Counties as well as large enterprise accounts such as Sagicor Insurance, Knight/Swift Transportation and American Express. Interestingly the City of Mesa I.T. is one of our larger accounts; we service and support a large and important portion of the network security, network switching and WiFi. It's a unique relationship because as corporate citizens of the City of Mesa we pay sales and property tax to The City and The City chooses to buy our goods and services in almost an equal amount. It's a great working relationship, each helping each other to be successful.

Between January 2019 to October 2023 (the past 46 months) ENS paid the City of Mesa sales tax revenue \$1,365,519.00 and the State of Arizona Dept. of Revenue \$4,343,533.00 as well as the County of Maricopa \$68,621.00 annually in property taxes. I only mention this because we are a contributing City of Mesa business while continuing to be good citizens.

Approximately three years ago my niece asked me if she could have her wedding reception in this building because of the beautiful architecture and high ceiling. From this event, her wedding planner convinced me that this facility could be rented as a wedding venue on the weekends, thereby this building could serve a dual-use; ENS during normal working hours M-F, then on weekends as a wedding venue. From this concept we have founded "The View at 55th Pl" as an Arizona LLC and developed a viable business with 40-50 wedding receptions a year offering newlyweds a cost-effective, high-class facility for their wedding receptions.

¹ <https://www.ens-az.com/> & <https://www.theviewat55th.com/>

This building is located in the Red Mountain Commerce Center (“RCMM”) a Light Industrial (“LI”) zoned 8.6 acre tract on the north side of Thomas Road and between Higley and Recker Rd. On October 20th 2023 when we received a knock our door by Kristin Tinsdale/City of Mesa Code Enforcement and were told these parcels are not zoned to allow for an event center and we needed to immediately shut down. Thankfully the City of Mesa temporarily delayed action on that position and is allowing us to amicably resolved the situation with the hope of rezoning three lots from L.I. to Commercial.

Up until Mrs. Tinsdale informed us of our code violation we thought an event center was permitted to operate in LI zoning but it’s been made clear to us that we were mistaken, therefore I am respectfully requesting the City of Mesa to rezone three lots that I own to Commercial thereby allowing us to continue to lawfully operate The View at 55th Pl. Addendum “A” shows the lot layout; in November 2018 we combined lots 5 & 6 since this building sits on both lots. Lot #4 is used for pre and post wedding pictures but should be included in the rezoning. I also own undeveloped Lot #3 with no plans on developing that lot.

The events held in this building are sold in eight-hour offerings; typically, clients choose 2PM - 10PM or 3PM-11PM. We do not rent past 11:00PM because there is no need to be at a reception past 11:00PM and my staff needs time to clean-up after the clients have vacated the property. The caterer and event staff typically clean-up inside and outside the building immediately after the events but that activity is quiet and they use no additional outside lights beyond the normal security lights.

The View at 55th Pl. has become very successful and has bookings of forty-three events in the next 20 months. These bookings require a fully signed Contract, a thirty-three percent of total amount as a deposit, security deposit and a background check. We require all these steps because we want to insure we rent to responsible people that will not become unruly or damage any part of this building.

Our reviews are posted on our website², additionally Google reviews are posted independently by people who have attended events at our venue³. This is an impressive facility and the staff is amazing. We’re providing a great service for young couples at a very affordable price.

² <https://www.theviewat55th.com/view-at-55th-place-reviews/>

³ <https://www.google.com/maps/place/The+View+at+55th+Place/@33.4816949,-111.710251,17z/data=!4m8!3m7!1s0x872ba5a59fcffab:0xe547d7ad8574d2b4!8m2!3d33.4816949!4d-111.710251!9m1!1b1!16s%2Fg%2F11h6rr7p6x?entry=ttu>

<https://www.google.com/maps/@33.4818735,-111.7103226,3a,75y,94.7h,85.72t/data=!3m6!1e1!3m4!1sAF1QipPpRiXUDwE0qPtYCpDfmBbO-YT5iMx3ShOWAkrm!2e10!7i12414!8i6207?entry=ttu>

I understand a complaint has been lodged by one of our neighbors and I assume it's one of the residential houses across the wall to the east because there is only one building, a commercial building with 1000' of us in any of the other three directions. I haven't read the complaint but I want to list a few relevant points:

- Blandford Homes purchased the 130 acres to the east of our property and is building out a house sub-division called "Reserve at Red Rock". These houses are all to the east and on the backside of this building. There are no outside lights on that side of the building other than our normal security lights. It's possible they see lights left on from one of the patios but the patios are never rented out or included in the event space.
- This building has our normal set-backs; this building sits 8' from the block wall; on the Blandford Homes property there is 15' of landscape, curb/gutter road and then the homes front yard. The closest home is over 100' from the back wall of this building as you can confirm with the Google Map measurement (Addendum B).
- If noise is the complaint it should be considered that Falcon Field has takeoff's and landing's everyday right over this section of the City. Any sound from this building is whispers compared to the almost constant small plane noise.
- Blandford Homes purchased this development land in 2020 from the City of Mesa. Prior to these Blandford Homes the area was an undeveloped desert park.
- We are great neighbors. We are zoned LI so these homes could be facing an industrial yard, large tractors & equipment, high security lights and engine noises. We emit none of that, in fact we provide the nearby houses with free WiFi.
- This building was insulated with foam inside the 8" exterior walls rather than fiberglass insulation. Foam has proven to be an excellent sound absorption material.
- There are no windows facing Blandford Homes except our unoccupied offices. Our offices are always locked therefore these offices are another noise, space and light barrier from the outside of this building during any events.
- This building has large double-pane windows facing the north. There are no houses to the north so any light emitting is not a concern, especially for the houses to the east.
- We've never had a neighbor or anyone from the Reserve at Red Rock complain before, during or after an event. I have never received a letter, email or text or any communication of anyone who might have taken offence due to the operation of this building or anything in it. This is also true for all owners within this Red Mountain Commerce Center community. We are good, caring neighbors.

Hours of Operation for The View at 55th

The events held in this building are sold in eight-hour offerings; typically, clients choose 2PM - 10PM or 3PM-11PM. We do not rent past 11:00PM because there is no need to be at a reception past 11:00PM and my staff needs time to clean-up after the clients have vacated the property. The caterer and event staff typically clean-up inside and outside the building after the events but that activity is quiet and they use no additional outside lights beyond the normal security lights.

People Capacity

A normal wedding reception ranges from 100 to 150 people on average. We have had a few (my daughters' reception) that reached nearly 200 people but smaller receptions are the trend due to cost and the limited size of the floor space for chairs and tables.

Alcohol and Liquor Sales

In terms of operations at The View at 55th Pl.; we never sell beer, wine or liquor. Contracted clients are allowed to bring alcohol but limited to distribution by a licensed and insured bartending company. We allow the bartender to serve beer, wine and mixed drinks containing alcohol provided by the client. No "shots" of any alcohol is ever served or allowed.

The View at 55th Pl. Contract Language Regarding Noise & Disruption

We have strict policies within our agreement regarding outside noise or disruption, inappropriate behavior, and debris of any kind. This is what our contract currently states:

The Owner will have the right to immediately and permanently remove invited and uninvited guest from the property and retain all moneys paid - if any of the following violations occur and/or The City of Mesa ordinances are broken:

- *If the total number of people on our property (AT ANY GIVEN TIME OF DAY or NIGHT) exceeds the maximum occupancy of the city ordinance. MAXIMUM OCCUPANCY of this facility is 200.*
- *If any person(s) is causing disruptions to the neighborhood.*
- *If any person related to the renting party or guests causes harm to the property.*
- *The City of Mesa has a noise curfew of 10 pm. NO significant outside noises are permitted after this time. In the event The City of Mesa authorities are called out, you will be responsible for a potential fine from the City of Mesa and will possibly be removed permanently from the property.*
- This is a NON-SMOKING facility. NO SMOKING of ANY KIND is allowed in the facility, this includes on the patio, balcony and front steps of the building - your deposit may be forfeited if this occurs

The View at 55th Pl. Employees

The View has one full-time employee and three part-time employees hired during these events. Our staff is always on-site before, during and after the events for constant managing of the clientele.

Security Deposit

We require an eight-hundred-dollar security deposit as well as a cleaning fee. We have refunded the security deposits in full to every client except one, a 99% success record. This is due because of the pre-screening of potential clients The View at 55th Pl. does to insure we contract with high-class clientele.

Insurance

ENS and The View at 55th Pl. have an annual expense of over \$120,000/year on a variety of insurances. We review our coverage with our Insurance agency once a year to make sure that if someone falls and hurts themselves we have insurance to cover a potential lawsuit. This includes all events contracted with The View at 55th Pl. In addition, our agreement/contract with the clients require them to procure commercial general liability insurance of \$1,000,000/occurrence and \$2,000,000 as the annual aggregate.

Security Cameras

This building is equipped with forty-two security cameras along with sixty-days of video storage. We have very expensive equipment inside some offices and the building is in itself expensive so security is very important to us.

Red Mountain Commerce Center ("RMCC")

We are a good group of property owners in the RMCC; Larry Potthoff owns four of the seven exterior lots and have a personal relationship with nine of the eleven lot owners. I am friends with the owner to our south, Lot #7. Wade and I have had many conversations of what he plans on doing with his lot and has commented that he'll be glad to help me with any zoning issues with The City if asked. Lots 8,9 are undeveloped and owned by Titan Restoration also the owners of the building on Lot 10 & 11. Russ Palmer is the Owner of Titan Restoration and has offered to sign a "Reciprocation Parking Agreement" if The View at 55th Pl. needs additional parking spaces. Russ is a great fellow, neighbor and willing to help us if we need any help in our efforts to change zoning of these three lots.

I do not know of the substance of the complaint but if it's noise, I'll be happy to hire a noise expert with specialized equipment to measure decimal readings in and outside of this building. I didn't hire any company yet because I don't know the specifics of the complaint and it's not easy finding a company specialized in that area. If the City of Mesa has a recommendation, I'll be glad to engage with them

Outside of the noise, lights, hours of operation that I've addressed I'm not sure what other areas are of interest. I do want to say that the hard work of several people has built The View at 55th Pl. into a great event venue for couples getting married. We all hear of couples eloping to Las Vegas to save the cost of weddings but The View at 55th Pl. offers a viable alternative. Our customers can bring in their own decorations, caterer, serve their own alcohol with a licensed and insured bartending company and hire their own DJ or bring a music box. The View at 55th Pl. offers a high-class, impressive alternative to eloping or burdening young couples in with a high debt load. Please allow us to continue this service.

Please let me know what other questions or concerns I can address. We look forward to continuing our great working relationship with The City of Mesa and appreciate your consideration in resolving our zoning issue.

Sincerely,



Larry Potthoff
President & Owner
Enterprise Networks Solutions Inc & The View at 55th Pl LLC.

Cc: John Manross/Design Professionals john@chlhc.com (480) 894-1680

Addendum A: Lot Numbers and Ownership



Addendum B: Closest Neighbors to ENS

