

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION

April 21, 2014

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  
Angie Thornton  
Peggy Tinsley  
Trevor Barger  
Ron Collett  
Linda Spears

### Commission Absent:

Dave Maza, alt.  
Kevin O'Melia, alt.  
Dan Killoren, alt.

### City Staff Present:

Steve Abrahamson, Planning and Zoning Coordinator  
Sherri Lesser, Senior Planner  
Ryan Levesque, Senior Planner  
Diana Kaminski, Senior Planner  
Cathy Hollow, Senior Civil Engineer  
Steve Nagy, Administrative Asst. II

Chair Webb called the meeting to order at 6:07 p.m., which included the introduction of the Commission and City staff. It had been determined in the Study Session that the minutes for March 25, 2014 could be approved as drafted and item #2 would be heard.

### **CONSENT AGENDA**

#### **1. CONSIDERATION OF MEETING MINUTES:**

##### **04/08/2014**

On a motion by Commissioner Tinsley and seconded by Commissioner Barger, the Commission with a vote of 7-0 approved the approved both the Study Session and Regular minutes from April 8, 2014.

Study Session: [20140804\\_StudySessionminutes.pdf](#)

Regular Meeting: [20140804\\_RegularSessionminutes.pdf](#)

### **REGULAR AGENDA**

2. Appeal of a Use Permit to allow a new 65 ft. Monopine and equipment shelter for VERIZON WIRELESS PHO POLERIO (PL130339) located at 4801 South Lakeshore Drive. The appellant is Mark Shaffer of Park Premier Homeowners Association.

REPORT: [DRCr VERIZONPOLERIO 04212014.PDF](#)

Diana Kaminski presented the case by reviewing the specifics of the site as well as location, who the original applicant is as well as a brief overview of the history of the case. She then explained who filed the appeal, and presented a phone service coverage map. As this was an appeal, there was no staff recommendation.

The appellant, Mark Shaffer introduced himself as representing the Park Premiere Homeowner's Association and presented the appeal. In doing so, Mr. Shaffer reviewed the Association's meetings and his understanding of the overall effect of monopines on property values.

Commissioner Barger asked the appellant what was so concerning with the monopine, to which Mr. Shaffer replied the effect on the view shed from some of the townhomes in the neighborhood.

Vice Chair Kent then asked to applicant to point out which townhomes' view sheds would be affected, which Mr. Shaffer pointed out using the maps provided in the staff report.

Commissioner Thornton asked the appellant what he thinks the ideal height for a monopine would be, to which Mr. Shaffer replied 30 ft. or so.

Vice Chair Kent then pointed out that other tall vegetation in the area tended to be pine trees.

The Commission then called up the original applicant.

Carol Parks, Scottsdale, representing Verizon, reminded that the original application was a renewal of the original project, which was approved in 2009. Ms. Parks continued by explaining that there were small changes made from that original project, and the site will serve as an integral part of Verizon's coverage for the area. She then went on to present photographs taken from the Townhomes looking out to the proposed monopine site, and that in addition to the monopine, Verizon will replant dead or missing trees originally required by city code.

Reg Destry, Phoenix, also representing Verizon presented the Commission with a more detailed justification for the placement and height of the monopine.

With no public comment, Chair Webb closed the meeting to public comment.

The Commission then clarified building height allotments and acceptable tree species for the area. Ms. Kaminski confirmed that building allotments for the area were 35 ft. but the monopine had been approved to be 65 ft. high. She also confirmed Verizon would plant acceptable tree specimens to replace the dead or missing trees.

In response to a procedural inquiry, Ms. Kaminski explained that the Commission would need to find an issue with the monopine that does not meet the Use Permit criteria.

Commissioner Collett then moved to deny the appeal, which was seconded by Commissioner Tinsley, and with a vote of 7-0, the appeal was defeated, upholding the Hearing Officer's decision.

3. Request for a Use Permit to allow gas/fuel sales and a Development Plan Review consisting of a new gas station for FRY'S FUEL CENTER #607 (PL130400), located at 5120 South McClintock Drive. The applicant is Sustainability Engineering Group.

REPORT: [DRCr FRYSFUELCENTER#607 04212014.PDF](#)

Ryan Levesque presented the case by reviewing the location and history of the case, which had been continued from the March 25, 2014 meeting. He then explained that notification of the project had been sent out to a wider area than required and reviewed communications he had received in opposition to the case.

Ali Fakh, Scottsdale, representing the applicant, gave a PowerPoint presentation on how all of the Commission's concerns had been addressed. Mr. Fakh also reviewed that setbacks as well as landscape improvements requirements had been met.

With no questions from the Commission to the applicant, Chair Webb read aloud 9 public comment cards and opened the meeting to public comment.

1. Jonathan Adler, Tempe, expressed that he welcomed the fuel center as he sees it as convenient.
2. Austin Steinbart, Tempe, expressed concerns over the lack of need for a fuel center.
3. Linda Davis, Tempe, expressed concerns over negative affect on quality of life the fuel center will pose.
4. Robert Moore, Tempe, expressed concern over traffic and safety.
5. Barb Franjeuic, Tempe, expressed opposition to the fuel center in general.
6. Jeff Potell, Tempe, expressed concern over increase in traffic.
7. Randy Saxton, Tempe, expressed concern over increase in traffic.
8. Beck Spooner, Tempe, expressed opposition to the fuel center.
9. Kristin Valentine, Tempe, expressed concern over increase in traffic.
10. Gene Valentine, Tempe, expressed concern over increase in traffic and fire access.
11. Will Richwine, Tempe, expressed opposition over increase in traffic.
12. Dale Burt, Tempe, expressed opposition due to competition posed to his business as well as increase in traffic and effect on property value.
13. Jamie Burt, Tempe, shared concern over increase in traffic and competition posed to their family business.

Commissioner Barger clarified the number of cars that frequented her business per day, which Ms. Burt clarified, 400-600.

14. Richard Scwab, Tempe, expressed concern over increased traffic.
15. Margot Cordova, Tempe, expressed opposition due to increased risk to her safety.

Vice Chair Kent asked Ms. Cordova if she buys fuel when she shops at a different Fry's, to which she explained that she makes a separate trip for fuel.

16. Walter Steinback, Tempe, expressed concern over increase in traffic.
17. Mike Fitzgerald, Tempe, expressed opposition due to traffic increase and negative impact on property values.
18. Kelly Anderson, Tempe, expressed opposition over increase in traffic.
19. Dulce DeLeon, Tempe, expressed opposition due to increase in traffic.
20. Thomas Quiroz, Tempe, expressed concern that applicant did not canvas neighborhood.
21. Genevieve Toutain, Tempe, expressed support for the fuel center
22. Gabby Lee, Tempe, expressed opposition due to impact on safety and traffic.
23. Katherine Hay, Tempe, expressed opposition based on the effect on her view and negative impact on property value.
24. Jim Knorr, Tempe, expressed concern over traffic and competitive state of area fuel stations.

With no else from the public wishing to speak, Chair Webb closed the meeting to public comment. He then invited Cathy Hollow from City of Tempe, Traffic Division up to speak on the traffic impact.

Cathy Hollow, Senior Traffic Engineer, presented traffic data she researched for the area. She agreed that there is a high volume in the area in general and encouraged those concerned with traffic to get involved with the city Transportation Plan. Ms. Hollow continued by addressing questions from the Commission that included use of a traffic pork chop to limit left hand turns, impact of traffic increase on fire department response, how to get involved with the Transportation Plan, and confirmed there will not be a raised median placed on McClintock.

Chair Webb then invited the applicant back up.

Ali Fakh, explained that he reviewed and addressed the concerns of the neighbors that had come out to speak and that that he was relying on technical data to do so. He continued by reviewing the Use Permit and Development Plan Review criteria and explained that he strongly believed this project met those criteria.

Mr. Fakh then answered questions from the Commission that addressed placement of the fuel center along baseline and refueling truck routes.

After some discussion by amongst the Commission, Commissioner Collett made a motion to approve, which was seconded by Commissioner Barger. With a vote of 1-6 the motion failed with Commissioner Collett, Spears, Tinsley, Thornton, Vice Chair Kent and Chair Webb in the dissent.

Vice Chair then moved to deny the application, which was seconded by Commissioner Tinsley, the motion passed with a vote of 6-1 with Commissioner Barger in the dissent.

**A brief recess was taken from 8:10 p.m. until 8:22 p.m.**

4. Request for a Development Plan Review consisting of a new multi-family development for CAPSTONE COTTAGES (PL130404), located at 708 South Lindon Lane. The applicant is Nick Wood, Snell & Willmer, LLP.

REPORT: [DRCr CAPSTONECOTTAGES 04212014](#)

**THIS ITEM WAS CONTINUED FROM THE APRIL 8, 2014 HEARING**

Sherri Lesser presented the case and reviewed the changes the applicant had made in response to the Commission's concerns.

Nick Wood, the applicant then approached the Commission to further explain how hard they had worked to address all of the commission's concerns. Mr. Wood also noted that they had worked very hard with the concerned neighbors present at the last meeting, and pointed out that there was no one present from the nearby neighborhood to express any opposition.

Commissioner Thornton asked whether there was any ordinance that set a limit on how many unrelated people can live in one dwelling. Ms. Lesser clarified that ordinance only applies to single-family homes.

Commissioner Spears asked Mr. Wood if solar had been included. Mr. Wood explained that the solar option was explored, however they could not commit to it, as they did not know what the cost would be.

John Atkin, Birmingham, AL, with Capstone stated that they would be able to commit to 25% solar coverage atop the parking shade structures.

Chair Webb invited anyone from the public wishing to speak on the case.

Gary Mtuxin, Tempe, spoke in support of the development.

With no one else from the public wishing to speak, Chair Webb closed the meeting to public comment.

The Commission continued to discuss the project.

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Commissioner Tinsley then made a motion to approve the application with a 25% solar coverage stipulation added, which was seconded by Commissioner Spears. With a vote of 2-5, the motion failed, with Commissioners Collett, Barger, Thornton, Vice Chair Kent and Chair Webb in the dissent.

Vice Chair Kent then made a motion to approve the application, which was seconded by Commissioner Collett. With a vote of 6-1 the motion passed with Commissioner Spears in the dissent.

**5. ANNOUNCEMENTS –**

The meeting was adjourned at 9:03 p.m.

Prepared by: Steve Nagy, Administrative Assistant II  
Reviewed by: Ryan Levesque, Senior Planner



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Ryan Levesque, Senior Planner