

MINUTES OF THE DEVELOPMENT REVIEW COMMISSION JULY 24, 2012

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
Paul Kent
Peggy Tinsley
Dan Killoren
Angie Thornton
Jim Delton

Commission Absent:

Dave Maza
Linda Spears

City Staff Present:

Lisa Collins, Interim Community Development Director
Steve Abrahamson, Planning & Zoning Coordinator
Diana Kaminski, Senior Planner
Lisa Novia, Admin. Asst. II

Chair DiDomenico called the meeting to order at 6:00 p.m. It had been determined at the Study Session that Item No. 2 would be heard and Item No. 3 could be placed on the Consent Agenda.

1. **CONSIDERATION OF MEETING MINUTES: 6/12 & 6/26/12**

On a motion by Commissioner Tinsley and seconded by Commissioner Kent, the Commission with a vote of 4-0 (Commissioners Webb, Tinsley and Kent and Lisa Collins) approved the minutes of June 12, 2012 with one minor correction.

On a motion by Commissioner Kent and seconded by Commissioner Tinsley, the Commission with a vote of 5-0 (Commissioners Killoren and Thornton abstained) approved the minutes of June 26, 2012.

CONSENT AGENDA

On a motion by Commissioner Kent and seconded by Commissioner Tinsley, the Commission with a vote of 7-0 approved the following Preliminary Subdivision Plat as recommended in the staff report.

3. Request for **1006 MCCLINTOCK (PL120236)** (The Southland Corporation, property owner; Laurie Castillo, Survey Innovation Group, applicant) consisting of the subdivision of one parcel into two lots, with the north lot consisting of an existing 7-Eleven and the south lot vacant, located at 1006 South McClintock Drive in the CSS, Commercial Shopping and Services District. The request includes the following:

SBD12008 – Preliminary Subdivision Plat consisting of two (2) lots on 1.107 acres.

STAFF REPORT: [DRCr 1006McClintock 072412](#)

REGULAR AGENDA

4. Request for **PORTILLO'S RESTAURANT (PL120042)** (Vestar of Tempe Opportunity LLC, property owner, Rich Pozzi, Portillo's of AZ LLC, applicant) consisting of a new 7940 s.f. restaurant building with drive-thru located in the Tempe Marketplace at 55 South McClintock Drive, in RCC, Regional Commercial Center District. The request includes the following:

DPR12110 – Development Plan Review including site plan, new building elevations and revised landscape plan.

STAFF REPORT: [DRCr PortillosRestaurant 072412](#)

This case was presented by Diana Kaminski and represented by Rich Pozzi, Portillos of AZ (applicant) and Jarod Jensen (architect).

Mr. Jensen made a brief presentation which included the history of Portillo's and design of this new development at Tempe Marketplace.

Mr. Pozzi addressed the Commission. He indicated that the drive thru is an important feature and is an attributing factor to the success of Portillo's. He also stated that they are very happy to be coming to Tempe and feels it will be a very successful addition to Marketplace.

Chair DiDomenico asked Mr. Pozzi if this site is being leased or if the property was being acquired from Vestar and if Vestar had spoken to him or the architect about integrating design with the existing shopping center.

Mr. Pozzi indicated that the purchase of the property is almost complete. He also indicated that Vestar has reviewed and approved the plans and there is also a plan for a walkway from the shopping center to the restaurant to encourage pedestrian traffic.

Chair DiDomenico asked who would be responsible for the upgrading of the landscaping along Rio Salado Parkway and McClintock Drive.

Mr. Pozzi indicated that they would be taking care of the upgrade.

Patrick Lowery, civil engineer, addressed the Commission. He clarified that the palm trees shown on the rendering are a combination of new trees and trees that will be relocated from their existing location at the corner.

Commissioner Kent questioned Mr. Pozzi about the pedestrian flow from the parking lot to the entrance.

Mr. Pozzi and Ms. Kaminski used the site plan to illustrate vehicular and pedestrian ingress and egress and site circulation.

Chair DiDomenico asked if staff could provide a history of the entitlements for this property.

Ms. Kaminski indicated in June of 2004 the City Council approved the request for a zoning change from AG, I-2, I-3 and heavy industrial and combined all of the parcels to RCC, Regional Commercial Center and a Preliminary Planned Area of Development for retail, restaurant and office, as well as a Final Planned Area Development. She also stated that she believed at that time it was office use designated for this site. In April of 2007, a hotel at Tempe Marketplace came to the City for entitlements for a Development Plan Review.

Chair DiDomenico questioned the reasoning behind not doing a PAD amendment and was it due to the project staying under the height and development standards.

Ms. Kaminski indicated that he is correct.

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

Commissioner Kent stated that he didn't care for the design and could not support the case.

Commissioner Webb asked for clarification on the glass design elements.

Mr. Jensen returned to address questions and he stated that at night people will be able to see inside the restaurant and hoping that it will appear inviting and encourage people to go inside.

Commissioner Webb stated that this design doesn't appear to look like anything at Marketplace.

Mr. Jensen indicated that there are a many different design elements in the shopping center and he has walked the property and researched all of the lights, colors and materials used. To model the project after one design element would not be appropriate.

Commissioner Tinsley indicated that she feels there is potential conflict between people exiting the drive thru and pedestrians walking in and/or out.

Mr. Jensen indicated that this design has been used on 40+ restaurants and works well. They would not institute a design that would put clients or themselves at risk. He also stated that people walk across parking lots at all different locations at Marketplace and that they will be working with the City to post signs in the appropriate locations.

Commissioner Tinsley asked if the applicant had taken into account the way people drive in Arizona.

Mr. Jensen indicated that they have studied the nature of retail and restaurant business in Arizona and that is what led them to this corner.

Commissioner Killoren questioned what will happen with the palm trees surrounding the existing monument sign and how the site view will appear from the street.

Mr. Jensen indicated that the palm trees will be relocated. He also indicated that the berm located at the corner will be carved out. They will also be installing a 3' wall for screening as required at the drive-thru.

Commissioner Thornton asked if Traffic Engineering had signed off on this design.

Ms. Kaminski indicated that all of the City departments have reviewed this plan.

Chair DiDomenico questioned if the staff had recommended approval for a design similar to this one as he could not recall one of this size that has drive thru lanes that run parallel and so close in proximity to a major arterial street.

Ms. Kaminski indicated that this site is in the RCC District, which has different standards and is looked at as a regional destination, and as such, may have more traffic than a local retail center. She also indicated that they are conforming to setback and screening wall requirements for a drive thru.

Commissioner Tinsley questioned the applicant as to their intended time frame to open.

Mr. Pozzi indicated possibly February, depending on the process.

Chair DiDomenico stated that he thinks it is wonderful that a new business wants to come into the Arizona market but has some design concerns with the scale of the building in comparison to the buildings surrounding this site. He also stated concerns that this piece of property will no longer be in the control of Vestar and in the future, it will be up to the property owner what use is on that property and not with the property owner of the shopping center. He also indicated that when the center was developed, the City was promised something on that corner that would "pop". He stated he is not excited about this project.

Vice Chair Webb stated that this is an iconic site and the focal point of Tempe Marketplace and likes the concept but not in this location.

Commissioner Tinsley stated that she understood the Chair and Vice Chair's concerns but it would be unfair to ask Portillo's to redesign their building to be more "iconic" and there hasn't been a lot of interest in building anything on that corner. She is unsure how she will vote.

Commissioner Delton understood what the other Commissioners were saying but also has trouble envisioning anything being built on that corner that would fit and tie in with the rest of the shopping center. He also stated that if something iconic was going to be built on that corner, it most likely would have come from the current owner and anything too large would block the view of the remainder of the center.

Commissioner Killoren agreed with Commissioner Tinsley that the beauty of this site lies within its potential and not in its existing condition. The corner as it exists today is not very attractive. Maybe this building does not live up to the site's potential but seeing no other opportunity for it to be developed, this design is better than its current condition.

On a motion by Commissioner Tinsley and seconded by Commissioner Delton, the Commission with a vote of 4-3 (Commissioners DiDomenico, Webb and Kent opposed) approved this Development Plan Review as recommended in the staff report.

ANNOUNCEMENTS

Chair DiDomenico welcomed new Commissioners, Angie Thornton and Dan Killoren.

The meeting was adjourned at 7:20 p.m.

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



Lisa Collins, Interim Director, Community Development Department