

MINUTES OF THE DEVELOPMENT REVIEW COMMISSION APRIL 13, 2010

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:

Vanessa MacDonald, Chair
Stanley Nicpon
Monica Attridge
Dennis Webb
Peggy Tinsley
Mario Torregrossa
Paul Kent

Commission Absent

Mike DiDomenico, Vice Chair
Tom Oteri

City Staff Present:

Lisa Collins, Deputy Development Services Manager
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner
Ryan Levesque, Senior Planner
Kevin O'Melia, Senior Planner
Lisa Novia, Administrative Asst. II
Shelly Seyler, Traffic Engineer
Cathy Hollow, Transportation Studies and Design

At 6:00 p.m., Chair MacDonald called the meeting to order which included the introduction of the Commission and City staff. It had been determined that Item No. 2 would be placed on the Consent Agenda and Item Nos. 3 and 4 would be heard.

1. **CONSIDERATION OF MEETING MINUTES: 3/23/10**

On a motion by Commissioner Nicpon and seconded by Commissioner Tinsley, the Commission with a vote of 5-0 (Commissioners Attridge and Kent abstained) approved the minutes of the March 23, 2010 meeting.

CONSENT AGENDA

2. Request for **WASH WIZARD AUTO SPA (PL100052)** (Sam Hanna, owner/applicant) consisting of a 5,106 sf. building currently under construction, on approximately 0.81 acres, located at 1845 East University Drive in the PCC-1, Planned Commercial Center Neighborhood District. The request includes the following:

DPR10026 – Development Plan Review for exterior color modifications.

STAFF REPORT: [DRCr_WashWizard_041310.pdf](#)

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 specified in the staff report.

REGULAR AGENDA

3. Request for **FRY'S FUELING CENTER (PL090086)** (Tempe School District 3, property owner; Daniel Filuk, KDF/JMS Architects, applicant) consisting of a single-story 5000 square foot canopy and fuel service facility with kiosk, on a portion of 10.596 net acres, located at 3255 South Rural Road in the PCC-1, Planned Commercial Center District. The request includes the following:

DPR09226 – Development Plan Review including site plan, building elevations and landscape plan.

ZUP09170 – Use Permit for retail fuel sales.

THIS CASE WAS CONTINUED FROM THE JANUARY 12, FEBRUARY 23, AND MARCH 23, 2010 MEETINGS

STAFF REPORT: [DRCr_Fry'sFuel_041310.pdf](#)

This case was presented by Sherri Lesser and represented by Jeff Guyette, representing the applicant.

Jeff Guyette made a brief presentation which included a concern with Condition No. 5. Mr. Guyette indicated that they were aware of the issues prior to the City adding this stipulation and were already prepared to bring the site into compliance. The architect is drawing up plans for the School District so that site can be brought into compliance along with the Fry's site as well. The applicant agreed with all other Conditions of Approval.

Commissioner Attridge asked if a tree could be added to the corner as long as it did not create a safety or site issue.

Mr. Guyette agreed to placing a tree along the Rural Road frontage between the corner and the driveway as long as staff agreed it wouldn't create a safety or visibility issue.

Chair MacDonald opened the hearing to the public.

Ed Mitchell (citizen) spoke in regards to his concerns with ADA accessibility on this site. He is in support of Condition No. 5 as there are a number of accessibility issues that need to be dealt with.

Kolby Granville (citizen) spoke regarding concerns with parking being effected due to the construction of the fuel station.

Ms. Lesser clarified the applicant is providing approximately 40 more parking spaces than required.

Mr. Guyette also spoke in regards to the parking concern. He indicated that they looked at parking very closely and had parking been an issue, they would not be requesting a fuel station at this location.

Chair MacDonald closed the hearing to public input.

Chair MacDonald suggested a modification to Condition No. 5 as the Conditions of Approval are for the fueling station and for the applicant to be held to bringing the entire site into compliance would seem to be quite onerous.

Ms. Collins suggested a clarification of the stipulation might read that the applicant must comply with the 1990

Americans with Disabilities Act as indicated on the site plan.

On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 7-0, approved the Development Plan Review and Use Permit with the following modified Condition of Approval No. 5:

The ~~entire~~ site **shall be** brought into compliance with the 1990 American Disabilities Act requirements **as identified in the Building Safety document dated 04/13/10** for site access to and from the buildings from the public right of way.

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4. Request by **LAKE COUNTRY VILLAGE (PL090467)** (Paul Berkowitz V.P., LCV Property Inc., owner; Paul E. Gilbert, Beus Gilbert PLLC, applicant) for a redevelopment of the shopping center to include approximately 215,200 sf. of commercial, approximately 728,000 sf. of multi-family residential (430 dwelling units) and approximately 315,000 sf. of office, or 1,258,200 sf combined building area, not including structured parking. The 25.45 acre site is located at 1030 East Baseline Road and is within the PCC-2, Planned Commercial Center General District. The request includes the following:

PAD10003 - (Ordinance No. 2010.08) Planned Area Development Overlay to establish development standards for building height, sideyard building setback and vehicle parking quantity.

ZUP10018 - Use Permit to allow residential land use in the PCC-2, Planned Commercial Center General District.

THIS CASE WAS CONTINUED FROM THE MARCH 23, 2010 MEETING

STAFF REPORT: [DRCr_LakeCountryVillage_041310.pdf](#)

This case was presented by Kevin O'Melia and represented by Paul Gilbert of Beus Gilbert (applicant).

Mr. Gilbert stated that he did not wish to make a full presentation but that they have worked closely with staff, the project is in line with the General Plan and they are in agreement with all of the Conditions of Approval.

Commissioner Webb questioned the ten year time limit on the approval.

Mr. Gilbert indicated that the request is based on the current economy. The market will control how quickly the project develops. The owner is motivated to move as soon as possible.

Commissioner Nicpon asked about the current ownership and whether ownership would change as a result of this entitlement.

Mr. Gilbert indicated that the entitlements would help the current owner to attract a joint-venture partner and then proceed with development as the market allows.

Chair MacDonald opened the hearing for public input.

Ed Mitchell (citizen) spoke in regards to ADA accessibility issues on future projects such as this one.

Chair MacDonald indicated that although the design of this project is not being considered at this time, the Commission appreciated his comments and his valuable input and hopes that he will continue to work with staff when this case does continue through the process.

Chair MacDonald closed the hearing for public input.

Chair MacDonald questioned the 10 year time frame for the approval. The general questioning from the

Commissioners indicated agreement among the Commissioners that the requested time period is excessive.

Mr. Gilbert indicated that unfortunately the market has control of development and that the applicant is very motivated to make this project happen. A two year time frame or a ten year time frame does not change the market conditions and the applicant's motivation to move forward.

Commissioners Webb, Kent, Nicpon and Attridge cannot support the ten year approval time.

Commissioner Attridge stated that Planned Area Development Overlays should be reserved for projects in which the development plan is known and which have design elements exceptional enough to warrant changing zoning and development standards.

Commissioner Tinsley suggested a five year approval time.

On a motion by Commissioner Tinsley and seconded by Commissioner Nicpon, the Commission with a vote of 6-1 (Commissioner Attridge opposed), approved the Use Permit and recommended approval of the Planned Area Development Overlay, with the following modified Conditions of Approval:

Condition of Approval No. 2 – A building permit for the first phase of this development shall be obtained on or before May 20, ~~2020~~ 2015, or the zoning of the property may revert to that in place at the time of application, subject to a public hearing.

Condition of Approval No 9c --The City shall complete traffic signal installation after issuance of building permits for final phase of development or sooner if signal warrants are met and accepted by the City. This condition shall become null and void if signal is not warranted and issuance of building permit for final phase of development is not granted by May 20, ~~2022~~ 2017. If this condition becomes null and void, the City shall refund the amount equal to One Hundred Ten Thousand Dollars (\$110,000.00) to the Developer.

Condition of Approval No. 12 – Submit construction documents to the Building Safety Division for building permit for a phase of the development that contains a multi-family residential component by April 13, ~~2020~~ 2015, or the Use Permit approval will expire. Subsequently, an expiration of the building plan check period or expiration of the issued building permit will result in expiration of the Use Permit approval.

5. ANNOUNCEMENTS - None

The hearing adjourned at 7:00 p.m.

Prepared by: Lisa Novia, Administrative Assistant II
Reviewed by: Lisa Collins, Deputy Development Services Manager



Lisa Collins, Deputy Development Services Manager

05/12/2010 8:22 AM