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## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION DECEMBER 10, 2013

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 E. 5<sup>th</sup> Street, Tempe, AZ 85281  
6:00 PM

### Commission Present:

Dennis Webb, Chair  
Paul Kent, Vice Chair  
Trevor Barger  
Ron Collett  
Dan Killoren  
Peggy Tinsley  
Angie Thornton

### Commission Absent:

Dave Maza  
Linda Spears

### City Staff Present:

Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Julie Stennerson, Executive Assistant

Chair Webb called the meeting to order at 6:00 p.m., which included the introduction of the Commission and City staff. It had been determined in the Study Session that the minutes for November 26, 2013 could be approved as drafted, and Item No. 2 could be placed on the Consent Agenda should no one from the public wish the case to be heard.

### 1. **CONSIDERATION OF MEETING MINUTES: 11/26/13**

On a motion by Vice Chair Kent and seconded by Commissioner Collett, the Commission with a vote of 5-0 (Commissioner Killoren and Tinsley abstained) approved the minutes of the November 26, 2013 meeting.

### **CONSENT AGENDA**

2. Request for a Development Plan Review consisting of a 5-story parking garage addition for **PARK GARDENS FOUNTAINHEAD (PL130195)**, located at 1620 West Fountainhead Parkway. The applicant is Butler Design Group.

STAFF REPORT: [DRCr\\_ParkGardensFountainhead\\_121013.pdf](#)

On a motion by Commissioner Tinsley and seconded by Commissioner Thornton, the Commission with a vote of 7-0 approved the Development Plan Review for **PARK GARDENS FOUNTAINHEAD (PL130195)**, located at 1620 West Fountainhead Parkway.

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### REGULAR AGENDA

3. Request for a Use Permit to exceed the maximum parking spaces (125%), a Use Permit to allow live entertainment, and a Development Plan Review consisting of a new 2-story restaurant, training facility and office for **TILTED KILT HEADQUARTERS (PL130234)**, located at 1617 West Warner Road. The applicant is Big Red Rooster Architecture.

STAFF REPORT: [DRCr TiltedKiltHeadquarters 121013.pdf](#)

This case was presented by Ryan Levesque and represented by Scott Jackson, Big Red Rooster Architecture and Eddie Goitia, Tilted Kilt Pub and Eatery. Tilted Kilt Headquarters consists of a new restaurant building with corporate office headquarters and training facilities. The applicant is requesting a Use Permit to exceed the maximum parking spaces (125%) from 214 to 254 spaces, a Use Permit to allow live entertainment, and a Development Plan Review for site plan, building elevations, and landscape plans. Staff has worked out agreed conditions of approval with the applicant, regarding the project. Staff has not received any additional public input regarding this project. Staff recommends approval of the project subject to the conditions identified in the report.

Scott Jackson, Big Red Rooster Architecture gave a short presentation. The request is for a new corporate headquarter for Tilted Kilt. The building would be approximately 10,000 square foot. The restaurant and training would be located on the first floor with offices on the second floor. The building would be a prototypical type look for Tilted Kilt.

Vice Chair Kent asked if the property on the northwest corner was a separate parcel and if there would be shared access to the property.

Mr. Jackson stated the adjacent land was in development review at one point. He was not sure where the process was at this point.

Mr. Levesque stated there is an approved design plan for the retail PAD site. Plans have not been submitted for Building Permits yet. There may be a timing issue with the projects. The driveway improvements will have to be contemplated by the first applicant that intends to build those driveway improvements. Both sites will share the same design details of the new driveway along Harl Avenue as well as the shared access along Warner Road.

Vice Chair Kent asked about the layout of the second floor.

Mr. Jackson stated offices would wrap the perimeter and there would be one big open space in the center for cubes, and a break room.

Chair Webb questioned how the applicant came up with 254 parking spaces.

Mr. Jackson stated the interior restaurant seating, the patio seating and the size of the office was taken into consideration.

Chair Webb stated the current restaurant down the street has a severe parking problem. He questioned the amount of parking spaces per square footage at the current restaurant compared to the new restaurant.

Eddie Goitia stated the current office structure and the current pub structure are two separate entities and two separate buildings. The back lot near the Kyrene School District Office is an open lot that is leased for over-flow parking. He was not able to provide an accurate parking count. He indicated the new structure would have at least three times the amount of parking that they have at the current location. The pub size is only about 1,000 square feet larger than the current pub at Warner and Kyrene. The current location only has about 75 parking spaces. The new restaurant will be slightly larger. The people training will not be part of the occupancy inside

the pub. The individuals training usually come in by bus or taxi. The square footage of the building is 21,010 with 8,798 square foot dedicated to restaurant space.

Commissioner Barger stated many of the windows on the second level do not align to windows or doors on the first level. He asked if there was a reason behind that alignment.

Mr. Jackson stated it was due to the function of the use within the building. The restaurant and training is on the lower level. There are more windows near the dining area and less window back in the kitchen and storage area. Upstairs in the office space they tried to afford the entire perimeter with windows.

Commissioner Barger asked if the windows on the second level could be aligned with the windows on the lower level.

Mr. Jackson stated they would be willing to look at the alignment of the windows. The function of the office space impacted the placement of some of the windows.

Commissioner Barger stated looking from the exterior he liked the fenestration on the ground level at the front entry and the front façade, but is challenged by the second level of the building. It appears that the interior uses of two separate uses are driving the exterior façade of the building. As a result it does not look like it is one building design. It looks as though it has an office use on top of a retail use. He is hoping for some elements that might tie the two back together and bring it back to being one building again. He was also concerned about the beautifully articulated columns that are running through both levels being narrower than the width of the void between the windows. The windows appear to be in a flat plane with the stucco and the columns are isolated from that arrangement all together. He would like the columns to be wider so they match the windows or the windows wider so they match the columns.

Mr. Jackson stated either could happen. The detailing of the window is kept away from the columns for the articulation going past the window. The window could be brought up to the column.

Commissioner Barger asked if it would be possible in the front façade to bring the columns on the ground level all the way through to the upper level.

Mr. Jackson stated that could be done. He did have a concern with the front of the building getting heavy with too much brick. The building already has a very strong presence of brick at the entry. The current composition draws the attention lower.

Commissioner Barger stated he wasn't necessarily requesting the brick. He was more interested in the change in the mass so the windows don't appear to be on a large flush surface up above.

Mr. Jackson stated they are looking at a 4 inch window system in a 6 inch wall. By simply placing the window back there will be a nice shadow line. Some of the colored elevations are hard to read but the idea to continue the geometry from the columns below and continue the geometry with the windows breaks up the façade and ties it into the lower level.

Chair Webb stated his concern with the parking. He asked if 254 parking spaces would be enough. Since the square footage of the current location is unknown he wanted to make sure this would be enough spaces for the new location. He feels the parking at the current location is extremely dangerous for the customers.

Mr. Goitia stated they would be happy to come back and provide the exact numbers for the square footage and parking spaces. The popularity of the restaurant has exceeded the demand of the parking at the current location. The parking allocation at the new location is nearing three times the amount of paved parking at the current location. The parking at the new location should be more than enough. Additionally the majority of the

business occurs in the evening. The office staff will not be there in the evening. This will allow additional parking spaces in the evening hours.

Chair Webb stated this is why he questioned the shared use idea with the building to the south. He would like to see a shared parking agreement as a possibility for overflow parking. He has concerns regarding the safety of citizens.

Mr. Goitia stated when they were looking at this site they were specifically looking at the number of parking spaces available. Based on the capacity of the internal customer use of the pub, there is enough parking available.

Commissioner Barger asked the applicant if he would be open to a stipulation in the conditions of approval for the use of the upstairs to be limited by the functional availability of parking on the site.

Mr. Goitia stated he would not agree to that stipulation. The business has nearing 90 open franchises nationally. Another 30 businesses will be opening in 2014 throughout the United States, and with any luck 5 overseas. There will be a full demand on the staff for that office. The office staff is currently 30 employees. Over the next few years additional staff members may need to be added. They are not going to have any additional office space to lease out. It certainly could be an option but he does not see it in the grand scheme of things.

Commissioner Barger stated his intention was not to limit the ability to lease out the upstairs portion of the building, but if they did or if the second floor is being used as office space that it is contingent on there being functional available parking on site to accommodate the office use.

Mr. Goitia stated no, given the day time and night time use of the function he did not feel the condition was necessary given the balance and size of the upstairs.

Vice Chair Kent asked about the Use Permit allowing live entertainment. It was his understanding that the live entertainment was to take place inside only. Attachment 15 states: Upon special events Tilted Kilt Pub and Eatery will host bands and live entertainment at their outdoor patio area or parking lot.

Mr. Levesque stated the applicant had requested both indoor and outdoor live entertainment. The stipulation included in the Staff Report allows live entertainment to take place indoors only.

Mr. Jackson stated there would be interest on occasion to be able to have live entertainment outside. They can apply for a Special Use Permit for specific events.

Mr. Goitia stated they would need an extension of premise permit to extend the premise into the parking lot for St. Patrick's Day or other specific events.

Chair Webb asked if this would require a Special Use Permit for those specific days only.

Mr. Levesque stated they could entertain a request for a Special Events Permit through the Special Events Committee for a specific designated event which may be one or two days, but not reoccurring.

Commissioner Barger asked Mr. Levesque if they could create a stipulation for the applicant to come back and work with staff on coordinating the upper and lower levels of the façade both in its massing and in its window recesses to make it appear as a single structure.

Mr. Levesque stated they could certainly work with the applicant on revising the elevation details with the window placement.

Mr. Goitia stated the building is a prototype going forward. It is unusual for there to be a second story with offices. The column in the center and other items in the lower level are new brand nationally. The lower façade is built a specific way to represent how the other restaurants would be built in the national chain. Within each community there are accents that need to be changed to fit the community. The building has been designed to roll out nationally.

Chair Webb asked what the main differences would be in the prototype store versus the existing restaurants.

Mr. Goitia stated there would not normally be an office complex on top of a training pub. The center column with the tilt on the side is a unique design, and the lower portion with the wrapped patio is important. They want the building to be attractive. The elements of the building are also designed regarding costs. The office upstairs is expensive and they are still a young and growing company. They are balancing the need of having a good looking building while trying to keep elements of architect within the budget.

Commissioner Collett stated the drawings look appropriate for the facility and he does not have any issues with the building.

Vice Chair Kent stated it is nice to have a good growing business. He thinks the building looks fine. Commissioner Barger is much more versed in the design aspects. It would be a good idea to incorporate tips from Commissioner Barger. He believes the Tilted Kilt Headquarters is a great project.

Commissioner Tinsley looks forward to seeing the establishment being built. She is glad to see that Tempe is going to get the benefit of the Tilted Kilts growth and the training facility.

Commissioner Barger stated he likes the design of the ground floor and hopes a simple stipulation can be created to have staff work with the applicant on the upper level as far as coordinating it with the ground floor. He would like to see recessed windows, coordinated column massing and alignment between the upper and lower levels. He is excited to see the training facility come to Tempe.

Commissioner Thornton thanked the applicants for the presentation. She thinks the design is beautiful. She likes the building and does not have a problem with the way that it looks. She thinks it is interesting they are talking about parking. Applicants do not usually request additional parking; requests are usually for fewer parking spaces. She has been to the Tilted Kilt a couple times and she has not experienced a problem with the parking. She is glad to see the training facility will be built in Tempe.

Chair Webb stated he agreed with Commissioner Barger on the windows not lining up. That is really the only issue he had with the building. The building does not look uniform with the location of the windows. He would like the applicant to work with staff regarding the placement of the windows.

Mr. Levesque read his proposed condition: Provide further review with staff to resolve refinements of window placement and articulation in coordination with the ground floor.

Don Hasulak, Managing Director of Big Red Rooster stated he agreed with the concerns of the building. As you get into the first level floor plan you are going to find that there are areas that the windows cannot be mimicked. Most of the issues are because of the function of the space. They can be more sensitive and work with staff to make some changes for better alignment. The building is a prototype showcase for new franchises. They are trying to be true to the vision of what others would buy and they don't want to over express the building. Mr. Hasulak agreed to the new stipulation.

Mr. Levesque stated he believes the applicant can address this condition. They have currently been working on some refinements of the window placement and improving the façade treatment. Timing wise they were not able to get that updated information in the report. There is an ability to make the improvements and alignments with

the coordination of the ground floor.

Mr. Goitia asked if he would be able to install a flagpole to honor a former employee that was a Veteran, who passed away at work.

Mr. Levesque stated the Zoning and Development Code allows one corporate flag as well as one United States flag, one State of Arizona flag or foreign national flag not to exceed thirty-five feet in height.

On a motion by Commissioner Barger and seconded by Vice Chair Kent, the Commission with a vote of 7-0 approved the Use Permit to exceed the maximum parking spaces (125%), a Use Permit to allow live entertainment, and a Development Plan Review consisting of a new 2-story restaurant, training facility and office, with the additional stipulation for Condition #24, "Provide further review with staff to resolve refinements of window placement and articulation in coordination with the ground floor." (Previous conditions renumbered) for **TILTED KILT HEADQUARTERS (PL130234)**, located at 1617 West Warner Road.

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**6. ANNOUNCEMENTS** – No announcements.

The meeting was adjourned at 6:38 p.m.

Prepared by: Julie Stennerson, Executive Assistant

Reviewed by: Ryan Levesque, Senior Planner

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Ryan Levesque, Senior Planner