

MINUTES OF THE DEVELOPMENT REVIEW COMMISSION MAY 10, 2011

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:

Mike DiDomenico, Chair
Dennis Webb, Vice Chair
Tom Oteri
Paul Kent
Peggy Tinsley
Kolby Granville

Commission Absent:

Monica Attridge
Mario Torregrossa

City staff present:

Lisa Collins, Deputy Director/Community Development
Steve Abrahamson, Planning & Zoning Coordinator
Ryan Levesque, Senior Planner
Kevin O'Melia, Senior Planner

Chair DiDomenico called the meeting to order at 6:01 p.m. which included the introduction of the Commission and City staff. It had been determined at Study Session that Item Nos. 2, 3 and 4 would be heard. Chair DiDomenico also announced that due to the Commission being short, applicants could request a continuance at no additional expense.

1. **CONSIDERATION OF MEETING MINUTES: 4/26/11**

On a motion by Commissioner Oteri and seconded by Commissioner Granville, the Commission with a vote of 4-0 (Commissioners DiDomenico, Oteri, Granville and Lisa Collins) approved the minutes of April 26, 2011.

REGULAR AGENDA

2. Request for **SAN MARQUIS APARTMENTS (PL100035)** (Mark-Taylor Inc. property owner; Rob Orme, applicant) consisting of a new 224 unit residential apartment complex within 132,000 sf. total building area, located at 577 East Baseline Road in the PCC-2, Planned Commercial Center General District. The request includes the following:

SBD11005 – Preliminary Subdivision Plat for one (1) lot on 10.09 acres.

STAFF REPORT: [DRCr SanMarquisPlat_051011.pdf](#)

This case was presented by Ryan Levesque. Mr. Levesque indicated this request is for a replat to combine two existing parcels of land into one lot, as required by the original Conditions of Approval for this case. This request is necessary to avoid any conflicts with building code and/or setback requirements.

Chair DiDomenico opened the hearing to public input and indicated he had one card from an individual who wished to speak on the case.

Mr. Ed Mitchell, a member of the Disability Concerns Commission, spoke in regards to ADA accommodations and his concerns regarding these requirements not being addressed early enough on in the process.

Chair DiDomenico thanked Mr. Mitchell for his service on the Commission and indicated that staff would be able to respond and clarify how and when ADA accommodations fit into the process.

Mr. Levesque indicated that when this case first came through initially for Development Plan Review, there were signs of ADA compliance on the plans. When the applicant submits to the Building Safety Division for construction documents, there is a plan review that reviews for compliance with ADAAG and their regulation requirements.

Chair DiDomenico questioned staff whether or not it is appropriate or not to point out the ADA inadequacies in the site layout when a case comes through for Development Plan Review or are those requirements built into the Conditions of Approval.

Lisa Collins indicated that the ADA requirements are building code requirements and must be complied with and an applicant may have some preliminary information when they come to this Commission for approval, but those issues are addressed in the construction plan check phase and there is not a lot of flexibility in those requirements. Ms. Collins also stated she would be happy to have those requirements brought to the Commission during a Study Session in order to better inform them for future cases.

Mr. Levesque also indicated that the Planning Division does take into consideration ADA requirements specifically as they relate to parking during the entitlement process.

Commissioner Oteri clarified with staff that this case has no bearing nor will change or effect any requirements that relate to ADA regulations. Mr. Levesque confirmed that yes; this replat will have no effect on ADA requirements.

On a motion by Vice Chair Webb and seconded by Commissioner Tinsley, the Commission with a vote of 6-0 approved this Subdivision Plat as recommended in the staff report.

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3. Request by **RESIDENCE INN BY MARRIOTT (PL110137)** (Richard Finvarb, Tempe RI, LLC, property owner; Manjula Vaz, Gammage & Burnham, P.C., applicant) consisting of an eleven story, 173 room hotel with retail and conference facilities of +/-143,263 sf. area and 146 ft. height. The site is +/-0.351 net acres and is located at 510 South Forest Avenue in the CC, City Center District with a PAD, Planned Area Development Overlay and within the TOD, Transportation Overlay District. The request includes the following:

DPR11058 – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr_ResidenceInn_051011.pdf](#)

This case was presented by Kevin O'Melia and represented by Manjula Vaz (Gammage & Burnham), applicant.

Chair DiDomenico questioned staff as to whether or not this was essentially the same case that was approved in 2007. Mr. O'Melia indicated that although it is basically the same design, the building is a little taller, the stone cladding on the building was lowered and some of the balconies were removed.

Ms. Vaz made a brief presentation. Ms. Vaz indicated that they plan to submit for building plan check in June with groundbreaking in August or early fall and open the hotel at the end of 2012.

Commissioner Granville questioned Ms. Vaz as to when Bandersnatch was demolished. He also expressed his frustration with buildings being demolished long before the redevelopment takes place.

Mr. O'Melia indicated that the demolition permit for Bandersnatch was issued in early November of 2007 and was finalized a few days later and that the restaurant had been closed for some time prior to the building being demolished.

Ms. Collins stated that staff has the same concerns in regards to demolition of buildings and vacant lots, so many of the more recent cases include stipulations in the Conditions of Approval as to the timing of demolition and the issuance of building permits.

Commissioner Granville also commended the owner of the property on allowing a temporary use on the vacant land during this process.

Chair DiDomenico opened the hearing for public input.

Ed Mitchell, member of the Disability Concerns Commission, spoke in regards to ADA parking accessibility in the downtown area and specifically the ADA parking spaces currently available in the Tempe garage. His concerns center around availability during special events and the impact the new hotel will have on those spaces.

Chair DiDomenico stated that in Study Session the Commission had been informed that the downtown parking is currently being reviewed, so timing may be very appropriate for looking at the number and placement of those spaces along with special events, etc. He also indicated that this Commission would be one of the first to review that study. Chair DiDomenico suggested that the Disability Concerns Commission also get a chance to review the study as well.

Ms. Collins indicated that staff would be happy to take the proposed ordinance to the Disability Concerns Commission and also work with the DTC not just on parking accessibility, but accessibility in general in the downtown area.

Ms. Vaz returned to address issues raised. She indicated that the hope is that although there are a certain number of spaces allocated for the hotel, that future use of the garage will be diminished by public transit, etc.

On a motion by Commissioner Tinsley and seconded by Commissioner Kent, the Commission with a vote of 6-0 approved this Development Plan Review as recommended in the staff report.

4. Request for **U-HAUL (PL110154)** (Republic Western Insurance Co., property owner; Christopher Clark, U-Haul, applicant) consisting of an existing building on 1.68 net acres, located at 2340 East Apache Boulevard in the CSS, Commercial Shopping and Services District and within the Transportation Overlay District. The request includes the following:

DPR11063 – Development Plan Review for building color modifications.

STAFF REPORT: [DRCr_UHaul_051011.pdf](#)

Commissioner Granville recused himself from this case.

This case was presented by Ryan Levesque and represented by Christopher Clark, applicant.

After a brief presentation by Mr. Levesque, Mr. Clark addressed the Commission. He indicated the current condition of the building is as represented in the photos shown to the Commission and that this paint scheme and design is being used throughout the country, including other U-Haul centers here in Arizona. Mr. Clark also indicated that he was under the impression that the painting contractor had obtained the necessary permits from the City.

Commissioner Oteri questioned Mr. Clark regarding his contractor's lack in obtaining the necessary permits. Mr. Clark indicated that he believed it was in the contractor's contract to obtain the permits and that he wasn't aware of any issues with other cities in regards to the design and color scheme.

Commissioner Kent asked if the Mr. Clark had pictures of any other facility that has this same color scheme. Mr. Clark indicated he could use his iPad to bring up any photos the Commission would like to see.

Commissioner Webb questioned the difference in comparison of this U-Haul with the photos of the other previously painted centers being shown, in regards to pattern placement and colors.

Mr. Clark indicated that all of the centers have the same pattern design and color scheme.

Commissioner Tinsley questioned staff as to the process should the Commission deny this request.

Mr. Levesque stated one of the options available would be a compromise of the applicant and Commission so a denial could be avoided.

Ms. Collins indicated that the applicant can appeal to the City Council should the Commission deny his request.

Commissioner Webb questioned whether alternate color schemes had been suggested prior to the meeting.

Mr. Levesque indicated that he had attempted to work with the applicant but it was Mr. Clark's intent to move forward with the corporate colors.

Chair DiDomenico thanked the applicant for his efforts and reminded him of the short Commission and his option at having this case continued.

During discussion, the Commission voiced concerns regarding the color and design scheme being considered a corporate sign and if that is the issue in this case.

Commissioner Webb cannot support this case.

Commissioner Tinsley stated she didn't dislike the design as much as Commissioner Webb and asked Mr. Clark if he agreed with the Conditions of Approval. Mr. Clark indicated that he could not since they required him to use a different color scheme than what has been designed by the corporate office.

Commissioner Oteri stated that although this is a branded scheme that is used across the country, there should be some flexibility to match what is in the surrounding areas. He cannot support this case in its present form.

Chair DiDomenico asked what changes staff would like to see to this paint scheme.

Mr. Levesque indicated a uniform base color and design that is continuous on all four elevations of the building.

On a motion by Commissioner Tinsley to approve the Development Plan Review seconded by Commissioner Kent, with a vote of 1-4 the motion fails.

Chair DiDomenico gave the applicant the option for a continuance so that he may have the ability to work with staff and also explained the option of moving forward with an appeal to City Council.

Commissioner Webb stated he felt that it was a possibility that the painter misinterpreted the design as it appears to be different from the other centers that have been painted previously and that it may not necessarily be the colors that are as much of an issue as how it is applied onto this older building.

Mr. Clark indicated he would prefer to sit down with staff and be given the opportunity to arrive at a compromise.

Commissioner Oteri questioned staff as to whether the applicant is being fined due to the violation and if there is a requirement to resolve this within a certain time frame.

Ms. Collins indicated that although there is a violation and it is extremely important to resolve this in a timely manner, there are no fines associated with this violation since it is in the process of being rectified.

On a motion by Commissioner Tinsley and seconded by Commissioner Kent, the Commission with a vote of 5-0, continued this case to a hearing no later than thirty days (approximately 6/14/11).

5. **ANNOUNCEMENTS** – No announcements.

The hearing adjourned at 7:28 p.m.

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



Lisa Collins, Deputy Director Community Development Department