

Minutes
DEVELOPMENT REVIEW COMMISSION
JUNE 12, 2007

The Development Review Commission Study Session was held on June 12, 2007, at Council Chambers, Garden Level, 31 East Fifth Street.

Present:

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

Absent:

Heather Carnahan
Stanley Nicpon

City Staff Present:

Chris Anaradian, Development Services Manager
Lisa Collins, Deputy Development Services Manager
Kevin O'Melia, Senior Planner
Ryan Levesque, Senior Planner

Study Session convened at 6:32 p.m.

Items discussed:

Will hear all Items. Vice Chair MacDonald will recuse herself on Item No. 5 and Chair Huellmantel will recuse himself on Item No. 6.

Study Session adjourned at 6:40 p.m.

The Development Review Commission Public Hearing was held on June 12, 2007, at Council Chambers, Garden Level, 31 East Fifth Street.

Present:

Charles Huellmantel, Chair
Vanessa MacDonald, Vice Chair
Tom Oteri
Mike DiDomenico
Stanley Nicpon
Dennis Webb
Monica Attridge

Absent:

Heather Carnahan
Peggy Tinsley
Mario Torregrossa

City Staff Present:

Chris Anaradian, Development Services Manager
Lisa Collins, Deputy Development Services Manager
Kevin O'Melia, Senior Planner
Ryan Levesque, Senior Planner
Diana Kaminski, Senior Planner
Decima Sever
Shelley Seyler
Mark Vinson,
Dave Park

Meeting convened at 7:04 p.m.

Item #1 – MINUTES – POSTPONED

Charles Huellmantel stated that Item Nos. 2 and 3 will be heard together. All other items will be heard. Chair Huellmantel also reorganized the hearing to load heavy citizen cases to end of hearing.

The Commission went on to the discussion agenda.

Item #9	PL070191	4455 RURAL
	ZON07004	Zoning Map Amendment (Ordinance No. 2007.49)
	PAD07018	Planned Area Development Overlay
	DPR07090	Development Plan Review

This case is presented by Diana Kaminski and represented by Steve Anderson.

Kaminski: This project has had four neighborhood meetings and through that process has had several changes and now others are not in favor of this design. This project was reduced from 100 residences to 30 dwelling units, building height from 70' to 50', office space reduced from 8700 s.f. to 3600 s.f. and the elevations were modified from a modern steel and glass structure to something more contextual to the area. Through their process they are proposing MU-3, which is in conformance to the General Plan and the density is the same as what is currently allowed by their PCC-2 zoning.

Chair Huellmantel: Will you summarize the concerns that you have received?

Kaminski: The primary concerns of both of the emails I have received are related to traffic and the acceleration lanes on Rural Road being removed, which was a condition that our Traffic Engineering Division placed on this project. There is also a concern about the turn lane onto Lakeshore Drive into the Condo project and the possibility of accidents.

Steve Anderson addresses the Commission referencing an aerial showing the site and giving a presentation on site issues. There are two issues I want to address, the first being that we have been working on this project for almost two years and with the site being across from DR Horton's main offices, this is a site that DR Horton takes quite a lot of personal pride in and the staff at DR Horton will be viewing this site every day, just like the people that live in the area.

The second item I would like to address is related to the traffic issues that have been raised and the analysis of how we got here.

There is a median along Rural that will prevent southbound traffic from entering the site directly from Rural. That traffic will have to come to Lakeshore, turn left onto Lakeshore and enter the site from there. People that access this site now come down Lakeshore to Carson and make a u-turn, which is a safety issue because the radius does not allow for a complete turn. As a result, a lot of vehicles go up on the curb or continue their left turn onto Carson and make a u-turn in the neighborhood to come back onto Lakeshore and access the site. This problem was identified very early on and our solution, as indicated on our site plan, is to create a left turn break in the median on Lakeshore Drive, eliminating that u-turn movement. I believe the comments you will receive today come from a small minority of the community who feel this left-turn pocket will not be effective and would prefer to see the u-turns at Carson stay in place.

Another issue that was raised was the acceleration lane along Rural Road that has raised dividers. It is the desire of the Transit Department, as we understand it, to eliminate that acceleration lane so that they can facilitate a bus stop in front of our building. We are happy to accommodate that.

Chair Huellmantel calls for public input:

Dan DiGiovani: My concerns are with the new left turn lane. I do feel it's better than the u-turn situation but I do have concerns. First concern that I have is regarding clearly marking the yielding and turn lanes when either making a left or right turn from Rural onto Lakeshore. Second concern is the curved right turn lane from Rural northbound onto Lakeshore. Concerned that traffic will backup should this new dedicated left turn lane be congested. The opposite also concerns me, if someone merging from northbound Rural from that curved lane sees a clear path from their left and the left hand turn lane is open, then they will continue straight through, possibly not yielding to traffic heading westbound on Lakeshore. This could be resolved with signage and with a physical barrier like a curb between the eastbound through lane and the left turn lane, so people cannot cut across from the south.

Shelley Seyler addresses the Commission: We have been working with the developer as well as their traffic consultant to address the concerns that have come up in the emails from residents in the area. The suggestion of the barrier on the right side of that left turn lane to prohibit that cross-over movement is a possibility. The trip generation information that was given regarding this development indicated 16 trips both in the am and pm peak hour and if you look at that over the hour time frame, it's about one every three to four minutes. This will give you a perspective on how many turns would be linked to that left turn into that development. I would like to speak to the issue of the acceleration lane because it was the desire of the Transportation Division to eliminate that lane for a number of reasons. Firstly, people are not using the lane properly. If the lane is functioning properly, motorists would make the right turn onto Rural and continue moving, merging onto Rural Road. But, because of the length of that lane, it does not allow that to occur because people cannot get to the speed necessary to merge with the traffic moving at 40+ mphs. We also looked at how that acceleration lane would work with the driveway off of Rural. For these reasons, we have looked at taking that acceleration lane out and placing a bus stop there. The bus stop could cause a restriction in sight distances for people coming out of the driveway onto Rural, but it may be a situation where they would have to wait for the bus to proceed before they could exit the property.

Vice Chair MacDonald: Is a bus shelter definitely going in that location?

Seyler: The way it is designed today, yes. Shelter or pullout? Pull out, yes.

Chair Huellmantel: Ms. Kaminski, do you feel that the stipulations still allow, or force, the applicant to continue to work with Ms. Seyler to come up with a reasonable solution to this?

Kaminski: Yes, Shelley has been involved since the beginning of this project and if there were additional changes, our stipulations don't prohibit or limit their ability to be modified as needed.

Chair Huellmantel: Do they require the applicant to continue to work with Ms. Seyler?

Kaminski: I don't believe so, I will double check but the assumption is that what has been presented functions. If modifications need to be made, it can be done but we were forwarding this as a proposal that works.

Anderson: Referring to the aerial, there is room to place a yield sign at this right turn curve, but one has not been placed there yet. We have been cooperative in working with Ms. Seyler and will continue to be cooperative.

Attridge: Can you talk a little bit about the exterior curtains on the outside and how those will work and is there anything in the CCR's about replacing them if they are damaged, or keeping them open and/or closed?

Mark Wood: There is a stipulation within our approval that we provide that information in the CCR's and that they are maintained. As far as being opened or closed, there is no stipulation whether they need to be left open or closed. The curtains are functional and will be providing protection against the morning and afternoon sun.

Attridge: Is there a concern about what it will look like and it not being uniform?

Wood: No, we don't have a concern about that.

Oteri: What if the offices are open on Saturday? And what is the availability of guest parking on the weekends?

Anderson: In terms of compliance with the Ordinance, there is sufficient parking to address both obligations simultaneously.

Oteri: Where would overflow parking go?

Anderson: The excess parking would probably spill over to the adjacent office complex, although we don't have a cross-access agreement and/or authorization. The only cross access agreement we have with the building to the east is for these driveways which serve that building and allow them to access Rural across our property.

Oteri: Types of occupants for the office space?

Anderson: With regard to the offices that face Lakeshore, they are relatively small offices, 3600 s.f. is the total amount of space, we're presuming it will center around architects, engineers, etc., types of offices that don't rely on a very visible site.

On a motion by Commissioner Oteri and seconded by Commissioner Web, the Commission with a vote of 7-0 approved this Development Plan Review and recommended for approval the Zoning Map Amendment and Planned Area Development Overlay with the following conditions:

General

1. A building permit shall be obtained and substantial construction commenced on or before **July 19, 2009** or the **property shall revert to a previous zoning designation—subject to a formal public hearing.**
2. The Planned Area Development for 4455 RURAL 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 Condominium Plat (Horizontal Regime) is required for this development and shall be recorded prior to an occupancy permit.
4. The Subdivision Plat (Condominium Plat) for 4455 RURAL 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 on or before **July 19, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.
5. The developer must receive approval of the final Traffic Impact Study from the Traffic Engineering prior to issuance of a building permit.

6. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **July 19, 2008** or Development Plan approval will expire.
7. 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 any building elements or accessories visible from the street. The CC&R's shall be in a form satisfactory to the Development Services Manager and City Attorney.

Site Plan

8. Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
9. 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.
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. 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.

Floor Plans

12. Exit Security:
 - a. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
 - b. In instances where an elevator or stair exit is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow someone in the exit doorway to observe in the mirror the area around the corner or within the alcove that is adjacent to the doorway.
13. Garage Security:
 - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
 - b. Paint interior wall and overhead surfaces in garage floor levels with a highly reflective white color, minimum LRV of 75 percent. Delete wall paint at above grade garage levels.
 - c. Maximize openness at the elevator entrances and stair landings to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.

Building Elevations

14. 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.
15. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
16. 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.
17. 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.
18. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
19. 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.
20. Balcony curtains shall meet all fire resistance, flammability and smoke standards.

Lighting

21. Follow requirements of ZDC Part 4 chapter 8

22. Illuminate building entrances, gang mailboxes, parking areas, gated entrance and stair landings from dusk to dawn to assist with visual surveillance at these locations, per Zoning and Development Code Section 4-803.

Landscape

23. Irrigation notes:

- a. Provide a separate dedicated landscape 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 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.
- d. Locate valve controller in a vandal resistant housing.
- e. Hardwire power source to controller (a receptacle connection is not allowed).
- f. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.

24. 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.

25. 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

26. Provide one address sign on each elevation. Do not address street side yard, provide address sign(s) on the building elevation facing the street to which the property is identified.

- a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 12" high (standard for commercial), individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) Adjust locations on building so sign is unobstructed by trees, vines, etc.
 - 6) 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.
- c. Provide one address sign on the roof of the office building. Orient sign to be read from the south.
 - 1) Include street address number in 6'-0" high characters on one line and street name in 3'-0" high characters on a second line immediately below the first.
 - 2) Provide high contrast sign, either black characters on a light roof or white characters on a black field that is painted on the roof.
 - 3) Do not illuminate roof address.

Item #7	PL060587 DPR07015	U.S. INDUSTRIAL FASTENERS Development Plan Review 2026 East Cedar Street GID, General Industrial District
----------------	------------------------------------	---

This case is represented by Brian Johns, Associated Architects.

Chair Huellmantel addresses Commission and since no one from the public has questions, a full presentation is not needed and the applicant can go directly to answering any questions the Commission may have.

Attridge: My concern is related to the building next door and the bleeding of the paint.

Johns: I am here with the owner, Ken Blackburn. It is our intention to repaint the entire building.

Blackburn: When we do the addition, we will repaint the entire building.

Attridge: How long until it is painted?

Blackburn/Johns: Approximately one year. When construction is completed.

Attridge: Are you going to be able to prevent that band from bleeding in the future:

Blackburn: Not sure how we can do that?

Johns: During design we can look into some other alternatives besides painting. It may have been the quality of paint at the time it was painted.

Chair Huellmantel: You have made this clear to the applicant that this is a serious concern that you have and you want to make sure that the new building doesn't have the same issue. If it does, whether it is the new building or old building, this kind of condition is unacceptable and a code violation and I'm sure code enforcement will be looking at this. If the plan is to wait a full year to paint this, they may want to reconsider that plan or work with staff to come up with a proposal before staff cites them.

Attridge: Yes that addresses my concerns.

On a motion by Commissioner DiDomenico and seconded by Commissioner Webb, the Commission with a vote of 7-0, approved this Development Plan Review case with the following conditions:

General

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **June 12, 2008** or Development Plan approval will expire. **A phased portion of the development may be submitted after the initial deadline for building permits by June 12, 2009, or all future phases of the approval will expire. (ADDED BY COMMISSION)**
2. An Amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

Site Plan

3. Provide 6'-0" wide public sidewalk along public street, or as required by Traffic Engineering Design Criteria and Standard Details.
4. Provide service yard and mechanical (cooling tower/generator) yard walls that are at least 8'-0" tall as measured from adjacent grade and are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment. Locate electrical service entrance sections inside the service yard, as indicated.
5. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
6. 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.
7. 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.

8. 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.

Building Elevations

9. 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.
10. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
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 (alarm klaxons, security cameras, etc.) 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.) inside the building or inside a secure yard that is concealed from public view.
14. 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

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

Landscape

16. Irrigation notes:
 - a. Enclose backflow prevention device in a lockable, pre-manufactured cage.
 - b. 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.
 - c. Locate valve controller in a vandal resistant housing.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
17. 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.
18. 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

19. Provide address sign(s) on all new building elevations.
 - a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name.
 - 2) Compose of 12" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or 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.
20. **Any unimproved areas, as a result of phasing the building expansion, shall be covered with decomposed granite or a similar material. (ADDED BY COMMISSION)**

21. **All new parking and landscape improvements shall be completed within the first phase of the development. (ADDED BY COMMISSION)**
22. **The east elevation of the phased addition shall match the materials and colors identified within the approved building elevations. (ADDED BY COMMISSION)**

Item #4	PL060720	SELF-SERVE CAR WASH
	ZUP06107	Use Permit
	DPR06134	Development Plan Review
		1336 West University Drive
		CSS, Commercial Shopping and Services District

This case is represented by John Redell, Architect.

Redell: Since we our last appearance before this Commission, we have hired an acoustical consulting engineer and he has run noise levels of the existing equipment and has gone to other existing car wash facilities of equal size to what we are doing and has run numbers at those facilities as well. From his numbers, we have implemented a few of his suggestions. We have enclosed the vacuums with a framed, synthetic stucco covered structure that helps insulate the noise and bring the levels down below the City's requirement. The other concern that City staff had was the blower located in the car wash tunnel. We are enclosing this to our minimum requirements . We are taking the lentil over the door and dropping it down to an 8' level and bringing the sides into the minimum width that is allowed. By doing this, the dryer is above that 8' lentil and the noise is contained within that masonry structure. The opening that we do have is the same height as the wall we have that is proposed in the rear.

Staff has recommended that we relocate the trash enclosure to the other side and remove two of the vacuums, we are opposed to these recommendations. By providing the enclosures, we are securing that we are below the 45 db after the late night hours. Moving the trash enclosure doesn't improve sound any more than having just the 8' wall. We have gone to a token system to help eliminate the threat of theft in the bays. Staff is still requiring a shut-down from 12:00 am to 7:00 am. We feel this shut-down eliminates about 20% of business and the owner feels he won't be able to operate losing this percentage of business. We feel we have provided answers to the questions regarding security and noise and feel we have brought this project up to the City's standards and request that we continue to be able operate this facility 24 hours.

Oteri: What is the cumulative noise level when more than one vacuum is going?

Tony Sola (acoustical engineer): Doubling the power will increase the noise level by 3db, which is classified as a barely perceptible noise increase.

Vice Chair MacDonald: Can you tell me what has changed about your security plan since your last presentation?

Redell: We showed our camera locations, we have cameras in all of the bays that oversee the coin drop, they are motion detected cameras. Cameras are located in the front and rear of the bays and cameras facing the vacuum areas. It is digitally recorded and accessible through the internet by the owner so that he can view the car wash at any time. We also showed the lighting in the bays and removal of as much of the cash aspect of it as possible.

Webb: You are in disagreement with staff on two conditions, the reduction in hours and the relocation of the trash enclosure, is this correct:

Redell: No, there are three; Conditions 2, 3, and 10a.

Webb: If the Commission were to deny the 24 hour status, would the project not go forth?

Redell: Yes that is correct.

Chair Huellmantel: This brings up the previous comments in a similar case that Commissioner Attridge made. We have all been by this site and the condition it is in is not adequate and I would ask that Code Enforcement take a look into this. Something will need to be done with this site.

Chair Huellmantel closes the public hearing portion of this case.

Attridge: Believes the restriction of hours is necessary.

Webb: I feel the applicant hasn't made a strong case to support the 24 hour service.

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 4-3 (Commissioners Attridge, Oteri and Huellmantel opposed) approved this Development Plan Review and Use Permit, deleting Condition Nos. 3 and 10A, with the following conditions:

ZUP06107

CONDITIONS OF APPROVAL

1. The use permit is valid for Kay Hamblin, SELF-SERVE CAR WASH and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. The business hours of operation for the car wash and vacuum bays shall be limited from 7 am to 12 am.
3. ~~Vacuum bays shall be limited to no more than four (4) stalls, eliminating the two (2) proposed vacuum bay stalls to the north and replaced with landscape. (DELETED BY COMMISSION)~~
4. The car wash facility shall utilize TOKEN ONLY coin-operated equipment, providing additional security for the site and its patrons.
5. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
6. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.

DPR06134

CONDITIONS OF APPROVAL:

7. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **February 27, 2008** or Development Plan approval will expire.
8. The vacuum units shall be enclosed within an additional sound dampening component to reduce noise levels.

SITE PLAN:

9. The property owner shall dedicate to the City, fifteen (15) feet of property frontage for the purpose of creating a fifty-five (55) feet right-of-way half street, which shall be recorded prior to issuance of building permits.
10. Refuse:
 - a. ~~Locate refuse enclosure to northwest area of property, providing landscape on either sides of enclosure. (DELETED BY COMMISSION)~~
 - b. Construct walls, pad and bollards in conformance with Standard Detail DS-116 for a single container.
 - c. Gates for refuse enclosure(s) are not required. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.
11. Walls:
 - a. Provide a new eight (8) foot high CMU wall along the north property line, extending to the building to the west.
 - b. Provide an eight (8) foot high steel vertical picket fence at the northwestern perimeter of the property extending to the adjacent existing building for access control.
 - c. Obtain authorization from adjacent property owners in order to extend perimeter fencing to buildings.
 - d. Provide additional parking screen walls, maximum three (3) feet in height, along property perimeter near parking spaces. An additional three (3) feet of wrought iron above the screen wall shall be provided along the western perimeter.

12. Provide upgraded paving at each driveway apron consisting of unit paving along University Drive. 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.
13. 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.
14. 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.

FLOOR PLANS:

15. Vending machines integrated into the building shall provide secured fencing to prevent vandalism.

BUILDING ELEVATIONS:

16. 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.
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. Building roof drainage shall be designed in a way to maintain run-off on site.
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.
21. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved by planning staff.

LANDSCAPE:

22. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. 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.
 - c. Locate valve controller in a vandal resistant housing.
 - d. Hardwire power source to controller (no receptacle).
 - e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
 - f. Provide temporary irrigation for the native hydro-seed area. Dismantle this irrigation system when germination of hydro-seed is seen.
 - g. 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 system at the conclusion of this construction.
23. 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.
24. 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:

25. Provide address sign on three sides of the building. Match the height of all address signs.
- a. Conform to the following guidelines for building address signs:
 - 1) Compose address signs of 12" high, individual mount, metal reverse pan channel characters.
 - 2) Halo-illuminate each address from dusk to dawn or with light fixture.
 - 3) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 4) Do not affix a number or letter to the building that might be mistaken for the address assigned to the building.
 - 5) Provide minimum 50 percent contrast between address and the background to which it is attached.
 - b. Utility meters shall utilize a minimum 1" number height in accordance with the Tempe electrical code and utility company standards.

Item #6	PL060561	CVS PHARMACY
	DPR07072	Development Plan Review
		802 South Mill Avenue
		CC, City Center District

Chairman Huellmantel recuses himself. Vice Chair MacDonald takes over. Commissioner Torregrossa steps up to the dais.

This case was presented by Kevin O'Melia and represented by Jason Morris and S.G. Ellison.

After a Power Point presentation, Vice Chair MacDonald calls for questions from the Commission.

Oteri: How does CVS receive deliveries? In a large semi truck?

Morris: A 10-wheel truck rather than an 18 wheeler. Deliveries are typically done in the off-peak hours. Given the nature of the store, some being open 24 hours, they can schedule deliveries accordingly and not interfering with traffic flow, etc.

Oteri: Will this store be open 24 hours?

Morris: That will be determined once the store opens, the decision is made typically between 3-6 months after opening.

Attridge: In all of the illustrations there are these extra signs in the windows, etc. I assume that is advertising subject to the 25% window limit?

Morris: There are stipulations that we will need to come in and get our signage approved under separate application.

Torregrossa: Will you be utilizing the existing alley?

Morris: We have been asked to not access that alley in any way (no cars, deliveries, refuse pickup, etc.) and make it purely a pedestrian access point, and we have agreed.

Vice Chair MacDonald opens the hearing to public input:

Alia Alziz: Owner, Sahara Restaurant, appreciates progress but concerned about small businesses in this area. Curious if the City has any resources to help a business owner relocate.

O'Melia: Community Development should be able to assist in relocation.

Nicpon: You can contact Pam Goronkin at the DTC.

Michael Wasko: Concerned about the lack of bikepath from University Drive south bound on Mill to 13th Street. Also, the name CVS Pharmacy is a little too overbearing in their presentation. I feel if you add the big red letters along with the word pharmacy it gives it too much of a commercial feel to the corner.

Vice Chair MacDonald: Mr. O'Melia do you want to touch on the bike lanes?

O'Melia: The existing condition is as described, the bikepath disappears south of University until 13th Street. There is a bus stop located there now and that will be preserved during construction. The bike lane issue will be dealt with by our Transportation Division.

Nicpon: I agree with Mr. Wasako. Can the bus stop be relocated?

Seyler: One thing we don't want to do is widen the intersection because it makes it more unfriendly to pedestrians. The Traffic Division is looking at strengthening the bike lane network in north Tempe, changes to be accomplished through reduction in vehicle lane width. We are currently looking at a project that will go from south of University down to the Apache curve and over to Terrace. It is a streetscape project that looks at that entire length and one of the items we will be looking at are bike lanes.

Jenny Lucier: I sent a letter to CVS welcoming them to the community, we're very excited to see them come to that corner, it's a very important location and we look forward to the improvements. The comments I have tonight are based on a review of the proposal from the Neighborhood Strategic Plan, which I've reviewed with the Board in my neighborhood. There are a lot of nice things to say about this project. The way it addresses the street is consistent with the strategic plan. The basic goods and services it brings to the neighborhood are welcomed. I do have some concerns. The two main reasons I am here are regarding losing the Sahara Restaurant and the importance of this corner at University and Mill and the need to get this project right. This site could be more, I'm not sure it is the best and highest use of land. I encourage you to go to this applicant and have them talk to Burger King and Supercuts and get a more comprehensive design for this site. I don't believe it's going to require a huge amount of change in what they have planned already. I would like to see the opposite happen with the alleys. I believe you could use the alleys to create better circulation on the site and create less traffic going into the neighborhoods. Traffic circulation, parking and refuse planning done in a comprehensive way will make this a much better project. These things might create more available space, possibly for another pad which Sahara could be relocated into.

Attridge: Are these ideas you have discussed with the applicant?

Lucier: Yes and I have provided it to staff as well.

Nicpon: Are you talking about the change of the elevations or the lots that are contiguous to this site?

Lucier: I'm not talking specifically about changes to the elevations, although there is one I might suggest that would create a better opportunity for a pad on the south side of the current building. I would perhaps relocate the entrance that is located on the south side of the building to the southeast corner of the building, which would make it easier to add a second building on that south side.

Fred Bachelor: Received no notification of this meeting.

O'Melia: This is a Development Plan Review, no notification is necessary other than the posting in the newspaper and by our City Clerk.

Mark Lymer: Adjacent areas are underparked. Should not have blind windows, those windows should be real windows that connect in. Don't like the corner lantern.

Vice Chair MacDonald closes the public portion of this hearing:

Morris: If there is an opportunity for an additional pad on this site or any other, the developer will take advantage of that and will not be thrown away lightly. This has been almost a four year process in the assemblage of these three parcels that comprise the new CVS. Both the Supercuts and Burger King sites were attempted to be assembled and acquired and there was ongoing conversation about access, cross access easements, refuse and a variety of items. None of those things were possible over an extended period of time, it's not for lack of trying. I don't believe there is any hope, long term, of us being able to acquire those and jointly plan them. This is because you have incredibly successful business on those sites that are somewhat indifferent to the change that we are bringing forward with this application. Just because we move forward with one building does not completely foreclose the possibility of doing some joint access, some re-working of the site plan if those properties become available or amenable to change in the future.

In relationship to the design of this building, this is not prototypical architecture. There is no other CVS building that looks like this one in the state. This was a marathon of changes to meet staff's needs, to meet the developer's needs, and to meet the site demands.

Oteri: In relationship to assemblage, I applaud the neighborhood for putting time into developing possible alternatives but I believe that Mr. Morris's comments are valid in that if assemblage was available, it would be pursued.

DiDomenico: It would be difficult for a developer, as a condition of approval, to go to neighboring businesses and pursue shared parking and be expected to obtain that.

On a motion by Commissioner DiDomenico and seconded by Commissioner Webb, the Commission with a vote of 7-0 approved this Development Plan Review with the following conditions:

General

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **June 12, 2008** or Development Plan approval will expire.

Site Plan

2. Identify and remove the short masonry storage shed on the west edge of the property. Refer to the A.L.T.A. survey for location.
3. Site walls, match the building finish as indicated:
 - a) Construct the parking lot screen walls of exposed masonry.
 - b) Finish the C.V.S. refuse enclosure and the masonry pilasters of the view fence with exterior plaster on all sides, edges and top.
4. Landscape Islands
 - a) Remove transformer from landscape island at southwest corner of building. Place transformer elsewhere on site, such as on the north side of the refuse enclosure. Alternately, reconfigure the island so a minimum 120 sf. of planting area is created alongside the transformer. In this case, coordinate tree installation with transformer clearance requirement.
 - b) Provide a landscape island at the southeast corner of the building at the east end of the parking row, similar to as indicated on the landscape plan.
 - c) At the southwest site corner, provide landscape island that is the full length of the adjacent parking space.
5. Install a minimum 6'-0" high steel vertical picket fence along the west property line adjacent to the alley. Extend this barrier from the southwest property corner north along the east side of the alley to the C.V.S. refuse enclosure, and extend east from the southwest property corner along the south property line to the point nearest the northern tip of the Supercuts refuse enclosure. Provide a 3'-0" minimum to 4'-0" maximum wide pedestrian opening in the fence on the south side of the refuse enclosure. Flank this opening with masonry pilasters. Provide a masonry pilaster at the south end of the fence at the southwest site corner and at the east end of the fence adjacent to Supercuts refuse enclosure.
6. Provide steel vertical picket fence and gate panels of design that resist bending and have only two horizontal rails (top and bottom) to inhibit climbing. Extend pickets above top rail to further inhibit climb over. If refuse enclosure gate pair is provided, construct gate panels of steel vertical pickets, matching fence design, combined with steel mesh or vertical slats of design that inhibit climb over and allow visual surveillance through gates when up close.
7. Install the fence on a continuous, minimum 8" wide concrete curb that is flush with the top of adjacent landscape island curbs and interrupts asphaltic concrete paving between the alley and the site. Extend an 8" wide concrete curb along the full length of the southern border of the site to contain the existing Supercut's lawn.
8. Align center of freestanding light bases south of parking lot with parking space stripes.
9. Replace brick sidewalks for pedestrian paving in public right of way, including particularly patched and unevenly settled areas of brick paving. Extend brick sidewalks on site to the base of the south and east elevations. Follow Public Works Department Detail T-353 for sidewalk and tree grate for design of sidewalk areas in the right of way, except use long (12'-0" by 4'-0") grate detail following installation example on Mill Avenue. Position tree grates, bike racks for 2'-0" by 6'-0" bike parking, and any site furnishings so there is a minimum 8'-0" clear, continuous path

alongside the street building elevations, except provide width reduction as allowed by Public Works at the existing bus stop. Alternative unit paving may be considered, subject to review and approval by Public Works and Planning. Utilize alternative patterns in small amounts to create accent areas at entrances, or to demarcate architectural features of the building. Do not propose a wholesale change of material. Provide paving materials that are compatible with accessibility provisions of the Americans with Disabilities Act and the Building Code.

10. Provide architecturally design scored, integrally colored concrete walkway paving on site, except as indicated in the condition above.
11. Provide upgraded paving at each driveway apron consisting of brick paving that matches the material used for the sidewalks. 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, as indicated.
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 screen wall following the requirements of Standard Detail T-214.
13. Finish utility equipment boxes for this development in a neutral color (subject to utility provider approval) that compliments the coloring of the building.

Floor Plans

14. Single User Restroom Security:
 - a. Provide 50% night light and activate light by key or remote control mechanism.
 - b. Provide a key bypass on the exterior side of the door.

Building Elevations

15. At the fire department connection indicated on the Mill Avenue side of the east elevation, conceal the piping within the building.
16. Design an enclosure for the service entrance section and gas meter on the west elevation that removes the recess south of the S.E.S which could otherwise be used as a hiding place. The recessed loading dock door is acceptable.
17. 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 construction, planning inspection staff will field verify colors and materials.
18. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
19. Conceal roof drainage system within the interior of the building. Minimize visible, external features, such as overflows, exit drains and splash blocks, and where needed position and design these to enhance the architecture of the building.
20. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, fire department connection, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements.
21. Surface mount conduit and piping is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved separately by the Development Review Commission.

Lighting

22. Illuminate roll-up and pedestrian entrances continuously from dusk to dawn.
23. Back illuminate frosted glass drum above northeast building entrance, as indicated by night time perspective vignette of the Northeast entrance.
24. The demarcated surface in front of the roll-up door is a loading area; illuminate to minimum 4.0 foot-candles.

Landscape

25. Landscape the western border of the site adjacent to the Burger King property. Staff recommends (does not require) that development protect and maintain the existing trees on site along this edge, consisting of two *Washingtonia robusta* opposite the Burger King drive thru and two *Thevetia peruviana* near the Burger King refuse enclosure. If they remain, incorporate these trees into the site landscape plan. Remove the heavily trimmed *Nerium oleander* hedge along the west property line if within the property line. Remove other existing plant material from site.
26. Protect and maintain existing *Eucalyptus speciosa* and *Rhus lancea* immediately south of this property on the Supercuts site. Do not damage or remove any off-site plant material except the palms in the right of way adjacent to the traffic light switch gear at the intersection.
27. Select *Cercidium Praecox* 48" box specimens for upright growth habit and uniform size and shape. Low branch multi-trunk specimens are not acceptable.
28. Provide one canopy tree and minimum five plant groundcovers in the landscape island at the southwest building corner.
29. Irrigation notes:
 - a. A separate dedicated landscape water meter is recommended (not required) to separately measure landscape water and avoid a sewer charge on water used for landscape. Re-use of an existing water meter for this purpose may be allowed, subject to review by Public Works/Water Utilities (tom_anken@tempe.gov).
 - b. 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.
 - c. Locate valve controller inside the building. Alternately, if the controller is in a freestanding location or on the exterior of the building, place the controller inside a lockable, vandal resistant housing and fully conceal the valve wire and power conduits.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Repair existing irrigation systems on properties to north and west of this site where these systems are disturbed by this construction.
30. 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 and excess rock from planting areas prior to landscape installation.

Signage

31. Provide 0'-6" high vinyl die cut address number on glazed transom above each entrance.
 32. Provide one 0'-12" high address sign on each side of the masonry base of the monument sign (if any). Provide two 0'-12" high address signs, including one on the east near the southeast corner, centered on the masonry element, and one on the west near the southwest corner, centered above the drive thru window. Locate signs just below the parapet at uniform height on building. Do not address the north elevation since the site is not addressed on University Drive. Conform to the following for address signs described in this condition:
 - a. Direct or halo illuminate the address signs.
 - b. Provide street number only, not the street name.
 - c. Compose of 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 an address number.
-

Item #5	PL060427	ONYX CONDOMINIUMS
	DPR06017	(Development Plan Review)
	ZUP07064	(Use Permit)
	PAD06003	(Planned Area Development Overlay)
		909 East Playa Del Norte
		MU-4, Mixed Use, High Density District/Rio Salado Overlay District

Vice Chair MacDonald recuses herself, Commissioner Torregrossa steps in.

This project was presented by Kevin O'Melia and represented by Patrick Cotter. Mr. Cotter makes a brief Power Point and video presentation.

Oteri: I have noticed there is a lot of tandem parking being used, what has the response been to that? Is it well accepted or has it caused problems with potential tenants?

Cotter: In many more urban markets where land values are very high and densities are also sought, it is a very effective way of getting the maximum number of parking spaces into a parking garage.

Oteri: Any modifications to the lakefront to give residents for fishing or boating?

Cotter: I will ask Manjula to step forward and respond if there is additional information that I'm not aware of, but I believe as it stands right now the original plan for the waterfront and for access to the water has not been amended.

Anaradian: A developer is not allowed to encroach into the City's park system without permission from the City. It is the City's policy to not allow any private dock systems on the lake, it's strictly public access.

Attridge: Can you describe what lighting will be required by the FAA for on top of the building?

Cotter: There are typically marker lights located on top of the perimeter of the building, four red lights on each of the penthouse corners. The top of Penthouse is located at 272 feet.

Attridge: Will these lights be visible from street level?

Cotter: Not likely from street level, you would have to be a fair amount of distance away from the building and at that point the lights become smaller and have a smaller impact.

Webb: What are the colors? Green, blue or gray?

Cotter: Image on sample board is most accurate.

Chairman Huellmantel: Are these owner occupied? I see the balconies are "see-thru", what is being done to make sure they don't become cluttered?

Vaz: These are for sale units and we will have CC&R's that will limit what they may and may not have on the balconies.

Torregrossa: Does the public have access on both sides of the buildings? And how are you addressing security and lighting?

Cotter: The public does have access. There are two sections in the Conditions of Approval that address both security and lighting.

Chairman Huellmantel opens the hearing to public input:

John MacDonald representing US Airways: I'm not here to support or oppose project but to make a few brief comments on behalf of the airlines. We're hoping that as the project moves forward and before it goes to City Council that the developer makes contact with the airlines, and establishes a good line of communication so that the airline has the appropriate information it needs to make whatever determinations in relationship to the height of the building. It is my understanding that a determination of non-hazard by the FAA has already been made and I commend the developer for

being in contact with the FAA and doing what is necessary to obtain this, but I do want to remind the Commission that their process is completely different and separate from the rules and regulations that the FAA requires from the airline as it relates to engine out procedures and other things that the airline needs to follow in a very drastic emergency situation. And lastly, as more development occurs in downtown Tempe, and even more importantly around the lake, that there is an improvement in the communication between the development community, the City and US Airways.

Nicpon: Who is the go-to person at US Airways?

MacDonald: John Miller who is in the Government Affairs Office.

Kirby Spitler: What does "urban" mean in terms of these projects? I would ask that the Commission think about what "urban" means and what you need to have in Tempe in terms of urbanity. The second thing I would like to mention is the design guidelines in the Zoning Ordinance, Appendix A. The Commission has the authority to require energy conservation to the techniques in green building. I'm asking that you consider these things when evaluating projects. The triple bottom line of green building benefits people, the economy, and the environment.

Chairman Huellmantel: What specifically on this building would you like to see done differently in terms of being green?

Spitler: I don't think it's too much to ask the applicant to do a LEED Certified building. Look at stormwater management, use of recycled materials, it should meet the new energy code and new IBC as a minimum, and linkage to the transit system.

Vaz: The building is Lot 3 of Playa del Norte, what we are considering are six lots together in terms of creating a village. What we have tried to do is create Lot 2 which is immediately north of this building and it will have a coffee store, restaurants, a retail store and an office component. Within Playa del Norte, Lot 6, which is northeast of this site, will be an office building and proposed hotel building.

Cotter: In terms of using the word "urban", it has more to do with communities that have a variety of housing forms, have density that can support businesses without having to travel by vehicle for great distances. Dense buildings are themselves LEED.

Chairman Huellmantel: Can you give us some specifics as to what you are doing in this building to address some of the concerns that Mr. Spitler brought up.

Cotter: Our treatment of the site. Most of the site, including the rooftops, is fully landscaped. The function of a green roof is to cut-down on the amount of energy that is reflected back. We will use materials, including low-e glass, that are energy conservative. We incorporate HVAC performance measures to help determine the amount of vision glass in the building and balance energy requirements with the architectural expression.

Oteri: If code does not require green, why do it?

Cotter: The industry is responding to market demand. The standard is becoming more mainstream and cost is coming down.

On a motion by Commissioner Webb and seconded by Commissioner Nicpon, the Commission with a vote of 6-1 (Commissioner DiDomenico opposed) approved this Development Plan Review and Use Permit and recommended for approval the Planned Area Development Overlay with the following conditions:

PAD06003

CONDITIONS OF APPROVAL:

1. A building permit shall be obtained and substantial construction commenced on or before **June 12, 2009** or the Amended Planned Area Development approval will expire.
2. The Amended Planned Area Development for Playa del Norte, Lot 3 shall be put into proper engineered format with appropriate signature blanks prior to issuance of building permits. The Amended Planned Area Development shall be kept on file with the City of Tempe's Development Services/Planning Department. The Amended P.A.D. does not require recordation at Maricopa County.

3. A Subdivision Plat for Playa del Norte Lot 3, at a minimum including the unification of Lots 3 and 3A, shall be approved by City Council, put into proper engineered format and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department. If the Subdivision Plat is not recorded within one year of City Council approval, the approval will expire. The Subdivision and Condominium Plat may be combined. If they are combined into one document, the time limit of approval for the Subdivision Plat is still in effect.
4. A Condominium Plat shall be approved by City Council, put into proper engineered format and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department prior to issuance of a certificate of occupancy.
5. The owner(s) shall provide a continuing care condition, covenant and restriction including, at a minimum, for maintenance of all of the project's landscape, including landscape either required by the ZDC or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Manager and City Attorney. The CC&R's shall be recorded prior to the issuance of a certificate of occupancy.

DPR06017

ZUP07064

CONDITIONS OF APPROVAL:

General

6. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **June 12, 2008** or Development Plan approval will expire.
7. Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated **March 30, 2006, July 7, 2006, September 1, 2006 and January 31, 2007**. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Development Plan approval prior to issuance of building permits.

Site Plan

8. Provide vehicle parking equal to or greater than required parking. Do this by removing the ten two car private garages from levels P2 and P3 and replacing each private garage with three parking spaces within each open structural bay (for a net gain of ten spaces). Alternate methods of increasing vehicle parking may also be considered, as long as the parking count is fulfilled.
9. Recalculate required bike parking using the bicycle commute area ratio.
10. Provide security access control for exterior exit stair from elevated landscape courtyard. Locate stair access control at grade level adjacent to fire lane.
11. Paving:
 - 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. Provide walkways of integral color, design scored concrete.
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 that matches the building materials and follows 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 building finishes.

Floor Plans

14. Provide a separate floor plan for the 20th Floor or indicate that this floor is similar to another floor.
15. Provide garage and service gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the opening. Review gate hardware with Development Services/Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
16. Exit Security:
 - a. Provide visual surveillance by means of fire-rated glazing assemblies from stair towers into adjacent circulation spaces.
 - b. In instances where an elevator or stair exit in the garage is within 20'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow someone in the exit doorway to observe in the mirror the area around the corner or within the alcove that is adjacent to the doorway.
 - c. Provide fire rated glazing in door and sidelights between elevator lobbies and parking garage.
 - d. Maximize openness from elevator lobby and stair entrances to facilitate visual surveillance from these pedestrian circulation areas to the adjacent parking level.
17. Garage Security:
 - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
 - b. Paint interior wall and overhead surfaces in garage floor levels with a highly reflective white color, minimum LRV of 75 percent.
18. Service Door Security: equip pedestrian service doors with two 360 degree viewers that can be used from the interior in a standing or seated position. Have viewers conform to requirements of the Americans with Disabilities Act. Center the viewers vertically in the door.
19. Public Restroom Security (this condition does not cover bathrooms in residential units):
 - a. Lights in restrooms:
 - 1) Provide 50% night lights
 - 2) Activate by key or remote control mechanism
 - b. Single user restroom door hardware:
 - 1) Provide a key bypass on the exterior side.

Building Elevations

20. Provide colors and materials with a light reflectance value of 75 percent or less. Colors and materials exhibited on the materials sample board have the recommendation of approval by planning staff with the exception of the highly reflective "Visteon" Grey RC spandrel panels. Submit any additions or modifications for review during building plan check process for review by Development Services/Planning staff. During construction, planning inspection staff will field verify colors and materials.
21. Maintain secure roof access from the building interior. Do not expose secondary roof access to public view, such as ladders from a lower to an upper roof. Conceal this type of roof access within the building.
22. Staff recommends (does not require) a parapet system that would allow a cellular provider to incorporate and/or conceal antenna within the architecture of the building, such that future installations may be accomplished with little modification.
23. Avoid upper/lower divided glazing panels in exterior windows at grade level, particularly where lower (reachable) glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. Do not propose landscaping or screen walls that conceal area around lower windows. If a divided mullion pattern with small, reachable panes is desired for aesthetic concerns, laminated glazing may be considered at these locations.
24. Conceal roof and balcony drainage system within the interior of the building. Minimize visible, external features, such as overflows, exit drains and splash blocks, and position and design these to enhance the architecture of the building.

25. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, fire department connection, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements.
26. Locate electrical service equipment inside the building.
27. Surface mount conduit and piping is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved separately by the Development Review Commission.

Lighting

28. Illuminate building and residential entrances except at private residential balconies continuously from dusk to dawn. Illuminate entrances to sky lounge balconies continuously from dusk to dawn. Illuminate pedestrian gates same as a building entrance.
29. Illuminate underside of exterior stairs, where this area is exposed, to minimum 5.0 foot-candles continuously from dusk to dawn.
30. The rectangular paved surface in front of the garbage and recycling room north gate pair to the northeast corner of the garage entrance, approximately 25'-0" in the north-south direction and 20'-0" in the east-west direction, is a loading area. Illuminate this area to minimum 4.0 foot-candles from dusk to dawn.

Landscape

31. Recalculate the landscape coverage. Include upper level landscape areas as well as landscape area on top of the garage but do not include area of off-site landscape. Calculate the amount of landscape area (including reflecting pools at base of tower) that is "water intensive" and indicate the amount of this area in relation to the entire on-site landscape area. Do this in order to verify the maximum allowable water intensive landscape as stipulated in ZDC Sec 4-702 (B).
32. Coordinate plant symbols on landscape plan with symbols on landscape legend so there are no unidentified symbols.
33. Coordinate landscape plan with the other site plans, including (but not limited to), as follows:
 - a. Indicate location of garage exhaust shafts on landscape plan.
 - b. Remove the walkway between the development and Scottsdale Road as indicated on the architectural site plan.
34. Provide details of planting over structural deck. Indicate variations in soil depths. Indicate if specialty shallow containerized growing of specimens planted over deck will be utilized.
35. Irrigation notes:
 - a. A separate dedicated landscape water meter is recommended (not required) to measure landscape water and avoid a sewer charge on water used for landscape.
 - b. 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). Conform to Development Services/Building Safety requirements which may require upgrade of water distribution system to copper where over building. Provide details of water distribution system.
 - c. Locate valve controller inside the building. Alternately, if the controller is in a freestanding location or on the exterior of the building, place the controller inside a lockable, vandal resistant housing and fully conceal the valve wire and power conduits.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
36. Include requirement in site landscape work to de-compact soil in planting areas within work area in public right-of-way that are not over building. Remove construction debris from planting areas.
37. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite an individual size of 2" or less and apply to a 2" uniform thickness. Provide pre-emergence weed control application.

Signage

- 38. Obtain sign permit for any identification signs as well as for internally (halo) illuminated address signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process. Separate Development Plan Review process may be required if signs do not conform to chapter 9 of the Zoning and Development Code.
- 39. Provide three address signs on the building elevations facing Playa Del Norte Drive; one on the transom glass above the entrance, one on the horizontal architectural element at the north-west corner, and one over the garage entrance. Provide one additional address numerals each, on the south and east facades. Arrange the numerals in a horizontal format.
 - a. Conform to the following guidelines for building address signs:
 - (1) Compose address signs of 12" high, individual mount, metal reverse pan channel characters except use 6" vinyl address cut-outs at transom location
 - (2) Halo-illuminate each 12" address from dusk to dawn. Do not separately illuminate the 6" vinyl address at the transom
 - (3) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - (4) Do not affix a number or letter to the building that might be mistaken for the address assigned to the building.
 - (5) Do not affix address signs to the west elevation facing Scottsdale Road.
 - (6) Provide minimum 50 percent contrast between address and the background to which it is attached.
 - b. Utility meters shall utilize a minimum 1" number height in accordance with the Tempe electrical code and utility company standards.
 - c. Provide one address sign on the roof of the building, as indicated on the roof plan. Do not illuminate the roof address.

Item #2	PL060472 HPO06001	GAGE ADDITION (Ordinance No. 2006.72) Gage Addition Subdivision Historic Overlay District
Item #3	PL060472 HPO06002	PARK TRACT (Ordinance No. 2006.73) Park Tract Subdivision Historic Overlay District

This case is presented by Ryan Levesque and represented by Bob Gray.

Chairman Huellmantel asks the City Attorney to provide guidance on Prop. 207.

Asst. City Attorney David Park: Proposition 207 was on the November ballot and approved by the voters. It was added to the Arizona Revised Statutes in December of last year and it can be found at ARS 12-1131. To the extent that Proposition 207 applies here, the most pertinent statute is ARS 12-1134. This statute basically states that if the City enacts any land use law directly regulating a land owners land which reduces the fair market value of the property, the City must compensate the owner for that loss.

The way Proposition 207 was set up, there are alternatives other than direct compensation. One of the options is to provide the affected land owner with a waiver of enforcement of that ordinance. This waiver would allow residents in objection to the district to be "immune" from whatever restrictions this ordinance would place on your property. The waiver goes with the land, it is transferable from owner to owner.

With relationship to owners that are in favor of the district, the accepted practice would be to get a waiver from the land owner requesting the change in the land use law stating that they waive any rights they would have under Proposition 207.

Gray: Based on our discussions with staff, it is our understanding that staff is recommending our application be continued tonight, we support staff's recommendation for a continuance of this item. We do not have a formal presentation for tonight. Thank you for your consideration of our application.

Oteri: If applicant is requesting and staff is recommending continuance, is there a point to hearing all of these comments. Wouldn't those be reserved for the date of continuance? The application that we are hearing tonight is not about the benefits of Form Based Zoning, it's about whether or not this body would recommend placing an overlay district, which now brings this new State Statute into play. My opinion is that this body, or rather I, am not ready to deal with this issue tonight no matter how much testimony we here from the public.

Chairman Huellmantel: No, a continuance is not automatic.

DiDomenico: I agree with Commissioner Oteri, if a continuance is recommended, this Commission could change and the comments, although read into the record, would need to be reiterated later on at that future date.

Anaradian: You have often seen an applicant withdraw an item, a continuance is deliberative. It is my hope this evening that we can begin to incorporate the real substantive risk potential that Proposition 207 presents to the City through this application.

Commissioners are polled as to whether public comment is heard or this is held over for continuance. Commissioner's Nicpon, Attridge, Chair Huellmantel, Vice Chair MacDonald all agree to hear public input. Commissioner's Oteri and DiDomenico have previously stated their reasons for holding public comment until continuance date.

Brett Batchelor: Opposed to continuance. I request that the Commission vote for denial of this request. The applicant has not proven that the people want this. This is a request by four or five applicants, not a request by the majority.

Audrey Kropin: Opposed to continuance, majority of property owners are opposed to this. I do not understand why we are here. This application should be denied.

Douglas Denlinger: I oppose continuance, opposed to the district.

Ted Williams: Opposed to the historic district and continuance.

Janice Williams: Opposed to continuance. We have my father's property up for sale and have had many experts, surveyors, etc. tell us that the Historic Designation will hurt our property values and we have obtained an attorney and he assures us that should this go through, we will have a case and the City would be liable for the difference in value.

Rick Hondorp: I request that the Commission deny tonight. I also feel that form based code along with historic overlay are another form of restrictions and regulations in this area.

John Dickinson: I am opposed to historical designation and opposed to continuance.

Chairman Huellmantel read into the record the following: Colleen Buesing: Does not wish to speak, but opposed to historic designation. Joy Smith: Does not wish to speak but opposed to designation. Ellen Rae Zillinger: Does not wish to speak, opposed to designation.

George Buesing: Opposed to continuance and historic designation.

Steve Tseffos: It is time to deny the application. If the City wishes to go forward with form based code, it can go forward separate from this application. Proposition 207 has made this application mute. There is no purpose for a continuance.

Nicpon: Are you opposed to someone living next to you, going through a procedure and placing a plaque in their front yard designating that home as historical?

Tseffos: I think it has to be much more free form, it has to be people coming forward and designating their own properties if they want to do that and doing individually what they can do to make the community the way they want it to be. What they are not going to be able to do under 207 is collectively decide what is going to be historical and putting an overlay over it.

Karyn Gitlis: In regards to Proposition 207, we understand that the municipalities are playing on the side of caution and the League of Cities and Towns has advised providing 100% for support. I don't feel we can look at this fearfully and we have to cut-out business as usual and put something aside that we would consider. I hope this case does get continued. I feel we have committed ourselves to a path and need to continue on that path to its natural conclusion.

Gray: There has been far more support of this application in letters and communication than in opposition. By square footage, 41.7% of the square footage within the neighborhood has written letters of support. That represents 58 lots combined. Approximately 29% of the square footage of the neighborhood has expressed opposition. These are the numbers staff has put together and as shown both on a square footage and parcel number basis, show more support for the application than opposition.

Chairman Huellmantel: In your own words, can you tell us what you are trying to achieve?

Gray: We value our neighborhood and the unique character of our neighborhood. We see these 30 story buildings going up and we are concerned what effect these developments will eventually have on our neighborhood.

Oteri: You have approximately 41% and 29%, where are the rest?

Gray: The rest have not expressed a view one way or the other.

Oteri: This map was developed by contacting every property within the district?

Levesque: The map provided in your attachments showing support and opposition has been created based on dialogue with the public by either Planning or Historical Preservation staff. We have not gone out to each property owner and asked if they were in support or opposition of this district.

Oteri: This is based on data that came in unsolicited or not from a specific survey.

Levesque: Correct.

Webb: What is going to be different between now and six months from now?

Gray: Our understanding from the December hearing is that form based zoning would be looked at as a possible solution specifically for our neighborhood and that staff has initiated the first of what they have described in the staff report as a three step process of looking at form based zoning.

Chair Huellmantel: There is a fourth alternative. You could withdraw your application and continue to move forward on form based zoning and you could then reinstitute your application. Have you considered that alternative?

Gray: No, not aware of any discussions in regards to that.

DiDomenico: Your application before us is in regards to the Historical Overlay. Six months from now you will have to come to reconciliation between what you have currently applied for, which I will not support tonight or six months from now, and form based zoning. Withdrawal is a viable option that will still get you six months, or more, of working with staff.

Lucier: Withdrawal means we start at square one, correct?

Collins: The decision by the Historic Preserve Commission is valid for one year, so there is potential that could still be valid. There would be no limitation on you reapplying. If the case is approved that is one thing, if it is denied there is limitation on coming back through the process. If it is denied, you cannot reapply for one year.

Lucier: As a point of clarification, I thought this board acted in an advisory capacity to City Council and that your recommendation for denial or approval still went to Council?

Chairman Huellmantel: Yes, that is correct.

Lucier: It was our understanding in December that this would be continued in order to explore form based zoning and see if it was an option. If it is a good option, then withdrawing would make sense but at this time we don't have that answer. That is the point of continuance. We have done a lot of work in the neighborhood to assess and gauge interest in the district. Letters went out to all property owners that we could establish contact with, a post card survey went out and the responses we received overwhelmingly were in favor of the district.

Chairman Huellmantel: I would like you to take a moment and discuss 207. What is different from the last hearing, is that 207 has passed and people have a stronger sense of what 207 is and that it is not going to be overturned anytime soon. It is law and we can speculate that it will be overturned but at this time there is no realistic reason to believe it will be.

Lucier: Proposition 207 is a big issue and a very big concern. I have spoken to many people and they all feel that because there are things about it that don't work and it will eventually be overturned. There are volumes of data that say historic districts increase property values.

Gray: The issue of waivers was brought up tonight. If we were granted a continuance, we can explore that possibility. We have provided information demonstrating that property values either stay the same or increase within a historic district.

Lucier: We had realtors, who specialize in historic district and representing historic properties speak in December, and they expressed no doubt that historic designation increases property values.

Anaradian: There is demonstrated research and I'm sure that many people in the field would testify that in single family residential districts where this overlay is enacted, property values historically have gone up. What is unique about this one, is the multi-family zoning. Also unique in Tempe is that we are pretty liberal with redevelopment of existing properties.

The advice from the Arizona League of Cities and Towns (from the November memo): "If a neighborhood or group requests a rezoning, such as a historic preservation designation or some form of overlay to enhance/protect the character of a neighborhood, it is advised that they (group) obtain 100% property owner support for the action through a petition or authorization form that includes a Waiver of Proposition 207 claims." If you vote in support of this designation tonight, we will stipulate that we obtain these waivers before any properties are affected by this action. Reading from one more paragraph from this November memo, "in some situations, even an up-zoning decision, that imposes conditions that arguably negatively affect property value could give rise to 207 claim. Although it is up to the property owner to prove loss of value, it could send the City down the road of costly litigation where the City is subject to legal fees should we be unsuccessful in disproving the claim.

Nicpon: Can a property be unwaived?

Attorney?: Yes.

Lucier: I just want to clarify that staff has recommended a continuance, correct?

Anaradian: Yes based on the notion that form based zoning was going to provide standards that could potentially bring the neighborhood closer to some consensus on what a redevelopment in a neighborhood would look like and how to preserve the character of the neighborhood.

Chairman Huellmantel closes the public hearing portion of this item.

Collins: If you do deny this historical overlay, I would hope you would direct staff to bring back our work on the form based zoning in six months. We are working on the outreach segment, doing surveys and we did anticipate having a visioning charette and coming back to you with the results. Whether it be a form based code or some guidelines. But it's largely the neighborhood that makes these decisions.

Chairman Huellmantel: Does anyone on the Commission have problems or concerns with that? None noted, you are so directed.

On a motion by Commissioner Webb and seconded by Vice Chair MacDonald, the Commission with a vote of 7-0, recommended denial of the request for Items 2 and 3.

Lisa Hobson: Childsplay has become a national theatre company and is getting ready for a national tour and we appreciate the opportunity bring our facilities to Mitchell School. I hope that you will consider giving us the flexibility to be creative in the next few weeks to let us create a way to meet the concerns of the neighbors about the building.

Mark Lymer: It is a benefit to have Childsplay move in and cleanup the site. It will hopefully help with this crime spree that we have been experiencing by adding more surveillance to the park. The park is the most important amenity to this neighborhood. Anything that distracts or takes away from the park shouldn't be done. The metal building is completely unacceptable.

Celia Liddle: I support Childsplay coming into the school. The metal building is a horrible shock compared to what we thought we were going to get. We were told the roof would probably need to be raised for the scene shop but it would remain within the character of the school building.

Oteri: Are you opposed to any building or just the metal one?

Liddle: I would like to see it blend better with the existing facility.

Bruce Liddle: I agree with the others that feel the northwest corner is a more appropriate location for the scene shop. I feel the metal building is inappropriate. We support Childsplay but we hope they can come up with a solution for this metal building that is more in the character of the neighborhood.

Oteri: Reading from a letter we have, it states that the largest truck that would be coming to this site would be about 24', that is not much larger than a FedEx truck, we're you aware of that?

Liddle: No, I stand corrected.

Oteri: To staff: what guarantee do we have that it will only be a 24' long truck?

Levesque: No guarantee. We have asked the applicant to address the loading/unloading of the facilities as it relates to the Tempe Center for the Arts.

Chairman Huellmantel closes the public portion of this hearing.

Barger: We would like to propose that the building be brick or brick veneer with no windows, replacing what would have been the metal shed. We ask that we be allowed to move forward with that proposal.

Chairman Huellmantel: I don't think that is an appropriate thing for us to do. I don't think we know enough about the direction you're heading, this is not the time for us to be sorting out this type of issue. We have a significant number of neighbors who have expressed legitimate concerns. I know you are a caring citizen of Tempe and I have great faith that you will find a creative way to make it better but we need to know exactly what it is. We're asked to approve elevations, but you don't have elevations. The only appropriate vote I see tonight is for a continuance.

Levesque: The next appropriate hearing would be July 10, 2007.

Anaradian: Mr. Levesque crafted Condition No. 8 after consultation with his supervisor and me because there is a Development Agreement that dictates they will design this project to be compatible with the surrounding buildings. Mr. Levesque placed in Condition 8 that they will match the height and style of existing building facades. This was an excellent attempt on Ryan's part to keep this process of our review compatible with the existing contract with the City and Childsplay. I feel Childsplay is doing the bare minimum and I will be taking personal interest in this project to make sure that this project gets completed in the correct manner.

On a motion by Vice Chair MacDonald and seconded by Commissioner Oteri, the Commission with a vote of 7-0, voted for continuance of this item to the July 10, 2007 hearing.

Item No.12 ANNOUNCEMENTS

None at this time

Meeting adjourned at 12:50 a.m.

The next public hearing of the Development Review Commission is scheduled for Tuesday, June 26, 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



Lisa Collins
Deputy Development Services Manager

LC/II

08/02/2007 4:37 PM