

MINUTES OF THE DEVELOPMENT REVIEW COMMISSION AUGUST 25, 2009

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 E. 5th Street, Tempe, AZ 85281
6:00 PM (5:30 Study Session)

Commission Present:

Vanessa MacDonald, Chair
Tom Oteri
Dennis Webb
Heather Carnahan
Peggy Tinsley
Paul Kent
Mario Torregrossa
Stanley Nicpon

Commission Absent:

Mike DiDomenico
Monica Attridge

City Staff Present:

Lisa Collins, Deputy Development Services Manager
Steve Abrahamson, Planning & Zoning Coordinator
Ryan Levesque, Senior Planner
Shawn Daffara, Planner II
Sherri Lesser, Senior Planner (in audience)
Lisa Lathrop, Administrative Asst. II

Chair MacDonald called the meeting to order at 6:00 p.m., which included the introduction of the Commission and City staff. It was determined at the Study Session that both Items 2 and 3 would be heard.

1. **CONSIDERATION OF MEETING MINUTES: 8/11/09**

On a motion by Commissioner Nicpon and seconded by Commissioner Kent, the Commission with a vote of 4-0 (Commissioners Carnahan, Tinsley and Torregrossa abstained) approved the minutes of the August 11, 2009 hearing.

REGULAR AGENDA

Commission Nicpon recused himself and stepped down from the dais.

2. Request for **DOS GRINGOS (PL090094)** (Mario Sanchez, Tempe Mill LLC., owner; Lesley Call, Sixty First Place Architects, applicant) for an outdoor bar/restaurant space. The 0.35 acre site is located at 703 South Mill Avenue within the CC, City Center District. The request includes the following:

DPR09102 – Development Plan Review including site plan, building elevations and landscape plan.

ZUP09086 – Use Permit for Live Entertainment **WITHDRAWN**

ZUP09088 – Use Permit for Series 6 Bar

THIS ITEM WAS CONTINUED FROM THE AUGUST 11, 2009 HEARING

STAFF REPORT: [DRCr_DOSGRINGOS_082509.pdf](#)

This case was presented by Shawn Daffara and represented by John Radice, owner of Dos Gringos and Bob Gutierrez of Sixty First Place Architects.

Mr. Radice made a brief presentation about the Dos Gringos project, which included addressing concerns such as the music, parking and the temporary nature of the business.

Commissioners Tinsley and Webb questioned Mr. Radice as to the length of his lease with the property owner and how long he anticipated staying. Mr. Radice indicated two to two and a half years was most likely going to be extent of his lease and that the business could be up and running in approximately four months.

Commissioner Swanson asked about the exterior of the modular buildings and what is painted and what is covered in corrugated metal. Mr. Radice clarified that yes the buildings are covered with the corrugated metal and the colors on the material board are for tables and chairs and decking of the bar.

Mr. Gutierrez stepped to the podium and clarified that the corrugated steel would be treated to look rustic and be sealed. He also indicated that brick would be part of the features on the front and back entrances.

Commissioner Tinsley asked Mr. Gutierrez if they would be willing fire sprinkler the restrooms. Mr. Gutierrez indicated that since it's not required by Building Safety and the building code, they should not be required to do so.

Commissioner Webb questioned Mr. Gutierrez about the concept and design of the architecture and where it came from and if he feels it fits in with other architecture on Mill Avenue. Mr. Gutierrez stated that the design concept came from the original Dos Gringos. The intent is to create a relaxed atmosphere with a simple design in keeping with the temporary nature of the project. Mr. Gutierrez also stated that the architecture surrounding this site is all different and the brick that is being used at the entrance to the site is the feature that is consistent in the downtown and that what they are using to fit this design into the downtown.

Commissioner Kent questioned Mr. Radice regarding the pocket park. Mr. Radice indicated that the park is surrounded by fencing and has an entrance off Mill Avenue and one off the parking area on the east side of the site and also can be accessed from Dos Gringos. This park is open to the public and people are welcome to bring food from Dos Gringos or any other restaurant and sit in the park area. The park will be maintained by Dos Gringos, there is no food or alcohol service to people in the park and alcohol is not allowed in that area. The area will be secured at night after Dos Gringos is closed.

Commissioner Webb questioned the design of the sign. Mr. Daffara indicated that the sign falls under the sign permit application that will be made separately and not under this Development Plan Review that is before the Commission.

Chair MacDonald opened the hearing for public input.

Doug Collins, business owner of The Tavern in downtown Tempe, spoke in support of the case. Ken McKenzie, Manager of The Tempe Mission Palms Hotel, spoke in opposition of the case.

Chair MacDonald closed the hearing to public input

Commissioner Webb indicated that he is not in support of this case.

Commissioner Oteri indicated he is also not in support of this type of project in this location.

Commissioner Kent agreed and indicated he is not in support of this case at this location.

Commissioner Torregrossa indicated he is in support of the case.

Commissioner Swanson indicated that she in support of something on that lot but does not support the design.

Commissioner Tinsley stated she appreciates the concept but not the design.

Chair MacDonald indicated that the use is not in question but does not support the Development Plan Review.

It is suggested by Commissioner Tinsley that the applicant return with a modified Development Plan Review.

Mr. Radice indicated that he would like the chance to modify the design and return.

Ms. Collins stated that to the Commission that the staff does not consider modular buildings temporary and they are constructed as permanent structures. Many things can be done to the façade of these buildings to make them appear much more permanent and not temporary in appearance at all. We do approve and have modular homes and it's a type and form of construction that we allow in the City of Tempe. The case needs to be reviewed for the look and the aesthetics of the materials being used and not the fact that the buildings are modular.

On a motion by Commissioner Tinsley and seconded by Commissioner Torregrossa, the Commission with a vote of 5-2 (Commissioners Webb and Oteri opposed) continued this case to a date undetermined.

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3. Request for **ZONING AND DEVELOPMENT CODE AMENDMENTS (PL090008)** (City of Tempe Development Services Dept., applicant) consisting of changes within the Code for process improvements, clarifications and responses to changing uses and trends for Commercial Abatements; APAC Committee repeal; Hearing Officer duties; revised regulations on Accessory Buildings; Guest Quarters in the AG District; Small Animals; Card Rooms; Recycling Centers; Commercial/Restaurant uses in Industrial Districts; Outdoor Retailing; Service Entrance and Exits; Outdoor Dining Parking; Development Plan Review Criteria and Time Limitations; Use Permit and Variance Time Limitations; Notice of Appeals; Extension Requests; Revocations; and definitions for Card Room, Columbarium, Donation Bins, Livestock, Poultry, Recycling Centers, Reverse Vending Machines, Small Animals and Smoking Establishment. The request includes the following:

ZOA09001 (Ordinance No. 2009.15) – Code Text Amendment for the Zoning and Development Code within Sections 1-201, 1-304, 1-305, 1-306, 3-102, 3-202, 3-302, 3-401, 3-404, 3-411, 3-417, 3-418, 3-503, 4-406, 4-603, 6-306, 6-308, 6-309, 6-310, 6-802, 6-901, 6-902, 7-104, 7-105, 7-113, 7-117, 7-119, 7-120, and 7-121.

THIS ITEM WAS CONTINUED FROM THE AUGUST 11, 2009 HEARING

STAFF REPORT: [DRCr CodeTextAmendments_082509.pdf](#)

This case was presented by Ryan Levesque. Mr. Levesque indicated that since the continuance of this case, staff has received resident input and we have made some modifications in relationship to their concerns. In the Study Session, the Commission made a few minor modifications as well and those are as follows: Attachment No. 3, Section 5: deletion of aviaries from small animals; Attachment No. 14, Section 15: adding the word per after space; Attachment No. 20, Section 28: in reference to small animals, deleting the words "in keeping of". Mr. Levesque indicated that staff will make those noted modifications.

On a motion by Commissioner Oteri and seconded by Commissioner Webb, the Commission with a vote of 7-0, recommended approval of the Zoning and Development Code Text Amendments as proposed in the staff report.

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4. **ANNOUNCEMENTS** – Ms. Collins indicated that staff will be planning to return to the Commission on September 22, 2009 to propose further amendments allowing guest quarters on certain sized lots regardless of the zoning classification, as requested by the Commission.

The hearing adjourned at 7:30 p.m.

Prepared by: Lisa Lathrop, Administrative Assistant II
Reviewed by: Lisa Collins, Deputy Development Services Manager



Lisa Collins, Deputy Development Services Manager