



**Minutes
DEVELOPMENT REVIEW COMMISSION
MAY 8, 2007**

The Development Review Commission Study Session was held on May 8, 2007, at Council Chambers, Garden Level, 31 East Fifth Street.

Present:

Charles Huellmantel, Chair
Vanessa MacDonald, Vice Chair
Tom Oteri
Peggy Tinsley
Monica Attridge
Stanley Nicpon
Heather Carnahan
Mike DiDomenico
Dennis Webb
Mario Torregrossa

Absent:

None

City Staff Present:

Lisa Collins, Deputy Development Services Manager
Kevin O'Melia, Senior Planner
Ryan Levesque, Senior Planner
Sherri Lesser, Senior Planner
Diana Kaminski, Senior Planner
Steve Abrahamson, Senior Planner

Audience: 13

Study Session convened at 6:32 p.m.

Items discussed:

- Item Nos. 2 and 7 will be heard; Item Nos. 5 and 6 on Consent Agenda, Item Nos. 3 and 4 to be continued to the 5/22 hearing due to public notification issue; and Item No. 10 has modified conditions (Nos. 26 & 27).

Study Session adjourned at 6:45 p.m.

The Development Review Commission Public Hearing was held on May 8, 2007, at Council Chambers, Garden Level, 31 East Fifth Street.

Audience: 29

Present:

Charles Huellmantel, Chair
Vanessa MacDonald, Vice Chair
Tom Oteri
Peggy Tinsley
Monica Attridge
Stanley Nicpon
Heather Carnahan

Absent:

Mike DiDomenico
Dennis Webb
Mario Torregrossa

City Staff Present:

Lisa Collins, Deputy Development Services Manager
Kevin O'Melia, Senior Planner
Ryan Levesque, Senior Planner
Sherri Lesser, Senior Planner
Diana Kaminski, Senior Planner
Steve Abrahamson, Senior Planner

Meeting convened at 7:05 p.m.

Item #1 – MINUTES

On a motion by Commissioner Tinsley and seconded by Commissioner Carnahan, the Commission with a vote of 5-0 (Commissioner Oteri & Vice Chair MacDonald abstained) approved the minutes of the April 24, 2007 hearing.

On a motion by Commissioner Nicpon and seconded by Commissioner Oteri, the Commission with a vote of 7-0 approved the continuance of the following two items to the May 22, 2007 hearing:

Item #3	PL060450 PAD07009 DPR07056	AM/PM ARCO Planned Area Development Development Plan Review 3233 South McClintock Drive PCC-1, Planned Commercial Center District
Item #4	PL060538 PAD07010 DPR07057	AM/PM ARCO Planned Area Development Development Plan Review 908 East Broadway Road CSS, Commercial Shopping & Services District

Consent Items

Charles Huellmantel, Chair stated that certain items could be handled in the consent fashion if they were properly represented and if there were no objections.

On a motion by Vice Chair MacDonald seconded by Commissioner Nicpon, the Commission with a vote of 7-0 approved the Consent Agenda, Item Nos. 5 and 10, as follows:

Item #5	PL060581	BASELINE RETAIL
	DPR07053	Development Plan Review
		2005 West Baseline Road
		CSS, Commercial Shopping and Services District

At its public hearing of May 8, 2007, the Development Review Commission approved the request by **BASELINE RETAIL** for a one story, 10,000 s.f. retail/restaurant building on 1.593 acres in the Commercial Shopping and Service District, including the following:

DPR07053 – Development Plan Review including site plan, building elevations and landscape plan.

The approval is subject to the following conditions:

General

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **May 8, 2008** or Development Plan approval will expire.
2. The site is two parcels. Since the property line to the west of the building cuts through a number of parking spaces, these cannot be counted for either parcel, even with a parking covenant and agreement between the two parcels. Prepare a Preliminary and Final Subdivision Plat to remove the common property line and combine the two parcels. Put the document into proper engineered format with appropriate signature blanks. Process the Subdivision Plat through Development Review Commission and City Council. After the approval, record with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before one year from the date of City Council approval. The City Council approval will lapse in there is no recordation within one year of approval. Record the Subdivision Plat prior to issuance of building permit.

Site Plan

3. Coordinate layout of landscape, grading and drainage plans with the updated architectural site plan.
4. Relocate underground retention structure so it is not under a parking lot landscape island. Place structure clear of the island so there is not a conflict with tree roots.
5. Provide site screen walls, refuse enclosure, fence pilasters and monument sign base of exposed split face concrete masonry units. Provide masonry stain finish that compliments the color of the building.
6. Provide access control between south of site and the Highline Canal bank consisting of a continuous minimum 6'-0" high steel vertical picket fence. Design picket fence panels to inhibit climbing. Extend fence from the southwest to the southeast property corner. Support fence panels with exposed split face masonry pilasters, where pilasters at a minimum are positioned at 20'-0" on center. Match finish masonry pilasters to other site masonry.
7. Coordinate proposed retaining wall near base of bill board (see Grading and Drainage Plan) with access requirement indicated in bill board agreement.
8. Remove existing chain link fence if on site. Do not disturb chain link fence in A.D.O.T. right of way or in other off-site location.

9. Provide an outdoor patio on site to accommodate smoking patrons of an anticipated restaurant use. Provide location for the patio that enhances site activity support as outlined in the Police Department Report included with the Preliminary site Plan review, dated September 22, 2006. Indicate area of patio and parking ratio for patio in the parking calculation portion of Project Data.
10. Paving:
 - a) Extend the driveway unit paving from the sidewalk bypass to the south edge of the landscape islands flanking the driveway. Indicate the type of unit paving proposed for the driveway.
 - b) Provide integral color concrete paving on site, including at accessible walkway to Baseline sidewalk and at disabled parking space drive aisles.
 - c) Provide a designed location for an exterior patio that is reflected on the site and landscape plans.
11. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
12. Finish utility equipment boxes in a neutral color (subject to utility provider approval) that compliments the coloring of the building. Do not paint over instructional or warning decals on the equipment boxes.

Floor Plans

13. Restroom Security:
 - a. Lights in public restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by key or remote control mechanism
 - b. Provide a key bypass on the exterior side of single user restroom door hardware.
 - c. Verify if retail and restaurant share public restroom facilities.

Building Elevations:

14. Provide main colors and materials with a light reflectance value of 75 percent or less. Provide paint chips of the proposed "Frazee" Walnut Wash and Mocha Brown colors proposed for the building. The "Eagle" Sunset Blend concrete roof tile is approved. Submit any additions or modifications for review during building plan check. During construction, planning inspection staff field verifies colors and materials.
15. Doors and Windows:
 - a) Use low-e glass in the window wall system.
 - b) Identify the reflectivity in the glazing and verify the glazing system has some transparency from exterior to interior. This feature will enhance activity support as outlined in the Police Report, dated September 22, 2007.
 - c) Provide bronze anodized aluminum frames to relate to the coloring of the exterior plaster.
16. Design roof and parapet to fully conceal anticipated restaurant as well as retail mechanical equipment.
17. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
18. Conceal roof drainage system within the interior of the building. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building.
19. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements.
20. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
21. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved by the Development Review Commission.

Lighting:

22. Illuminate entrances continuously from dusk to dawn.
23. Incorporate exterior lighting into underside of segmental arches in the four building elevations.

Landscape

24. Inventory the existing trees, palms and other plants at the perimeter of the site and indicate these by species on the landscape plan. Take care to preserve the trees onsite, including at the base of the bill board, along the canal and in the adjacent Baseline frontage. Expand site landscape work description to include husbandry of these trees throughout construction period. Prune the trees of low-lying branches and otherwise prune lightly to shape each tree. If any tree or plant on-site or in the adjacent frontage is proposed for demolition and is on the State Agricultural Department native/protected list, prepare a separate plant inventory plan and file the plan with the State Agricultural Department along with a State Notice of Intent to Clear Land (www.agricultural.state.us). Copy the City of Tempe with these documents during building plan check.
25. Do not disturb existing off site palms, other plant material and irrigation system to the east of this development in the A.D.O.T. on-ramp frontage. Indicate location and species of these existing plants on the landscape plan. Do not propose landscape or irrigation extension into the A.D.O.T. right of way.
26. Coordinate tree, shrub and groundcover placement at the northeast site corner with the contour of the proposed retention basin in this area.
27. For entrance palms, provide *Washingtonia robusta* of minimum 20'-0" brown trunk instead of minimum 16'-0" brown trunk as proposed.
28. Provide one cultivar of thornless mesquite on the site, rather than two. Select an alternate tree specimen for the trio of 36" box installation trees at the northeast site corner.
29. Provide a canopy tree in each required parking lot landscape island, including the islands that also have entrance palms. Provide minimum 24" box installation for each landscape island canopy tree.
30. Provide two canopy trees at the large landscape island at the northeast corner of the building, rather than one.
31. Reduce the quantity of *Lantana montevidensis* and *Carissa grandiflora* 'Green Carpet' groundcovers. Substitute hardy (frost resistant) groundcovers for one-half of the proposed quantity of these plants.
32. Remove Project Data and Building Code Data from the landscape plan.
33. Irrigation notes:
 - a. Provide a separate dedicated landscape water meter (as indicated). Do not cross-connect domestic and irrigation water supply.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC 1/2" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than 1/2". Provide details of water distribution system.
 - c. Locate valve controller in a vandal resistant housing or inside the building.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Controller valve wire conduit may be exposed if the controller is inside the building. Conceal the conduit if the controller is mounted outside.
 - f. Repair existing irrigation system in the adjacent A.D.O.T. public right of ways where damaged by work of this project. Provide temporary irrigation to existing A.D.O.T. landscape for period of time that irrigation system is out of repair. Do not permanently provide irrigation to A.D.O.T. landscape.
34. Include requirement in site landscape work to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
35. Top dress planting areas with a 2" thick decomposed granite application. Match color of decomposed granite in neighboring A.D.O.T. installation. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Signage:

36. Provide one address sign on each side of the masonry base of the monument sign and three address signs on the building. Locate one address on the west, north and south elevations. Conform to the following guidelines for address signs on the building and at the base of the monument sign:
- Halo illuminate the building and monument address signs.
 - Provide street number only, not the street name.
 - Compose of 12" high, individual mount, metal reverse pan channel characters.
 - Adjust locations so sign is unobstructed by trees, vines, etc.
 - Do not affix another number or a letter that might be mistaken for the address number.

Item #10	PL070036 PAD07012	NEWTOWN ROOSEVELT Planned Area Development 1029 South Roosevelt Street R-2, Multi-Family Residential General District
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At its public hearing of May 8, 2007, the Development Review Commission recommended approval of the request by **NEWTOWN ROOSEVELT**, for the development of two (2) single-family units, located at 1029 South Roosevelt Street, in the R-2, Multi-Family Residential General District including the following:

PAD07012 – (Ordinance No. 2007.26) Planned Area Development Overlay to modify development standards for +/- 1782 s.f. of building area on +/- 0.195 acres.

The approval is subject to the following conditions:

- Record final subdivision plat on or before **May 31, 2009** or the Planned Area Development Overlay for these lots will expire; and shall revert to the previous designation through a formal hearing at City Council.
- Obtain approval of a new subdivision plat to create two lots and process through City Council.
- The Planned Area Development Overlay for Newtown Roosevelt shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department. Complete this process prior to issuance of building permits.

The Commission went on to the discussion agenda:

Item #2	PL070059 DPR07055	CONCEPT 1037 LOFTS Development Plan Review 1037 South Farmer Avenue R-3, Multi-Family Residential Zoning District
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This case is presented by Diana Kaminski and represented by Nick Nevels.

Attridge: Will the power poles/high transmission lines remain?

Kaminski: The power lines in the fronts of the properties will be undergrounded, the high-capacity lines along the rail line will remain.

Attridge: There was a comment in the report that the eastern yard would benefit from additional vegetation, has this been worked out?

Kaminski: We have had several meetings and this is the most current site plan that I had received prior to writing the report. They were limited in plant palate because of the restrictions of the easement, but there was the thought that adding turf to that area would make it a more useable space.

Nevels: There is a courtyard space located between the seven units and at staff's request we added turf into that area. There are limits to what we can do on the eastern edge but we will landscape those as extensively as we can within SRP's requirements.

Nicpon: How many square feet livable is each unit?

Nevels: Four units at approximately 1000 S.F. each on the Farmer side and there are three units that are roughly 1300 S.F. each on the rail side.

Nicpon: Curious about design treatment, please explain.

Nevels: The outside elevations are related to it's connection and reflection of it's relationship to the rail line. We are playing off the industrial aesthetics of the rail line and the warehouse district of Tempe.

Oteri: Could you walk us through guest parking arrangement:

Nevels: Initially we had quest parking in a gated lot, whereas the guests would need to be buzzed in to park. Working with staff, we removed the gate to make guest parking available all of the time. There are basically twelve spaces available that are not assigned to a unit. We met the standard that the Zoning Code requires.

Nicpon: How does the water get extracted from the roof?

Nevels: The roof will have internal scuppers within the walls that will bring the water down into the courtyard area and into an underground retention.

On a motion by Commissioner Nicpon and seconded by Commissioner Tinsley, the Commission with a vote of 7-0, the Commission approved the request with the following conditions:

1. A Condominium Plat (Horizontal Regime) is required for this development and shall be recorded prior to an occupancy permit.
2. The Subdivision Plat (Condominium Plat) for CONCEPT 1037 shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department. Failure to record the plat within one year of City Council approval shall make the plan null and void.
3. Your drawings must be submitted to the Development Services Building Safety Division for building permit by May 8, 2008 or Development Plan approval will expire.
4. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site as well as for storage of the refuse and recycling containers. The CC&R's shall be reviewed and in a form satisfactory to the Development Services Manager and City Attorney.

SITE PLAN:

5. Provide a 6'-0" wide public sidewalk, or as required by Traffic Engineering Design Criteria and Standard Details.
6. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
7. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the building colors.

8. Driveways:

- a. Provide upgraded paving at driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.
- b. Construct driveways in public right of way in conformance with Standard Detail T-320.
- c. Correctly indicate clear vision triangles at driveway on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult "Corner Sight Distance" leaflet, available from Development Services Counter or from John Brusky in Transportation (480-350-8219) if needed. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.

FLOOR PLANS:

9. Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage opportunity for ambush opportunity. Distances of 20'-0" or greater, between a pedestrian path of travel and any hidden area allow for increased reaction time and safety.

BUILDING ELEVATIONS:

10. Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Submit any additions or modifications for review during building plan check process. Planning inspection staff will field verify colors and materials during the construction phase.
11. Conceal roof drainage system within the interior of the building. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building.
12. Incorporate lighting, address signs, incidental equipment attachments where exposed into the design of the building elevations so that the architecture is enhanced by these elements.
13. Locate the electrical service entrance section (S.E.S.) on the north side of the building.
14. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved by planning staff.

LIGHTING:

15. Illuminate building entrances from dusk to dawn to assist with visual surveillance at these locations.

LANDSCAPE:

16. In accordance with Section 4-704 of the Zoning and Development Code, the parking lot area shall comply with required parking lot shade requirements. Due to the power line easement precluding an eastern landscape island, submit a shade study that provides for a minimum of 20% shade over the parking area, in compliance with Option 2.
17. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. Enclose backflow prevention device in a lockable, pre-manufactured cage.
 - c. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC 1/2" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than 1/2" (if any). Provide details of water distribution system.
 - d. Locate valve controller in a vandal resistant housing.
 - e. Hardwire power source to controller (no receptacle).
 - f. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
 - g. Provide temporary irrigation for the native hydro-seed area. Dismantle this irrigation system when germination of hydro-seed is seen.
 - h. Repair existing irrigation system in the adjacent public right of ways where damaged by work of this project. Provide temporary irrigation to existing landscape in these frontages for period of time that irrigation system is out of repair. Design irrigation so this frontage is irrigated as part of the office system at the conclusion of this construction.
18. Include requirement in site landscape work to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.

19. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

SIGNAGE:

20. Provide building address signs on the east and west building elevations of each building, horizontally near either end of the elevation and vertically between the second floor level windows and the top of the building. Conform to the following guidelines for building address signs:
- Compose address signs of 8" high, individual mount, metal reverse pan channel characters.
 - Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - Do not affix a number or letter to the building that might be mistaken for the address assigned to the building.
 - Provide minimum 50 percent contrast between address and the background to which it is attached.
 - Illuminate address signs.
21. Provide 4" high non-illuminated unit numbers on the front first floor of each unit, align horizontally and vertically for uniform appearance.
22. Utility meters shall utilize a minimum 1" number height in accordance with the Tempe electrical code and utility company standard.

Item #6	PL060709	CIRCLE K
	DPR07054	Development Plan Review
	ZUP07036	507 West Broadway Road
		GID, General Industrial District

This case is presented by Kevin O'Melia and represented by David Cisiewski.

Chairman Huellmantel called to the citizen who wished to address the Commission.

Mr. Joel Aranki addresses the Commission with concerns for his business located directly across from this new Circle K.

Chairman Huellmantel returns the floor to the applicant.

Cisiewski: This new Circle K is very different from the Circle K stores of the 60's and 70's. The older facilities are being phased out on a very aggressive track.

Chair Huellmantel: What role does competition play in our decision-making?

Collins: We do not look at competition as being a deciding factor in our process. We look at land uses, etc.

Vice Chair MacDonald requests a copy of Officer Pitman's security report.

Collins: Clarifies that the numbered items in staff's report and conditions that can be modified or deleted by the Commission. The bulleted items are a combination of either guidelines or Ordinance requirements that must be met in any case and cannot be modified by the Commission.

Chair Huellmantel: What ability does the City have to revoke a Use Permit if conditions are not met?

Collins: Use Permits can be revoked their conditions are specifically not being met. There are situations in the past where we have gone through the revocation process, when specific requirements were not met and property owners were notified to correct the situation and did not.

Vice Chair MacDonald: My question is that the sentence is the staff report that says to the greatest extent possible, follow the recommendations listed in Officer Pitman's report, is that a stipulation or is that just a suggestion, and how is the greatest extent possible measured?

O'Melia: The security plan that would be drafted between the owner and the Police Department would determine the extent of the conditions that are followed.

Chair Huellmantel: The following bullet says "the owner is required to prepare a security plan for this commercial project with the Police Department. Is this something that the applicant works with the Police Department and the Police Department needs to agree with that plan and if they don't agree the applicant doesn't get to open? If the security plan is violated then the Police Department can bring the Use Permit back?"

Collins: Use Permits can be revoked if there are conditions that are specifically not being met.

Tinsley: Opposed, feels this store located so close to two other Circle K's will be hard on the smaller mini-mart located just across the street.

Chair Huellmantel: Disagrees with Commissioner Tinsley's comments and feels that it is outside the authority of this Commission to deny an applicant's request based on competition. Does sympathize with the citizens who are opposed to this project, but feels the site is rundown and needs to be revitalized.

Nicpon: I will vote against this because there is a saturation of Circle Ks in this area.

Collins: Confirms with Chair Huellmantel that an appeal may go to City Council should the citizens opposed to this project wish to take their concerns to the Council.

On a motion by Commissioner Oteri and seconded by Commissioner Attridge, with a vote of 5-2 (Commissioners Tinsley and Nicpon opposing) approved the request with the following conditions:

General

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **May 8, 2008** or Development Plan approval will expire.

Site Plan

2. Modify site layout at northwest property corner to save existing Acacia salicina at that location in place and at same time separate the proposed west driveway from adjacent hotel driveway, in conformance with Engineering Standards. Adjust location of entrance walkway, west driveway and north retention basin as needed to protect and maintain the root system and ensure the continued health of this tree.
3. Provide freestanding site walls of exposed masonry. Match the masonry of site walls, including refuse enclosure, parking screen wall, monument sign base and perimeter walls (if any), to flashed red clay masonry of building water table and canopy column bases.
4. Move the vendor parking area slightly west so the west curb aligns with the landscape island east curb that is northeast of the store. Do not increase the width of the vendor parking. Instead, move the east vendor parking curb and the west wall of the refuse enclosure west to allow a more straight access to the refuse container. At the same time widen the enclosure and the planting area to the south of the enclosure.
5. Fence/gate notes:
 - a) Extend the back yard 8'-0" high steel vertical picket fence on the east side of the vendor parking to the southwest corner of the refuse enclosure in order to secure the planting area behind the refuse enclosure.
 - b) Provide 8'-0" high steel vertical picket gate or removable panel over sewer easement at southeast property corner, same as at southwest property corner.
 - c) Provide 8'-0" high masonry wall at south and east sides of refuse enclosure. The west enclosure wall may be 6'-0" high.
 - d) Gates at refuse enclosure are not required. If they are included as indicated, provide minimum 6'-0" high gates of a tight steel mesh design that do not facilitate climbing but allow visual surveillance through gate when up close.
 - e) The east, west and south perimeter of the secure back yard may be 8'-0" high steel vertical picket fence in lieu of 8'-0" high masonry.
 - f) The east and west perimeter that is north of the secure back yard is 8'-0" high steel vertical picket fence as indicated, except reduce the height of the fence to 4'-0" within the 25'-0" front yard setback.
 - g) Work with adjacent property owners and to greatest extent possible, remove low perimeter masonry walls adjacent to this property so these walls are not used as steps to enter the site.

6. Locate pay phones on the west property line adjacent to the walkway that connects the store entrance with Broadway Road. Position phone bank approximately in line with south fascia of fuel canopy so the phones can be viewed from the store entrance.
7. Provide the monument sign on a masonry base rather than a pole sign. Coordinate the layout of the masonry base with the retention basin layout.
8. Provide upgraded paving at each driveway apron consisting of unit paving that matches or closely resembles the exposed masonry of the building and site walls. Cast in place, stamped concrete is not acceptable. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.
9. Provide 8'-0" wide public sidewalk along Broadway as required by Traffic Engineering Design Criteria and Standard Details. The current sidewalk is 4'-0" wide with a 2'-0" width extension. These segments are uneven; remove existing sidewalk and install an 8'-0" wide sidewalk that does not have joints parallel to the street curb.
10. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
11. Finish utility equipment boxes in a neutral color (subject to utility provider approval) that compliments the coloring of the building. Do not paint over instructional or warning decals on the equipment boxes.

Floor Plans and Sections

12. Restroom Security:
 - b. Lights in public restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by key or remote control mechanism
13. Follow Option One building sections, which is a match to the presentation elevations.

Building Elevations

14. The colors indicated on the materials sample board do not agree with the colors as noted on the building elevations. Provide the materials and colors indicated on the 507 West Broadway Road materials sample board, received by Planning Division and date stamped March 22, 2007.
15. Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Submit any additions or modifications for review during building plan check process. During completion of the development, planning inspection staff will field verify colors and materials.
16. Two signs are allowed on the fuel canopy fascia, not three. Each sign may not exceed 6 s.f. and height of sign may not exceed 80 percent of the height of the canopy fascia.
17. The color banding on the fuel canopy fascia and on the north elevation of the store is considered a building accent element and not part of the sign area. Conform to the following for the color banding:
 - a. Wrap the color banding around the four sides of the fuel canopy fascia
 - b. Do not internally or externally illuminate the color banding on the fuel canopy or the store.
18. There is no door on the west elevation; coordinate the presentation elevations with the floor plan.
19. Provide secure access from the interior of the store to the roof. Do not expose roof access to public view.
20. Conceal roof drainage system within the interior of the store. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the store.

21. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the store and fuel canopy so that the architecture is enhanced by these elements.
22. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved by the Development Review Commission.

Lighting:

23. Provide the following continuous illumination levels from dusk to dawn (this clarifies illumination levels for areas not specifically described in ZDC Part 4 Chapter 8):
 - a. limit light on paving surface under canopy to maximum 40.0 foot-candles.
 - b. illuminate building entrance and exit side doors with minimum 5.0 foot-candles.
 - c. illuminate the electrical service entrance section room door pair with minimum 2.0 foot-candles.
 - d. illuminate the vendor parking with minimum 4.0 foot-candles, similar to a loading zone.
 - e. illuminate the public pay phone area with minimum 5.0 foot-candles.

Landscape:

24. Incorporate the lone existing *Acacia salicina* at the northwest site corner into the landscape plan. Expand site landscape work description to include husbandry of this tree throughout construction period. Refer to **Site Plan** condition above that requires adjustment of site plan to save this tree. The other trees in the frontage and on site may be destroyed to make way for the site re-development. Completely remove these plants and any stumps on site or in frontage. Do not disturb existing off site plant material to the south of this re-development or elsewhere.
25. Irrigation notes:
 - i. A dedicated landscape water meter is recommended (not required). Consider re-use of existing water meter with irrigation dedication if another domestic water meter is installed with this site re-development.
 - j. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
 - k. Locate valve controller in a vandal resistant housing.
 - l. Hardwire power source to controller (a receptacle connection is not allowed).
 - m. Controller valve wire conduit may be exposed if the controller remains in the Service Entrance Section room, as indicated. Conceal the conduit if the controller is mounted outside.
26. Include requirement in site landscape work to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
27. Top dress planting areas with a 2" thick uniform application of decomposed granite, as indicated. Provide pre-emergence weed control application, as indicated, and do not underlay rock or decomposed granite application with plastic.

Signage:

28. For this facility, provide one address sign on each side of the masonry base of the monument sign and five address signs on the store. For the locations of the address signs on the store elevations, refer to the Site Plan Review mark-up, dated February 21, 2007. Conform to the following guidelines for address signs on the store and the base of the monument sign:
 - a. Halo illuminate the address signs.
 - b. Provide street number only, not the street name.
 - c. Compose of 12" high, individual mount, metal reverse pan channel characters.
 - d. Adjust locations so sign is unobstructed by trees, vines, etc.
 - e. Do not affix another number or a letter that might be mistaken for the address number.
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Item #7	PL060558	5TH STREET WEST
	DPR07032	Development Plan Review
	ZON07001	Zoning Map Amendment
	PAD07006	Planned Area Development
		R-2, Multi-Family Residential District

This case is presented by Ryan Levesque and represented by Tom Goscicki and Phil Combs.

Tom: We have 45 spaces, City requirement is 33. We have adequate parking for this project. Applicant presents parking and turning radius in support of his site plan.

Chairman Huellmantel calls on Mr. Butler.

Mr. Butler feels the project is compatible with the neighborhood and is an excellent start to a new vision. His request is that there is a requirement that the new irrigation line be placed in the alley right of way, not on private property, and the standpipe be moved to the end of the line.

Nicpon: Doesn't the easement guarantee that irrigation line, although on private property, will continue to remain and deliver irrigation where it has been in the past?

Butler: Believe that the line should be placed in the right of way and feels the City should be responsible for maintaining the line. Concern is that should something happen with the line, there would be too much red tape with management companies, etc. that could cause delays if repairs were needed.

Jeremy Honack: Applauds the project and feels it's good for the area and for Tempe.

Jonathan Thums: Long time resident and also feels the project is good for the area and supports the applicant's site plan.

Tom: In regards to Mr. Butler's concern, we can't stop someone down the line from receiving irrigation. In this case, Mr. Ralson's property is just west of the project and he is the last property to receive irrigation. If we were to make a deal with Mr. Ralston or obtain his property, that would end of the issue of the easement and line on our property. The line was broken during construction, it was an older line that wasn't buried very deep and I am more than willing to run it along the back of the property line as long as Mr. Ralston needs water.

Chairman Huellmantel: Mr. Butler would like the line placed in the alley right of way for easier access.

Tom: I have no problem doing that as long as the City approves it, I feel it would be up to the City to make that determination.

Oteri: Is this issue with the parking a deal breaker?

Tom: We feel we have done a quality job on this project, we feel the parking works for this project and we have shown that it works.

Collins: In relationship to the water line, we will have our Water Department review this, determine where the line should be located and we will be happy to create a stipulation and will place it on the recorded plat as well. I don't believe we can come to any conclusion tonight because the final location will be determined by the Water Department.

Oteri: What is the background on the parking?

Levesque: Staff's recommendation is primarily focused on what we feel is a way to avoid the conflict with pedestrian access to the alley by creating a sidewalk out of the drive aisle as well as avoiding potential unauthorized parking in this area. Staff recognizes that the applicant's intent is to provide that as private property for that garage unit. Staff is recommending a solution that will avoid that potential conflict with parking in that area as well as pedestrian access.

Vice Chair MacDonald: How have the landscape islands been refined?

Levesque: Initially, the parking space to the east had been projected farther out to be more in line with the parking garages. The applicant worked with staff to shift that space more eastward and reduce it to a length of 16' rather than 18'.

Oteri: The worse situation in my mind is the loss of any shade that is already there. In your staff recommendation layout, are there alternate ways to modify that landscape plan so that we retain as much shade over that asphalt area as possible?

Levesque: The only loss in the proposed layout would be one additional tree. Additional trees may be provided along boundaries of this parking.

Chairman Huellmantel: Do you feel the applicant's design is less desirable than yours or unsafe?

Levesque: Less safe for pedestrians.

Oteri: The speed in the complex isn't going to be much over 5 mph, is pedestrian safety really an issue?

Levesque: Conflict with use of access to the alley, where the vehicles are utilizing that location for parking. That is the primary concern, the unwarranted parking within that area.

Vice Chair MacDonald: If there is a concern with parking, why is it not throughout the complex, why only in this specific area?

Levesque: The same scenario we are concerned with in this part of the complex could happen elsewhere if someone illegally parks within the driveway.

Oteri: Are they within the code?

Levesque: Yes, the PAD allows the project to establish their own parking requirements.

Nicpon: I feel project is outstanding.

On a motion by Commissioner Tinsley, seconded by Commissioner Nicpon, the Commission with a vote of 7-0, recommended approval of the request for the ZON07001 and PAD07006 and approved the request for DPR07032, including deleting Condition No. 9 and adding Condition No. 25:

**CONDITIONS OF APPROVAL:
ZON07001 AND PAD07006**

1. A building permit shall be obtained and substantial construction commenced on or before **May 31, 2009** or the property shall revert to the previous zoning designation, subject to a formal public hearing at City Council.
2. The Planned Area Development Overlay for 5ST STREET WEST shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
3. Minimum front yard building setback shall be twelve (12) feet from property line.
4. Maximum building height (35) feet, excluding any interior parapet designs.
5. ~~A total of forty-six (46) parking spaces, including ten (10) tandem spaces, shall be provided for the thirteen (13) dwelling units, based on DPR07006 condition #9.~~ **(REMOVED BY STAFF)**

General

6. Your drawings must be submitted to the Development Services Building Safety Division for building permits by **May 8, 2008** or Development Plan approval will expire.
7. An Amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

8. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be reviewed and in a form satisfactory to the Development Services Manager and City Attorney.

Site Plan

9. ~~Reconfigure surface parking area to the west by providing four (4) parking spaces perpendicular to the drive aisle, including a six (6) foot sidewalk leading to the alley, as shown on staff example. (DELETED BY COMMISSION)~~
10. Provide along the perimeter of the property, eight (8) foot high masonry walls painted with raked horizontal joints. Provide two (2) foot high masonry walls, consistent with building design, with an additional six (6) feet of wrought iron pickets along perimeter adjacent to alley at the end of driveways. Limiting wall screening will ensure more surveillance and security within the alley.
11. Provide upgraded paving at each driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.
12. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
13. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
14. Remove and replace existing curb cuts with details to match existing right of way improvements on 5th Street, including but not limited to additional landscaping to match existing.

Building Elevations

15. Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Submit any additions or modifications for review during building plan check process. Planning inspection staff will field verify colors and materials during the construction phase.
16. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
17. Conceal roof drainage system within the interior of the building. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building.
18. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements.
19. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
20. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved by the Development Review Commission.

Landscape

21. Irrigation notes:
 - g. Provide dedicated landscape water meter.
 - h. Enclose backflow prevention device in a lockable, pre-manufactured cage.
 - i. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
 - j. Locate valve controller in a vandal resistant housing.
 - k. Hardwire power source to controller (a receptacle connection is not allowed).
 - l. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
 - m. Repair existing irrigation system in the adjacent public right of ways where damaged by work of this project. Provide temporary irrigation to existing landscape for period of time that irrigation system is out of repair.

22. Include requirement in site landscape work to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
23. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Signage

24. Provide address sign(s) on the building elevations facing the street and elevations of buildings adjacent to the alley. If unit addressing is provided, indicate above garages and at main entrances.
 - a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 6" high, individual mount.
 - 3) Provide a dedicated light source.
 - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) Do not affix number or letter to elevation that might be mistaken for the address.
 - b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.
25. The applicant shall work with the Water Department to provide an acceptable solution to location of the standpipe.
(ADDED BY COMMISSION)

Item #8	PL070042 UPA07001	GABLE RESIDENCE Use Permit Appeal 925 West 14 th Street R1-6, Single Family Residential District
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This case was presented by Steve Abrahamson and represented by Kevin Heenan.

Mr. Heenan requests the Use Permit be overturned and in his presentation shows pictures of the Gable Residence which include the "bus", he has concerns that someone is living in the bus and feels it is a detriment to the neighborhood.

Randy Gable addresses the Commission and states that the bus is used for volunteer work and that no one is living in the bus.

Nicpon: Asks Mr. Gable if he has considered parking the bus in an alternate location.

Gable: No, do not have an alternate location available to me.

Bill Butler and Gary Beardmore also address the Commission and request approval of the appeal in denying the Use Permit.

On a motion by Vice Chair MacDonald and seconded by Commissioner Oteri, the Commission with a vote of 7-0, approved the appeal and revoked the Use Permit for the Gable residence.

Item #9	PL070099 ZON07002 PAD07008 SBD07009 ZUP07030 DPR07040	TEMPE TRANSIT Zoning Map Amendment Planned Area Development Preliminary Subdivision Plat Use Permit Development Plan Review 1811 East Apache Boulevard GID, General Industrial District
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This case is presented by Ryan Levesque and represented by Manjula Vaz of Gammage and Burnham and Brian Cassidy of Gray Development.

Chairman Huellmantel: Your project is on a transit stop and you are asking for a Use Permit to reduce your retail component along one of the most important stops, and as far as I can tell you have not gone to Economic Development to get their recommendation.

Cassidy: On the Apache Boulevard project we do meet the minimum criteria, we're at about 63% designated retail spaces along the Apache frontage and the remainder of the units to the east are all envisioned to be live/work units, which we feel meets the spirit of the intent of the TOD guidelines and of a mixed use development project. We're a little light on the McClintock side, we are at about 51% of that frontage which is currently designated retail and the remainder of that frontage is either our entry into the garage or also live/work units.

Chairman Huellmantel: West elevation does not look like a pedestrian friendly environment. I am excited about the project and comfortable with the zoning, but I don't feel you've given us any information that would lead us to believe that we should give you a Use Permit at this time.

Vaz: Given your concerns over the Use Permit, we would like to take two weeks and meet with Sherry Wakefield from Economic Development and discuss with her our retail components and issues along McClintock Drive and come back with the Use Permit on May 22nd with Sherry or someone else that discuss this with the Commission, and allow us to proceed forward with the zoning and PAD to City Council.

Cassidy: We would like a unanimous decision on this project, it is very important to us to get the full support of the Commission.

Nicpon: I don't like the project, mainly because I don't get it. Who owns the land?

Cassidy: The City previously owned the property, we hold title to it now.

Nicpon: The City bought this property for a park and ride, correct?

Levesque: Yes.

Nicpon: If this were a park and ride, how many parking places would be established?

Levesque: 300, the parking layout was much smaller and not all of the land was going to be used for that purpose.

Nicpon: I'm very disturbed by this project and don't get it. I don't know who is going to live here and I don't understand the retail aspect.

Oteri: I concur with Commissioner Nicpon to a certain extent, 300 spaces for a park and ride lot is not enough. But to end up with a structure that is more appealing than a surface lot makes portions of this project very viable.

Carnahan: I have a concern regarding the recommendation to approve everything but the Use Permit. I am uncomfortable approving site plans etc., without knowing exactly what it is going to be.

Collins: What is critical are the City Council dates. Since the Use Permit and the Development Plan Review don't go forward to the Council, you can consider delaying both of those.

Attridge: Can you give us an idea about the cost of rent?

Cassidy: Approximately \$1.30 to \$1.50 per square foot. The majority of this property has one-bedroom units, in the area of 550 to 700 square feet. So rent would be in the \$800 to \$900/per month range.

Attridge: Can staff talk about parking along the entire rail line and where there are other opportunities for park and ride?

Levesque: There is another park and ride facility at the corner of Apache Boulevard and the 101 Freeway. There is an additional proposed park and ride near Apache Boulevard and Dorsey Lane, which is an existing surface lot.

Attridge: Can you clarify the landscape plan?

Cassidy: It is the same plan that was proposed for the light rail station, same street tree benches, etc. The whole frontage on those two sides is pavers.

Chairman Huellmantel: I would like to see where the curb is, where the trees are and how tall the trees are; how wide the sidewalk is between the trees, where the building starts and what the shade looks like; what it looks like when looking down the street, I don't get a sense of that from this landscape plan.

Collins: I would just like to state that when the Development Plan Review comes back, these items will be addressed because that will be part of the site plan and building elevations that you will see.

Tinsley: What would it take to add an additional 300 spaces to this project?

Cassidy: If we added spaces, the garage would rise up and be taller than the apartments. At this time, the apartments almost completely conceal the parking. When we entered into an agreement with the City, the 300 spaces was the request in the parking calcs.

Chairman Huellmantel calls for any public input.

Carol McDaniels: I own the Shell station at the NWC of McClintock and Apache and am concerned that the presentation has changed. It appears the retail space has been reduced and the appearance on the McClintock and Apache sides has also changed. I like the project from February 2007.

Closed public input portion of the hearing.

Vice Chair MacDonald: I like this project and I think it was wise of the City to sell the property to a developer who was willing to provide those parking spaces in a creative and innovative way. I agree that we should hold back on the Use Permit and Development Plan Review.

Nicpon: I respectfully disagree with Vice Chair MacDonald. I feel the housing portion of this site needs to be scaled back and more emphasis put on the retail aspect of the project. We have an affordable housing issue that hasn't been addressed and we are increasing rental units in our City, where 51% of housing is rental.

On a motion by Vice Chair MacDonald and seconded by Commissioner Carnahan, with a vote of 6-1 (Commissioner Nicpon opposed) recommend approval of ZON07002, PAD 07008, and approved SBD07009 with the following conditions, and continued ZUP07030 and DPR07040 to the May 22, 2007 hearing.

**ZON07002 AND PAD07008
CONDITIONS OF APPROVAL:**

1. A building permit shall be obtained and substantial construction commenced on or before May 31, 2009, or the property shall revert to the previous zoning designation through a formal public hearing at City Council.
2. The Planned Area Development Overlay for Tempe Transit Site shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
3. A Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

Item #7. Announcements

A meeting is scheduled for May 15, 2007 for the Development Review Commission to discuss urban issues. Details to be determined.

Meeting adjourned at 9:52 p.m.

The next public hearing of the Development Review Commission is scheduled for Tuesday, May 22, 2007, located at City Council Chambers, 31 East 5th Street.

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

A handwritten signature in black ink, appearing to read "Lisa Collins", written over a horizontal line.

Lisa Collins
Deputy Development Services Manager

LC/II

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