

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 04/09/2013
Agenda Item: 4**

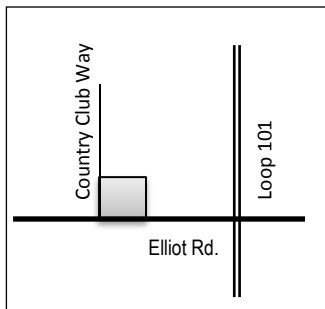
ACTION: Request for a Development Plan Review consisting of a new retail/restaurant building for DISCOVERY BUSINESS CAMPUS – SITE 5, located at 2010 East Elliot Road. The applicant is Gammage & Burnham PLC.

FISCAL IMPACT: The planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: DISCOVERY BUSINESS CAMPUS – SITE 5 (PL120396) previously received a use permit approval to allow general retail and restaurant uses in the General Industrial District, with additional stipulations added by City Council. The applicant is not required to have a neighborhood meeting for this request, but has reached out to interested parties via letters and phone communication. An application for a use permit to allow a drive-through was previously requested by the applicant, but after extensive communication with the residents, that request has been withdrawn. The current request includes the following:

DPR12229 Development Plan Review including site plan, building elevations, and landscape plan.



Property Owner	Tempe Campus SPV, LLC
Applicant	Manjula Vaz, Gammage & Burnham PLC.
Current Zoning District	GID (PAD), General Industrial District with a Planned Area Development Overlay
Gross/Net site area	1.74 acres
Total Building area	9,027 sf.
Lot Coverage	12 % (100% max. allowed)
Building Height	22 ft. (35 ft. max. allowed)
Building Setbacks	38' front, +56' west side, +104' rear (25', 50', 0' min.)
Landscape area	30% (10% min. required)
Vehicle Parking	101 spaces (82 min. required, 103 max. allowed)
Bicycle Parking	8 spaces (8 spaces min. required)

ATTACHMENTS: Development Agreement, Development Project File

STAFF CONTACT: Ryan Levesque, Senior Planner (480) 858-2393

Department Director: Lisa Collins, Interim Community Development Director
 Legal review by: N/A
 Prepared by: Ryan Levesque, Senior Planner



COMMENTS:

This site is located at the northwest corner of Elliot Road and Country Club Way, currently consisting of undeveloped land that is partially landscaped along the street frontages. The site is part of the Discovery Business Campus (formerly Freescale), which boundaries extend from Elliot Road, west of Price Road, east of Country Club Way, and south of the Western Canal. This site has existing access on to Country Club Way west bound and east bound by means of an existing left turn lane. The project also proposes an additional entry drive off of Country Club Way and along Elliot Road. To the south of the site is the ASU Research Park, a commercial office complex. Bounded to the west of the site, across Country Club Way, is the Oasis at Anozira Home Owners Association. To the north is additional vacant land and surface parking, which is part of the master plan area for the Discovery Business Campus.

This request includes the following:

A Development Plan Review, including site plan, building elevations and landscape plan, for a new 9,000+ sf. single-story multi-tenant commercial building.

The applicant had previously requested a drive through, but has been now removed from the submittal.

HISTORY

The Discovery Business Campus master plan Planned Area Development was approved on November 17, 2011, for a one (1) two-story office/industrial building totaling 35 feet in height, one (1) four-story office building totaling 79 feet in height, one (1) five-story office building totaling 91 feet and 9 inches in height, one (1) six-story office building totaling 100 feet and 11 inches in height, one (1) eight-story office building totaling 132 feet and 3 inches in height, two (2) six-story hotels each totaling 80 feet in height with a combined total of 400 guest rooms, three (3) one-story restaurant/retail shop pads each totaling 30 feet in height, one (1) three level parking structure totaling 27 feet in height and multiple at-grade parking courtyards containing a combined total of 7,600 parking spaces, and eleven (11) existing industrial buildings totaling approximately 1,000,000 square feet of building area. The overall development has a total gross floor building area of approximately 2,580,000 square feet. The site is approximately 135.62 net acres in size.

At the City Council hearing, through concurrence of the applicant/developer, additional conditions were added to the project (this site) addressing concerns from residents about unknown commercial uses at the corner, which consisted of the following:

Condition # 4.1. The following conditions of approval shall apply to the retail pads located at the southwest corner of the site:

A) The following uses shall be prohibited:

- adult-oriented businesses;
- auto body repair shops;
- auto title loan businesses;
- gun shops;
- liquor stores;
- nightclubs;
- non-chartered financial institutions (i.e. payday loans);
- pawn shops;
- tattoo, body piercing establishments;
- tire stores;
- tobacco retailers;
- vehicle repair shops and/or service stations

B) That the westernmost retail pad shall be setback a minimum of 50 feet from the west property line and that all areas between the westernmost retail pad and the west property line shall be landscaped.

PUBLIC INPUT

Upon preliminary review of the project proposal, staff recommended to the applicant to provide a neighborhood meeting and reach out to the neighbors near this area. A neighborhood meeting, as defined in the Zoning and Development Code, is not required for a development plan or use permit, but public hearing notification is provided for the use permit request. The applicant had reached out via letters with copies of the plans to all nearby property owners within 300 feet, as well as, interested parties who were involved in the previous public hearing process for the PAD of the site. In an effort by the applicant to respond to early resident inquiries and comments, the project's initial hearing date was postponed after legal advertising and rescheduled to the February 12th hearing. The applicant has prepared modifications to the original submitted plans and has continued communication with residents who reached out to discuss the project with the applicant. Some of those changes include removal of west-facing signage, relocation of the refuse, and addressing screen walls.

Individual follow-up meetings were conducted by the applicant, as noted in the Summary of Public Outreach listed in the attachments.

Upon completion of this report staff has received a total of 1 support letter and 19 letters of opposition or concerns pertaining to the drive-through use. Although this component of the project is not moving forward, it was relevant to the project to include the letters in the attachments of this report. Staff has spoken with a few residents inquiring about the project and also held a meeting with Doug King and Gary Meyer, residents of the Oasis neighborhood. Specific conditions outlined in the report attempt to alleviate concerns about site plan related issues, such as size of trees, relocation of the refuse enclosure, and signage on the west elevation.

PROJECT ANALYSIS

DEVELOPMENT PLAN REVIEW

Site Plan

The initial phase of the retail area for Site 5, as identified on the Discovery Business Campus, will provide for improvements of two new ingress/egress drives with one along Elliot Road and one from Country Club Way. The original PAD site plan had proposed two drives along Country Club Way. The retail shops building is located approximately 56 feet from the western property line, in compliance with the previously condition 50 foot setback entirely landscaped. The majority of the commercial parking is on the eastern side of the building, accessible to two future proposed retail pads to the east.

Building Elevations

The main building design uses two types of integral color masonry with horizontal smooth-face and split-face CMU. The parapet is wrapped with metal detail and with a horizontal steel canopy extending over the east entrance area that also serves as a back drop for the business signage.

Landscape Plan

The perimeter landscape for this corner will be enhanced as a result of this first development. The Elliot Road street frontage landscape will be installed all the way to the new drive entry, well beyond the proposed development. Two rows of trees are proposed along the Country Club Way on either sides of the 50 foot landscape perimeter. The tree species consist of Arizona Ash and Sissoo trees, which will be planted with 48 inch box size and are fast-growing trees. The developer had also previously planted trees for the Oasis HOA common area near the Country Club Way, west of the perimeter wall, and east of the other parallel neighborhood street along Kenwood Lane.

Section 6-306 D Approval criteria for Development Plan Review:

1. Placement, form, and articulation of buildings and structures provide variety in the streetscape; *The building provides variety in the streetscape as the campus frontage is further developed.*
2. Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort; *The building elevation on the east side has an enhanced pedestrian shade area.*

3. Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings; *Details are articulated throughout the design that provide complementing elements of natural earth tones.*
4. Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings; *Structures and landscape elements are appropriate in scale. The single-story building with setback from the street will provide a transitional scale for the taller development proposed on the site..*
5. Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level; *The design treatment define a base and top. Connectivity to the building and the public street is provided.*
6. Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions; *Building architectural details are appropriate to the scale and context.*
7. Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage; *This site has accommodation for an existing bus shelter for bus routes heading westbound on Elliot Road. This site also has access Tempe's public pathway system, connecting to a lighted canal path north of this site.*
8. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses; *Vehicle conflicts are minimized. Although the development may increase the existing traffic, multiple access points and a collector street strictly accessible for the Discovery Business Campus access only separates potential conflict with residential uses.*
9. Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; *Crime prevention design elements will be achieved.*
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways; Landscape provides appropriate accents.*
11. Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; *Sign will be proportioned in scale and be directed in an area that does not have a negative impact to the neighboring residential homes.*
12. Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects. *All lighting will be in full compliance.*

Conclusion

Based on the information provided and the above analysis, staff recommends approval of the Development Plan Review for a new retail/restaurant multi-tenant building. This request meets the required criteria and will conform to the conditions proposed.

REASONS FOR APPROVAL:

1. The project is consistent with the Planned Area Development for the Discovery Business Campus.
2. The project will conform to the general development standards required under the Zoning and Development Code, as well as additional setbacks imposed on the project.
3. A single story commercial building is appropriate in scale to the surrounding area (residential to the west) and will provide a visual transition to the taller development proposed to the east.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY

DPR12229

CONDITIONS OF APPROVAL:

6. An administrative Amended Planned Area Development Overlay for DISCOVERY BUSINESS CAMPUS is required and shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Community Development Department prior to issuance of building permits.
7. A Preliminary and Final Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
8. Pursuant to the PAD conditions, each site shall provide contribution to the overall required Art in Private Development for the Discovery Business Campus, subject to the building area submitted at the time of development when proposed for building permits.

Site Plan

9. Locate the site's refuse enclosure a minimum of 120'-0" from western property line and orient toward the business campus.
10. Maintain east/west drive connections through future pad site 2 to the Elliot Road connection as a part of the building permit plan set.
11. Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
12. 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.
13. Provide upgraded paving at each driveway consisting of unit paving. Extend this paving in the driveway from the right-of-way line to 20'-0" on site and from curb to curb at the drive edges. From sidewalk to right-of-way line, extend concrete paving to match sidewalk.
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.
15. 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.

Building Elevations

16. The materials and colors are approved as presented:
 - Smooth Face CMU – Superlite Integral color – "Purple Haze"
 - Split Face CMU – Superlite Integral color – "Cocoa Brown"
 - Metal Cornice Painted – Dunn Edwards – DE6215 "Wooden Peg"
 - EIFS above storefront – Dunn Edwards – DE6214 "Pigeon Gray"

Metal Trellis and slats – Painted to match storefront

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. Additions or modifications may be submitted for review during building plan check process.

17. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
18. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building.
19. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials is not permitted.
20. Locate the electrical service entrance section (S.E.S.) adjacent to the building and painted to match the building color.
21. Upper/lower divided glazing panels in exterior windows at grade level, where lower glass panes are part of a divided pane glass curtain-wall system, shall be permitted only if laminated glazing at these locations is provided.

Lighting

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

Landscape

23. The plant palette is approved as proposed and specified on the landscape plan, unless otherwise conditioned. Any additions or modifications may be submitted for review during building plan check process.
24. Provide an initial tree planting along Country Club Way, using a minimum 48" box size tree for the Sissoo species and a minimum 36" box size for the Arizona Ash species, as identified on the plans.
25. Reduce length of all parking spaces adjacent to a sidewalk or landscape area to 16'-0" in length, providing a 2'-0" curb overhang.
26. 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". 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.
 - f. Repair existing irrigation system (on site or in the adjacent public right of ways) where damaged by work of this project. Provide temporary irrigation to existing landscape for period of time that irrigation system is out of repair.
27. Include requirement 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.
28. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.
29. Trees shall be planted a minimum of 12'-0" from any existing or proposed public water or sewer lines located on-site. Trees near the main water or sewer lines located within the right of way shall be planted at least 20'-0" away. Final approval subject to determination by the Public Works, Water Utilities Division.

30. The tree planting separation requirements may be reduced from the waterline upon the installation of a linear root barrier, a minimum of 6'-0" parallel from the waterline, or around the tree. The root barrier shall be a continuous material, a minimum of 0.08" thick, installed 0'-2" above finish grade to a depth of 8'-0" below grade. Final approval subject to determination by the Public Works, Water Utilities Division.

Signage

31. The west building elevation shall not include any commercial signs.
32. Provide one (1) address sign on the building elevation facing the street which the property is identified and one (1) address sign on the east elevation.
 - 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) Provide individual suite addressing decals at or above entry doors, minimum 4" in size.
 - b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/zoning or purchase from Community Development.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Community Development Department, and Fire Department given on the Preliminary Site Plan Review. 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 Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.
- **STANDARD DETAILS:**
 - Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: www.tempe.gov/index.aspx?page=2147 or purchase book from the Public Works Engineering Division.
 - Access to refuse enclosure details and other Building Safety forms at this link: www.tempe.gov/index.aspx?page=1033. The enclosure details are under Civil Engineering & Right of Way.
- **PUBLIC ART:** Provide public art for this development in conformance with the Art in Private Development Ordinance and ZDC Sec. 4-407 and ZDC Appendix D. Contact the Community Services Cultural Services Division regarding implementation of this requirement prior to receiving building permits.
- **WATER CONSERVATION:** Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for the non-residential components of this project. Have the landscape architect and mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59. Refer to this link: www.tempe.gov/modules/showdocument.aspx?documentid=5327. Contact Public Works Department, Water Conservation Division with questions regarding the purpose or content of the water conservation reports.
- **HISTORIC PRESERVATION:** State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and repatriation of the items.
- **FIRE:**
 - Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.
 - Provide a fire command room(s) on the ground floor of the building(s). Verify size and location with Fire Department.
- **ENGINEERING:**
 - Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
 - Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
 - Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.

- 100 year onsite retention required for this property, coordinate design with requirements of the Engineering Department.
- REFUSE:
 - Enclosure indicated on site plan is exclusively for refuse. Construct walls, pad and bollards in conformance with standard detail DS-116.
 - Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate.
 - Develop strategy for recycling collection and pick-up from site with Sanitation. Roll-outs may be allowed for recycled materials. Coordinate storage area for recycling containers with overall site and landscape layout.
 - Gates for refuse enclosure(s) are not required, unless visible from the street. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.
- DRIVEWAYS:
 - Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering.
 - Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult Intersection Sight Distance memo, available from Traffic Engineering if needed www.tempe.gov/index.aspx?page=801 . Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.
- PARKING SPACES:
 - Verify conformance of accessible vehicle parking to the Americans with Disabilities Act of 1990 (42 U.S.C.A. §12101 ET SEQ.) and the Code of Federal Regulations Implementing the Act (28 C.F.R., Part 36, Appendix A, Sections 4.1 and 4.6). Refer to Standard Detail T-360 for parking layout and accessible parking signs.
 - At parking areas, provide demarcated accessible aisle for disabled parking.
 - Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- LIGHTING:
 - Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
 - Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.
- LANDSCAPE:
 - Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected" trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department. Notice of Intent to Clear Land form is available at www.azda.gov/ESD/nativeplants.htm . Follow the link to "applications to move a native plant" to "notice of intent to clear land".
- SIGNS: Separate Development Plan Review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Obtain sign permit for identification 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.

HISTORY & FACTS:

- August 22, 2011 Applicants held a neighborhood meeting to discuss the proposed plans for the DISCOVERY BUSINESS CAMPUS, located at 2100 East Elliot Road.
- September 27, 2011 Development Review Commission recommended approval for the request for DISCOVERY BUSINESS CAMPUS consisting of a Planned Area Development Overlay, Use Permits for Hotel and General Retail/Restaurant uses, and a Development Plan Review for this request. (6-1 vote, Granville dissenting)
- October 20, 2011 City Council introduction and first public hearing for this request.
- November 3, 2011 Original scheduled second hearing, continued by City Council to the November 17th public hearing.
- November 17, 2011 City Council approved DISCOVERY BUSINESS CAMPUS (PL110130) consisting of one (1) two-story office/industrial building, one (1) four-story office building, one (1) five-story office building, one (1) six-story office building, one (1) eight-story office building, two (2) six-story hotels with a combined total of 400 guest rooms, three (3) one-story restaurant/retail shop pads, one (1) three level parking structure, and eleven (11) existing industrial buildings with approximately 1,000,000 square feet of building area. The proposal has a total gross floor building area of approximately 2,580,000 square feet. The site is 135.62 net acres in size and is located at 2100 East Elliot Road, in the GID, General Industrial District and within the General Industrial Overlay District. The request includes the following:
- PAD11007 (ORDINANCE NO. 2011.47) – Planned Area Development Overlay modifying the general development standards for an increase in the maximum allowed building heights from 35 feet for Site #1 to 80 feet, for Site #2 to 80 feet, for Site #3 to 132 feet, and for Site #4 to 92 feet.
- ZUP11063 – Use Permit request to allow Hotel uses on Site #1 and Site #2.
ZUP11064 – Use Permit request to allow general Retail/Restaurant uses on Site #5.
DPR11122 – Development Plan Review including site plan, building elevations and landscape for Sites #3, #4, and #6.
- February 12, 2013 Development Review Commission granted the applicant's request for a continuance to the March 12, 2013 hearing, for this request. (Note: The March 12th notice was pulled from the agenda)
- April 9, 2013 Scheduled and re-advertised meeting for a request for a Development Plan Review for DISCOVERY BUISNESS CAMPUS – SITE 5, this request.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review



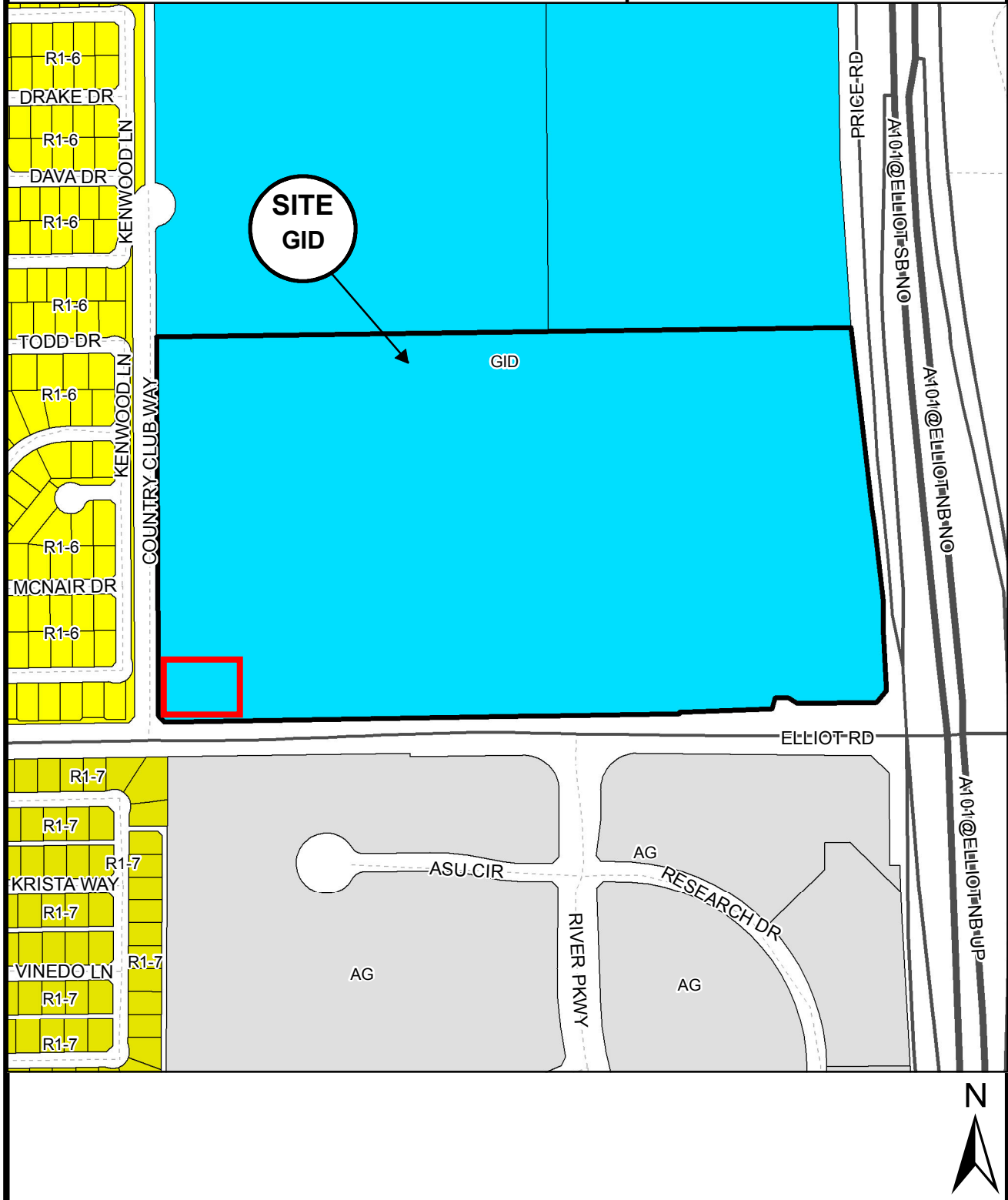
DEVELOPMENT PROJECT FILE
for
DISCOVERY BUSINESS CAMPUS – SITE 5

ATTACHMENTS:

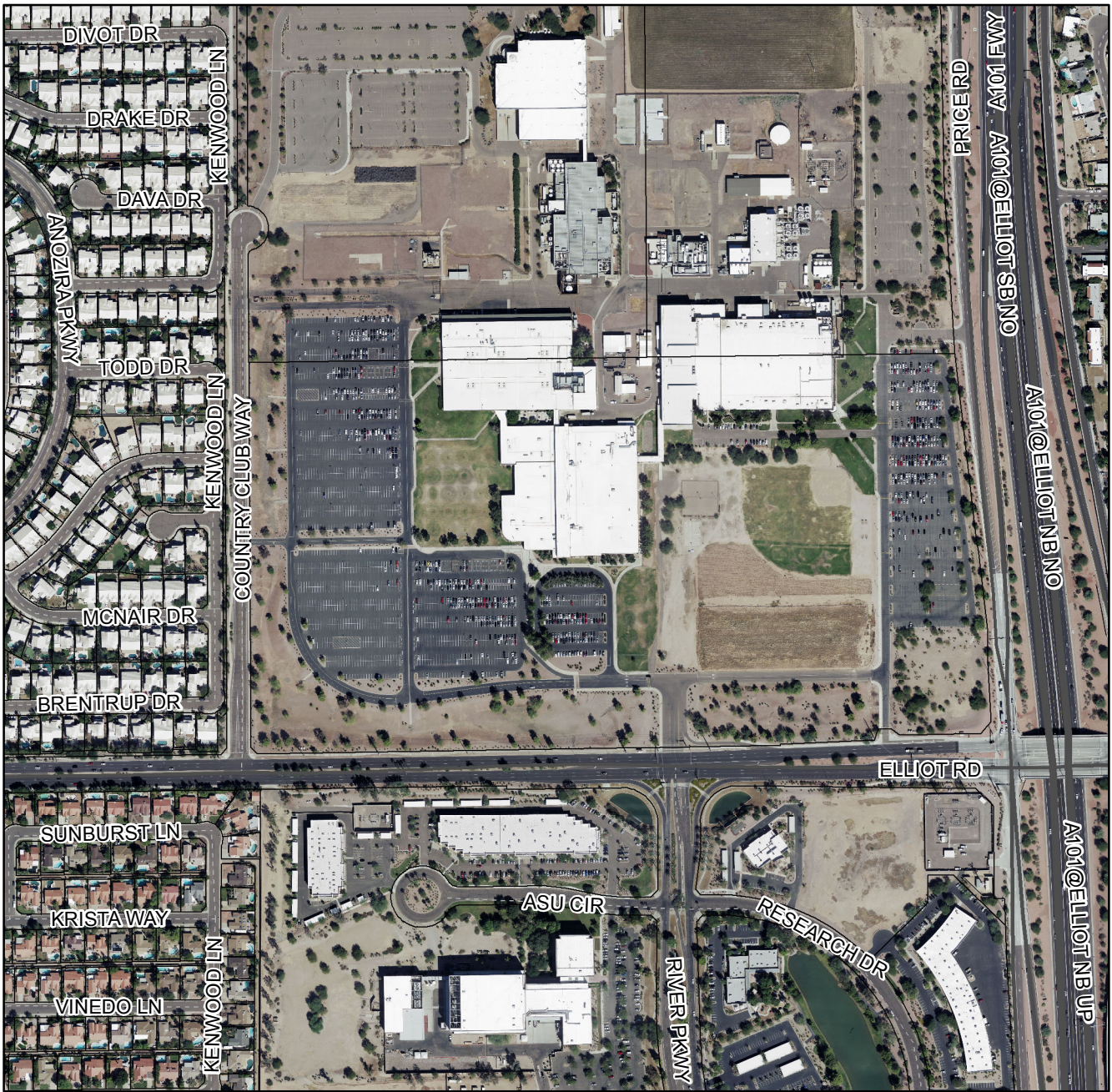
1. Location Map
- 2-3. Aerial/Site Photos
- 4-8. Letter of Explanation
- 9-10. Public Outreach Summary
- 11-12. PAD for Discovery Business Campus
- 13-14. Site Plan
15. Building Elevations
- 16-17. Landscape Plans
- 18-40. Public Comments as of 2-06-2013 (with drive through)

**DISCOVERY BUSINESS CAMPUS
- SITE 5**

PL120396



Location Map



DISCOVERY BUSINESS CAMPUS – SITE 5 (PL120396)

SITE CONTEXT PHOTOGRAPHS



PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



Discovery Business Campus (DBC)



Development Parcel 1 of DBC Dev. Site 5



DBC Development Site 5

DISCOVERY BUSINESS CAMPUS DEV. PARCEL ONE (1) OF DEV. SITE FIVE (5)

Applicant's Letter of Explanation Development Plan Review Application

The purpose of this Application is to develop a portion of the retail site at the Discovery Business Campus (the "Discovery Campus" or the "Campus"). The retail site is site five (5) (the "Retail Site") of the six (6) development sites at the Discovery Campus. Tempe Campus SPV LLC, the Owner of the Discovery Campus and the Applicant, is proposing to redevelop approximately 1.74 acres of development site five (5). The Retail Site is located at the southwest corner of the Discovery Campus. Specifically, the Retail Site is located at the northeast corner of the intersection of Country Club Way and Elliot Road. The Discovery Campus is generally bordered by the Loop 101 freeway to the east, the Arizona State University ("ASU") Research Park to the south, the Western Canal and a City of Tempe water treatment facility to the north, and the Oasis at Anozira, Camelot Village, and Tempe Royal Palms neighborhoods located to the west, northwest and southwest, respectively. See **Exhibit A** for an aerial photograph of the Site and the Campus.

Discovery Business Campus Overview and PAD Overlay, Use Permit and DPR Approvals

On November 17, 2011, the Tempe City Council approved a planned area development overlay for the Discovery Campus, a use permit for hotel and retail (dev. sites one (1), two (2) and five (5)) and development plan review for the office building sites (dev. sites three (3), four (4) and six (6)) (the "Council Approval"). The Council Approval allows the development of the following on the Discovery Campus:

- dev. sites one (1) and two (2) - two (2), six-story hotels with a combined total of 400 guest rooms and a combined total gross floor area of up to 240,000 square feet;
- dev. site three (3) – a four, a six and an eight-story office building with a combined gross floor area of up to 700,000 square feet;
- dev. site four (4) – a five-story office building with a gross floor area of up to 300,000 square feet;
- dev. site five (5) – three (3), one-story general retail/restaurant pads with a combined total gross floor area of up to 30,000 square feet; and,
- dev. site six (6) – a two-story industrial/office building with a gross floor area of up to 300,000 square feet

At build-out, the Discovery Campus will provide up to 2,580,000 square feet of building area and a total of 7,600 parking spaces. The Discovery Campus will provide an aesthetically pleasing corporate business park and employment center with architectural elements designed to 1) bring additional employment opportunities to Tempe, 2) create a recognizable place to work and stay, 3) complement the existing use of the Campus and ASU Research Park, 4) provide an appropriate transitional use between the Loop 101 freeway to the east and the residential neighborhoods to the west, and 5) further stimulate economic activity in south Tempe along the Loop 101 freeway corridor.

Development Site Five (5) Overview and Use Permit Approval

Development site five (5) (the “Retail Site”) of the Discovery Campus is approximately 3.75 net acres in size and is located at the northeast corner of Country Club Way and Elliot Road. The above referenced Council Approval for the Discovery Campus allows three (3) one-story pads providing up to 30,000 square feet of building area designed for retail and restaurant uses that will support existing and planned employment uses located on the Discovery Campus and the surrounding area. The Council Approval for the Discovery Campus limits the Retail Site to restaurant, retail and service uses, subject to a 50-foot landscape setback from the west property line.

Application

The DPR application is for a portion of the Retail Site (the “Application”). The overall intent of the design is to provide a contemporary 9,000 square foot restaurant and retail building within an employment campus setting that fits well into both the physical environment and surrounding built environment, creates visual interest and provides a secure and inviting environment (the “Project”). At the time of the original zoning, the Applicant discussed the need for restaurant uses that would serve the employees at the Discovery Campus, the employees at the ASU Research Park and the surrounding neighborhoods. The Applicant indicated that the potential tenants for this retail space would most likely be a sandwich shop, a pizza shop and other general office business (such as a Kinko’s or Alpha graphics). This is the type of retail the Applicant is bringing to the Site.

Site Area

The Site consists of the west 1.74 acres of the approximate 3.75 acre Discovery Business Campus Retail Site located at the northeast corner of Country Club Way and Elliot Road. The formal address is 2100 East Elliot Road, Tempe, Arizona. A full legal description is included as part of the Application.

Area Context

The Discovery Campus is located immediately across Elliot Road from the ASU Research Park, the area’s major existing employment center. Price Road, the frontage road for the Loop 101 freeway, and the Western Canal respectively border the Campus to the east and north. A City of Tempe water treatment facility is located immediately across the Western Canal to the north. The Oasis at Anozira, Camelot Village and Temple Royal Palms neighborhoods are located to the west, northwest and southeast across Country Club Way, the Western Canal and Elliot Road, respectively. The Oasis at Anozira neighborhood is located west of the Retail Site across Country Club Way. The ASU Research Park and the Tempe Royal Palms neighborhood are respectively located south and southwest of the Retail Site across Elliot Road. Other surrounding area uses within one-half mile of the Retail Site include multiple commercial shopping centers at the intersection of Elliot and McClintock Roads and Stroud Park.

Planning Context

General Plan 2030

The land use projected for both the Discovery Campus and the Retail Site by General Plan 2030 is Industrial (work). According to General Plan 2030, the Industrial (work) category is designed to accommodate industrial uses (e.g. research, manufacturing, assembly, processing etc.) with offices and limited commercial activity. The Campus, including the Retail Site, is exactly the type of mixed-use and employment center project envisioned by General Plan 2030, as it is not only designed to provide opportunities to work but is also designed to provide limited commercial and hospitality opportunities designed to support the Campus's employment uses.

Zoning

The Discovery Campus is zoned for general industrial district (GID) uses with a planned area development (PAD) overlay. See **Exhibit B** for a current zoning map for the Campus, Retail Site and surrounding area. The GID is intended for employment centers consisting of office uses, warehousing, wholesaling, assembling and manufacturing of building materials, machinery, and other commodities. Offices and industrial uses are permitted by right in the GID. Commercial uses, including retail shops and restaurants and hotels, in the GID require use permit approval. The Council Approval included use permits for retail and restaurant uses on the Retail Site.

Retail Site and Project Description

As shown by the aerial photograph provided in **Exhibit A**, dev. parcel one (1) of the Retail Site is located at the southwest corner of the Campus. Currently, this area of the Site is entirely occupied by ground cover, a retention basin and a limited amount of landscaping.

The design for the Retail Site uses building placement and ample landscaping to establish an active and inviting street frontage for a retail and restaurant site within an employment campus setting. The overall architectural character of the Retail Site will emphasize a contemporary urban design allowing for a timeless and modern look. The use of windows and varying materials, colors and textures will provide visual interest and breakup the massing of the buildings on the Retail Site. Breaking up the building form of the Retail Site into multiple buildings reduces the bulk and scale of the development and adds to the desired campus setting. The placement of buildings on the Retail Site along Elliot Road will continue the Discovery Campus's urban presence along the Elliot Road, while screening at-grade parking courtyards located within the interior of the Discovery Campus. The placement and design of the buildings will also allow the three (3) buildings planned for the Retail Site to engage and be visible from Elliot Road. The varying sizes, floor plates and architectural elements of the Retail Site buildings will create visual interest for employees, patrons and neighboring residents.

The Project itself will provide up to 5,150 square feet of restaurant space and a minimum of 3,850 square feet of retail space within a 9,000 square foot building to service the employment uses of the Campus and ASU Research Park, as well as the surrounding. The limited building height (approximately 22 feet) of the Project in combination with the 50-foot landscape setback to be provided along the Site's west property line, the screening of the proposed building by the significant landscaped area along the west property line and the eastward orientation of the proposed building are all designed to ensure that the Project is compatible with the residential neighborhood located to the

west across Country Club Way. The proposed building is located approximately 165 feet away from the nearest residence.

Project Design

The Campus is a contemporary design that will fit well into both the physical and surrounding built environments, create visual interest, and provide a secure environment. The primary exterior skin materials (e.g. glass, metal, concrete, masonry and EIFS) of the Campus's office building will accomplish the desired contemporary look and are similar to materials used for the ASU Research Park to the south. The primary architectural concept of the Campus is the creation of a uniform, modern and inviting employment campus. To provide visual interest, the design varies building heights and forms, as well as the use of building materials, throughout the Campus.

The Project itself is a contemporary architecture design. The building's use of long horizontal lines is influenced by the overall design of the Discovery Campus and surrounding development. The column-free metal canopy combined with large storefront windows will create an open, bright, and inviting experience for pedestrians. The alternating of smooth and split-face integral color cmu block form simple but pronounced bands running on each side of the building. Mounting the signage to the metal shading slats of the canopy provides a new and appealing way to use the signage to enhance the contemporary design of the building. The long, unbroken metal cornice further enforces the contemporary design of the building.

The Project will also be designed to provide well lit, accessible walkways and sidewalks with minimal conflicts with vehicular circulation on the Site. The at-grade parking courtyard and the connections between the parking courtyard and the entrances to the building, and the connections between the Project and public right-of-way will be well lit to increase visibility. The provision of well lit connections not only enhances security but also assists in identifying the building's entry points. Further, to the extent possible, the design of the vehicular and pedestrian circulation on the Site is segregated to allow for easier and safer pedestrian and vehicle maneuvering.

Landscape & Hardscape

Both the overall landscape coverage percentage for the Campus and the proposed landscape coverage percentage for dev. parcel one (1) of the Retail Site is approximately 30 percent, a significant amount for any development within an urbanized area. In addition, as part of the Applicant's ongoing redevelopment of the Discovery Campus, the Applicant is proposing to provide approximately 14,000 square feet of additional landscape area along the Elliot Road frontage of the Retail Site.

As shown by the conceptual landscape plan, the proposed landscape palette includes a variety of indigenous landscape materials with a range of accent colors to create visual interest. The proposed landscape materials will establish the desired inviting setting, as well as contribute to the desired overall campus setting. The 50-foot landscape setback along Country Club Way will effectively screen the one-story building. In order to establish a seamless appearance and unified theme throughout the Discovery Campus, the Project's landscape and hardscape components will be consistent with the Discovery Campus's overall and office park streetscape theme. Amenities and special features designed to enhance the shared environment between the Project's landscaping, architecture and overall pedestrian experience include enhanced landscape materials, screen walls, planters, walkways and paving.

Circulation and Parking

The Retail Site will be accessed from three ingress/egress locations, two (2) located on Elliot Road and one (1) located on Country Club Way. The primary entrances to the Retail Site will be provided from Elliot Road, with the secondary entrance being provided from Country Club Way. Vehicular access between development site four (4) of the Campus and the Retail Site will be provided as part of the future development of the Retail Site and/or Campus.

An at-grade parking courtyard providing a total of 101 parking spaces will provide more than ample parking for the retail and restaurant uses to be accommodated by the building proposed for dev. parcel one (1) of the Retail Site. In addition, eight (8) bike spaces will be provided on dev. parcel one (1) of the Retail Site. The Site, Retail Site, Campus and ASU Research Park are all serviced by Bus Route 108. Route 108 primarily runs along Elliot and Guadalupe Roads between Arizona Mills Mall and the Superstition Springs Transit Center in Mesa. Route 108 currently stops at the ASU Research Park. To reduce the number of vehicular trips generated, employees at the Campus, including employees of the Project, will be encouraged to use alternative modes of transportation, such as biking and riding the bus.

The movement of pedestrians, both on foot and on bicycle, is a major element of the Discovery Campus. With a mixture of office, industrial, hospitality, retail and restaurant uses planned, movement within the Discovery Campus will mainly be achieved through the use of a comprehensive system of well lighted and accessible walkways and sidewalks designed to create an environment conducive of on-site movement. All buildings on the Discovery Campus, including the Project, will be linked with walkways and sidewalks which will allow movement throughout the Discovery Campus. As the Discovery Campus continues to develop, the primary goal of this system will be to establish a seamless flow between the respective development sites.

Conclusion

Tempe Campus SPV is very excited about the Project and the continuing development of Discovery Business Campus. The Project is consistent with and appropriate for a high-quality employment campus that complements the mix of existing and planned uses on the Discovery Business Campus and the nearby ASU Research Park, while respecting the nearby residential neighborhoods at the same time. The purpose of the Retail Site is to provide amenities for the employees of the Discovery Campus, the ASU Research Park and the surrounding neighbors. The uses intended for this site are typical retail/casual restaurant options. We look forward to discussing the design proposal with you in the near future and respectfully request your approval.

MEMORANDUM
GAMMAGE & BURNHAM
A Professional Limited Liability Company

TO: Ryan Levesque, Senior Planner
City of Tempe Community Development Department

FROM: Rob Lane, Land Use Planner
Gammage & Burnham, P.L.C.

DATE: January 29, 2013

RE: Summary of Public Outreach regarding Dev. Parcel One (1) of Dev. Site Five (5) of Discovery Business Campus - Development Plan Review (DPR) and Use Permit applications for approximately 1.74 acres of property located at the at the northeast corner of Country Club Way and Elliot Road

The project team has made a concentrated effort to reach out to the community. The project team has and will continue to address any questions and/or comments that may arise throughout the application process.

Courtesy Mailing Notifications:

On January 2, 2013, the applicant sent first class letters to all property owners within 300 feet of the project site, chairpersons of registered neighborhood associations and home owners associations within vicinity of the project site, and persons expressing interest in the Discovery Business Campus development during the processing of Tempe applications PAD11007, ZUP11063, ZUP11064 and DPR1122. The January 2nd mailing provided notice to interested parties of the proposed development, the filed DPR and Use Permit applications and the scheduled public hearing to consider the requests.

On January 15, 2013, the applicant sent first class letters to all property owners within 300 feet of the project site, chairpersons of registered neighborhood associations and home owners associations within vicinity of the project site, and persons expressing interest in the Discovery Business Campus development during the processing of Tempe application PAD11007, ZUP11063, ZUP11064 and DPR1122. The January 15th mailing provided notice to interested parties that the public hearing to consider the applications had been rescheduled to February 12, 2013.

Copies of the courtesy mailing notices and associated mailing notification list are enclosed with this summary.

Phone Calls and E-mails:

The applicant and/or the applicant's legal representative have corresponded over the phone and/or via e-mail with the following individuals in regard to the development proposal to date: Mr. Ed Grabowski, Mr. Douglas King, Mr. Gary Meyer, Ms. Lisa Zyriek, Ms. Sue Fogel and Ms. Patricia Nolan.

January 9, 2013 Meeting with Douglas King:

The applicant and the applicant's legal representative met with Mr. Douglas King on January 9, 2013 to provide an overview of the development proposal and the project's design. Mr. King's residence is located west of the project site across Country Club Way and Kenwood Lane. The meeting was productive. Mr. King outlined several items that he wanted the Applicant to change or consider revising. We told Mr. King that we would review his suggestions and get back to him with information.

January 11, 2013 Meeting with Gary Meyer:

The applicant and the applicant's legal representative met with Mr. Gary Meyer on January 11, 2013 to provide an overview of the development proposal and the project's design. Mr. Meyer's residence is located approximately 495 feet west of the project site. Mr. Meyer outlined several items he wanted the Applicant to change or consider revising. The meeting was productive. We told Mr. Meyer that we would review his suggestions and get back to him with potential revisions or new information.

January 29, 2013 Meeting with Doug King and Gary Meyer

The applicant and the applicant's legal representative met with Mr. Douglas King and Mr. Gary Meyer on January 29, 2013 to discuss changes to the project's design that had occurred since the initial meetings with Mr. King and Mr. Meyer discussed above. The meeting was productive and, if desired, the applicant and the applicant's legal representative will continue to provide information regarding the project to both Mr. King and Mr. Meyer.

Encl.: January 2, 2013 mailing notice
January 15, 2013 mailing notice
January 2 and 15, 2013 mailing notification list

PLANNED AREA DEVELOPMENT OVERLAY FOR DISCOVERY BUSINESS CAMPUS

THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA

ACKNOWLEDGEMENT

ON THIS 20th DAY OF November, 2012, BE-FORÉ ME, THE UNDERSIGNED, A PUBLICLY APPEARED Notary Public, in and for the State of Arizona, who is duly qualified and sworn to be the person whose name is subscribed to the instrument within, and who executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL

BY: [Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES 11-30-12

TEMPE CAMPUS SPV LLC, AN ARIZONA LIMITED LIABILITY COMPANY;

BY: [Signature] STEWART DATE 11-30-12

ITS: OWNER

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:
THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST 55 FEET; AND
EXCEPT THE SOUTH 55 FEET; AND
EXCEPT THE WEST 33 FEET; AND
EXCEPT ANY PORTION OF SAID SOUTHEAST QUARTER LYING WITHIN THE WESTERN CANAL AS SET FORTH IN PLAT RECORDED IN BOOK 181 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA; AND
EXCEPT THOSE PORTIONS SET FORTH IN INSTRUMENT RECORDED IN RECORDING NO. 93-0631576, AMENDED IN INSTRUMENT RECORDED IN RECORDING NO. 97-0703528, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:
BEGINNING AT A POINT 55.00 FEET WEST OF AND 55.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 12;
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 20.00 FEET;

THENCE NORTHEASTERLY TO AN INTERSECTION WITH A LINE PARALLEL TO AND 55.00 FEET WEST OF THE EAST LINE OF SAID SECTION 12, SAID INTERSECTION BEING 20.00 FEET NORTH OF THE POINT OF BEGINNING;
THENCE SOUTH 20.00 FEET TO THE POINT OF BEGINNING IN DOCKET 13239, PAGE 67, RECORDS OF MARICOPA COUNTY, ARIZONA; AND
EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT 55.00 FEET NORTH OF AND 33.00 FEET EAST OF THE SOUTH QUARTER CORNER OF SAID SECTION 12;

THENCE NORTH ALONG A LINE PARALLEL TO AND 33.00 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 20.00 FEET;
THENCE SOUTHEASTERLY TO AN INTERSECTION WITH A LINE PARALLEL TO AND 55.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID INTERSECTION BEING 20.00 FEET EAST OF THE POINT OF BEGINNING;
THENCE WEST 20.00 FEET TO THE POINT OF BEGINNING IN DOCKET 13239, PAGE 67; AND
EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 12, DESCRIBED AS FOLLOWS:

THE WEST 87 FEET OF THE EAST 410 FEET OF THE SOUTH 17 FEET OF THE NORTH 34.5 FEET AND THE WEST 59 FEET OF THE EAST 745 FEET OF THE SOUTH 17 FEET OF THE NORTH 34.5 FEET AS MEASURED ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 12;

THE NORTH LINE OF THE ABOVE DESCRIBED PARCELS ARE COINCIDENT WITH THE SOUTH LINE OF THE WESTERN CANAL.

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE ON THIS 11TH DAY OF NOVEMBER, 2011.

OWNER/DEVELOPER

Tempe Campus SPV LLC
2701 E. Camelback Road #185
Phoenix, AZ, 85016
Contact: Tim Chester
Phone: (602)296-1096
FAX: (602)296-0001
Email: tchester@wentrop.com

PROJECT DATA

ZONING DISTRICT(S) AND OVERLAY(S)
G.I.D. PAD - GENERAL INDUSTRIAL DISTRICT
Maximum Proposed = 132'-0"
Maximum Allowed = 35 FT
(SEE SITE DATA FOR HEIGHT ALLOWANCES)

BUILDING HEIGHT

Provided = 25'
Required = NS

BUILDING LOT COVERAGE

40.69 AC / 135.62 AC = 30%
Minimum Required = 10%

BUILDING SETBACKS

FRONT 25 FT
PARKING 20 FT

VEHICLE PARKING QUANTITY

REQUIRED:
HOTEL USES: 420
OFFICE USES: 333
RETAIL USES: 100
INDUSTRIAL USES: 2,210
TOTAL REQUIRED: 6,086
PROVIDED: 7,600

BICYCLE PARKING QUANTITY

272 spaces provided

USE TOTALS:

HOTEL: 240,000 SF
RETAIL: 1,000,000 SF
INDUSTRIAL: 1,300,000 SF

SITE 1 (HOTEL):

2.83 NET ACRES
123,355 SF
200 ROOMS
LANDSCAPE AREA: (MIN. 15%) 18,503 SF

SITE 2 (HOTEL):

2.83 NET ACRES
123,355 SF
200 ROOMS
LANDSCAPE AREA: (MIN. 15%) 18,503 SF

SITE 3 (OFFICE):

16.85 ACRES
734,149 SF
700,000 SF
LANDSCAPE AREA: (MIN. 15%) 110,122 SF

SITE 4 (OFFICE):

12.30 NET ACRES
535,650 SF
300,000 SF
LANDSCAPE AREA: (MIN. 15%) 80,347 SF

SITE 5 (RETAIL):

3.75 NET ACRES
163,146 SF
30,000 SF
LANDSCAPE AREA: (MIN. 15%) 24,472 SF

SITE 6 (INDUSTRIAL):

12.40 NET ACRES
540,368 SF
300,000 SF
LANDSCAPE AREA: (MIN. 15%) 81,055 SF

SITE 7 (INDUSTRIAL):

84.89 NET ACRES
3,697,871 SF
1,000,000 SF
LANDSCAPE AREA: (MIN. 15%) 554,660 SF

SITE VICINITY MAP



CONDITIONS OF APPROVAL: PAD11007

PAD11007 (ORDINANCE NO. 2011-47) - PLANNED AREA DEVELOPMENT OVERLAY MODIFYING THE GENERAL DEVELOPMENT HEIGHTS FROM 35 FEET FOR SITE #1 TO 80 FEET FOR SITE #2 TO 80 FEET, FOR SITE #3 TO 132 FEET, AND FOR SITE #4 TO 92 FEET.

ZUPI1064 - USE PERMIT REQUEST TO ALLOW HOTEL USES ON SITE #1 AND SITE #2.

ZUPI1063 AND ZUPI1064 - USE PERMIT REQUEST TO ALLOW GENERAL RETAIL/RESTAURANT USES ON SITE #3.

DPRI1122 - DEVELOPMENT PLAN REVIEW INCLUDING SITE PLAN, BUILDING ELEVATIONS AND LANDSCAPE FOR SITES #3, #4, AND #6.

THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITION (S):

1. PERMITS PERMIT SHALL BE OBTAINED FOR DEVELOPMENT OF THE SITE ON OR BEFORE NOVEMBER 3, 2016 OR THE OVERLAY FOR THE PROPERTY MAY REVERT TO THAT IN PLACE AT THE TIME OF APPLICATION, SUBJECT TO A PUBLIC HEARING.

2. BY SIGNING THE FORM, THE OWNER (S) SHALL SIGN A WAIVER OF RIGHTS AND REMEDIES FORM. COMPENSATION FOR DIMINUTION OF PROPERTY VALUE UNDER A.R.S. 12-1134 THAT MAY NOW OR IN THE FUTURE EXIST, AS A RESULT OF THE CITY'S APPROVAL OF THIS APPLICATION, INCLUDING ANY CONDITIONS, STIPULATIONS AND/OR MODIFICATIONS IMPOSED BY THE PLANNED AREA DEVELOPMENT DEPARTMENT NO LATER THAN DECEMBER 17, 2011, OR THE PLANNED AREA DEVELOPMENT DEPARTMENT APPROVAL SHALL BE NULL AND VOID.

3. EACH SITE SHALL PROVIDE CONTRIBUTION TO THE OVERALL REQUIRED ART IN BUILDING DEVELOPMENT FOR THE DISCOVERY BUSINESS CAMPUS, SUBJECT TO THE BUILDING AREA SUBMITTED AT THE TIME OF DEVELOPMENT WHEN PROPOSED FOR BUILDING PERMITS.

4. THE PLANNED AREA DEVELOPMENT FOR DISCOVERY BUSINESS CAMPUS SHALL BE PUT ON FILE WITH THE CITY OF TEMPE'S COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

4.1. THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY TO THE RETAIL PADS LOCATED AT THE SOUTHWEST CORNER OF THE SITE:

- A) THE FOLLOWING USES SHALL BE PROHIBITED:
 - ADULT-ORIENTED BUSINESSES;
 - AUTO BODY REPAIR SHOPS;
 - AUTO TITLE LOAN BUSINESSES;
 - GOLF SHOPS;
 - NIGHTCLUBS;
 - NON-CHARTERED FINANCIAL INSTITUTIONS (I.E. PAYDAY LOANS);
 - PAWN SHOPS;
 - TATTOO, BODY PIERCING ESTABLISHMENTS;
 - TIRE STORES;
 - TOBACCO RETAILERS;
 - VEHICLE REPAIR SHOPS AND/OR SERVICE STATIONS
- B) THAT THE WESTMOST RETAIL PAD SHALL BE SETBACK A MINIMUM OF 50 FEET FROM THE WEST PROPERTY LINE AND THAT ALL SETBACKS BETWEEN THE WESTMOST RETAIL PAD AND THE WEST PROPERTY LINE SHALL BE LANDSCAPED.

ZUPI1063 AND ZUPI1064
CONDITIONS OF APPROVAL:

5. THE USE PERMIT FOR GENERAL RETAIL AND RESTAURANT USES IS VALID ONLY FOR SITE #5 OF DISCOVERY BUSINESS CAMPUS PAD, WITHOUT EXPIRATION, AND MAY BE TRANSFERABLE TO SUCCESSORS IN INTEREST THROUGH AN ADMINISTRATIVE REVIEW WITH THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNATE. THE LIST OF USES ALLOWED FOR THIS USE PERMIT ARE LIMITED TO THE ZONING AND DEVELOPMENT CODE, APPENDIX M. ALL OTHER USES SPECIFICALLY IDENTIFIED WITHIN THE CODE WILL REQUIRE A SEPARATE USE PERMIT.

6. THE USE PERMIT FOR HOTEL USES IS VALID ONLY FOR SITE #1 AND #2 OF DISCOVERY BUSINESS CAMPUS PAD, WITHOUT EXPIRATION, AND MAY BE TRANSFERABLE TO SUCCESSORS IN INTEREST THROUGH AN ADMINISTRATIVE REVIEW WITH THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNATE.

7. NEON LIGHTING, SUCH AS ACCENT LIGHTING ON THE BUILDING OR WITHIN WINDOWS, IS PROHIBITED WITHIN SITE #5.

8. ANY INTENSIFICATION OR EXPANSION OF THE USE, NOT DESCRIBED IN THIS REQUEST, BODY, FOR FURTHER REVIEW.

REC11026

PAD11007

DS110333

DAVIS

60 East 8th Street
Tempe, Arizona 85281
Phone: 480.638.1000
Fax: 480.638.1001
www.davisindependent.com

DISCOVERY
BUSINESS CAMPUS
2100 East Elliot Road
TEMPE, AZ



PAD11007

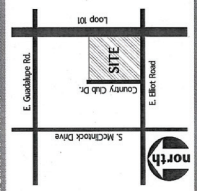
REC11026

DS110333

REC11026
DRAWN BY
CHECKED BY
PROJECT NO. 10201
CADD FILE
DATE ISSUED 19-Aug-11
DRAWING NO.
A000
PAD COVER SHEET
SCALE AS NOTED

A101
OVERALL
PHASE 1
SITE PLAN
SCALE 1/8"=1'-0"

DATE ISSUED	19/AUG/11
DRAWN BY	
CHECKED BY	
PROJECT NO.	10201
CADD FILE	
DRAWING NO.	



Note:
New buildings will be equipped with an automatic extinguishing system per City of Tempe BC.

Existing Buildings hatched in gray



DISCOVERY
BUSINESS CAMPUS
2100
ELLIOT ROAD
TEMPE, AZ

DAVIS
60 East 100 Salsado Parkway
Tempe, Arizona 85281
Phone: 480.693.1700
Fax: 480.628.1001
www.thedavispractice.com

PROJECT DATA:

ADDRESS:
2100 E. ELLIOT ROAD
GENERAL PLAN: PROJECTED LAND USE
PROPOSED INDUSTRIAL/MANUFACTURING/INDUSTRIAL/FLEX

SITE AREA: 15.62 NET ACRES
NET SITE AREA: 5,907,380 SF

PARKING DATA:
HOTEL USES: 420
OFFICE USES: 3,300
RETAIL USES: 700
INDUSTRIAL USES: 2,210
TOTAL REQUIRED: 6,063
PROVIDED: 7,600

2.89 NET ACRES
123,355 SF
120,000 SF
200 ROOMS
80'-0" / 7.6 STORY
(MIN. 15%) 18,303 SF

2.89 NET ACRES
123,355 SF
120,000 SF
200 ROOMS
80'-0" / 7.6 STORY
(MIN. 15%) 18,303 SF

16.85 ACRES
734,169 SF
700,000 SF
132'-0" / 8 STORY MAX.
(MIN. 15%) 110,122 SF

12.30 NET ACRES
535,650 SF
300,000 SF
92'-0" / 7.5 STORY
(MIN. 15%) 80,247 SF

3.75 NET ACRES
163,146 SF
150,000 SF
30'-0" / 1.1 STORY
(MIN. 15%) 24,472 SF

12.40 NET ACRES
540,868 SF
300,000 SF
35'-0" / 7.2 STORY
(MIN. 15%) 81,055 SF

84.89 NET ACRES
3,697,871 SF
1,000,000 SF
APPROXIMATE DENSITY: 40' / 0"
(MIN. 15%) 354,680 SF

PROJECT TEAM:

Applicant:
Gerringer & Burnham PLLC
Two North Central Avenue, 15th Floor
Phoenix, AZ 85004
Phone: (602)256-4401
Fax: (602)256-4475
Email: mvsae@gbh.com

Owner:
Tempe Campus SPV LLC
2701 E. Camelback Road #185
Phoenix, AZ 85016
Phone: (602)256-1096
Contact: Tim Chester
Fax: (602)256-4475
Email: mvsae@gbh.com

Architect:
Mike Towner
Email: mtowner@wepmap.com

60 E. Rio Salado Blvd. #18
Tempe, AZ 85281
Contact: Mike Edwards
Phone: (480)338-1100
Email: miked@discoverycampus.com

Civil Engineer:
Eckson & Meeks Engineering, LLC
19444 N. 32nd Street, Suite 6
Phoenix, AZ 85032
Contact: Kevin Eckson
Phone: (480)569-6493
Fax: (480)569-6493
Email: jenkins@emec.com

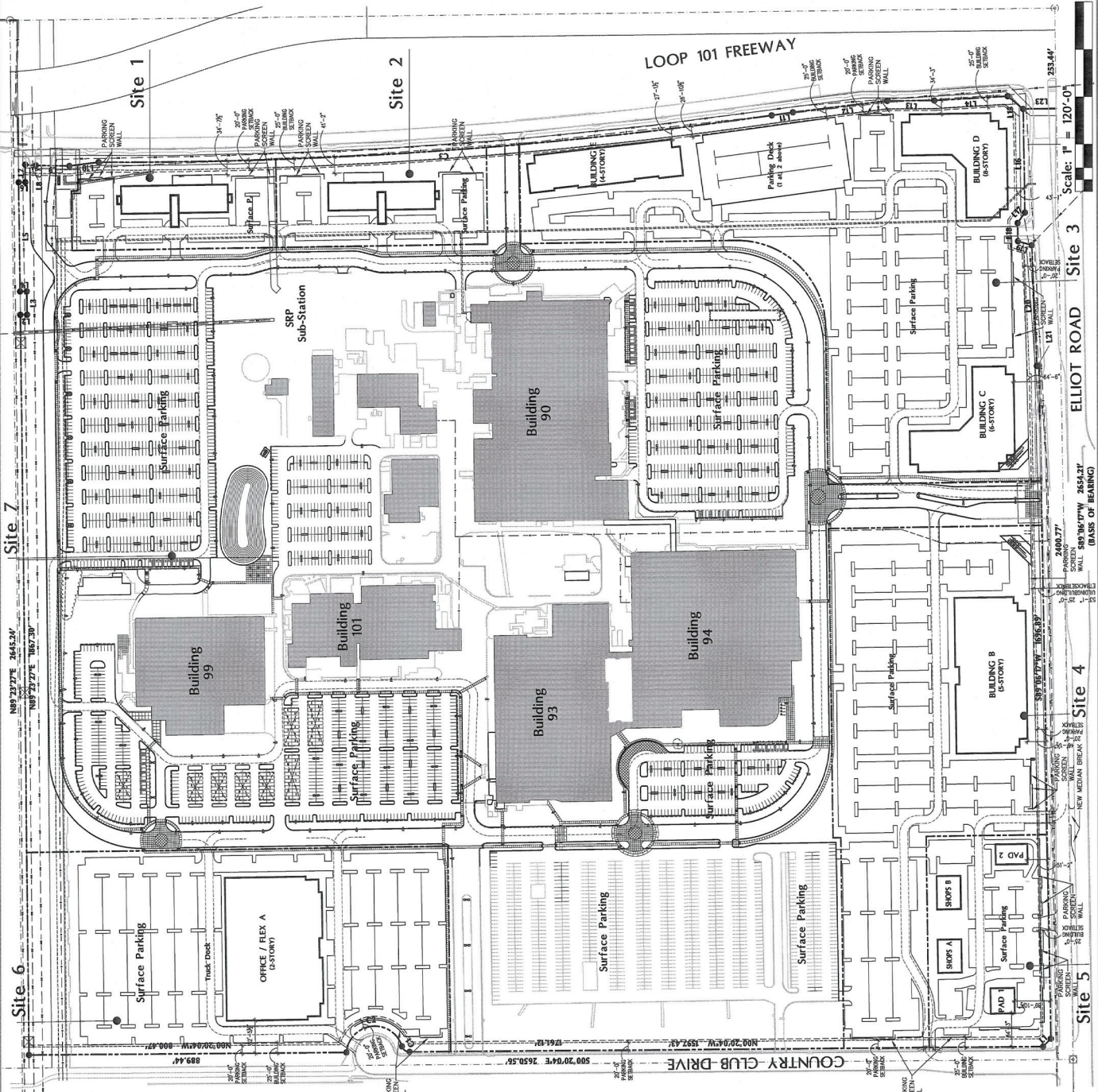
Landscape Architect:
The Design Element, PLLC
1228 W. Washington Street, #202
Phoenix, AZ 85003
Contact: Jeff Anderson
Phone: (480)244-9970
Fax: (480)244-9971
Email: jiff@thedesigndelement.com

PROPERTY LINE DATA:

LINE	BEARING	LENGTH
L1	N45.96153°W	281.5
L2	S02.3738°E	17.00
L3	S89.71727°W	17.00
L4	N03.3134°W	17.00
L5	N89.2327°E	276.00
L6	S03.3138°E	17.00
L7	S89.71727°W	17.00
L8	N03.3134°W	17.00
L9	S01.0315°W	84.47
L10	S07.2903°E	74.26
L11	S89.3545°E	24.00
L12	S89.3545°E	24.00
L13	S00.1109°E	119.47
L14	S03.1741°E	184.55
L15	S03.2639°W	302.57
L16	N89.0617°W	32.18
L17	N83.1124°W	32.18
L18	S89.0617°W	36.18
L19	S16.4118°W	36.18
L20	S02.5434°E	5.24
L21	S02.5434°E	5.24
L22	N89.3326°E	26.07
L23	N00.2543°W	83.55

CURVE TABLE

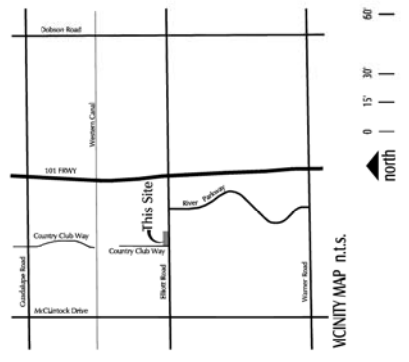
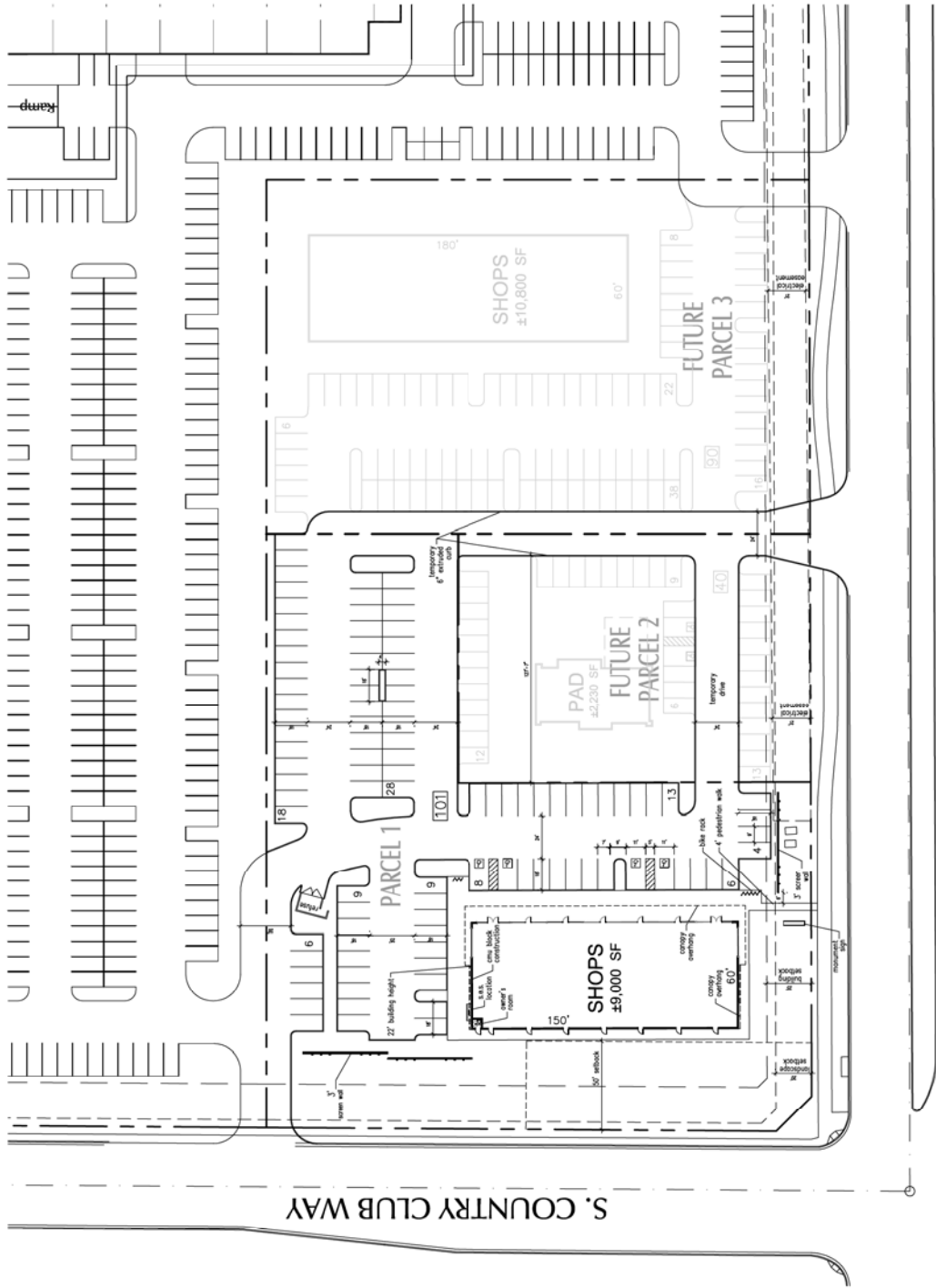
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	ARC:	25.68
	CHORD:	53.87727' W 23.98
CT2	DELTA:	158.9451°
	ARC:	199.96
	CHORD:	N65.09108' W 141.34



**NWC LOOP 101 FRWY & ELLIOT RD.
DISCOVERY BUSINESS CAMPUS**
2100 E Elliot Rd, Tempe, AZ 85283

FOR:
WENTWORTH PROPERTY COMPANY, LLC

PROJECT DATA	GD	9,000 SF
EXISTING ZONING	±75,954 SF	69 SP
NET SITE AREA	±11.74 AC	13 SP
COVERAGE	±12.1%	82 SP
LANDSCAPE AREA (required 10% of net site area)	±22,744 SF	101 SP
BUILDING AREA	±29.9%	
SHOPS		
PARKING DATA		
REQUIRED (RESTAURANT @ 1/75 x 5,150 SF) = 57%		
REQUIRED (RETAIL/SERVICE @ 7,500 x 3,650 SF)		
TOTAL REQUIRED		
PROVIDED (INCLUDES 4 HANDICAP SPACES)		
8 BICYCLE PARKING SPACES PROVIDED		

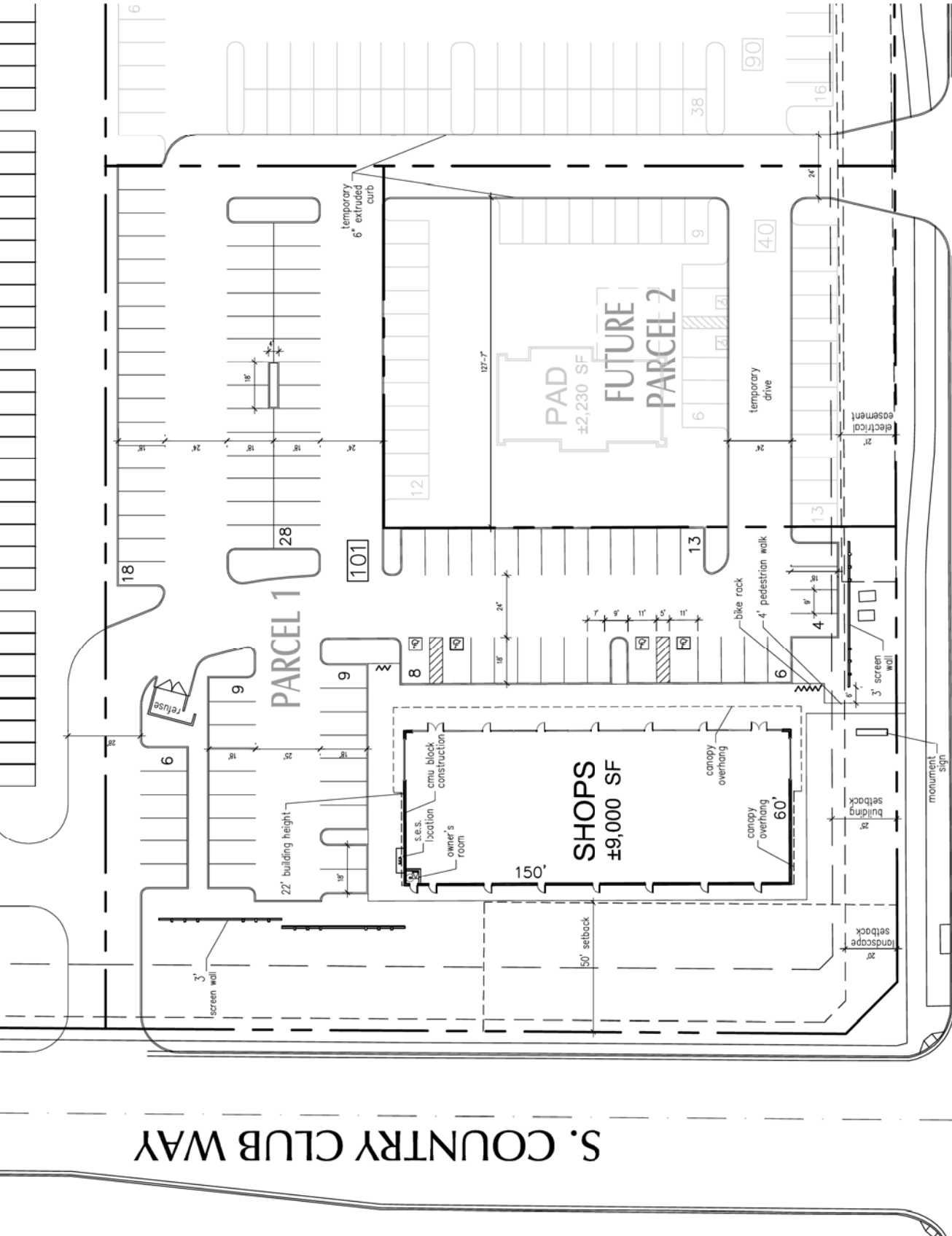


Conceptual Site Plan

© copyright 2013
2010B3
2: JANUARY 2013
REVISED 4 MARCH 2013
ESB
ELLERMANSON
SULLIVAN & BELLER
ARCHITECTS & PLANNERS

E. ELLIOT ROAD

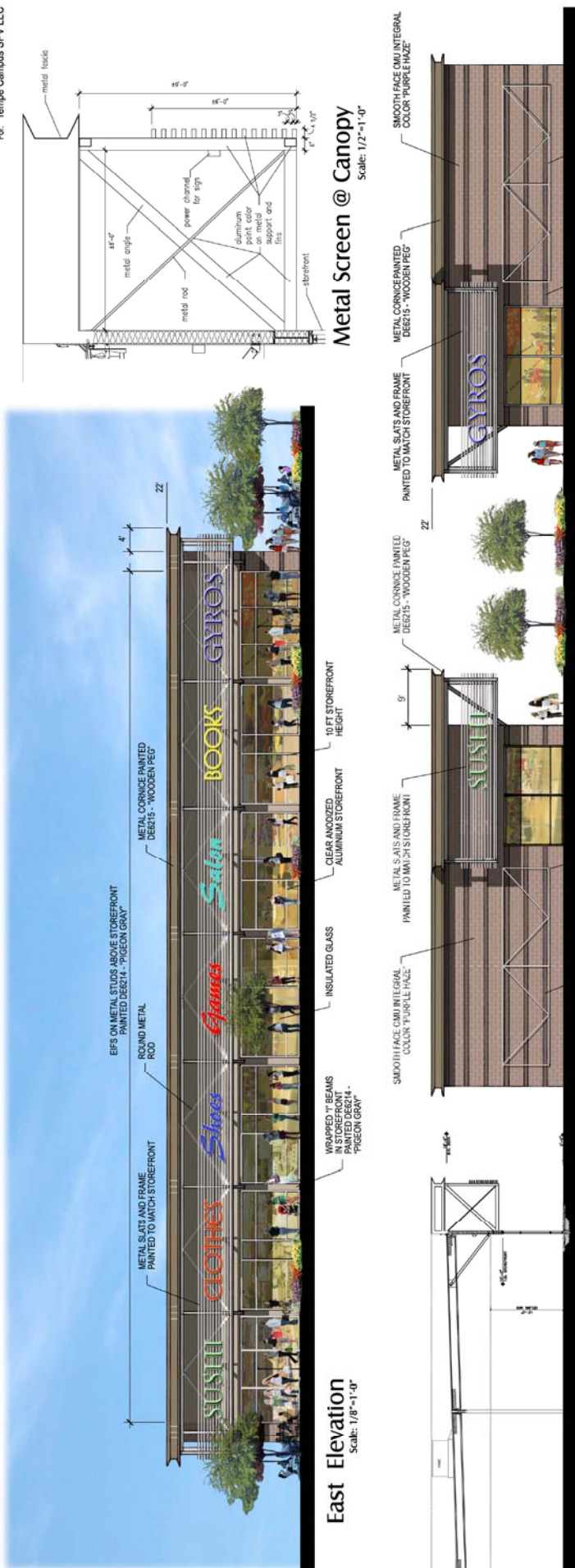
S. COUNTRY CLUB WAY



E. ELLIOT ROAD

NWC LOOP 101 FRWY & ELLIOT ROAD DISCOVERY BUSINESS CAMPUS

Tempe, Arizona
For: Tempe Campus SPV LLC



East Elevation
Scale: 1/8"=1'-0"

Metal Screen @ Canopy
Scale: 1/2"=1'-0"

South Elevation
Scale: 1/8"=1'-0"

North Elevation
Scale: 1/8"=1'-0"

Section
Scale: 1/8"=1'-0"

Conceptual Elevations, Section and Canopy Detail



West Elevation
Scale: 1/8"=1'-0"
NOTE: TREES ARE ESTIMATED
SIZE AT PLANTING

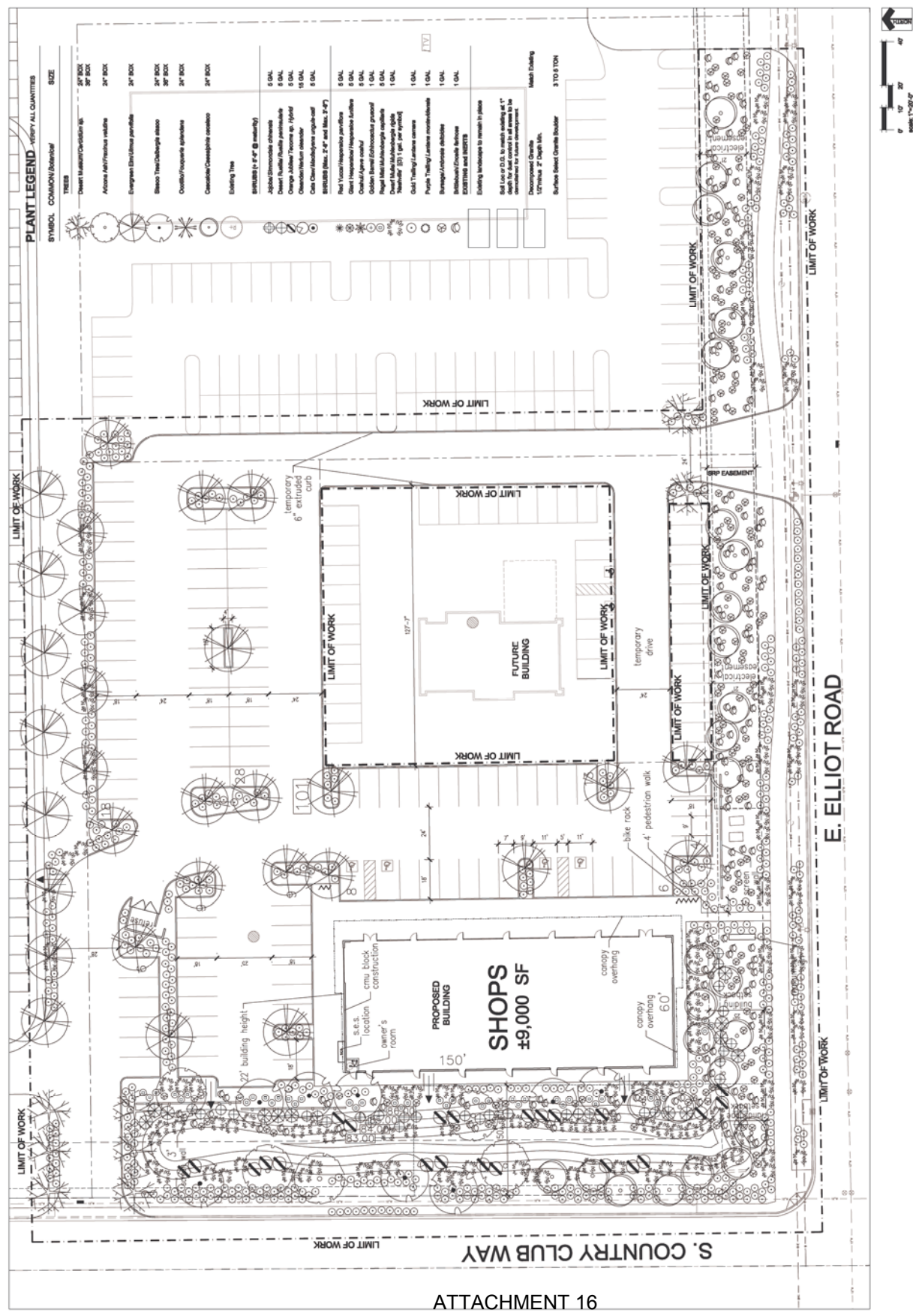
201003
21 January 2013
Revised 14 February 2013
Revised 14 March 2013































REVISIONS:

#	DATE	DESCRIPTION



PLANT LEGEND VERIFY ALL QUANTITIES

SYMBOL	COMMON/ <i>Botanical</i>	SIZE
TREES		
	Desert Museum/ <i>Cercidium sp.</i>	24" BOX 36" BOX
	Arizona Ash/ <i>Fraxinus velutina</i>	24" BOX
	Evergreen Elm/ <i>Ulmus parvifolia</i>	24" BOX
	Sissoo Tree/ <i>Dalbergia sissoo</i>	24" BOX 36" BOX
	Ocotillo/ <i>Fouqueria splendens</i>	24" BOX
	Cascalote/ <i>Caesalpinia cacalaco</i>	24" BOX
	Existing Tree	
SHRUBS (+ 5'-0" @ maturity)		
	Joba/ <i>Simmondsia chinensis</i>	5 GAL
	Desert Ruellia/ <i>Ruellia peninsularis</i>	5 GAL
	Orange Jubilee/ <i>Tecoma sp. Hybrid</i>	5 GAL
	Oleander/ <i>Nerium oleander</i>	15 GAL
	Cats Claw/ <i>Macfadyena unguis-cati</i>	5 GAL
SHRUBS (Max. 2'-0" and Max. 3'-0")		
	Red Yucca/ <i>Hesperaloe parviflora</i>	5 GAL
	Giant Hesperaloe/ <i>Hesperaloe funifera</i>	5 GAL
	Ocahul/ <i>Agave ocahul</i>	5 GAL
	Golden Barrel/ <i>Echinocactus grusonii</i>	1 GAL
	Regal Mist/ <i>Muhlenbergia capillaris</i>	5 GAL
	Dwarf Mulle/ <i>Muhlenbergia rigida</i> 'Nashville' [(3) 1 gal. per symbol]	1 GAL
	Gold Trailing/ <i>Lantana camara</i>	1 GAL
	Purple Trailing/ <i>Lantana montevidensis</i>	1 GAL
	Bursage/ <i>Ambrosia deltoides</i>	1 GAL
	Brittlebush/ <i>Encelia farinosa</i>	1 GAL
EXISTING and INERTS		
	Existing landscape to remain in place	
	Soil Loc or D.G. to match existing at 1" depth for dust control in all areas to be demolished for future development	
	Decomposed Granite 1/2" minus 2" Depth Min.	Match Existing
	Surface Select Granite Boulder	3 TO 5 TON

[TV]

From: Aguiar, Vince (V)
Sent: Thursday, January 24, 2013 9:33 PM
To: Levesque, Ryan
Subject: Discovery Business Campus input

Ryan,

We have spoken on a couple occasions via telephone regarding the recent request by the developer of the Discovery Business Campus (Case Number PF120366) for a retail development on the SW corner of their property. I had originally planned on attending the review meeting on January 22, 2013 but as you know, it has been rescheduled for February 12, 2013. I am unable to attend the February meeting due to a scheduling conflict.

However, I want to formally voice my strong objection to the proposed drive thru Subway at the location. As you and the developer may recall, residents of the Oasis HOA provided the City with a list of objectionable businesses for the site and one was any drive thru operation. In addition, as currently proposed, the order signage is directly facing our property as is the drive thru lane. Clearly, anyone who has ever placed an order at a drive thru realizes the disruption it causes to the surrounding environment. Patrons "barking" orders to the fast food personnel and they in return repeating the order all over a loud speaker is highly objectionable to our neighborhood. Further, the vehicle congestion, idling engines, trash and odor does not provide nearby residents nor campus staff a positive experience. Original points of entry to the retail pad as outlined by the developer was an entrance off Elliot Road. Should a drive thru be allowed, the vast majority of the cars entering the drive thru will use Country Club, not Elliot Road, to access the drive thru quickest, thus negating the highly touted landscape "cushion" the developer proposes to install west of the drive thru lane.

Finally, just to clarify, I have no problem with a traditional Subway walk-in shop. I simply object to a drive thru facility of any kind. It is highly objectionable to all HOA residents who live closest to the retail development.

I ask that you note and enter this email as part of the official record regarding the proposed drive thru. Please confirm receipt of the email. Thank you for your assistance.

Vincent Aguiar
7442 S. Kenwood Lane
Tempe, AZ 85283

From: Teri Aguiar
Sent: Saturday, January 26, 2013 12:43 PM
To: Levesque, Ryan
Subject: Discovery Business Campus

Dear Mr. Levesque,

I live in *The Oasis* residential development, immediately adjacent to the Discovery Business Park under construction on Elliot Road between McClintock & Price. Along with many of my neighbors, I welcome the forthcoming retail campus and actively engaged in a Tempe City Council meeting and a petition of sorts months ago expressing our concerns with the inclusion of particular businesses. In addition to several unwanted businesses (e.g., adult bookstores, tattoo parlors, concert venue) we also objected to 24-hour drive-through businesses due to such accompanying annoyances as vehicle exhaust, noise, traffic, trash pick-up, deliveries, etc. that would negatively impact our nearby family living space and property values. This is referenced in Section 6-308 of the Zoning and Development Code.

A neighborhood email has been recently circulated mentioning the possibility of a 24-hour Subway drive-through. Although our family welcomes a Subway Sandwich Shop, a 24-hour drive-through brings the negative aspects cited above. The homeowners had been led to believe that our concerns would be represented – is that still the case? Will you present my concern at your upcoming meeting with the Development Review Commission?

Thank you, Mr. Levesque.

Respectfully,

Teri Pistacchio Aguiar
Resident, *The Oasis*

Subject:

FW: Revised Comments on the proposed Drive-through Subway Shop

From: Lisa Zyriek**Sent:** Wednesday, January 30, 2013 3:08 PM**To:** Levesque, Ryan**Subject:** Revised Comments on the proposed Drive-through Subway Shop

As you know, a retail pad was approved by the DRC and subsequently the Tempe City Council in November 2011. The retail that was presented at the time by the Wentworth group was something along the lines of an "Alpha Graphics, a Subway Shop, or another restaurant," businesses that would make sense in a business park. None of the ideas that were presented were any type of drive-through facilities.

When we became aware that a drive-through was proposed, a few of my neighbors attempted to work with the Wentworth group but have not been successful in developing mutually acceptable compromises. First and foremost we (the Oasis Neighborhood) are concerned about a significant increase in traffic and noise from a drive-through establishment. Second, we are concerned about a decrease in property values to those homeowners that live near the proposed drive-through, along the Eastern edge of the Oasis neighborhood. Living next to an business park with retail that supports the business park is one thing, but a drive-through business is a completely different kind of operation and is not conducive to being located next to a residential neighborhood. Thus, we would like to **OPPOSE the DRIVE-THROUGH PERMIT** for the corner location that Wentworth is seeking for the Subway Shop. This is in accordance with Section 6-308, section E. We feel that this use permit should not be allowed because it will be detrimental to our neighborhood since it will cause an increase in vehicular traffic, create a nuisance from increased noise, and will contribute to the downgrading of our property values.

Even though the Subway would be set back 50 feet (per the Nov. 2011 Council Meeting), that is not enough to mitigate the noise coming from the loudspeaker at the drive-through as well as increased vehicular traffic and noise. As currently proposed, the drive-through window faces our neighborhood. This will also generate a lot of noise. Worse yet, the current alignment would have the area near our houses also be the service entrance for all of the retail businesses in that pad and would generate a great deal of traffic and noise. According to Section 6-308, section G, the decision-making body can require additional setbacks, can modify the proposed location and/or design of vehicle access points, improve parking and loading areas, and require landscaping and screening for the site. If City Staff is considering the use permit for this corner location, I would like to see Staff consider how the use permit is detrimental to our neighborhood and develop conditions for approval. **However, I can't think of another location in South Tempe where a drive-through is located on a corner right next to a neighborhood.** That's because of the increased traffic and noise, as well decreased property values to those homeowners. Our past City Planners did a good job of protecting neighborhoods while still supporting the business community.

A better suggestion would be to move the location of the drive-through farther East away from the corner. That was what was done for the **Culver's location at the SW Corner of Ray Rd. and the 101** - which was the **RETAIL LOCATION** that **Wentworth** stated at the Council meeting that this retail space would **BE MODELED AFTER** (since they were **using the same architect**). Every other example of a fast food location in South Tempe that is near a neighborhood (that I can think of) is located off the corner, with the drive-through facing the interior commercial development. (For example, the McDonald's at McClintock and Elliot; the Wendy's at McClintock and Warner, the Dunkin' Donuts at McClintock and Warner, what had been the Jack-in-the-Box at McClintock and Elliot, and the Panda Express at McClintock and Guadalupe, just to name a few). **ALL** of those locations have the drive-through on the interior of the commercial development to protect the surrounding neighborhoods from increased traffic and noise and to protect their property values. **Our neighborhood should be no different than the others near us that have been**

protected from having a drive-through on the corner. Moving the location of the proposed drive-through would be consistent with Section 6-308, section G (Conditions), requiring additional setbacks, moving the location of the vehicle access point, and minimizing impacts from noise.

We are also concerned that there are no limitations on the hours of operation for the business. Lawyer, Manjula Vaz, told me three weeks ago it wouldn't be a 24 hour operation and then when asked again last week and the week before, she never responded. **WE OPPOSE A 24 HOUR OPERATION** in the retail pad at the DBC. Pursuant to Section 6-308, section G, **WE SUPPORT SPECIFIC HOURS OF OPERATION FOR THE RETAIL SPACE** (like M-F 6/7 am - 9/10 pm, Sat. 7/8 am - 10 pm, Sun. 8 am - 9 pm).

Also per Section 6-308, section G, we feel strongly that the **proposed retail should be required to have sufficient landscaping and screening** that helps to mitigate the aforementioned detrimental impacts of having a retail complex next to our neighborhood, even if the drive-through is moved farther into the interior of the campus. Further, we (the Oasis) would like to have something in writing that protects the landscaping and screening in the 50 foot (or more) buffer zone, so that once it reaches maturity, it will remain full and lush and will actually provide the intended "screening" function. Several surrounding commercial strip malls have recently been retrofitted and have replaced their full and mature landscaping with something much shorter and smaller. The Oasis would hate for the DBC retail area to be "retrofitted" later with smaller, shorter landscaping, thus defeating the screening purpose.

WE ALSO SUPPORT SPECIFIC HOURS OF OPERATION FOR DELIVERIES AND REFUSE PICK UP but understand that this is not the avenue to request this because the current hearing is only for a drive-through use permit. While a business needs to be open to make money we also understand that they don't need to be open 24 hours a day, every day of the week, nor do they need to be able to receive deliveries or have their refuse picked up at any hour of the day or night, especially when this would be a detriment to our neighborhood.

Thank you for your time and for sharing these comments with the DRC. We look forward to working with the City and the developer to come up with some mutually agreeable solutions.

Lisa and Don Zyriek
(480) 413-9284

From: Jane Ann Betken
Sent: Friday, February 01, 2013 9:28 AM
To: Levesque, Ryan
Subject: Proposed drive-thru Subway Restaurant-Elliot & Country Club Way Business Park, Tempe

Dear Ryan,

I am responding to the new business development on Elliot and Country Club Way in Tempe with respect to the proposed 24 hour drive thru Subway restaurant. I live in the Oasis subdivision at 1982 East Todd Drive.

I am against having the 24 hour drive thru Subway because of the following reasons:

noise level to surrounding neighbors in the Oasis from traffic thru the drive thru-I would like to see restricted hours (8 am-9pm)
decreased property values may occur if we do not have these restrictions
noise levels due to garbage pick up
increased traffic 24 hours a day

I would propose:

better landscaping and screening from Wentworth to provide a buffer between our neighborhood and the retail space
limits for times of deliveries and garbage pick-up daylight hours only

I would like to see the restaurant moved farther to the east of the business park property farther from our Oasis subdivision

Jane Ann Betken

From: Carolyn Boles
Sent: Sunday, February 03, 2013 3:38 PM
To: Levesque, Ryan
Subject: Proposed drive thru near the Oasis

Dear Ryan,

We would be very appreciative if you would vote AGAINST the proposed Subway drive -thru near the Oasis. We can now hear construction traffic at all times of day and in the summer, at very early hours. We would not like the noise or traffic that a drive-thru would create.

Sincerely,

Carolyn Boles

From: Nitrogenfixx
Sent: Monday, February 04, 2013 11:51 AM
To: Levesque, Ryan
Subject: drive thru for Subway/Country Club and Elliot

We are absolutely OPPOSED to the drive thru being located at Country Club and Elliot.
Because the city wants more tax revenue, the developer wants more profit, and Subway wants more profit, should NOT give any of them the "right" to destroy our property values and quiet enjoyment of our homes!

Sandra Lee Ruffin
Helen Ann Chadwick
1977 E. Divot Drive
Tempe, Az.
85283

February 4, 2013

Ryan Levesque / City of Tempe Planning
Development Review Commission (DRC)

Re: Use Permit for drive thru at Discovery Business Campus, SW Corner Country Club Way & Elliot

Dear Mr. Levesque:

As residents of the Oasis Neighborhood and as a real estate agent, we are very concerned about a significant increase in traffic and noise that would certainly arise from any drive-thru adjacent and very close to our homes/neighborhood.

We are concerned about a decrease in property values, especially to those homeowners that live near the proposed drive-thru, along the Eastern edge of the Oasis neighborhood. Living next to a business park with retail that supports the business park is one thing, but a drive-thru business is a completely different subject, and should not be approved for any location so close to a residential neighborhood.

We request your understanding and support in our opposition for approval of the special use permit being requested by Wentworth Property Co., and their legal representative Gammage & Burnham.

In accordance with Section 6-308, section E. We feel and request that this use permit should be denied, because it will be detrimental to our neighborhood, as it will cause an increase in vehicular traffic, create a nuisance related to increased noise from call box speakers, vehicles, human voices ordering food and, and would result in decreased property values within the Oasis at Anozira community.

As currently proposed, the drive-thru call box speaker faces directly toward our neighborhood. This will undoubtedly generate audible disturbance for residents. Equally concerning, is that the plan shows the rear service doors for all of the retail suites in this Western retail building to be facing our homes.

Who knows what kind noise could be generated from deliveries or other activities using these doors?

It doesn't seem reasonable, from a design perspective, to have this drive thru lane also doubling as a service drive/rear entrance for the other businesses that will be located in this building.

According to Section 6-308, section G, the decision-making body can require additional setbacks, can modify the proposed location, etc. Moving the location of the proposed drive-thru to the Eastern portion of the retail space would be consistent with Section 6-308, section G (Conditions), "requiring additional setbacks, moving the location of the vehicle access points, and minimizing impacts from noise."

We can't think of another location in South Tempe where a drive-thru is located on a corner so close to a neighborhood...likely because of the increased traffic and noise, as well as decreased property values to those homeowners. Our past/present Tempe City Planners have done a good job of protecting and supporting our neighborhoods, while still supporting economic development and businesses for Tempe.

Please consider our points and reasonable request to deny this use permit as proposed, and help carry on and strengthen Tempe's tradition as a great place to live and do business.

Thanks and best regards,

Nancy Diaz, Realtor
1957 E McNair Drive
Tempe, AZ 85283
ndiaz@hsmove.com

From: Giglio, Chuck
Sent: Monday, February 04, 2013 4:28 PM
To: Levesque, Ryan
Subject: Use Permit for drive thru at Discovery Business Campus, SW Corner Country Club Way & Elliot

Dear Mr. Levesque-

As a resident located in the southeast corner of the of the Oasis Neighborhood, I am very concerned about a significant increase in traffic and noise that would certainly arise from any drive-thru adjacent and very close to my home. Just over two years ago, I moved my family to this home so that my three children could enjoy the safety and peace of mind the Oasis had to offer, never imagining the city would consider a drive-thru with service doors facing our home. I ask that you deny this use permit and force the developer to consider options that better preserve the existing community surrounding the proposed drive thru location on the western retail pad.

- As currently proposed, the drive-thru call box speaker faces directly toward our neighborhood. This will undoubtedly generate audible disturbance for residents. Equally concerning, is that the plan shows the rear service doors for all of the retail suites in this Western retail building to be facing our homes. Who knows what kind noise could be generated from deliveries or other activities using these doors? It doesn't seem reasonable, from a design perspective, to have this drive thru lane also doubling as a service drive/rear entrance for the other businesses that will be located in this building.
- According to Section 6-308, section G, the decision-making body can require additional setbacks, can modify the proposed location, etc. Moving the location of the proposed drive-thru to the Eastern portion of the retail space would be consistent with Section 6-308, section G (Conditions), "requiring additional setbacks, moving the location of the vehicle access points, and minimizing impacts from noise."

Besides the points mentioned above, I am a supporter of this project and excited to see the economic impacts of this project in Tempe. However, I ask that you deny this request and seek a more socially responsible solution, especially when the developer has other alternatives to consider.

Best Regards,

Chuck Giglio
1989 E Brentrup Dr
Tempe AZ, 85283
480-232-9294

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From: Laurie
Sent: Monday, February 04, 2013 9:27 PM
To: Levesque, Ryan
Subject: Use Permit for drive thru at Discovery Business Campus, SW Corner Country Club Way & Elliot

To: Ryan Levesque / City of Tempe Planning / Development Review Commission (DRC)

As residents of the Oasis Neighborhood, we are very concerned about a significant increase in traffic and noise that would certainly arise from any drive-thru adjacent and very close to our homes/neighborhood.

We are concerned about a decrease in property values, especially to those homeowners that live near the proposed drive-thru, along the Eastern edge of the Oasis neighborhood. Living next to a business park with retail that supports the business park is one thing, but a drive-thru business is a completely different subject, and should not be approved for any location so close to a residential neighborhood.

We request your understanding and support in our opposition to the approval of the special use permit being requested by Wentworth Property Co., and their legal representative Gammage & Burnham.

In accordance with Section 6-308, section E. We feel and request that this use permit should be denied, because it will be detrimental to our neighborhood, as it will cause an increase in vehicular traffic, create a nuisance related to increased noise from call box speakers, vehicles, human voices ordering food and, and would result in decreased property values within the Oasis at Anozira community.

As currently proposed, the drive-thru call box speaker faces directly toward our neighborhood. This will undoubtedly generate audible disturbance for residents. Equally concerning, is that the plan shows the rear service doors for all of the retail suites in this Western retail building to be facing our homes. Who knows what kind of noise could be generated from deliveries or other activities using these doors? It doesn't seem reasonable, from a design perspective, to have this drive thru lane also doubling as a service drive/rear entrance for the other businesses that will be located in this building.

According to Section 6-308, section G, the decision-making body can require additional setbacks, can modify the proposed location, etc. Moving the location of the proposed drive-thru to the Eastern portion of the retail space would be consistent with Section 6-308, section G (Conditions), "requiring additional setbacks, moving the location of the vehicle access points, and minimizing impacts from noise."

We can't think of another location in South Tempe where a drive-thru is located on a corner so close to a neighborhood...likely because of the increased traffic and noise, as well as decreased property values to those homeowners. Our past/present Tempe City Planners have done a good job of protecting and supporting our neighborhoods, while still supporting economic development and businesses for Tempe.

Please consider our points and reasonable request to deny this use permit as proposed, and help carry on and strengthen Tempe's tradition as a great place to live and do business.

Thanks and best regards,

Laurie Craig, resident of Oasis at Anozira

From: jim cuadros
Sent: Monday, February 04, 2013 2:36 PM
To: Levesque, Ryan
Subject: oasis/freescale

Ryan,

I normally don't say anything when it comes to Private Property rights. I don't know if the neighbor who is sending me emails on this subject knows what he is talking about or not. If he does, I would not be affected because I am too far west in the Oasis neighborhood to hear much from the Freescale location.

It would be a dereliction of duty , I think ,to approve a drive thru restaurants speaker/call box that is facing head on and in close proximity to a established neighborhood. There are lots of locations where a device that takes orders and amplifies voices is appropriate. Facing someones home is not one of them.

Jim Cuadros

From: Tracy Spinrad
Sent: Monday, February 04, 2013 12:27 PM
To: Levesque, Ryan
Subject: opposition of drive thru Subway Shop; country club way

2-4-13

Dear Mr Levesque,

I am a resident of the Oasis Neighborhood, and I am concerned about the proposal of a drive-thru Subway adjacent and very close to my homes/neighborhood. The concern is for a variety of reasons. Most importantly, the close proximity to our home may lead to a decrease in property values. Next, there is worry with any type of retail property that there will be increased traffic and noise. For example, there is likely going to be extra Trash pick-up (possibly in the middle of the night) when there is a restaurant in the lot. This type of noise can be a large disturbance to our community.

We request your understanding and support in our opposition for approval of the special use permit being requested by Wentworth Property Co., and their legal representative Gammage & Burnham.

In accordance with Section 6-308, section E. We feel and request that this use permit should be denied, because it will be detrimental to our neighborhood, as it will cause an increase in vehicular traffic, create increased noise, and decreased property values within the Oasis at Anozira community.

Please consider the above points and reasonable request to deny this use permit as proposed, and help carry on and strengthen Tempe's tradition as a great place to live and do business.

Thanks and best regards,
Tracy L. Spinrad
7087 S. Los Feliz Dr.

From: eddie
Sent: Tuesday, February 05, 2013 4:51 PM
To: Levesque, Ryan
Subject: proposed drive thru

Dear Mr. Levesque,

This letter is in regard to the proposed drive thru location for the retail space in the southeast corner of the Discovery Business Park. I am in agreement with the concerned residents of The Oasis regarding the possible detriment the current location poses on the property values of the homes located adjacent the site. Even though my property is not near the area , I fear the increase in noise and delivery traffic that the dual use service drive/drive thru will create will affect my neighbors in that area in a negative way.

Please take these concerns into account when you and the board decides the location of the retail drive thru.

Thank you for your time.

Ed Grabowski
Concerned Oasis Homeowner

7103 S. Hazelton Lane
Tempe, AZ. 85283

From: David Mills
Sent: Tuesday, February 05, 2013 8:35 AM
To: Levesque, Ryan
Subject: Use Permit for drive thru at Discovery Business Campus, SW Corner Country Club Way & Elliot

Dear Mr. Levesque,

My wife and I have lived in the Oasis subdivision for over 16 years. In 1996 when we moved in our home located at 1977 E. McNair Drive, the large commercial/industrial property to the east of the Oasis was Motorola and proper setbacks were in place all of these years. Over the years, the Motorola property was sold to Freescale, who has since sold the property to a developer that is totally increasing the number of buildings, greatly increasing population on the property and reducing setbacks from the Oasis subdivision. Specific to our concerns is the commercial development in the southwest corner of the main development at the corner of Elliot Road and Country Club.

There are 7 planned commercial stores which backup to Country Club, one of which is a Subway sandwich store. The plans reflect that there will be a Subway drive-thru on the west side (the back of the building) facing Country Club. I and other residents are very concerned about a significant increase in traffic and specifically noise that will be created by delivery trucks making deliveries at all times of the night as well as the speaker of the drive-thru directly facing the Oasis subdivision and specifically our home.

The closeness of these building will definitely have a negative impact on the property values of homes along the east edge of Country Club. As much as my wife and I dislike the closeness, there is apparently nothing we can do at the juncture. However, there are restrictions that could be approved by the City of Tempe which would mitigate the impact.

We ask that the Development Review Commission disapprove the special use permit being requested by Wentworth Property Co. and their legal counsel Gammage & Burnham. The special use permit would:

- be detrimental to the neighborhood due to increase automotive and diesel delivery truck traffic;
- create a nuisance related to increased noise from drive-thru speakers that are aimed directly at our neighborhood in the Oasis subdivision;
- allow service doors at the rear of the building which will also result in increased noise from deliveries at the back door; and
- generally result in decreased property values in the Oasis subdivision.

According to Section 6-308, section G, the decision-making body can require additional setbacks, can modify the proposed location, etc. Moving the location of the proposed drive-thru to the Eastern portion of the retail space would be consistent with Section 6-308, section G (Conditions), "requiring additional setbacks, moving the location of the vehicle access points, and minimizing impacts from noise."

My wife and I have eaten in numerous Subways over the year, however, we have never seen a drive-thru at a Subway. That company has been successful over the years without a drive-thru window and I'm sure this store will be successful without one. We understand the need for economic development in Tempe, but it should be accomplished without harming existing residents and their property values. We also believe that the Tempe City Planners should continue to protect and support the Tempe resident neighborhoods.

Please consider our points and we request that the use permit as proposed be denied. The Oasis has been a wonderful subdivision in which to live. The use permit will certainly hurt Tempe residents and their property values.

Thank you for your consideration.

David & Linda Mills
1977 E. McNair Drive
Tempe, AZ 85283
(480)

February 3, 2013

Ryan Levesque and the Development Review Commission

City of Tempe

RE: Retail drive-through Use Permit application

(Northeast Corner of Elliot & Country Club)

Dear Ryan and members of the Development Review Commission,

We have had discussions with the applicant over the past several weeks regarding our concerns with the proposed drive-through restaurant and retail building. Although there have been some minor concessions regarding our comments, the applicant continues to show a speaker box facing our neighborhood. Also, we have concerns regarding potential night-time deliveries through the west doors of the retail shops (utilizing the drive-through lane). The applicant refuses to give us any assurance that there will not be deliveries during the middle of the night. In fact, we have contacted another Subway owner and discovered that his deliveries arrive during the night. You can imagine the noise generated by semi-trailers arriving, diesel engines idling, air brakes being set, a metal ramp being rolled into place and loads of material being delivered. All of this will occur while neighbors are trying to sleep nearby.

We are concerned that the increase in traffic and noise will result in a decrease in property values for many of the neighbors at the Oasis neighborhood. It will also have a negative impact on our quality of life.

We request your support in our opposition to the Use Permit being requested by Wentworth Property Co.

As noted in Tempe City Code, Section 6-308 – E:

“E. Approval Criteria.

1. A *use permit* shall be granted only upon a finding by the decision-making body, that the use covered by the permit, the manner of its conduct, and any *building* which is involved, **will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general**, and that the use will be in full conformity to any conditions,

requirements, or standards prescribed therefore by this Code.

2. In arriving at the above determination, the following factors shall be considered, but not be limited to:

- a. Any significant increase in vehicular or pedestrian traffic;**
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;**
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values** which, is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan;
- d. Compatibility with existing surrounding *structures* and uses; and
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.”

Based on these factors, we respectfully ask that you deny the Use Permit application.

With best regards,

Gary & Debi Meyer
1964 E. Brentrup Drive

Richard B. Nolan

2022 E. Bendix
Tempe, Arizona 85283-3301

480-756-2934
rnolan9@cox.net

February 5, 2013

Via E-Mail - ryan_levesque@tempe.gov

City of Tempe Community Development Dept.
Attn: Ryan Levesque, Senior Planner
31 East Fifth Street
Tempe, AZ 85281
(480) 858-2393

**RE: The Discovery Business Campus, Dev. Parcel 1
City of Tempe Planning Case No. PF120366**

Ryan:

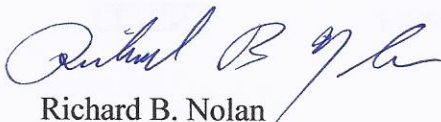
It's been quite some time since we've chatted. Hope all is well with you.

I write to express support for the approval of the use permit requested to allow a restaurant drive-through for the site at the northeast corner of Elliot Road and Country Club Way. I believe that the approval of the requested use permit will allow the developer to not only redevelop the property with a desirable and convenient neighborhood restaurant and to significantly invest in both the neighborhood and City so as to both improve and encourage additional investment in the area but to also provide amenities for the neighborhood residents as well as employees of the Discovery Campus and the ASU Research Park.

As you know, I use a wheelchair to get around and having drive-through facilities near my home like the one proposed is personally a big benefit. In addition, I do not believe this use permit will have any negative impact on nearby neighborhoods or the surrounding properties. It seems that the proposed drive-through would be designed in such a way where there would be no discernible light, sound or traffic pollution.

I think this development will support the redevelopment goals of the Discovery Business Campus and the surrounding neighborhood. I understand that this development proposal is consistent with existing development, land use and zoning patterns for the area as well as being in line with the City's general plan.

I hope you will support this Applicant. Thank you for your time.



Richard B. Nolan

2/4/13

To: Ryan Levesque / City of Tempe Planning / Development Review Commission (DRC)
Fr: Timothy J and Laraine B Lyons (residents of Oasis Development)
7092 s Los Feliz Drive, Tempe, Arizona 85283-4933

Re: Use Permit for drive thru at Discovery Business Campus, SW Corner Country Club Way & Elliot

As residents of the Oasis Neighborhood, we are very concerned about a significant increase in traffic and noise that would certainly arise from any drive-thru adjacent and very close to our homes/neighborhood.

We are concerned about a decrease in property values, especially to those homeowners that live near the proposed drive-thru, along the Eastern edge of the Oasis neighborhood. Living next to a business park with retail that supports the business park is one thing, but a drive-thru business is a completely different subject, and should not be approved for any location so close to a residential neighborhood.

We request your understanding and support in our opposition for approval of the special use permit being requested by Wentworth Property Co., and their legal representative Gammage & Burnham.

In accordance with Section 6-308, section E. We feel and request that this use permit should be denied, because it will be detrimental to our neighborhood, as it will cause an increase in vehicular traffic, create a nuisance related to increased noise from call box speakers, vehicles, human voices ordering food and, and would result in decreased property values within the Oasis at Anozira community.


As currently proposed, the drive-thru call box speaker faces directly toward our neighborhood. This will undoubtedly generate audible disturbance for residents. Equally concerning, is that the plan shows the rear service doors for all of the retail suites in this Western retail building to be facing our homes. Who knows what kind noise could be generated from deliveries or other activities using these doors? It doesn't seem reasonable, from a design perspective, to have this drive thru lane also doubling as a service drive/rear entrance for the other businesses that will be located in this building.

According to Section 6-308, section G, the decision-making body can require additional setbacks, can modify the proposed location, etc. Moving the location of the proposed drive-thru to the Eastern portion of the retail space would be consistent with Section 6-308, section G (Conditions), "requiring additional setbacks, moving the location of the vehicle access points, and minimizing impacts from noise."

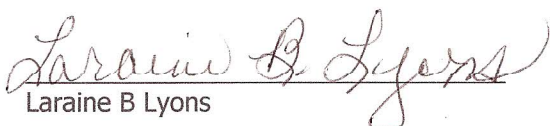
We can't think of another location in South Tempe where a drive-thru is located on a corner so close to a neighborhood...likely because of the increased traffic and noise, as well as decreased property values to those homeowners. Our past/present Tempe City Planners have done a good job of protecting and supporting our neighborhoods, while still supporting economic development and businesses for Tempe.

Please consider our points and reasonable request to deny this use permit as proposed, and help carry on and strengthen Tempe's tradition as a great place to live and do business.

Thanks and best regards,



Timothy J Lyons



Laraine B Lyons

February 4, 2013

To: Ryan Levesque / City of Tempe Planning / Development Review Commission (DRC)
Fr: Teri Pistacchio Aguiar, *The Oasis*, 7442 S. Kenwood Lane, Tempe, AZ 85283
Re: Use Permit for drive-through, Discovery Business Campus, Country Club Way & Elliot Rd.

Dear Mr. Levesque,

After reviewing the Use Permit Code, Section 6-308 of the City of Tempe and discussing the plans at the Discovery Business Campus with my neighbors in *The Oasis*, please know that my husband (Vincent Aguiar) and I are emphatically opposed to *any* drive-through commerce in the adjacent business park under construction. As residents of *The Oasis* neighborhood, we are very concerned about a significant increase in traffic and noise that would arise from such a drive-through so nearby to our home/neighborhood.

We respectfully ask for your understanding and support in our opposition for approval of the special use permit requested by Wentworth Property Co., and their legal representative Gammage & Burnham.

In accordance with Section 6-308, section E, we request that this use permit be denied. A drive-through business will be detrimental to our neighborhood as it will cause an increase in vehicular traffic, create a nuisance related to increased noise from call box speakers, vehicles, human voices ordering food and, and would result in decreased property values within the *The Oasis at Anozira* community.

As currently proposed, the drive-through call box speaker faces directly toward our neighborhood. This will undoubtedly generate audible disturbance for residents. Equally concerning is that the plan shows the rear service doors for all of the retail suites in this Western retail building to be facing our homes.

According to Section 6-308, section G, the decision-making body can require additional setbacks, modify the proposed location, etc. Moving the location of the proposed drive-through to the eastern portion of the retail space would be consistent with Section 6-308, section G (Conditions), "requiring additional setbacks, moving the location of the vehicle access points, and minimizing impacts from noise."

Please consider our points and reasonable request to deny this use permit as proposed and help carry on and strengthen Tempe's tradition as a great place to live and do business.

Respectfully yours,

Teri Pistacchio Aguiar
Homeowner, *The Oasis at Anozira*

To: Ryan Levesque / City of Tempe Planning / Development Review Commission (DRC)
Fr: Troy Buchanan (resident 1970 E. McNair Dr Tempe, AZ 85283)

Re: Use Permit for drive thru at Discovery Business Campus, SW Corner Country Club Way & Elliot

As residents of the Oasis Neighborhood, we are very concerned about a significant increase in traffic and noise that would certainly arise from any drive-thru adjacent and very close to our homes/neighborhood.

We are concerned about a decrease in property values, especially to those homeowners that live near the proposed drive-thru, along the Eastern edge of the Oasis neighborhood. Living next to a business park with retail that supports the business park is one thing, but a drive-thru business is a completely different subject, and should not be approved for any location so close to a residential neighborhood.

We request your understanding and support in our opposition for approval of the special use permit being requested by Wentworth Property Co., and their legal representative Gammage & Burnham.

In accordance with Section 6-308, section E. We feel and request that this use permit should be denied, because it will be detrimental to our neighborhood, as it will cause an increase in vehicular traffic, create a nuisance related to increased noise from call box speakers, vehicles, human voices ordering food and, and would result in decreased property values within the Oasis at Anozira community.

As currently proposed, the drive-thru call box speaker faces directly toward our neighborhood. This will undoubtedly generate audible disturbance for residents. Equally concerning, is that the plan shows the rear service doors for all of the retail suites in this Western retail building to be facing our homes. Who knows what kind noise could be generated from deliveries or other activities using these doors? It doesn't seem reasonable, from a design perspective, to have this drive thru lane also doubling as a service drive/rear entrance for the other businesses that will be located in this building.

According to Section 6-308, section G, the decision-making body can require additional setbacks, can modify the proposed location, etc. Moving the location of the proposed drive-thru to the Eastern portion of the retail space would be consistent with Section 6-308, section G (Conditions), "requiring additional setbacks, moving the location of the vehicle access points, and minimizing impacts from noise."

We can't think of another location in South Tempe where a drive-thru is located on a corner so close to a neighborhood...likely because of the increased traffic and noise, as well as decreased property values to those homeowners. Our past/present Tempe City Planners have done a good job of protecting and supporting our neighborhoods, while still supporting economic development and businesses for Tempe.

Please consider our points and reasonable request to deny this use permit as proposed, and help carry on and strengthen Tempe's tradition as a great place to live and do business.

Thanks and best regards,

Troy Buchanan

2/4/13

To: Ryan Levesque / City of Tempe Planning / Development Review Commission (DRC)
Fr: Doug King / Brandi King

Re: Use Permit for drive thru at Discovery Business Campus, NE Corner Country Club Way & Elliot

Good day Ryan and Development Review Commission Members,

We are 33+ year Tempe residents, ASU graduates, Tempe small business owners, and original 17+ year residents of the Oasis community, and we are very concerned about the negative outcomes that would certainly result from any drive-thru so close to our homes and neighborhood.

The noise and exhaust resulting from the significant increase in nearby traffic is one clear concern, but the other ancillary effects of the proposed drive-thru plan are even more disturbing to imagine.

As currently proposed, the drive-thru call box speaker faces directly toward our neighborhood, with some residences approximately just 150 feet away! This will certainly generate audible disturbances for residents. Requests to the developer/applicant for drive-thru and speaker relocation have been dismissed.

Equally concerning, is that the plan shows the rear service doors for all of the retail suites in this Western building to be facing our homes. The unknown factors surrounding the use of these doors, in addition to the requested drive-thru, leaves us and our neighbors, very uneasy. It doesn't seem reasonable, from a design perspective, to have this drive thru lane also doubling as a service drive/delivery entrance for the other businesses that will eventually be located in this same building.

We are extremely worried about a resulting decrease in our property values, especially to those homeowners that live near the proposed drive-thru, along the Eastern edge of the Oasis neighborhood. Most residents understand the general plan that was approved, which encompasses retail businesses at this location, but justly feel that a drive-thru should not be approved for any location or business so close to a longstanding residential neighborhood. Our community, and other similar newer neighborhoods in South Tempe, should not be subjected to further property value erosion due to decisions of this nature. A Subway restaurant at this location is fine with most residents, but there is absolutely no dire need for a drive-thru on top of our neighborhood...especially when there are very valid options, and plenty of space to relocate it further east, shielded and away from the community.

We respectfully request your understanding and support in denying the special use permit being requested by Wentworth Property Co., and their legal representative Gammage & Burnham.

Referencing Section 6-308-E & G of the City Use Permit Code, we feel and request that this use permit should be denied, because it will be detrimental to our neighborhood and our quality of life we have enjoyed for 17+ years. It will cause an increase in vehicular traffic, create a nuisance related to increased noise from call box speakers, vehicles, human voices ordering food and, and would result in decreased property values within the Oasis at Anozira community.

Please consider our concerns and reasonable request to deny this use permit, and help carry on and strengthen Tempe's tradition as a great place to live, raise families, AND do business.

Thanks and best regards,

Doug & Brandi King
1984 E. Brentrup Dr.

To: Ryan Levesque / City of Tempe Planning / Development Review Commission (DRC)
Fr:

Re: Use Permit for drive thru at Discovery Business Campus, SW Corner Country Club Way & Elliot

As residents of the Oasis Neighborhood, we are very concerned about a significant increase in traffic and noise that would certainly arise from any drive-thru adjacent and very close to our homes/neighborhood.

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We can't think of another location in South Tempe where a drive-thru is located on a corner so close to a neighborhood...likely because of the increased traffic and noise, as well as decreased property values to those homeowners. Our past/present Tempe City Planners have done a good job of protecting and supporting our neighborhoods, while still supporting economic development and businesses for Tempe.

Please consider our points and reasonable request to deny this use permit as proposed, and help carry on and strengthen Tempe's tradition as a great place to live and do business.

Thanks and best regards,
(Richard Naleski)