

**Minutes  
DEVELOPMENT REVIEW COMMISSION  
AUGUST 28, 2007**

The Development Review Commission Study Session was held on August 28, 2007, at Council Chambers, Garden Level, 31 East Fifth Street.

**Present:**

Charles Huellmantel  
Vanessa MacDonald  
Mario Torregrossa  
Mike DiDomenico  
Monica Attridge  
Tom Oteri  
Peggy Tinsley

**Absent:**

Heather Carnahan  
Stanley Nicpon  
Dennis Webb

**City Staff Present:**

Lisa Collins, Deputy Development Services Manager  
Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Diana Kaminski, Senior Planner

**Study Session convened at 6:30 p.m.**

- Item No. 2 recommended to be continued; Item No. 3 is being withdrawn; Item Nos. 4 and 5 to be heard (Item No. 5, the DPR number is corrected to DPR07139).

**Study Session adjourned at 6:45 p.m.**

The Development Review Commission Public Hearing was held on August 28, 2007 at Council Chambers, Garden Level, 31 East Fifth Street.

**Present:**

Charles Huellmantel  
Vanessa MacDonald  
Mario Torregrossa  
Mike DiDomenico  
Monica Attridge  
Tom Oteri  
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**Absent:**

Heather Carnahan  
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**City Staff Present:**

Lisa Collins, Deputy Development Services Manager  
Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Diana Kaminski, Senior Planner

Meeting convened at 7:00 p.m.

**Item #1 – Postponed**

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**Item #2**            **PL0600066**    **ELITE CABARET**  
                         **SBD-2006.57**    (Preliminary and Final Subdivision Plat)  
   910 North McClintock Drive  
   GID, General Industrial District

**SBD-2006.57** – Preliminary and Final Subdivision Plat for two (2) lots on 2.25 net acres.

**On a motion by Vice Chair MacDonald seconded by Commissioner DiDomenico, the Commission with a vote of 7-0, voted to continue this case to September 25, 2007.**

**Item #3**            **PL070231**        **BROADWAY VILLAGE-SCUMBAGS TATTOO AND PIERCING (WITHDRAWN)**  
                         **UPA07006**        (Use Permit)  
   818 West Broadway Road  
   CSS, Commercial Shopping and Services District

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**Item #5**            **PL070066**        **CHURCH ON MILL**  
                         **DPR07139**        (Development Plan Review)

1300 South Mill Avenue  
R-2, Multi-Family Residential District

**DPR07139** – Development plan review including building elevations, site plan and landscape plan for a one-story classroom and administrative building built in an L-shape on the south side of the lot.

This case was presented by Diana Kaminski and represented by Joel Nice.

Nice: Over the years, this site has become run-down, so we have put together a list of observations that we have made; overgrown landscaping, poor lighting, unsafe pedestrian crossings. In the homes they are using now, the uses have outgrown their sizes and they are becoming quite dilapidated and the upkeep to these has become quite expensive. The parking lot has no landscape islands, so it has become quite a heat sink. With that said, we have not only tried to provide a new building and site plan but have tried to address some of these other issues.

We held a neighborhood meeting last week because there were some concerns on the site plan. Most notably, the neighbor to the west had concerns regarding those parking spaces; we agreed and provided a landscape buffer instead. We would also agree to changing the trees in that buffer to a denser species, we are suggesting an Elm Tree. Also, in our original submittal, we had planned to put a driveway in on the western section, we decided against that for similar reasons. We have also included an 8' masonry wall around the perimeter of the property to the west and the north to help with privacy issues.

Oteri: What is the potential use of this building? Is it a 7-day/week use?

Nice: On the western most wing, it would be office use and classroom use on the north wing. Primary use would be on Sunday mornings and programs for the church running during the week.

Oteri: How does this change from what already occurs on Sunday?

Nice: The only change would be if membership increased. We are increasing parking so that we can handle more onsite parking, which would lower the impact of the parking to the neighborhood.

Chair Huellmantel: What kind of activity do you see during the week?

Nice: Let me have a representative from the church answer that question.

Wendell Fuller: The office building will be used five days per week, approximately 40 hours. On Wednesday evenings we have youth programs and ministry going on, in mid-week services we have choir practices and ministry programs and that is all we have at this time.

Chair Huellmantel: I had heard that you may intend on doing student parking?

Fuller: We currently do student parking.

Chair Huellmantel: How does that work?

Fuller: We sell parking permits to the ASU students on a semester basis.

Chair Huellmantel: How do they get in and out of the site?

Fuller: They can come in from the north and the south.

Chair Huellmantel: What is the logic extending out into Ash?

Fuller: At that time we thought we would need additional parking to meet the City's requirements. After putting this plan together, we found that we didn't need it and possibly needed more area for water retention.

Chair Huellmantel opens the hearing for public input.

Beth Jones: That lot is filled every day to capacity with student parking.

Chair Huellmantel: I take it from your comments and your email that you were opposed to the project as it was originally proposed? Has your position changed with the architect's changes?

Jones: I am in support of the changes they made in regards to parking. I would like an exact survey done.

Chair Huellmantel: I believe that the Building Safety Department, as well as Engineering would require verification of such details.

Collins: We would require a registered land surveyor to provide a site plan in the submittal to Building Safety.

Jones: I would like a clarification on the elevations. I would like to see at least 8' of wall from my side of the wall. And, I have a concern about the 10 month construction time frame.

Karen Gittiss: I have a problem with characterizing buildings as deteriorating, losing landscape and also becoming more and more dilapidated and using that as an excuse to tear them down. I would like to indicate for the record, that out of the six houses that are being torn-down, one is not eligible for national register status due to changes in the exterior, one is eligible for national register status, two are potentially eligible as contributors, and two more would be contributing houses. I have a concern that the church has not taken care of properties in the past and what will happen when we have a new building. Concerned about the landscaping and what trees are going to be removed. I believe there is potential in the landscaping and lighting improvements. I am mostly concerned about the traffic and the parking and the driveway being placed so close to an existing residence. The parking by Use Permit is problematic. I would like to see a condition that the Board of Adjustment looks at the additional spaces and the Use Permit. I would like to see them work with the neighborhood on identification and preservation of mature landscape.

Chair Huellmantel: Can you address the issue of preservation of the historic homes and the Board of Adjustment issue?

Kaminski: With regard to the historic properties, they were part of a post-WW2 subdivision study that was conducted in 1997; the status of those properties was the condition of the properties at that time. As part of the review of the project, I did review this with Joe Nucci our Historic Preservation Officer. He informed me that within the Historic Preservation Overlay being proposed for the Maple-Ash Neighborhood, everything south of 13<sup>th</sup> Street was removed from that designation. The Historic Preservation Commission at that time determined that those properties were not significant enough to include in the Overlay District and it was the opinion of Mark Vinson and Joe Nucci that these properties were not considered historic enough for designation. However, upon removal from the site, they are required to be documented and that is done by the Historic Preservation Officer or someone he appoints.

With regard to the Use Permit, in 2000 the Zoning Administrator at that time had determined that the use of the parking lot for sale for student parking was a commercial operation and that it would require a Use Permit. That was appealed by the church in January 2001 and the Board of Adjustment overturned the Zoning Administrator's opinion and determined that because they were a non-profit use that is was not considered a commercial use and that no Use Permit would be required.

Chair Huellmantel: If the applicant would return to the podium. I'm sure there are several issues you will want to address. I would like to know how the style of architecture you've chosen fits into this particular location; your response on the trees, what goes and what stays and how you plan on treating some of the more mature trees; the historic nature of the buildings; and the student parking.

Nice: Referring to a colored elevation, the building will be a masonry block construction. We are maintaining a 4" size block rather than an 8" size block to reflect the brick and block work that is existing on the site. There is a band, in a square pattern that reflects the windows on the student union building; it is somewhat of a prairie style type of architecture. That is the reason for the low roofs and the longer overhangs on the ends and rather than putting glass in windows up high,

we decided to reflect that sentiment using split-faced block.

Chair Huellmantel: Referring to the colored elevations, can you explain this screen wall and how it fits in architecturally? On one hand you are proposing some pretty good uses, but on the other hand you are replacing sidewalks and door fronts with mechanical equipment.

Nice: Due to the constraints we had due to cost and in site planning, it was my inspiration to try and make the element as much of an architectural-type feature instead of just a screen wall. We could possibly call out for a more decorative type of metal to make that more appealing from the streetscape.

Attridge: It appears that the mechanical yard encroaches into the 10' setback on the south side. How close is the yard to the sidewalk?

Nice: Estimating 12 to 15'.

Attridge: I would like to see more of a residential look that is more street friendly. I like the overall design; I'm just concerned with the height and it being so close to the street.

Nice: There are trees and full landscaping all along that elevation. The height is not that much higher than we have seen, the plate height is at 10' 8", and the entire building is 20 or 24' high.

Chair Huellmantel: We're not so concerned about the height of the building, which is allowed by the Zoning Code, but a building with that height with the back of the building to the street has a strange feel to it.

Nice: The idea behind that design was to internalize the campus, so that church functions would be accessed from the inside and would be connected between all of the buildings.

Collins: I have asked the applicant to show the site on an aerial so you can see it in context with the rest of the neighborhood.

MacDonald: What is the square footage of the Christian Challenge Building?

Nice: 3,662 square feet.

MacDonald: The roofline is what troubles me the most. You are mimicking the roofline of this building onto a 14,000 s.f. building and it becomes this big, monolithic, low-hung roof.

Nice: The width of the building is similar to the other building; therefore, we're continuing the same type of width and roof all the way across. The idea was to keep it as simple and efficient as possible.

Tinsley: I would like a clarification on the wall height, is that 8' on her side or your side?

Nice: I believe it was misstated before, I believe the neighbor would want it to be 8' from our side, it will then be closer to 12' or more on her side due to some retention wall at the bottom.

Tinsley: Would you be willing construct a privacy wall or that wall early on in construction?

Nice: That would not be a problem.

Attridge: The minimum setback on Hudson is 10', is that correct?

Kaminski: Yes, it is the street side so it is 10'.

Tinsley: What guarantee do we have that the church will maintain the new building? It was brought up earlier that the older homes are being demolished because they weren't in good shape, but they were also owned by the church.

Nice: I believe the new block construction is much more substantial and due to the block, less maintenance and painting is required. The roof is made of an architectural grade asphalt shingle that is thicker and more durable than the original shingles installed.

Chair Huellmantel: This is a tough project because it is a church, and we would like to be able to give churches a little more leeway, but it is a church in a neighborhood; and I am left asking myself if this is a design we would consider if it wasn't a church? I don't think we would be approving asphalt shingles. The height does not bother me.

Attridge: The height does concern me due to its proximity to the street. I don't see why the building couldn't be rotated 90 degrees and placed a little more north and still end up with the internal common area and have more of a neighborhood friendly front.

APPROVED

MacDonald: I feel the design falls short and the roofing material underscores the concern I had with the big, long roof. I would like to see a new, more creative approach.

DiDomenico: I have no problems with the site plan and I applaud the applicant for working so closely with the neighbor most impacted by the project. The massing of the building does not concern me because of what is on the south side of the street. I look at it as a deep Mill Avenue site. I think it would be worse to twist or rotate the building, because I think the design hides the parking from the neighborhood. I do agree with the concern over the roofing materials. I believe the asphalt shingles should only be considered if the idea is to match other buildings on the site.

Torregrossa: I like the idea of getting new buildings in and tearing down the old ones. I like the way the mechanical units have been screened and trying to blend it into the building. I also have concerns over the roofing materials.

Tinsley: The south elevation is not as nice as the north elevation. I believe a lot of what you are doing is great, parking to the inside and placing the building closer to the street. I am concerned over the wall on the west side and that the neighbor doesn't realize how high that wall is going to be from her side; but I believe you have worked with her and will continue to work it out with her. I am concerned with the trees that will be going away.

Oteri: I think we are gaining trees, if you look at the landscape plan. I don't have a problem with the project and it sits in an area that the design is acceptable and I think it fits in. My only concern would be in the roofing materials.

Chair Huellmantel: I applaud your efforts but I don't think you're quite there yet and a rejection of the project doesn't do anyone any good. I am leaning towards a continuance.

Collins: We recommend one month, to the September 25, 2007 hearing, so they have adequate time to work with the neighborhood.

**On a motion by Commissioner Oteri and seconded by Vice Chair MacDonald, the Commission with a vote of 7-0, voted to continue this case to the September 25, 2007 hearing**

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**Item #4**      **PL070362**      **DOWNTOWN SIGNAGE**  
                 **ZOA07002**      (Code Text Amendments)

This case was presented by Ryan Levesque. This item is for a new Code Text Amendment regarding a proposed way finding sign program, specifically designated for the downtown area. This request will propose to incorporate a collaborative effort between Development Services staff and the Downtown Tempe Community (DTC) in providing permitting and enforcement of downtown portable signs in a pedestrian oriented area. The provision for the way finding signs speaks to a certain size and location limitation with respect to businesses along Mill Avenue and the jurisdiction of the DTC area. The DTC will provide an elaborative review of permitting for these requests, and Development Services will provide the enforcement in terms of making sure the signs have met requirements and that there are no non-conforming signs proposed.

MacDonald: I have a question about process. We are relinquishing a part of our code to a private entity but I don't see an appeals process? Who will grant the license?

Levesque: That is a good question. We have proposed an additional code text amendment to add to the miscellaneous component of this request that addresses how the appeal procedures would proceed. Basically, it is the DTC that is making the decision for permitting and we are suggesting that any decisions made by the DTC may be appealed to the Development Services Manager or designee. This way, it would enter into the City's appeal process for determination of that request.

MacDonald: Is it a board vote by the DTC?

Collins: The DTC has not yet determined exactly how their approval process will work, and I will be happy to bring that back; but, we've left that process up to them as to if they will have a majority vote. I know they have some new processes that they are putting into place and we can bring that back to you.

Chair Huellmantel: The DTC isn't really a private organization; the City is a member, as is ASU and anyone who is downtown.

Attridge: Have they talked about design guidelines?

Collins: There are some attachments that show where the signs may be located. There is a specific amenity zone that designates where the signs may be placed. Part of the concern with the A-frame signs previously, was that there was no location for them and how long they would be left out. These are still viewed as temporary, they would be brought in at evening time and they would be required to follow the design guidelines. This is a joint effort between the City and the DTC, not to say that they designed this, because they didn't; but, they have worked with us and our City architect and have agreed that these signs are acceptable. They are the ones who came to us and said that their tenants and businesses in the downtown area want some sort of signage and since the A-frame signs are illegal and we are citing people for them, they asked us to help them find a way to help the businesses along Mill Avenue. This is a partnership between the City and the DTC. Part of our concern is that these are way finding signs and we don't really review and permit, so they offered to take that on. As Ryan stated, if there was a design appeal, it would come to the City as an administrative appeal and then go through the process to the DRC.

MacDonald: I would like to see this case continued to the next meeting when we could add that language to Section F. Maybe a list of prohibited materials could be included.

Collins: I appreciate the comments and your concerns. Whenever the City permits signage, we look at the types of materials and I think if you look throughout the ZDC, you won't find things that dictate type of material and I feel it would be somewhat inconsistent to put that in here and it may also limit the types of material that could be proposed. Types of material would be more along the lines of a guideline and the staff makes those determinations now on signage and they can be appealed to the DRC.

Chair Huellmantel: Who can appeal?

Collins: The applicant. Or technically, any aggrieved party.

DiDomenico: So if I was a shop owner and my neighbor places a cardboard sign, approved by the DTC, I could appeal?

Collins: That is correct, but we are not going to be permitting cardboard signs, and neither is the DTC. We have never permitted cardboard in the past and won't allow it now.

DiDomenico: I believe that's Commissioner MacDonald's concern, is that now we are going to an outside group who has never been involved in the signage review or approval and things may get approved that they feel are appropriate and until it's built and put up, no one would know what had been approved.

Collins: I could offer a suggestion; first, this is a one-year pilot program. Secondly, we would be happy to stipulate to working with the DTC to determine an acceptable set of materials and/or possibly in this first year, review these applications in concert with them.

DiDomenico: I have no desire to continue this item. I am comfortable that staff hears our concerns and can come up with appropriate language.

Collins: It is our intent to give broad consultation and let the DTC take care of all of the nitty-gritty details regarding materials, construction, installation, etc.

Tinsley: Let's go back to the appeal issue, Mr. Levesque, you had language do you recall what it said?

Levesque: Yes. "Decisions made by the DTC may be appealed do the Development Services Manager or designee." That language would start the appeal process through the City. First, it would go through the Development Services Manager and then, if necessary, to the DRC.

APPROVED

Tinsley: I would say that we add that to Section F, Miscellaneous No. 8.

**On a motion by Commissioner Tinsley and seconded by Commissioner Oteri, the Commission with a vote of 7-0 approved the Code Text Amendment for the Zoning and Development Code Part 4, Chapter 9 signs, with the additional language to (F)(8), according to the following conditions:**

1. One (1) year after the effective date of this ordinance, the Development Services Department will report back to the appropriate Council Sub-Committee on the results of the program and seek further direction.

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**Item #7. Announcements**

No announcements at this time

**Meeting adjourned at 11:10 p.m.**

The next public hearing of the Development Review Commission is scheduled for Tuesday, September 25, 2007, located at City Council Chambers, 31 East 5<sup>th</sup> Street.

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

LC/II  
10/24/2007 2:00 PM