

MINUTES OF THE DEVELOPMENT REVIEW COMMISSION JUNE 14, 2011

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

Commission Present:

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

Commission Absent:

Mario Torregrossa

City Staff Present:

Lisa Collins, Deputy Director Community Development Dept.
Steve Abrahamson, Planning & Zoning Coordinator
Kevin O'Melia, Senior Planner
Ryan Levesque, Senior Planner
Lisa Novia, Administrative Asst. II

Chair DiDomenico called the meeting to order at 6:17 p.m., which included the introduction of the Commission and City staff. It had been determined at Study Session that Item No. 2 would be continued, Item Nos. 4 and 6 would be placed on the Consent Agenda and Item Nos. 3 and 5 would be heard.

1. **CONSIDERATION OF MEETING MINUTES: 5/24/11**

On a motion by Commissioner Granville and seconded by Commissioner Kent, the Commission with a vote of 6-0 (Commissioner Oteri abstained) approved the minutes of the May 24, 2011 meeting.

CONSENT AGENDA

On a motion by Commissioner Tinsley and seconded by Commissioner Oteri, the Commission with a vote of 7-0 approved the Consent Agenda as recommended in the following staff reports (with modifications to Condition Nos. 2, 5 and 18 for Firestone read into the record as follows:

4. Request for **FIRESTONE COMPLETE AUTO CARE (PL110163)** (Michael Fisher, LCV Property, Inc., property owner; Theresa Schultz, Jones Lang LaSalle Americas, Inc., applicant) consisting of a one-story +/- 8,142 sf. auto care and tire store on a proposed +/- 0.992 net acre site, located at 930 East Baseline Road in the PCC-2 (PAD), Planned Commercial Center General District with a Planned Area Development Overlay. The request includes the following:

DPR11066 – Development Plan Review of site plan, building elevations and landscape plan.

ZUP11041 – Use Permit to allow a retail tire store and auto repair facility in the PCC-2 District.

STAFF REPORT: [DRCr FirestoneLCVPh1_061411.pdf](#)

Modified conditions read into the record are as follows:

2. Business set up and clean up may occur inside. Service bay doors are to be closed and the building is to be secured daily before operating hours and within thirty (30) minutes after close of customer business operation. Limit delivery of inventory to hours of business operation. These hours are defined as stated by the applicant as follows: 7am – 7pm Monday through Friday, 7am to 6pm on Saturday, and 9am to 5pm on Sunday.
 5. Maintain business noise level, as measured along Minton Drive and Jentilly Lane walkways adjacent to site, to a maximum allowed by Chapter 20 of the Tempe City Code.
 18. Provide a black awning and frame above the storefront entrance similar to that proposed for Shops 'A' of Phase One.
6. Request for **TEMPORARY SIGN PROGRAM (PL100056)** (Community Development Dept., applicant) consisting of Zoning and Development Code amendments for an extension of temporary sign allowances and temporary banners to advertise vacant commercial space. The request includes the following:

ZOA11002 (ORDINANCE NO. 2011.21) – Code Text Amendment for Sections 4-903(M), Lead-In Sign; 4-903(P), For Sale, Lease or Rent Sign; 4-903(R), Special Event Sign; and Section 4-906, Leasing Banner Sign.

STAFF REPORT: [DRCr TemporarySignProgram_061411.pdf](#)

REGULAR AGENDA

3. 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.

(THIS CASE WAS CONTINUED FROM THE MAY 10, 2011 MEETING)

STAFF REPORT: [DRCr UHaul_061411revised.pdf](#)

Commissioner Granville recused himself from this case.

Mr. Levesque made a brief presentation on the status of this case and indicated that the applicant desired a continuance to July 12th.

Chair DiDomenico questioned staff as to the status of another U-Haul located in Tempe that had also painted their building without prior approval. Mr. Levesque indicated that staff would like to use the information and direction from the Commission on this case and move forward in assisting that location in receiving approval at an administrative level.

On a motion by Commissioner Tinsley and seconded by Commissioner Kent, the Commission with a vote of 6-0 (Commissioner Granville recused) continued this case to the July 12, 2011 meeting.

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4. Request for **HAMPTON INN & SUITES (PL100400)** (William Spresser, VRE Holding II LLC and VRE Holding III LLC, property owner; Darin A. Sender, Sender Associates, Chtd., applicant) consisting of a four story 117 guest room hotel of +/-75,960 sf. area on +/-2.25 acres to the south of an existing two story 116 guest room and two work-force housing unit hotel of +/-63,262 sf. on +/-2.76 acres. The entire site of +/-5.01 acres is located at 1429 North Scottsdale Road in the R-4, Multi-Family Residential General and CSS, Commercial Shopping and Service Districts. The request includes the following:

GEP11001 – (Resolution No. 2011.25) General Plan Land Use Map Amendment from Residential to Mixed-Use.

ZON11002 – (Ordinance No. 2011.17) Zoning Map Amendment from CSS, Commercial Shopping and Service District and R-4, Multi-Family Residential General District to MU-3, Mixed-Use, Medium-High Density District.

PAD11002 – Planned Area Development Overlay to modify development standard for building height from 50 feet to 55 feet and establish development standards for building lot coverage, minimum landscape area and front, side and rear yard building setbacks.

DPR11068 – Development Plan Review including site plan, building elevations and landscape plan.

SBD11006 – Preliminary Subdivision Plat to consolidate seven parcels into two lots.

STAFF REPORT: [DRCr HamptonInn 061411-1.pdf](#)

This case is presented by Kevin O'Melia and represented by Darin Sender, Sender Associates (applicant).

Mr. O'Melia made a brief presentation which included background information on the design, subdivision plat, zoning and general map amendments as well as the PAD. Mr. O'Melia also read into the record the modifications to Condition Nos. 39 and 41.

Darin Sender, applicant, gave a presentation which included information on the zoning of this property as well as the adjacent areas, the design aspects of this case as well as neighborhood outreach efforts.

Ms. Sender answered Commissioner's questions in regards to height of the windows and clarified that the balconies that appear to be on the south elevation are not actual balconies, but false balconies to create visual interest.

William Spresser, property owner, addressed the Commission in order to answer a question in regards to signage and branding.

Chair DiDomenico opened the hearing for public input.

Darlene Justus spoke in support of the case.

Mamie Degenstein, property owner to the south of proposed building, spoke in opposition of the case in regards to height and lighting of the new building.

Vice Chair Webb questioned Ms. Degenstein as to her concern with the new lights and decreased property values.

Ms. Degenstein indicated that she had consulted with a realtor who had stated that the height of the new building could be an issue with potential buyers should the property be placed on the market.

Chair DiDomenico questioned Ms. Degenstein as to how long she has owned her home. Ms. Degenstein indicated she has owned her home about 14 months.

Chair DiDomenico closed the hearing to public input.

Mr. O'Melia spoke to Ms. Degenstein's concern in regards to lighting. He indicated that he has placed a stipulation in the Conditions of Approval that the lights on the southern lot have house-side shields to discourage light bleed off the property and has also stipulated that no lights, except signage near Scottsdale Road, be placed on the outside of the building above the third floor.

Commissioner Kent questioned staff as how the new lighting conditions compare to the existing conditions onsite.

Mr. O'Melia indicated that the development that is there currently dates back to the mid 1970's and was built under a prior ordinance. The current ordinance is much more sensitive to having less light bleed onto adjacent properties.

Commissioner Attridge questioned staff as to the height of the wall on the south end of the property.

Mr. O'Melia indicated the existing wall is 8' high.

Ms. Sender addressed the Commission in order to answer questions raised during the public input portion of the hearing. She indicated that there currently are tennis and racquetball courts located directly behind Ms. Degenstein's property which have full lighting and those will all be removed. Ms. Sender also indicated that the property owner is amenable to planting the trees along the south property line as soon as possible to assist in getting those established.

Commissioner Granville questioned if there are balconies located on the east elevation. Ms. Sender indicated that there are balconies on the east side but the owner is amenable to remove those balconies if necessary. Mr. O'Melia indicated that deletion of the east balconies could be accomplished with a modification to Condition No. 31.

Both Commissioner Webb and Tinsley stated that they feel the upgrades to the site and the improvements will be an advantage to the neighborhood and will be an improvement upon existing conditions.

Commissioner Kent stated that he appreciated all the members of the public that spoke on this case and that he felt the applicant had done a good job at trying to work with the neighborhood.

On a motion by Commissioner Tinsley and seconded by Commissioner Oteri, the Commission with a vote of 7-0 approved this case as recommended in the staff report and with modifications to Condition of Approval Nos. 31, 39 and 41 to read as follows:

31. Remove upper floor guest room balconies on south and east elevations. Do not propose any public area or corridor-accessed balconies on south side of building above the second floor level.
39. At landscape buffer consisting of double tree row on south of property, provide canopy trees with minimum 24" box installation size.
41. At south, east and north perimeter of Lot 1 and Lot 2, survey for existing trees and palms that are healthy and are suitable to remain. Identify, tag, and incorporate these trees into perimeter tree buffer design.

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19. Request for **COMMUNITY GARDENS (PL110176)** (Community Development Dept., applicant) consisting of Zoning and Development Code amendments for a new section on the use of community gardens within the commercial, industrial and residential districts, including an alternative fee for processing. The request includes the following:

ZOA11001 (ORDINANCE NO. 2011.20) – Code Text Amendment for Sections 3-102, 3-202, 7-104 a new Section 3-427 for Community Gardens and an amendment within the City Code, Appendix A, Zoning Fee Schedule.

STAFF REPORT: [DRCr_CommunityGardens_061411.pdf](#)

This case is presented by Ryan Levesque. Mr. Levesque made a brief presentation on the history of the proposed amendment and answered questions from the Commission.

Commissioner Oteri questioned staff whether or not the City offers any assistance in regards to construction, supplies or materials.

Ms. Collins indicated that the City would not be contributing or partnering with any private development project.

Commissioner Tinsley questioned staff if there was a need to specifically exclude medical marijuana.

Ms. Collins indicated that the Proposition is specific in giving Cities certain abilities to regulate zoning and land use and that if there was a need to amend a portion of the Ordinance, it would be the portion that pertains to medical marijuana dispensaries and not this one.

Commissioner Granville felt that selling of produce and products should be limited to Saturdays and Sundays and that gardens should be limited to an acre or less in size. He also indicated he had a concern with the types of products that might be sold that are not related to the garden itself.

Commissioner Tinsley raised a concern in regards to a time frame being placed on “discontinued use”.

Ms. Collins indicated that many of the concerns in regards to outdoor retailing and garden size can be addressed through the Use Permit and Conditions of Approval as they relate to individual sites.

The Commission also directed staff to develop specific review criteria including the size, hours of operation/retailing, traffic and products sold on-site.

Commissioner Attridge asked if these concerns could be mentioned as items the Hearing Officer should take into consideration. Ms. Collins indicated that these issues could be included and looked at with each individual case.

On a motion by Commissioner Granville and seconded by Commissioner Attridge, the Commission with a vote of 7-0 recommended approval of this zoning amendment as recommended in the staff report with a modified condition to Subjection C-6 follows:

The community garden may display a maximum of one sign subject to review as a part of the Use Permit.

7. ANNOUNCEMENTS

Ms. Collins indicated there were no cases scheduled for the June 28th meeting.

The hearing adjourned at 7:50 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