

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION FEBRUARY 22, 2011

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:

Mike DiDomenico, Chair  
Dennis Webb, Vice Chair  
Paul Kent  
Monica Attridge  
Peggy Tinsley  
Mario Torregrossa  
Kolby Granville

### Commission Absent:

Tom Oteri

### City Staff Present:

Lisa Collins, Deputy Director, Community Development Department  
Ryan Levesque, Senior Planner  
Diana Kaminski, Senior Planner  
Lisa Novia, Administrative Asst. II

The meeting was called to order at 6:05 and it was determined that all cases would be heard and that due to the nature of the case, Hayden Harbor would be placed at the end of the agenda.

### 1. **CONSIDERATION OF MEETING MINUTES: 1/25/11**

On a motion by Commission Torregrossa and seconded by Commissioner Kent, the Commission with a vote of 5-0 approved (Chair DiDomenico, Vice Chair Webb and Commissioners Kent, Tinsley and Torregrossa) the minutes of January 25, 2011.

### REGULAR AGENDA

3. Request by **DUTCH BROS. COFFEE (PL100344)** (John Bebling, property owner; Bill Cantieri, Piazza Builders, applicant) for a new 371 s.f. coffee shop with a 225 s.f. patio and a drive-thru located within an existing retail center at 6461 South Rural Rd, in the PCC-1, Planned Commercial Center Neighborhood District. This request includes the following:

**DPR11017** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr DutchBrothers 022211.pdf](#)

This case was presented by Sherri Lesser and represented by Bill Cantieri, Piazza Builders and Dave Vines, Dutch Bros.

Ms. Lesser provided a brief presentation of the new development which included building elevations, site plan and parking.

Commissioner Granville asked if the center was being built today, would it have adequate parking for this use. Ms. Lesser indicated that a shared parking model had been done and it means the minimum required parking for the time of day study. If there is a significant change of use, a new parking model will need to be done in order to show there is sufficient parking for the uses on site.

Commissioner Granville also asked how many cars would be in the drive-thru before the Guadalupe Road driveway would be blocked. Ms. Lesser indicated there is an 80' stacking requirement.

Bill Cantieri and Dave Vines addressed the Commission. Mr. Vines indicated that peak times vary at different stores and speed is a priority. They typically have cars in and out in about 45 seconds, stacking is not usually an issue.

Chair DiDomenico called to the public and seeing no one interested in speaking, closed the hearing to public input.

Commissioner Torregrossa questioned whether Dutch Bros had done a store without the distinguishing pitched roof elevation. Mr. Vines indicated that the only store that is uniquely different is at Papago Plaza at McDowell and Scottsdale Road as they did a tenant improvement to an old Photo mat building. The pitched roof is part of the Dutch Bros. brand.

Ms. Lesser read a change to the Conditions of Approval, Condition No. 4, the main stucco building color is to be changed to Mins Nimbus, Benjamin Moore Nimbus 1465 and the trim color added is to be Distant Gray OC68. Condition No. 5, the color should be changed to Ashley Gray, Benjamin Moore HC87.

Commissioner Granville questioned whether the site had been posted. Ms. Lesser indicated that since this case was a Development Plan Review, the site is not required to be posted.

Commissioner Attridge stated that she feels the building elevation in itself is a sign and cannot support it in the current design.

Commissioner Granville indicated his concern in regards to parking being taken away. He also stated that there is no mechanism for the public to know that this development occurred.

Chair DiDomenico stated that in this case, any changes in parking as a result of the Dutch Bros. will not cause any hardship to surrounding neighborhoods and supports the case in its current design.

Vice Chair Webb indicated that he frequents the center weekly and has never had an issue with parking and supports the case.

Commissioner Kent supports the case in its current design.

On a motion by Commissioner Tinsley and seconded by Vice Chair Webb, the Commission with a vote of 5-2 (Commissioners Attridge and Torregrossa opposed) approved this Development Plan Review according to the staff summary report along with the modified conditions of approval as read into the record.

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4. Request for **LAIRD – SIMPSON HOUSE (PL100423)** (Elna Rae Zeilinger, property owner; Tempe Historic Preservation Office, applicant) consisting of Historic designation and listing in the Tempe Historic Property Register for the Laird - Simpson House, consisting of one (1) lot on approximately 0.25 acres, located at 1204 South Mill Avenue, in the R-2, Multi-Family Residential District. The request includes the following:

**HPO (Ordinance No. 2011.00)** – Historic Designation consisting of one (1) lot.

STAFF REPORT: [DRCr\\_Laird-SimpsonHouse022211.pdf](#)

This case is presented by Diana Kaminski and represented by Joe Nucci, Applicant.

Joe Nucci addressed the Commission. Mr. Nucci gave a brief presentation on the history of the house, how it came to be qualified for Historic Designation and how the Memorandum of Understanding outlined the restoration work to allow the designation to occur after the fire damage.

Chair DiDomenico asked why the house wasn't renovated before the historic designation was requested. Mr. Nucci indicated that with local designation there is a benefit to the property immediately as it becomes on the Tempe register as it relates to amendments to the building code and enhanced building safety review.

Vice Chair Webb asked if there are other homes that have historic designation that are rental properties. Mr. Nucci indicated there are many properties that are income producing and are not owner-occupied.

Commissioner Kent questioned Mr. Nucci as to other benefits with being listed on the national registry. Mr. Nucci indicated there are numerous benefits such as property tax reduction, access to grant money, along with a multitude of other financial incentives. Local registry is designed to compliment that set of benefits such as advocacy, consideration in special planning projects, celebrity that is associated with a property and pride of ownership.

Chair DiDomenico called to the public, seeing none, closed the hearing to public input.

On a motion by Commissioner Tinsley and seconded by Commissioner Granville, the Commission with a vote of 7-0, recommended approval of this Historic Designation according to the staff report.

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2. Request for **HAYDEN HARBOR AT TEMPE TOWN LAKE (PL070506)** (El Fenix, LLC & City of Tempe, property owners; Gammage & Burnham PLC, applicant) consisting of six (6) mixed-use towers ranging in height from 220 feet to 278 feet proposed for hotel, residential, restaurant and retail uses, one (1) 12-story office building located above an above-grade six (6) level parking garage totaling 213 feet in height, a (1) one-story office building, a below-grade parking garage, and surface parking. The proposal has a total gross floor building area of 2,059,580 square feet on approximately 13.6 net acres, located at 430 North Scottsdale Road. The request includes the following:

**PAD08010** (Ordinance No. 2011.05) – Planned Area Development Overlay to establish general development standards, located on 13.6 acres.

**THIS CASE WAS CONTINUED FROM THE JANUARY 25, 2011 HEARING**

STAFF REPORT: [DRCr\\_HaydenHarbor\\_022211.pdf](#)

Commissioner Granville recused himself from this case. Chair DiDomenico asked Ms. Vaz (applicant) if they would prefer to continue this case due to a short commission or be heard, Ms. Vaz indicated they would like to be heard.

This case was presented by Ryan Levesque and represented by Manjula Vaz of Gammage and Burnham (applicant). Mr. Levesque gave a brief update on the case since the previous hearing. He indicated that a revised and finalized traffic study had been submitted and accepted by our Traffic Engineer. Additionally the applicant and neighboring property owners had met and discussed potential agreements, but he was unaware of any final agreement for temporary cross access.

Mr. Levesque also indicated that various City staff have been involved in research regarding when the current situation for cross access occurred. Aerial photos indicate it occurred in 2006, but the City of Tempe Community Development Department did not authorize any landscape modification which would allow for the modification to the circulation of this site.

Chair DiDomenico questioned Mr. Levesque as to who was present at the meeting between the application and adjacent property owners. Mr. Levesque indicated that City staff was not involved in those meetings and the applicant would be better to address the question.

Commissioner Tinsley asked if staff had found any legal recorded document for this access. Mr. Levesque indicated no, nothing had been found.

Ms. Collins indicated that when the median was constructed, it was determined there was sufficient access to the parcels along Scottsdale Road. Ms. Collins wanted to clarify that it was not the Commission's burden to determine whether the traffic or circulation was designed properly.

Manjula Vaz addressed the Commission and indicated that Club Rio closed in 2004 and so it was most likely vacant in 2006 when this cross access occurred. She indicated that they have met with Cliff Mattice and the representatives of U-Haul and Audio Express on February 8, 2011 regarding access issues. The adjacent property owners were notified that the applicant at this point in time is unable to give them permanent access. Ms. Vaz also indicated that they would be amenable to giving the adjacent properties temporary access. After draft provisions had been exchanged, the adjacent property owners desire permanent access, not temporary access. At this point in time, no agreement has been reached.

Commissioner Torregrossa questioned Ms. Vaz as to clarify that no permanent access was planned in the future; she indicated that there is no plan to provide permanent access across the site to the adjacent properties. The access that was created was not legal access.

Kathryn Heffernan, Heffernan and Associates, addressed the Commission in regards to the traffic study. Ms. Heffernan referenced a site plan and demonstrated how traffic flow, signal timing, safety issues, car stacking and access to the adjacent sites would not be feasible due to the location of the proposed drive and the possible size of the trucks and trailers entering the site.

Chair DiDomenico opened the hearing for public input.

Cliff Mattice, Mariscal, Weeks, McIntyre and Friedlander, addressed the Commission as the representative of Audio Express. Mr. Mattice indicated there is no agreement and that his clients are seeking permanent access and believes what his clients are requesting is reasonable. He stated when the median placement, the Red Mountain freeway and the intensity of this project are all combined; it leaves his client(s) in a precarious situation.

Mr. Mattice indicated that he had given staff a condition of approval (before the meeting) to be attached to all zoning entitlements which would allow for permanent access. He also indicated that their proposal, as it related to temporary access, was for his clients to have access to the traffic signal until there is a building permit pulled for one of the significant buildings. They are open to a solution and have expressed willingness to help via maintenance, security, indemnification and insurance.

Chair DiDomenico closed the hearing to public input.

Ms. Vaz returned to the podium and indicated they would continue to work with the neighbors but their position remains unchanged.

Commissioner Torregrossa understands the applicant's position and would recommend approval as is.

Commissioner Webb stated that although he understands this lack of access may pose some hardships to these two properties, the Commission must often recommend approval for projects that would be a benefit to the entire City.

Commissioner Tinsley stated that she is less concerned than she was a month ago in regards to the Audio Express and U-Haul access issue. There are many businesses in Tempe that are on roads that have medians and right in/right out access. She also indicated she is more concerned with traffic and hopes that access to other public transit will be incorporated into this project.

Commissioner Kent cannot support this case due to the density, intensity and traffic issues.

On a motion by Commissioner Torregrossa and seconded by Commissioner Tinsley, the Commission with a vote of 4-2 (Chair DiDomenico and Commissioner Kent opposed) recommended approval of this Planned Area Development as represented in the staff report.

## 5. ANNOUNCEMENTS -

Ms. Collins indicated there were no cases for the March 8<sup>th</sup> meeting date.

The hearing adjourned at 7:25 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