

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION FEBRUARY 23, 2010

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

Commission Present:

Vanessa MacDonald, Chair  
Tom Oteri  
Monica Attridge  
Dennis Webb  
Paul Kent  
Mario Torregrossa

Commission Absent:

Mike DiDomenico, Vice Chair  
Stanley Nicpon  
Heather Carnahan  
Peggy Tinsley

City Staff Present:

Lisa Collins, Deputy Development Services Manager  
Steve Abrahamson, Planning & Zoning Coordinator  
Sherri Lesser, Senior Planner  
Kevin O'Melia, Senior Planner  
Lisa Lathrop, Administrative Asst. II

Chair MacDonald called the meeting to order at 6:00 p.m., which included the introduction of Commission and City staff. It was determined at the Study Session that Item No. 2 would be placed on the Consent Agenda and Item Nos. 3, 4 and 5 would be heard.

1. **CONSIDERATION OF MEETING MINUTES: POSTPONED**

CONSENT AGENDA

2. Request for **FRY'S FUELING CENTER (PL090086)** (Tempe School District 3, property owner; Daniel Filuk, KDF/JMS Architects, applicant) consisting of a single-story 5000 square foot canopy and fuel service facility with kiosk, on a portion of 10.596 net acres, located at 3255 South Rural Road in the PCC-1, Planned Commercial Center District. The request includes the following:

**DPR09226** – Development Plan Review including site plan, building elevations and landscape plan.  
**ZUP09170** – Use Permit for retail fuel sales.

STAFF REPORT: [DRCr\\_Fry'sFuel\\_022310.pdf](#)

Ed Mitchell from the Disability Committee approached the Commission with a concern for the lack of accessibility on Fry's campus. Although he was not opposed to this case, the Committee would like to see the site updated to include some needed accessibility. Ms. Lesser indicated that she is aware of the issues and had been working with Mike Williams, Deputy Development Services Manager/Building Safety, to make sure that those needs are addressed.

On a motion by Commissioner Webb and seconded by Commissioner Torregrossa, the Commission with a vote of 6-0 continued this case to the March 23, 2010 meeting.

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**REGULAR AGENDA**

3. Hearing for purposes of an appeal of the January 19, 2010 Hearing Officer's decision of the request for **VALLEY WEST PLAZA-CLEARWIRE (PL090432)** (Rulon Anderson, applicant; Pollack Investments, property owner) located at 1811 North Scottsdale Road in the CSS, Commercial Shopping and Services District for:

**UPA10002 (ZUP09165)** – Appeal of Condition #6, "Site to be relocated to the west side of the property away from the residential neighborhood or along the south property line." Use Permit to allow a sixty foot (60') monopole (monopalm).

STAFF REPORT: [DRCr\\_ClearwireValleyWestAppeal\\_022310.pdf](#)

This case was presented by Steve Abrahamson and represented by Rulon Anderson, applicant and Dan Pollack, property owner.

Mr. Anderson made a brief presentation in which he stated that the monopalm would be less obtrusive in the proposed location and that he (as the applicant) does not have eminent domain and is unable to randomly place the monopole at any other location on that site, as suggested by the Hearing Officer. Mr. Anderson also stated that there was no opposition from the neighborhood to their proposed location.

Chair MacDonald called to the public and having no one who wished to speak on the case, the hearing was closed to public input.

On a motion by Commissioner Oteri and seconded by Commissioner Kent, the Commission with a vote of 6-0, approved the appeal of the Hearing Officer's Decision.

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4. Request for **AGAVE CENTER - CARL'S JR. RESTAURANT (PL090412)** (Property Reserve Arizona, L.L.C., property owner; Jeff Dietz/Dietz Design L.L.C., applicant) consisting of a single story 2,985 square foot restaurant on 0.86 net acres, located at 8825 South Jewel Street in the PPC-1, Planned Commercial Center Neighborhood District and the SWOD, Southwest Tempe Overlay District. The request includes the following:

**DPR10007** - Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr\\_CarlsJrAgave\\_022310.pdf](#)

This case was presented by Kevin O'Melia and represented by Jeff Dietz, applicant.

Commissioner Oteri questioned Mr. Dietz as to what prompted such major design changes from the original submittal to what was being proposed that evening.

Mr. Dietz replied that the color change was a corporate change that was being applied to any new buildings. The elevation change to the towers was also a corporate change in trying to be more visible to traffic on the streets as well as on the freeways.

Mr. O'Melia read in to the record the modifications to the original design submittal. Condition 9 is to read as follows:

9. The materials and colors are approved as presented: **RETAIN OVERALL BUILDING FORM OF THE ORIGINAL DESIGN SUBMITTAL AND MAKE THE FOLLOWING MATERIALS MODIFICATIONS AS PROPOSED IN THE FEBRUARY 23, 2010 PRESENTATION.**

- a. Brick Masonry Veneer: Robinson Brick – Old Brick, Smokestack
- b. ~~Glass Block Masonry: Pittsburgh Corning – Standard Premier "Decora" (schedule key 3B)~~
- c. Aluminum Storefront: Clear anodized finish
- d. Glazing: PPG Industries, Inc. Solabran 60 Clear Low-E
- e. ~~Fabric METAL Awning: John Boyle & Co., Inc. – Signmaster Supreme "Scarlett Supreme" (schedule key 4)~~
- f. Exterior plaster at wall surfaces with the following paint finishes: **CONFORM TO THE PAINT COLORS AS PROPOSED IN THE FEBRUARY 23, 2010 PRESENTATION.**

Paint # 1: ~~Sherwin Williams SW6108 "Latte" (field below middle band, schedule key 7).~~

Paint # 2: ~~Sherwin Williams SW6109 "Hopsack" (field above dining room windows, schedule key 5A)~~

Paint # 3 ~~Sherwin Williams SW7020 "Black Fox" (upper elevation banding, schedule key 6B)~~

Paint # 4 ~~Sherwin Williams SW6060 "Moroccan Brown" (middle band and building base, schedule key 1)~~

Paint # 5 ~~Sherwin Williams SW6107 "Nomadic Desert" (field above middle band and on upper walls, schedule key 2)~~

**PAINT #1 SHERWIN WILLIAMS SW6107 "NOMADIC DESERT" (FIELD)**

**PAINT #2 SHERWIN WILLIAMS SW6110 "STEADY BROWN" (BASE AND COPING)**

**PAINT #3 SHERWIN WILLIAMS SW6866 "HEARTHROB" (METAL AWNINGS AND SUPPORT CABLES)**

**PAINT #4 SHERWIN WILLIAMS SW6389 "BUTTERNUT" (TRIM)**

Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the **REVISED** materials sample board are approved. Submit any additions or modifications for review during building plan check process.

Chair MacDonald called to the public, seeing no one from wanting to speak on this case, closed the hearing to public input.

Commissioner Webb expressed his displeasure with such major modifications being presented to the Commission at the hearing.

Commissioner Oteri commented that the modifications are an improvement and is in support of the case.

Commissioner Kent is in support of the case.

Commissioner Attridge is in support of the case but suggested that there be a cut-off time for bringing forth to the hearings such a major modification in the design.

Although Chair MacDonald agreed that a cut-time is a good idea, she also stated that something like this shouldn't hold up the process.

On a motion by Commissioner Kent and seconded by Commissioner Torregrossa, the Commission with a vote of 5-1 (Commissioner Webb dissenting) approved the Development Plan Review with modifications to Condition 9 as stated above.

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5. Request for **JIMMY JOHNS (PL100025)** (College Park Shopping Center, LLC, property owner; Jon Zamora, Christy Signs, applicant) consisting of an elevation modification for a new tenant within an existing shopping center located at 5128 South Rural Road in the PCC-1, Planned Commercial Center District.

**DPR10013** – Development Plan Review of modified building elevations.

STAFF REPORT: [DRCr\\_JimmyJohns\\_022310.pdf](#)

This case was presented by Sherri Lesser and represented by Scott Frazier, Christy Signs (applicant).

Mr. Frazier made a brief presentation in which he stated it is necessary for Jimmy John's to modify the awning from taupe to black, in order to tie their corporate brand into that location, rather than using the current awning color that is consistent throughout the remainder of the shopping center.

Chair MacDonald called to the public, seeing no one who wanted to speak in regards to this case, closed the hearing to public input.

On a motion by Commissioner Oteri and seconded Commissioner Webb, the Commission with a vote of 6-0, denied this Development Plan Review request.

## 6. ANNOUNCEMENTS – NONE

The hearing adjourned at 7:00 p.m.

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



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Lisa Collins, Deputy Development Services Manager