

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION SEPTEMBER 28, 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  
Stanley Nicpon  
Monica Attridge  
Dennis Webb  
Paul Kent  
Peggy Tinsley, Alternate  
Mario Torregrossa, Alternate

### Commission Not In Attendance:

Mike DiDomenico  
Tom Oteri  
Kolby Granville, Alternate

### City Staff Present

Lisa Collins, Deputy Director Community Development  
Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Kevin O'Melia, Senior Planner  
Sherri Lesser, Senior Planner  
Shawn Daffara, Code Inspector II

### 1. **CONSIDERATION OF MEETING MINUTES: 09/14/10**

On a motion by Commissioner Kent and seconded by Commissioner Torregrossa, the Commission with a vote of 4-0 (Nicpon, Webb, Tinsley abstained) approved the minutes from the September 14, 2010 meeting.

### **CONSENT AGENDA**

On a motion by Commissioner Nicpon and seconded by Commissioner Kent, the Commission with a vote of 7-0 approved the Consent Agenda as recommended in the following staff reports and with the modified conditions as read by staff:

2. Request for **MEMO'S CAFE (PL080109/RVK10001)** (Ramez Rabata/Memos Cafe, applicant; Red Mountain Retail Group, property owner) to appeal the Hearing Officer's Decision of April 6, 2010 to revoke the Use Permit. Memo's Café is located at 1845 East Broadway Road, Suite No. 9, in the CSS, Commercial Shopping and Services District. The request includes the following:

**RVA10001** - To appeal the revocation of a Use Permit to allow a hookah lounge/tobacco retailer.

**THIS CASE WAS CONTINUED FROM THE JUNE 8, JUNE 22 AND AUGUST 24, 2010 MEETINGS**

STAFF REPORT: [DRCr MemosAppeal\\_092810.pdf](#)

**THIS APPEAL WAS APPROVED, THE USE PERMIT WAS NOT REVOKED**

4. Request for **PAPPAS RESIDENCE (PL100157)** (Michael Pappas, property owner, Tessa Jones/The Phactory, applicant) for a 7,000 +/- s.f., two unit multi-family development including a main residence and an accessory dwelling unit located at 55 West 13<sup>th</sup> Street in the R-2, Multi-Family Residential District. The request includes the following:

**DPR10106** – Development Plan Review including site plan and building elevations.

**THIS CASE WAS CONTINUED FROM THE JULY 13, 2010 MEETING**

STAFF REPORT: [DRCR\\_PAPPASRESIDENCE\\_092810.PDF](#)

**THIS CASE WAS CONTINUED TO THE OCTOBER 26, 2010 MEETING**

5. Request for **CITY OF TEMPE SOUTH WATER TREATMENT PLANT ENVIRONMENTAL LABORATORY (PL100054)** (City of Tempe, property owner; James W. Dettmer, PE, Malcolm Pirnie, Inc., applicant) consisting of the addition to the South Water Treatment Plant of a 14,609 s.f. freestanding building on a +/- 53.37 acre site, located at 6600 South Price Road in the AG, Agricultural District. The request includes the following:

**DPR10149** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCR\\_SWTP\\_ENVLAB\\_092810.PDF](#)

**APPROVED WITH MODIFIED CONDITION NO. 10 TO READ AS FOLLOWS:**

Locate the electrical service entrance section inside the building as is indicated **or in an enclosed, exterior yard.**

6. Request for **QUIK TRIP # 1400 (PL100107)** (Dave Mason, University LLC, property owner; Juan Romero, Quik Trip Corporation, applicant) consisting of a 6,071 s.f. convenience store with a 7,670 s.f. fuel sales canopy on a +/- 1.97 acre site, located at 2150 East University Drive in the GID, General Industrial District. The request includes the following:

**ZUP10082** – Use Permit for fuel sales and convenience store in the GID District.

**ZUP10083** – Use Permit for vehicle parking quantity in excess of 125% of required parking quantity.

**DPR10148** -- Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCR QUIKTRIP1400\\_092810.PDF](#)

**APPROVED WITH MODIFIED CONDITION NO. 9 TO READ AS FOLLOWS:**

Provide upgraded paving at each installed driveway apron consisting of ~~clay unit~~ or concrete ~~unit~~ paving. Extend ~~unit~~ paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.

9. Request for **CARLIFE PROFESSIONAL AUTO SERVICE (PL100205)** (L & G Ray LLC, property owner, Ridenour, Hieton & Lewis, applicant;) consisting of a new 7,249 sf. building on a vacant pad for an automotive business on approx. 1.31 acres, located at 9895 South Priest Drive in the PCC-2, Planned Commercial Center General District. The request includes the following:

**ZUP10079** – Use Permit to allow vehicle repair.

**DPR10144** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr\\_CarLifeAuto\\_092810.pdf](#)

**THIS CASE WAS CONTINUED TO THE OCTOBER 26, 2010 MEETING**

10. Request for **FARMER ARTS SENIOR HOUSING (PL100244)** (City of Tempe, property owner, Huellmantel & Affiliates, applicant) consisting of a new 5-story multi-family housing complex with 56 units, all within 53,910 sf. of building area on approx. 0.92 acres, located at 601 South Farmer Avenue in the MU-4, Mixed Use High Density District within the Transportation Overlay District and a Planned Area Development Overlay. The request includes the following:

**DPR10147** – Development Plan Review including site plan, building elevations and landscape plan.

**SBD10020** – Preliminary Subdivision Plat for four (4) lots and one (1) tract.

**THIS CASE WAS APPROVED AS RECOMMENDED IN THE STAFF REPORT**

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### **REGULAR AGENDA**

3. Request for **HAREM NIGHTS (PL090148/RVK10002)** (Kahlil Abulaban, applicant; 1630 Apache LLC, property owner) to appeal the Hearing Officer's Decision of May 19, 2010 to revoke the Use Permit. Harem Nights is located at 1630 East Apache Boulevard, Suite No. 103, in the CSS, Commercial Shopping and Services District. The request includes the following:

**RVA10002** - To appeal the revocation of a Use Permit to allow a hookah lounge/tobacco retailer.

**THIS CASE WAS CONTINUED FROM THE JULY 13 AND JULY 27, 2010 MEETINGS**

STAFF REPORT: [DRCR\\_HAREMNIGHTSAPPEAL\\_092810.PDF](#)

This case was presented by Shawn Daffara and represented by Chris Duran. Mr. Daffara made a brief presentation on the history of the case and indicated that the applicant and his engineer have been in Building Safety plan review four times and just made their fifth submittal of corrections.

Mr. Duran indicated that he and the applicant have had considerable difficulty with the mechanical engineer hired to complete their portion of the submittal and that his involvement has only been within the last two plan reviews. After speaking with the Building Safety plan reviewer assigned to the case, Mr. Duran stated that it's his belief they are very close to being able to pull permits.

Commissioner Nicpon asked Mr. Duran at what percentage they are towards completion. Mr. Duran indicated they are at 90-95% complete at having plans completed and approximately 4 to 6 weeks away from getting permits.

Chair MacDonald verified that if the Commission voted to uphold the Hearing Officer's decision and revoke the Use Permit, the applicant would have a two week window to appeal this Commission's decision to the City Council.

Chair MacDonald opened the hearing to public input.

One person spoke in support of this case.

Chair MacDonald closed the hearing to public input.

Commissioner Nicpon stated that he felt the Commission should continue the case and give the business owner the chance to complete his submittal process and obtain building permits.

On a motion by Commissioner Webb and seconded by Commissioner Tinsley, the Commission with a vote of 6-1 (Commissioner Nicpon opposed) denied the appeal and upheld the Hearing Officer's decision to revoke the Use Permit.

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7. Request for **VALLEY WESLEY RESIDENCE HALL (PL100108)** (First United Methodist Church of Tempe, property owner, ORB Architecture LLC, applicant) consisting of demolishing an existing building for a new 5-level residence hall with 57 bedrooms, all within 23,551 sf. of building area on approx. 1.45 acres, located at 215 East University Drive in the CC, City Center District within the Transportation Overlay District. The request includes the following:

**DPR10140** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCR\\_VALLEYWESLEYRESHALL\\_092810.PDF](#)

This case was presented by Ryan Levesque and represented by Rich Barber, Architect. Mr. Barber made a brief presentation regarding the Wesley Foundation and how this student residence hall would tie into ASU and the campus housing.

Commissioner Attridge asked for clarification on the parking. Mr. Barber indicated that residents will be issued standard ASU parking passes and that onsite parking is for office, guests and services.

Commissioner Kent questioned whether this building had any historic significance. Mr. Levesque indicated that this property was listed as a "potential contributing property". Individually this property does not fall under any historic designation.

Commissioner Webb questioned the use and design of the brick exterior. Mr. Barber indicated that the brick design is similar to the existing sanctuary building. The brick line was held down so as not to dwarf the sanctuary building.

Chair MacDonald opened the hearing to public input.

Reverend Summers of the First United Methodist Church and resident, Don Dotts spoke in support of this case.

Brandon White, ASU student, questioned the applicant as to who could reside in the hall and whether is it open to only ASU students, and if it's open to all students or only members of the church.

Reverend Summers addressed Mr. White's question and indicated that the hall is intended for ASU students regardless of religious affiliation.

Chair MacDonald closed the hearing to public input.

On a motion by Commissioner Nicpon and seconded by Commissioner Kent, the Commission with a vote of 7-0 approved this Development Plan Review as recommended in the staff report.

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8. Request for **QUIK TRIP # 460 (PL100187)** (Celeste Robb, Price & Southern Properties LLC, property owner; Juan Romero, Quik Trip Corporation, applicant) for a 6,071 sf. convenience store with a 9,598 sf. fuel sales canopy on a +/- 2.52 acre site located at 3300 South Price Road in the PCC-1, Planned Commercial Center District. The request includes the following:

**ZUP10080** – Use Permit for fuel sales and convenience store in the PCC-1 District.

**ZUP10081** – Use Permit for vehicle parking quantity in excess of 125 percent of required parking quantity.

**DPR10146** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr\\_Quiktrip460\\_092810.pdf](#)

This case was presented by Sherri Lesser and represented by Charles Huellmantel, applicant. Ms. Lesser made a brief presentation which included the modification of Condition Nos. 19 and 25a to read as follows:

19. Limit light on paving surface under canopy to an **average maximum** of 30 foot-candles.

25a. **Applicant will work with Planning staff to replace existing trees along Southern Avenue street frontage with canopy type shade trees per ZDC requirements.**

Mr. Huellmantel made no formal presentation but stated that this is not a zoning case and the proposed use for this site is allowed and is appropriate for this site.

Commissioners Kent and Attridge asked for clarification of the landscaping in regards to the large trees on the southern portion of the site and the groundcover. Mr. Huellmantel stated there would be groundcover and the large trees would not be removed.

Commissioner Kent questioned the over parking of the site.

Mr. Huellmantel stated that there is significant use of the convenience store, even when customers are not stopping for fuel; therefore, the canopy spots are not included in the parking count.

Commissioner Tinsley read a letter of opposition into the record from Douglas Sanke. The letter stated that there are concerns regarding considerably larger amounts of traffic being introduced into the area and increasing carbon monoxide and other noxious fumes. It also mentions an inadequate landscape plan, issues regarding increased heat, noise and lighting.

Mr. Huellmantel stated that they took the landscaping concerns brought up in the letter to heart and have since modified the landscaping, not only removing existing landscaping but they will provide a new palette. With the modifications to the landscaping, this will directly assist with the heat-island effect.

Mr. Huellmantel respectfully disagreed with Mr. Sanke and indicated that the site is currently almost all asphalt with no landscaping or trees and this use is extremely appropriate for this site and is an area in need of service. This site is an extremely difficult site to develop and not well suited for very many uses. This site is a challenge to get to and with the studies the applicant has done, this site is ideal for people headed home in the evening, i.e., east on Southern and south on Price. Mr. Huellmantel also addressed the concern of additional traffic. Quik Trips are not destination businesses. They are frequented by people already in the area and driving by.

On a motion by Commissioner Nicpon and seconded by Commissioner Attridge, the Commission with a vote of 7-0 approved this Development Plan Review as recommended in the staff report with Condition Nos. 19 and 25a to read as follows:

19. Limit light on paving surface under canopy to an ~~average maximum~~ **average** of 30 foot-candles.

25a. **Applicant will work with Planning staff to replace existing trees along Southern Avenue street frontage with canopy type shade trees per ZDC requirements.**

9. **ANNOUNCEMENTS** – Commissioner Nicpon asked staff about the next upcoming agenda on October 12<sup>th</sup>. Ms. Collins stated that the Pappas Residence was continued to that agenda and at this time, is the only case on the agenda.

The hearing adjourned at 7:10 P.M.

Prepared by: Lisa Novia, Administrative Assistant II  
Reviewed by: Lisa Collins, Deputy Director Community Development Department



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Lisa Collins, Deputy Director Community Development Department