

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION NOVEMBER 18, 2008

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  
Mike DiDomenico, Vice Chair  
Monica Attridge  
Dennis Webb  
Tom Oteri  
Peggy Tinsley

### City Staff Present:

Lisa Collins, Deputy Development Services Manager  
Kevin O'Melia, Senior Planner  
Sherri Lesser, Senior Planner  
Derek Partridge, Planner II  
Lisa Lathrop, Administrative Asst. II  
Shelly Seyler, Traffic Engineer  
Ryan Levesque (in audience)  
Jeff Tamulevich (in audience)

Chair MacDonald called the meeting to order at 6:00 p.m., which included the introduction of the Commission and City staff.

### 1. **CONSIDERATION OF MEETING MINUTES: 10/14 (10/28 POSTPONED)**

On a motion by Commissioner Tinsley and seconded by Commissioner DiDomenico, the Commission with a vote of 5-0 (Oteri abstained) approved the minutes of the October 14, 2008 hearing.

Item Nos. 2 and 5 were placed on the Consent Agenda at Study Session. Chair MacDonald called to the audience and seeing no requests to have the items pulled from Consent, called for the question.

On a motion by Commissioner DiDomenico and seconded by Commissioner Webb, the Commission with a vote of 6-0 (5-0 for Sunrise Preschool, Commissioner Attridge abstained), approved the Consent Agenda with all conditions as recommended in the following staff reports; including a change to Condition 12 for Chase Bank, as read by staff.

2. Request for **CHASE BANK (PL080257)** (Todd A. Sergi, Bear Down Partners L.L.C., owner; Charles Huellmantel, Huellmantel & Affiliates, applicant) for a 3,838 s.f. branch bank with site and landscape improvements on +/- 0.478 net acres. The site is located at 830 South Mill Avenue in the CC, City Center District. The request includes the following:

**DPR08219** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr\\_ChaseBank\\_111808.pdf](#)

12. To increase safety at lobby entrance and lobby ATM during night time use, do the following: on the north elevation, provide a **3'-6" ~~4'-0"~~** high steel vertical picket fence. Extend fence in landscape area from northwest corner of the ATM equipment closet and terminate fence with a masonry pilaster that is minimum 21'-0" away from the lobby entrance. Match materials and construction detailing to security fence west of the drive through.

5. Request for **SUNRISE PRESCHOOL (PL080400)** (Robert Orsi, GRRO VI LLC, property owner; Eric Leibsohn, Eric Leibsohn & Assoc. LTD., applicant) for the redesign of an existing building and site for a childcare facility consisting of a 16,657 s.f., single story building on 1.72 acres, located at 1628 East Broadway Road in the CSS, Commercial Shopping and Services District. The request includes the following:

**DPR08238** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr\\_Sunrise\\_111808.pdf](#)

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### REGULAR AGENDA

3. Appeal of the September 16, 2008 Hearing Officer's decision to deny the request by the **COLEMAN RESIDENCE (PL080305)** (Steven Coleman, applicant/property owner) located at 5426 South College Avenue in the R1-6, Single Family Residential District. The request includes the following:

**UPA08007** – (ZUP08132) Use permit to allow an accessory building.

STAFF REPORT: [DRCr\\_ColemanResidenceAppeal\\_111808.pdf](#)

This case was presented by Derek Partridge and represented by Steven Coleman.

Mr. Coleman made a brief presentation regarding the purpose of the shed and how it came to be built. Mr. Coleman stated he designed and built the shed himself and was unaware of the height restriction and did not become aware of the issue until four years later. Mr. Coleman held a neighborhood meeting and received 14 signatures, with no complaints.

Commissioner Oteri: You were involved in construction industry, were you ever concerned there might be a permit necessary?

Coleman: No. Many of my neighbors have portable buildings so in speaking with them, I was under the impression one was not needed since the building is less than 200 s.f.

Commissioner Webb: Your house is by far the nicest house in the neighborhood; do you feel that since your house is kept up that the neighbors are more supportive of the shed than if you didn't maintain your property as well?

Coleman: I feel it's because the shed looks nice and is well built. The variance was granted 6-0.

Commissioner Attridge: Referring to the location map, which neighbors signed in favor of the Use Permit?

Coleman pointed out the neighbors on the map.

Chair MacDonald: Structure is out of scale with the surroundings and I don't feel it's appropriate.

Chair MacDonald opened the hearing to public input:

Two citizens spoke in support of the Use Permit.

Chair MacDonald closed the hearing to public input.

DiDomenico: We see universal support from the neighborhood, I will support.

Attridge: Architecture of structure is not compatible with his house or any other house and he may not always live in this house and it may not always be kept up in the manner in which it is now, I will not support.

Tinsley: I believe a phone call should have been made to the City but the structure has been there for four years with no complaints, I will support it.

Webb: The shed is very tall and very out of place, will not support.

Oteri: Four years is almost grandfathered. While I think it sets bad precedent, due to the time frame it has been there, I will support.

Chair MacDonald: I cannot support it. At this point in time, we have three Commissioners each for and against the Use Permit. Ms. Collins can you give us some direction?

Lisa Collins: We have a process in which we can ask the applicant if they wish to continue the case due to a short commission. Since you are in a split decision, I suggest that the applicant be asked if he would be interested in continuing the case.

DiDomenico: If we took a vote right now and it was a split vote, would that not leave the denial in place and allow the applicant to move forward to the next body, which would be City Council?

Collins: Yes, if there was not a majority voting in favor, the denial would stand and the applicant would then have the opportunity to appeal your decision to the City Council.

Chair MacDonald to Mr. Coleman: Do you have a preference as to how you wish to proceed?

Coleman: If you vote it will just stay split and we'll have to come back.

On a motion by Commissioner DiDomenico and seconded by Commissioner Webb, the Commission with a vote of 6-0 continued this case to the December 9, 2008 hearing.

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4. Request for **BASELINE RETAIL (PL080308)** (Steven C. Cooper, owner; Chris Fergis, Fergis & Harding, Inc., applicant) for a 10,000 s.f. retail and restaurant building on +/- 1.59 net acres. The site is located at 2005 West Baseline Road in the CSS, Commercial Shopping and Services District. The request includes the following:

**DPR08178** – Development Plan Review including site plan, building elevations and landscape plan.

**THIS CASE WAS CONTINUED FROM THE SEPTEMBER 9, 2008 AND OCTOBER 28, 2008 DEVELOPMENT REVIEW COMMISSION HEARINGS**

STAFF REPORT: [DRCr\\_2nd\\_Baseline\\_Retail\\_111808.pdf](#)

Chair McDonald leaves the hearing and Vice Chair DiDomenico becomes Acting Chair. Commissioner Nicpon is in the audience and takes his seat on the dais.

This case is presented by Kevin O'Melia and represented by Michael Murray (the developer's legal representative).

Acting Chair DiDomenico advised the applicant of the opportunity for a continuance due to a short Commission.

Mr. Murphy made a brief presentation regarding the design, meeting with the hotel and driveway design/access.

Chris Fergis, the architect, briefly presented site plan, landscape plan and elevations which included east patio.

Oteri: Is there access into this site for westbound traffic on Baseline Road?

Fergis: Not directly. They will have to go down the street and turn around.

Tinsley: Do you have a tenant yet?

Fergis: No.

Gary King from Earl, Curley and Lagarde, P.C., represented the Arizona Grand Resort: Developer and resort did meet and the developer elected not to pursue joint access. Our position remains unchanged; however, we do respect the position of ADOT and the City of Tempe.

Commissioner Nicpon: Do you have an idea of what this building will be used for?

King: We have posed that question to the applicant and they assure us this will not be an adult use.

Acting Chair DiDomenico called to Shelly Seyler (City of Tempe Traffic Engineer) to speak to the access concerns.

Shelly Seyler stated that Baseline Road is very congested and that the City has tried various measures to progress traffic through that area. Without additional information the City cannot support the signal as an access point. A right in, right out is the safest type of access to this site. At each of ADOT's interchanges, they do control a certain distance around the interchange itself, but doesn't have the exact measurement at this time of what their jurisdiction is.

Acting Chair DiDomenico closed the hearing to the public.

Murray: In regards to question of use, tenant must comply with the Zoning Code. This is a speculative development and no tenant has been signed to this property.

Tinsley: Building looks better, concerned about access but applicant has done what we have asked, so I will support.

Webb: I agree with Commissioner Tinsley, the applicant has done everything we have asked and I will support as well.

Oteri: No reason to deny.

Nicpon: I like design but concerned that site will not work for a restaurant.

Attridge: Serious doubts about development, but will support.

Acting Chair DiDomenico: Design is much improved and has faith in staff that this is the best access possible for this site.

Acting Chair DiDomenico questioned applicant as to whether they want a continuance or not.

Murray requested that the Commission move forward and vote on the project.

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

5. **ANNOUNCEMENTS** – Lisa Collins requested a head count from Commissioners present as to their availability for the December 23, 2008 hearing. Commissioner's DiDomenico, Nicpon and Attridge stated they would be available. Commissioner's Oteri and Tinsley stated they would not.

The hearing is adjourned at 7:40 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