



Minutes of the Development Review Commission December 12, 2017

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, was held in Council Chambers,
31 East Fifth Street, Tempe, Arizona

Present:

Chair Linda Spears
Vice Chair David Lyon
Commissioner Michael DiDomenico
Commissioner Thomas Brown
Commissioner Philip Amorosi
Commissioner Scott Sumners
Commissioner Andrew Johnson

City Staff Present:

Chad Weaver, Community Development Director
Ryan Levesque, Comm. Dev. Deputy Director – Planning
Suparna Dasgupta, Principal Planner
Karen Stovall, Senior Planner
Diana Kaminski, Senior Planner
Obenia Kingsby, Planner II
Cynthia Jarrad, Administrative Assistant

Absent:

Alternate Commissioner Barbara Lloyd
Alternate Commissioner Angela Thornton
Alternate Commissioner Nicholas Labadie

Hearing convened at 6:01 p.m. and was called to order by Chair Linda Spears.

Consideration of Meeting Minutes:

The following Agenda items #1 and #2 were considered together.

- 1) Study Session Minutes, November 14, 2017
- 2) Regular Meeting Minutes, November 14, 2017

MOTION: Motion made by Commissioner DiDomenico to approve Study Session and Regular Meeting minutes for November 14, 2017. Motion seconded by Commissioner Amorosi.

VOTE: Motion passes, 6-0.

Consent Agenda:

- 3) Request for a Development Plan Review for a new 88,089 s.f. commercial building for **AT HOME (PL170305)**, located at 1050 W Elliot Rd. The applicant is Parkway Construction.

MOTION: Motion made by Commissioner DiDomenico to approve a new 88,089 s.f. commercial building for **AT HOME (PL170305)**, located at 1050 W Elliot Rd. Motion seconded by Commissioner Sumners.

VOTE: Motion passes, 7-0.

- 8) Request for Historic Overlay Zoning for **HAYDEN FLOUR MILL (PL170304)** for the 1918 / 1951 Hayden Flour Mill located at 119 South Mill Avenue, on approximately 5.08 net acres in the CC PAD TOD District. The applicant is Iconic Mill, LLC.

MOTION: Motion made by Commissioner DiDomenico to approve the request for Historic Overlay Zoning for **HAYDEN FLOUR MILL (PL170304)** for the 1918 / 1951 Hayden Flour Mill located at 119 South Mill Avenue, on approximately 5.08 net acres in the CC PAD TOD District. Motion seconded by Commissioner Johnson.

VOTE: Motion passes 6-0, with Vice-Chair Lyon abstaining.

- 4) Request for a Development Plan Review for a new six-story multi-family development containing 171 dwelling units and ground floor commercial uses for **FARMER ARTS DISTRICT – PARCEL 1, LOT 1 (PL170358)**, located at 707 South Farmer Avenue. The applicant is Huellmantel & Affiliates.

PRESENTATION BY STAFF:

Mr. Obenia Kingsby, Planner II, gave a presentation on the project. He stated that Parcel 1 – Lot 1 is a multi-family development with ground floor commercial use, at the northeast corner of Farmer Avenue and University Drive. The applicant is proposing 171 dwelling units. This is the remaining number of dwelling units that can be placed on Parcel 1 per the existing Planned Area Development (PAD), which established a maximum density allowance of 50 dwelling units per acre. The building is six stories, with a building height of 85 feet; lot coverage is 69.1%, there is 16% landscape coverage; and setbacks exceed the standards established by the existing PAD. The commercial component of the project fronts University Drive, and is 1,100 square feet. Most of the parking for this project is contained in the building garage and nine on-street parking spaces. The project is not currently meeting the minimum parking requirements but staff has added a condition to address this deficiency. Staff is recommending approval of this project, subject to conditions.

PRESENTATION BY APPLICANT:

Mr. Charles Huellmantel gave some additional information on the project. He stated he was accompanied this evening by the developer of this project, Todd Marshall. He stated this parcel has been vacant for a very long time, and shared “before and after” pictures and renderings of the site. He pointed out that this is the final phase of this overall project, and they are keeping the same themes (such as landscape, materials, sidewalk materials) and design elements throughout. He believes they have brought forth unique buildings in each of the phases, to enhance what could have been just long rectangular buildings on a long rectangular site. He emphasized that there is a pedestrian scape on all four sides, which is rare, as the developer has kept in mind the residents as well as the pedestrian traffic in the area. He shared views of surrounding buildings for height comparisons, etc., and then opened his presentation up to Commission questions.

Commissioner DiDomenico inquired about the 7th floor mezzanine feature, he thought it looked very nice from a distance in one of the renderings, but looking at the building from another angle, it is not visible. He would rather see the mezzanine feature on the University/Farmer intersection, is there a way it could be moved? Mr. Huellmantel stated they were not opposed to moving it, and may look into doing so.

Vice Chair Lyon asked about the purpose of the mezzanine, and Mr. Huellmantel stated it was for architectural interest. He stated it is occupiable as a mezzanine, so only as part of the unit below it.

Commissioner Brown inquired as to what exactly the Commission would be approving this evening regarding this project. Is it Development Plan Review only, or is there a PAD as well? Chair Spears replied that tonight's vote was just for the design plan only.

Vice Chair Lyon stated that he is not a fan of exterior insulation and finish system (EIFS) with score lines, and is the applicant amenable to a different type of material, such as metal panels? Mr. Huellmantel stated they have used alternate materials in other areas of the buildings, they have added architecture and balconies, etc., and there are of

course many associated costs. He asked that if the Commission condition this use of alternative materials, that they allow the applicant to work with staff through the construction drawings phase.

Commissioner Sumners stated that he appreciated the focus on the pedestrian experience. He thought the existing buildings already show great attention to detail and the quality, "Encore" especially looks great, even better than the renderings.

Commissioner Johnson stated that he is disappointed that the originally approved project was not built, and he also thought there should be a retail component along University Drive, as opposed to an amenity area for residents only. Mr. Huellmantel responded that the ground floor has been designed so that restaurant space could be added. This cannot currently be accomplished because of code requirements for parking. However, if those requirements change in the future, the infrastructure will be there to add restaurant space.

Commissioner Brown asked about the plans for the ground floor, if it was amenity space for the residents. Mr. Huellmantel stated that 1000 square feet of the ground floor is unplanned retail space at this time, the rest is amenity space. There are also some units on the ground floor. Commissioner Brown then asked if there has been neighborhood opposition. Mr. Huellmantel stated that, to his knowledge, with the exception of Mr. Yates of the Riverside Neighborhood Association, they have had only compliments, and he has not heard any opposition from neighbors.

PUBLIC COMMENT:

Mr. Phillip Yates, representing the Riverside Neighborhood Association, stated that the project looked rather bleak and blasé, without much definition. He believes nine on-street parking spaces are too few for a project with this many units. 1100 square feet of retail space is not enough, he would like to see much more than that, and the landscaping leaves a lot to be desired. One point of access on 7th Street is not enough to serve this area.

APPLICANT RESPONSE:

Mr. Huellmantel, in response to Mr. Yates' observations, stated that they simply have a difference of opinion on landscaping. He believes the landscaping is abundant and complementary to the project. Regarding not enough parking, the parking for residents is in a structure inside the building, it is in fact over-parked, not under. Regarding only one access point, this was planned, and it is a benefit, not a detriment, due to the pedestrian-friendly nature of the project.

Commissioner Brown then asked, since one of the other two buildings in this development had some lower cost or subsidized units, will that be the case here as well? Mr. Huellmantel stated that 75% of what has already been built are classified as affordable units, but this building will not be a part of that.

COMMISSION COMMENTS:

Vice Chair Lyon commented that he thought this was a great, urban project. He will support.

Commissioner Amorosi stated that he likes the design, and likes the incorporation of a pathway along the railroad tracks. He believes ground floor space will be activated even more when the Whole Foods across the street opens for business. He will support.

Commissioner DiDomenico asked staff if they foresaw any issues if the applicant moved the mezzanine feature to the "University corner." Mr. Kingsby stated there were no issues. Commissioner DiDomenico said he will support, and encouraged the applicant to consider moving the mezzanine.

Chair Spears added that as we see the Urban Core Plan develop, if there is a way to implement some of those principles in the construction phase of this project, she would like to see that.

Commissioner Brown inquired if there would be any opposition from the applicant to having several mezzanine units rather than just one. Chair Spears responded that this question along with moving the planned mezzanine to the other corner would be worked through by the applicant with staff.

MOTION: Motion made by Commissioner DiDomenico to approve a Development Plan Review for a new six-story multi-family development containing 171 dwelling units and ground floor commercial uses for **FARMER ARTS DISTRICT – PARCEL 1, LOT 1 (PL170358)**, located at 707 South Farmer Avenue. Motion seconded by Commissioner Sumners.

VOTE: Motion passes, 7-0.

- 5) Request for a Use Permit to allow a public use (civic facility) in the R1-7 zoning district and a Development Plan Review consisting of a new 10,699 s.f. building for **TEMPE FIRE STATION #7 (PL170296)**, located at 8707 South McClintock Drive. The applicant is Arrington Watkins Architects, LLC.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, gave a presentation concerning the project. The property is zoned R1-7, and the site is part of the existing Estrada Park, which is just over 8 acres in size. The project will occupy land within the southwest corner of the park, and is surrounded by a commercial center to the south and by a bank and church to the west, across McClintock. The applicant is requesting approval of a Use Permit which would allow a public use (the fire station) in the R1-7 zoning district. They also request a Development Plan Review for a new single-story, 10,669 square foot building with a surface parking lot. The building height is just over 30 feet. The design incorporates pitched standing seam metal roofs, stucco, and concrete masonry units that have a brick appearance. There will be a two-way driveway on McClintock which leads to a surface parking lot on the north, and then circulates to the east to a gated parking lot. This drive will also serve for fire truck circulation into the building bays. A one-way driveway is also on McClintock for emergency vehicle exiting. A new traffic signal is proposed at this driveway to stop traffic and allow emergency vehicles to quickly exit the site. She described the landscape plan and discussed specific species that would be planted. A neighborhood meeting was not required, however the City and the project architect held two community meetings in May 2016 and October 2017. Planning staff received two e-mails voicing concerns about using this area for a proposed building rather than having it remain open space. Staff recommends approval of this project, subject to the conditions.

PRESENTATION BY APPLICANT:

Mr. Matt Gorman of Arrington Watkins Architects, Phoenix, stated he is the principle architect on the project. He pointed out that this will be an approximately 10,000 square foot building with maximum 12 occupants and 3 bays, 2 of which will be in use, with one bay available for future growth. They worked diligently to make the site as compact and tight as possible, even attempting to share the driveway south of them to avoid having to add the driveway to the north. They have tried to be good citizens and stewards, utilizing screening landscaping, solar canopies and solar panels, and will also harvest rainwater. They have positioned the utilities to the south of the structure nearest to the shopping center to mitigate noise in the surrounding park or residential areas. The nearest residence to this structure is 350 feet. He shared the elevations, and pointed out that the design and materials are reflective of the area and the buildings in close proximity. They have used the same color palettes, shaded entries, etc. In response to the meetings that were held, they have responded to the neighbor's concerns, such as changing the planned fencing to match what is already at the site. They have had a lot of support for this project.

Commissioner Sumners inquired if the perimeter wall on the south side adjacent to the park is 4 feet or 8 feet. Mr. Gorman responded that it is closer to 8 feet.

Commissioner DiDomenico asked about the construction timeline, and if the park will need to be closed for any length of time during construction. Mr. Gorman stated that per the City timeline, the park will be renovated at the

same time of project construction, and the entire project (building the Fire Station and park renovation) will take approximately 10 to 12 months. Commissioner DiDomenico then asked how many service calls are anticipated from this station. Mr. Greg Ruiz, Chief, Fire/Medical Rescue, stated that most of the anticipated calls would be during daytime hours, 6am to 10pm, they expect 1,400 calls per year. They have evaluated 5 years of data, and the number of calls increase about 5% per year, but at opening they anticipate 1,400 calls/year. In comparison, most other stations handle 2- to 3,000 calls per year. In response to further questioning by Commissioner DiDomenico, Chief Ruiz stated that during nighttime hours, 10pm to 6am, they anticipate one call per three days. He emphasized that at every station, they are respectful of surrounding neighbors and are careful to mitigate siren noise as much as possible. At this location, noise will also be mitigated because most of the immediate surroundings are commercial.

Commissioner Amorosi inquired how much of the park area will be utilized by the station. Mr. Gorman stated the project will utilize approximately 1.2 acres of the total 8-acre area of the park.

Chair Spears commented that less than 1/6 of the park will be utilized by this project, and verified with Mr. Gorman that the impact to the retention basin was being taken care of. Mr. Gorman stated that it was, and would be taken care of as part of the park renovation.

PUBLIC COMMENT:

Mr. Tom Flynn of Tempe stated that he lives east of the project. This park was dedicated by the city as open space and drainage retention. He says the basin has overflowed and he sees nothing on the plans that addresses the retention basin. He asked that the Commission not approve this project until these questions have been answered. Also, according the city's General Plan, this is dedicated as open space, not civic use. There is a procedure for amending the General Plan, and that has not been followed, therefore he urged the Commission to deny the request.

Ms. Amy McNaman asked that her comment be read into the record. Vice Chair Lyon did so, "Please rush emergency services Use Permit for the benefit of surrounding cities as well as our own. Times to respond are way too long."

Mr. Bryan Hendrickson of Tempe stated that he is the closest residence to the project, and he is opposed to this use. He agrees with the previous speaker Mr. Tom Flynn, this property was deeded for the purpose of a park, and he wonders if the proper legalities have been followed, since this is designated open space. He believes there are plenty of other sites in the area that could house this project and serve the same area this station will serve. This is the sole green oasis in southeast Tempe. This will also impact and deteriorate home values in the area and contribute to noise and congestion, even though the architect has stated this will not be the case.

APPLICANT RESPONSE:

Mr. Gorman stated that in response to the question of whether this site could be used for this project, even though it was originally intended open space, this was vetted through the City Attorney's office, and according the City Attorney, it could be.

COMMISSION COMMENTS:

Commissioner DiDomenico stated he has no issue with the design, but he has some misgivings concerning the Use Permit, as he is considering the inevitable noise and impact on residents. Since the Chief has stated there would be approximately 1,400 calls per year, he asked if staff would explain their conclusion that the noise level would be acceptable. Ms. Stovall responded that staff considered the number of calls, and whether or not the noise would be considered a "nuisance." Staff also analyzed how the vehicles would be exiting the property, and how long it would take to exit given new traffic signals. Considering that the estimate is three calls per day, staff did not find this to be problematic or a reason not to support this project. Commissioner DiDomenico responded that the number of calls from this station would be significantly less than other stations, so is this location an actual necessity. Mr. Gorman responded that the important issue is the response time, not necessarily the number of calls. Currently these calls

are handled by other stations, and the lights and siren noise are already going up and down McClintock anyway, from the fire station north of this area, near McClintock and Baseline.

Chair Spears inquired of Chief Ruiz how this location and site would compare with the station on Lakeshore Drive. Chief Ruiz responded that they have not had any complaints from that station, even though the homes are literally 60 feet away from the station. They continue their efforts to be a good neighbor regarding lights and sirens. The Chief also stated that call volume continues to increase, and the response time in south Tempe is too long. Currently, Station #4 at roughly Elliot and Mill handles this area, and as the call volume goes up, that station becomes less reliable to the southern portion of the city, and as it becomes less reliable, response times continue to increase. Our stations are in an automatic aid system, in which 23 cities cover each other. Currently Tempe is being covered by Chandler, and their call volume continues to climb as well, making this option less reliable as time goes by. Statistics show that the population in the 85284-zip code is aging in place. The response times here are already an additional minute because of the neighboring cities involvement. This area has needed a station for very long time already.

Vice Chair Lyon stated that this (siren) noise is unavoidable, and must be a part of any city. It is not therefore a nuisance. The value of this service vastly outweighs the sound issue in this circumstance.

Commissioner Amorosi stated that he strongly supports parks, and does not want to see a trend here of using public space, but also knows this area of the city needs a station. Public safety outweighs taking away park space in this instance.

Commissioner Johnson stated that there are many net positives to this project, and siren noise is a part of the sound of a city and a major arterial street. He is appreciative of the extra steps the applicant has taken toward sustainability, such as the rainwater harvesting, solar canopies, etc.

MOTION: Motion made by Vice Chair Lyon to approve a Use Permit to allow a public use (civic facility) in the R1-7 zoning district and a Development Plan Review consisting of a new 10,699 s.f. building for **TEMPE FIRE STATION #7 (PL170296)**, located at 8707 South McClintock Drive. Motion seconded by Commissioner Amorosi.

VOTE: Motion passes, 7-0.

- 7) Request for a Use Permit to allow residential in CSS zoning district, four Use Permit Standards and a Development Plan Review for a new three-story, 16-unit attached single-family development for **THE MUSE (PL170320)**, located at 1020 East Spence Avenue. The applicant is Berry Riddell, LLC.

PRESENTATION BY STAFF:

Ms. Diana Kaminski, Senior Planner, gave a short presentation. She stated each of the requests: 1) a Use Permit to allow residential use in a Commercial, Shopping, and Service (CSS) district; 2) Use Permit Standards to reduce the east and west side yard setbacks by 20%; 3) a Use Permit Standard to reduce the front yard setback by 20% to allow architectural projections along the street front on Spence Avenue; 4) a Use Permit Standard to increase building height by 5%, from 35 to 37 feet to allow stairwells to patio deck roof amenity areas within each unit; and 5) development plan review for a new three-story, 16 unit attached single-family development in the CSS and multi-family (R-4) zoning districts. She stated this is a very narrow site, with parking and amenities on the north and units facing Spence Avenue. She shared the two floor plan types, for some alternation between units, and shared elevations, explaining the tower elements for the stairs, doors and windows that come out to a rooftop deck. She also shared and explained the landscape plan and specific species for different areas of the site. The pool amenity area, mailboxes, parking and bicycle parking are all located at the north end. Staff has not received any comments from the public regarding this project, and is recommending approval.

Commissioner Brown inquired if the driveway is only 20 feet wide, as 24 feet would be the typical minimum, and this would seem to be a problem. Ms. Kaminski stated that the minimum fire and drive lane is 20 feet and the minimum

for backing distance from parking spaces is 23 feet. There is hardscape on either side of this drive lane, including pavers, the actual width is 26 feet.

Chair Spears inquired if what is shown are private patio back yards, and if so, are those part of the common area. Ms. Kaminski stated that she would refer to the applicant to discuss common areas, but those backyard areas have unlockable gates for egress, so they serve as a communal space even though they are privatized.

PRESENTATION BY APPLICANT:

Ms. Wendy Riddell of Berry Riddell, LLC, 6750 E. Camelback, stated she was here on behalf of property owner Joseph Risi. She shared images of the surrounding area for context, and explained that this site was a bit like a bowling alley, very long and narrow, and therefore presented some design challenges and constraints. This has been a work in progress since February 2016, and they have come a long way, with the outcome being a good balance of density along with single family owned housing. The General Plan for this area supports high density, up to 65 dwelling units per acre, this request is for less density than what was originally planned, as the higher density model posed too many problems with refuse, space for fire access, code requirements, etc. Therefore, at this point in time, they are not requesting a zoning change and are requesting only 16 units. This area already allows residential within commercial. They feel this project presents a great balance between what the General Plan requires and the constraints of this particular site. She shared some renderings and more detail about the proposed landscaping, and stated that there is also more guest parking being provided than what is required. She then offered to answer any questions.

Commissioner Johnson asked that Ms. Riddell clarify if the rear yards are private. Ms. Riddell stated that they would be private, as they are single-family, owner-occupied products.

Chair Spears asked Ms. Riddell if there would be any language in the Covenants, Conditions, and Restrictions (CC&R's) prohibiting rental of these units for any period of time. Ms. Riddell stated that there is no plan to do that, however, the units themselves are designed and priced more to the "professor" than the "student."

Commissioner Brown inquired about the back yards – stating that there are gates and three feet of sidewalk, so about half of the eight feet is already used up, perhaps the gates and sidewalk could be deleted with more area for planting. Ms. Riddell responded that there would be a problem with the Fire Department if that were the case. Ms. Kaminski added that the gates and sidewalk were required by Fire and by code, for secondary egress. The gates are required to be unlocked for egress, and for Fire and Rescue to enter if needed.

Vice Chair Lyon asked for explanation of what drove the configuration of a center drive, with units on either side. Ms. Riddell stated this was because of the complications presented by the narrowness of the lot, and in large part due to configuring the site for refuse to be able to get in and out and circulate the property. The applicant also looked into obtaining an easement from the property owner to the east, which would have been beneficial for fire and refuse accessibility, but that did not become reality. Vice Chair Lyon stated that from the aerials provided, it looks to him like the properties to the east and west of this site are also very narrow, and the buildings were placed to one side of the property or the other, with the drive aisles on the other side, and are therefore less congested than the proposed. He believes the units seem "sardine-canned," and that even with 26 feet of space for the drive aisle, the garages are too tight, and the turns would be very tight, which brings significant concerns that may have not been an issue if the site had been re-designed. Ms. Riddell responded by saying that this was the narrowest of the sites, and that even an additional 10 feet would have been significant, but it just simply wasn't the case. What the Commission sees before them tonight is the best possible plan for this site, keeping in mind working within the zoning, the significant step-down in density from what was previously planned, density in consideration of the proximity of light rail, etc. In essence, a good compromise for this very narrow site.

PUBLIC COMMENT:

Ms. Michelle Sarina stated they live in Gilbert, but also own the property to the east of this site at 1026 E. Spence Avenue. She and her husband Jim do not oppose the development of this property, but they oppose the way it is being developed. They were asked for an easement on their property for fire and refuse access, which they refused. This building will create shade to their building where there is currently light, as it will tower over their building.

Mr. Michael Marcellino stated that he was the manager at 1026 E. Spence. His concern is with the variance that would affect the east side of the proposed property and their west side, with the proximity of the two buildings. They also have tenants that love their building because of the quiet, and he feels this project will bring additional noise.

Ms. Mary Abeyta stated that she lives east of the property, but did not receive the mailer. Although she appreciates that this development would be 16 units rather than 45, she is still concerned with the parking problems in the neighborhood. With ASU facilities so close in proximity, parking is already a problem. She wonders if this will truly be owner-occupied single family for the long term, as she has seen a similar situation just across the street from where she lives, and parking there has become a problem as well, with more than two cars per unit on a regular basis, which means 5 to 8 additional cars parked on Kenneth Place each day. She is afraid the same would happen here.

APPLICANT RESPONSE:

Ms. Riddell responded that this is the first time she has heard of these complaints, and reminded the Commission that this area is already zoned multi-family. They believe this is a better solution (single-family) for the adjacent neighbors with substantially less units than would have been permitted by right. There has been a shade study done at the request of staff, of the adjacent buildings, and it was determined there was no detrimental impact on adjacent properties. Besides the two parking spaces per unit, they have also provided five additional parking spaces. They are already entitled to the height of the building, and they are only asking a variance of 2 feet on the east, that building is also very near the property line, so this setback would be like the neighbor to the east.

Commissioner Johnson inquired about the 5 additional parking spaces, would there be any stipulations in the CC&R's that residents are not to use those additional spaces. Mr. Joseph Risi, the property owner, stated that residents may not use guest parking for overnight parking. This will be written into the CC&R's.

COMMISSION COMMENTS:

Commissioner Amorosi stated this was a difficult site and it has been sitting vacant for 20 years. He is glad to see that it is 16 units and a for-sale product. He complimented Ms. Kaminski for her hard work for this site to come together, and he also appreciates the landscaping in the front. He will support.

Commissioner Sumners stated he has similar concerns to Vice Chair Lyon. He has no problem with residential in this area and is usually an advocate for density, but he believes the requests before them such as decreased setbacks and height are self-imposed due to the way the site has been designed. He does not like the configuration and is having a hard time supporting.

Vice Chair Lyon stated that he will not support this project, as it is too tight, he does not believe it is livable space. There are examples on either side of this property with a different configuration of the site. He does not oppose the requested setbacks, but he opposes the site plan and does not believe it is an attractive project.

Commissioner Johnson stated he does not have an issue with the site layout, and he believes this proposal is an improvement over what was originally proposed. He will be supporting the project.

Chair Spears stated that she is less than thrilled with the project, she feels the drive aisle is too tight, she does not like the idea of the setbacks, and a larger building next to a smaller one does have an impact. She is not a fan of the design, and does not like the garage door being what you see at the front. She also does not believe this project will

work with the proposed price point. She acknowledged this is a difficult property size and shape, but the applicant should have been more creative.

MOTION: Motion made by Commissioner Amorosi to approve a Use Permit to allow residential in CSS zoning district, four Use Permit Standards and a Development Plan Review for a new three-story, 16-unit attached single-family development for **THE MUSE (PL170320)**, located at 1020 East Spence Avenue. Motion seconded by Commissioner Johnson.

VOTE: Motion fails, 3-4

MOTION: Motion made by Commissioner Brown to deny a Use Permit to allow residential in CSS zoning

district, four Use Permit Standards and a Development Plan Review for a new three-story, 16-unit attached single-family development for **THE MUSE (PL170320)**, located at 1020 East Spence Avenue. Motion seconded by Commissioner Summers.

VOTE: Motion passes, 4-3, with Commissioners Amorosi, DiDomenico, and Johnson in the opposition.

- 6) Request for two Use Permits to 1) allow a car wash in the PCC-1 zoning district and 2) exceed the parking maximum (125%) and a Development Plan Review for a new 3,349 s.f. building for **QUICK QUACK CAR WASH (PL170240)**, located at 5201 South McClintock Drive. The applicant is Identity Mutual, LLC.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, gave a presentation on the project. The proposed project would be located on the southeast corner of McClintock and Baseline and is zoned Planned Commercial Center Neighborhood (PCC-1.) It is surrounded on the east and south by a commercial center and to the west by a car dealership. The existing building at this corner, formerly used as a gas station and convenience store, would be demolished and replaced with the automatic car wash and self-serve vacuum stations. The site is approximately $\frac{3}{4}$ of an acre, and currently has four existing driveways, two on Baseline and two on McClintock. The plan depicts closure of the two driveways closest to the intersection and reconstruction of the other two driveways to comply with current design standards. Along with development, the property owner is making a 10 feet right-of-way dedication along the south side of Baseline Road to permit the construction of a bus pull-out, and providing an easement dedication to allow a bus shelter. Vehicles would enter the site from either driveway, and after exiting the tunnel, may use self-serve vacuums located beneath two canopies on the east side of the building. There are 19 proposed surface parking spaces, which is 5 more than the maximum allowed by the Zoning code. Three of the 19 spaces would be employee parking, with the remaining 16 available to customers for vacuuming their vehicles. Ms. Stovall shared the landscape plan, elevations and materials, pointing out that the proposed building is one-story, with the highest part of the structure reaching 30 feet. Although a neighborhood meeting was not required for these requests, the applicant held a neighborhood meeting that was required for the variance application associated with this request. That meeting was held in August of 2017, and three individuals attended. Concerns expressed were traffic and vehicle accidents, night time security, impacted water pressure in the neighborhood, and that there was not a need for an additional carwash in the neighborhood. Following the October Hearing Officer hearing for the Variance request, the applicant held a second, voluntary neighborhood meeting in November to discuss issues raised after the hearing. Additional concerns heard at the meeting included landscaping at the corner of the intersection that may block the view of drivers; reduced property values, litter created by car wash customers, proposed building height, and stacking distance for vehicles entering the car wash tunnel. City staff has received a very large amount of correspondence regarding these requests and it is being provided with the staff report this evening. Staff recommends approval, subject to the conditions listed in the staff report.

PRESENTATION BY APPLICANT:

Mr. Jason Johnson, founder and CEO of Quick Quack, gave a presentation. He explained his business model and what drove his founding of this business. When researching this type of business, he identified the issues most car

washes face and knew he could improve upon them, one example being name recognition of the car wash, another being employees and their failure to have great customer service. He has been very successful with other Quick Quack locations, by addressing these shortcomings, as well as others. Quick Quack is different than other car washes not only in how the buildings look, but in the customer experience. Employees are dressed in dress shirts and ties, and are always professional and kind, customer service is the top priority. Since water is such a scarce and valuable resource, they have created equipment in which they can recapture, treat, and re-use the same water all day. They are also very proud of their community involvement, as they regularly work with schools and communities for fundraising.

Ms. Lindsay Schube of Gammage and Burnham, PLC, in Phoenix, Arizona stated that this project has garnered much public interest, and therefore not only is CEO Jason Johnson here, but the rest of the entire team is in attendance as well, to answer any questions the Commission may have. She emphasized that Tempe is very concerned with sustainable projects and reminded the Commission of the water reclamation feature of Quick Quack.

Mr. Jason Johnson then spoke about the business and the design of this specific project. Quick Quack currently has 43 locations with an additional 11 under construction. He spoke about the site plan, landscaping, etc., while sharing slides and renderings with those in attendance. He stated that they had agreed to everything that City staff requested, this project includes many materials such as stucco, metal, stone, and block. In response to staff's request, the arch that is usually attached to the front of their buildings in this instance is pushed away from the building and then enclosed, to make it more of an entrance. He stated that canopies with thin metal poles in carwashes always make them look quite industrial. In contrast, their vacuum canopies have hard covers, are substantial, and will not fade.

Ms. Schube then finished outlining the rest of the Use Permit criteria. She shared slides that went through each of the 5 criteria for approval, reiterating that this project meets all the criteria. Regarding the "no increased traffic" criterion, traffic engineer from CivTech, Mr. Dave Duffy spoke, explaining that according to the trip generation study that was required, this use would generate about half what the previous gas station did in both am and pm hours, with approximately 800 less trips in a 24-hour period. Regarding the "no increased noise" criterion, Mr. Mike Dickerson with MD Acoustics of Chandler spoke at some length about the noise measurements. Noise readings were taken each hour over a 24-hour period, the measurements are at or lower than the City of Tempe noise ordinances. Regarding "deterioration of neighborhood or lessening of property values," this will not be the case, as the proposed use is less intense than the 40-year old former gas station was, this newer updated architecture and structure will be a nice addition to the corner. Regarding "compatibility with surroundings," this use does fit in the surrounding area, with a car dealership across the street and many commercial sites all around. Regarding "disruptive behavior," there is always video surveillance and employees on site at all hours of operation. The tunnel is secured at night, as well as the enhancement of the security cameras. Overall, this use is consistent with the General Plan, the applicant meets all the criteria for the Use Permit, and they come to the Commission with staff approval, agreeing to and meeting all the conditions put forth.

PUBLIC COMMENT:

Chair Spears stated that she would read into the record the comment cards received which requested that, and assured those attending and in the Channel 11 audience that their comments had been received, were part of the record, and would go on to City Council. She let those in attendance know that for this hearing, they are not allowed to "give their time" to another speaker. They may speak for 3 minutes themselves, if they wish. She then read:

Ms. Evelyn Barber, Tempe resident, called staff at 4:51 pm today. She stated that "Quick Quack is a fine project but at the wrong location. It is too close to the corner, it will make traffic difficult and will not look good in this area."

Mr. Anthony Dynar. "I do not want Quick Quack car wash."

Ms. Shannon Marie Fisher-Green, Tempe resident. "I object to the Quick Quack car wash because there are several carwashes in the area and do not feel it benefits the community. Also feel that it is not the type of business /structure to be developed less than 2 blocks from our neighborhood."

Ms. Sharon Elsner, Tempe resident. "I am for the car wash."

Mr. Waljeet Hundal. Tempe resident. "I am against the car wash project."

Mr. Lakhwinder Singh. Tempe resident. "Opposed."

Mr. Manmolan Singh. Tempe resident. "I do not want the car wash."

Mr. Jaswinder Singh. Tempe resident. "No car wash."

Mr. Chris Green. Tempe resident. "I am opposed to Quick Quack car wash for noise and traffic concerns, property value and not being beneficial for the neighborhood."

Mr. Guneet Singh. Tempe resident. "No car wash."

Mr. Muneet Singh Multon. Tempe resident. "No car wash."

Mr. Tarlochan Singh. Tempe resident. "Opposed."

Mr. Harpnit Singh. Tempe resident. "No car wash."

Ms. Jordan Rose of Rose Law Group stated that she was here this evening on behalf of Michael Pollack, Mr. Pollack's property surrounds this entire proposed project. Neighbors have been following this project's proposed development, and it fails many of the criteria necessary to be developed on this corner, such as enhanced quality of life, land use goals, design and redevelopments goals, noise reduction, pedestrian-friendly, human services, etc. There are 106 neighbors opposed to this development, virtually all of the surrounding neighbors. Sixteen vacuum stalls running from 7am to 9pm seven days a week contributes to noise. A thirty-foot duck is not a welcome to the neighborhood and is not compatible with the surrounding area.

Mr. Gurwail Sandhur, Tempe resident. He stated he is against this car wash because he has a car wash at Baseline and Rural Roads. There is not another car wash needed here, it will kill his business.

Mr. Robert Pollack, Tempe resident. He stated that he has personally researched the business and how it operates in its current locations, and the possible negative effects on the people of the area. Because of this, he opposes the project as a resident of Tempe and as a registered real estate professional.

Ms. Maureen Atwood, Tempe resident. She lives in the Lakes community just across the street from this project, and she approves of it. She stated that there are just as many people in support as opposed to this building, but typically more people come out when they are opposed. She thinks the building is complimentary to the corner and she does not foresee a problem with traffic.

Mr. Duane Washkowiak, Tempe resident. He stated that the accepted standard area for a car wash is an acre or more, and this site is less than an acre. All other car washes in Tempe are on at least an acre, so this site is too tight. He is also concerned about traffic and public safety. It is a great idea for a car wash, but at the wrong location.

Mr. Neil Straley, Tempe resident. Stated he is against the design and the location. He asked that the Commission hear everything that is being stated this evening and vote accordingly. He encouraged them to vote as if this car wash were in their neighborhood.

Mr. C. Alex Carracedo, Tempe resident. Stated he lived near a Quick Quack car wash while residing in Texas. He stated this was 2007 to 2009, and he had a membership at the car wash because it was such a pleasant experience, with wonderful employees. He felt it was a good thing for the community, and he would happily have a membership again. In his experience, concerns about noise, disruption, etc. are unfounded, as he did not experience these. Technology and processes have improved over the last 8 years, and if was not noisy then, he cannot imagine it will be noisy now.

Ms. Patty Eastin, Tempe resident. Stated that she supports growth and expansion, but with that must come respect for the people that the growth will affect. She was impressed with a previous project presented this evening in the Farmer Arts district, in that case the planning considered the tenants, surrounding businesses, pedestrians, passers-by, and the aesthetic value it brought to the community. Although this project is revenue-generating for the city, for the neighbors, it will still bring noise and increased traffic, pollutants, safety hazards, etc. The height of the building also will obstruct visibility of the other businesses in that complex.

Mr. Kelly Anderson, Tempe resident. Stated he can see the car wash from his property, so he is as close as anyone. He believes this use will bring much less traffic than the gas station did, especially with two less driveways. The building is beautiful and complements the existing nearby businesses. He has gone to other car washes in Tempe to investigate the noise, based on the others, he does not believe it will be a problem. This is an awesome project and he supports it.

Mr. Randy Saxton, Tempe resident. Stated that he would welcome the decrease in traffic. He thinks the proposed project is beautiful, and he is happy to hear they are giving the City the area for the bus pullouts as well. He agrees with Mr. Anderson and believes it is a great project.

Mr. Ralph Brekan, Tempe resident. He stated he is a commercial real estate broker, and when they analyze properties, they look at a highest and best use. At this point in time, this developer has the highest rate and best use for this property. He supports this project.

Mr. Mark Race, Tempe resident. He stated he lives behind this project, and besides not needing the additional noise, they do not need another car wash in the area, there are already many very near. He believes excess water from the cars being washed will be a hazard to motorists, bicyclists, pedestrians. Also, the proposed Quick Quack drawings do not look like the other Quick Quacks already in existence.

Ms. June Race, Tempe resident. She also lives behind this project, they want to be able to sit in their back yards and enjoy it there, this project will be too loud. According to what she has learned, people who live near car washes eventually become disgruntled with them, as upgrades in equipment typically make the car wash even louder and/or they extend their hours.

Mr. Troy Jarvis, Tempe resident. He opposes the project, and thinks it is very telling that it is an industrial type use and staff had pointed out the landscaping that helps to "hide" the building. Also, the noise from vacuums is more of a squeal, not a more "normal" noise. He has been in the residential real estate industry for many years, and he believes this would depreciate home values.

When called by Chair Spears, Mr. Subahash Thati chose not to speak, but indicated he was opposed.

When called by Chair Spears, Mr. Gill Singh chose not to speak, but indicated he was opposed.

When called by Chair Spears, Mr. Amarjit Singh chose not to speak, but indicated he was opposed.

When called by Chair Spears, Mr. Mike Martinez chose not to speak, but indicated he was opposed.

Mr. Justin Whitney, Tempe resident. Stated he opposes the car wash, and has sent emails to staff stating so. He is a cyclist and uses the bike lanes on McClintock heavily, he has dodged many cars and has seen many car accidents, this is a high traffic area. Even if there are less trips per day than the gas station, he is still concerned. He believes this is a backwards step, especially given the existing bike lanes. This would be a constant noise, which will be audible where he lives.

Mr. Winston Shing, Tempe resident. He stated he is the owner of the three buildings just south of this complex, at 5225 S. McClintock. He has listened and watched this evening, and studied the design, etc., and he believes it is a good project and should be given a chance. It will make the neighborhood better, he supports the project.

Mr. Larry Brasch of Tempe stated he is concerned about stagnant water and mosquitoes. There is already too much noise, and they do not need the additional noise this use would generate. He and the neighbors want to enjoy their back yards, they have been in that neighborhood for 25 years and do not wish to have neighbors leave the area because of this use.

Mr. Dale Burt of Tempe stated that he and his wife Jamie are the owners of that land, and this site has been dedicated to automotive services since its inception 44 years ago. They ran the station and convenience store there for 27 years. They believe this is a good, new use for this site, this car wash recaptures 100% of the water used, and uses biodegradable soap. They dedicated a 10-foot easement for a bus pull-out when the City asked for that. They believe Quick Quack will be a good neighbor and offer an environmentally sustainable use.

In response to Chair Spears, Mr. Bob Crowe acknowledged that he is opposed. Ms. Patricia Crowe stated that they have lived in this tranquil, quiet neighborhood for 37 years. She is opposed to this project, feeling it is an inappropriate use.

Ms. Sylvia Oriole of Tempe stated she hoped the Commission had received the many letters of opposition to this project, along with the online petition against the Use Permit through change.org. There are currently 82 signers of this petition. They are concerned about overflow traffic, noise, and diminished property values. This should be a pedestrian-friendly environment, and it is not.

Ms. Janaye Caracedo of Tempe stated she is the daughter of the owner of this parcel, and she is in support of this project. She thinks this will be a beautiful addition to the area and an improvement. She reminded those present that they should re-focus on the facts, as studies have been done regarding the noise, environmental factors, traffic, etc., and those studies point to the merits of this project.

Ms. Beth Isaacs stated she has lived in Tempe for more than 30 years, and she is in favor of the car wash. She stated that in her experience, at many car washes one has to barter on price, and also endure service that is not friendly or helpful. She pointed out that the people who have come to the Commission to support this project have come with the facts to support it. There will be class and professionalism with this business, and it should enhance this area for years to come.

Mr. Michael Pollack of Mesa stated he believes at the end of the day, after all that has been seen and heard this evening, that the Commission will not say this is a beautiful building that will be beneficial to the neighborhood. With the inclusion of 16 vacuums, there will be a lot of noise. The Commission has the ability to "say no." The old building will be demolished and this new building put in its place. The site is too tight for this use, this is not the right use for this corner, and the neighbors have spoken. There are no cross-access agreements, so there is no place for overflow traffic to go. There is no room for flow on this site.

Vice Chair Lyon asked Mr. Pollack what would be an example of the right use for this site. Mr. Pollack responded that it would be a use that people could walk or bicycle to, and be in harmony with the neighborhood. A car wash is strictly for cars, which is not the use they want to see here.

Mr. Dave Houk of Tempe stated that he has been a resident for 36 years. He approves of this project. He likes the recapturing of the water, he appreciates the owner allowing the bus pullout, and he feels Quick Quack will be a great, environmentally-friendly new neighbor to this area, just like the other good neighbors (businesses) that are existing in this complex.

Mr. Lloyd Platz of Tempe stated strike one, the lot is too small, all other Quick Quacks are one acre or more. Strike number two is safety, this large building is only 20 feet from the curb or sidewalk, in essence where the northbound traffic on McClintock will be. This will cause problems with visibility, especially for emergency vehicles. Strike number three is that there are lots of other car washes, basically one mile each way, north, south, east or west. As in baseball, three strikes and you're out.

Ms. Caitlin Haffner and Ms. Sarah Oswald stated that they had just purchased their home in this area, and would not have done so if there had been a car wash there. Ms. Haffner believes this use will be detrimental to the neighborhood. Ms. Oswald stated she is concerned about loitering, as there are always many children around that area in the afternoon, near the existing Peter Piper Pizza. They asked the Commission to please help them preserve the neighborhood.

Mr. Patrick Cassidy of Sun Lakes stated he is a retail commercial broker, and he believes the existing tenants in this complex are being overlooked. Visibility of their businesses is imperative for them, and this large building will block that visibility.

APPLICANT RESPONSE:

Mr. Johnson stated that this Quick Quack location would be a bit different design than the typical Quick Quack, and that is in response to staff suggestions. He stated that the comments that the less than 1 acre site is too small are simply erroneous, they have locations utilizing much less than one acre with no stacking or other issues. Regarding noise, there are 16 vacuuming spaces, however there are only two vacuum producers, which are enclosed, with governors on the sound. They are always striving to mitigate sound to continue to be good neighbors. Regarding overnight noise, they have already stated they will not be open during those hours. Regarding overflow traffic, this is not a full-service car wash, also when fundraisers are happening, there is not extra traffic, the fundraising happens simply by sharing of revenue with the charity for cars washed over a certain period of time.

Commissioner DiDomenico inquired of staff if there is a stipulation for business hours. Ms. Stovall answered that there was not, but it could be added by the Commission if they desired. Commissioner DiDomenico asked Mr. Johnson if he would comply with 7am to 10pm daily, 7 days per week. Mr. Johnson stated that is what they would like, and he had no problem with a stipulation stating that.

Commissioner Brown asked for verification from the applicant as to the noise, how much, and how it is produced, that he found it hard to believe that there would be no sound 5 feet away. Mr. Johnson responded that there would be no sound 5 feet away from the vacuum producer, and that the noise produced is actually from the blowers. Commissioner Brown stated he had visited the car wash at Baseline and Kyrene, and was surprised that it was not noisier, however he thinks a 10pm closing time is rather late. Mr. Johnson responded that since 7am to 10pm are their store hours, he would like it to stay that way, and that the sound study confirms that up until 10pm, the ambient noise of the city is quite a bit more than the noise from the car wash. Commissioner Brown concluded by saying that the building is bulky and tall, and only the bottom half of the building is really utilized for the enclosure itself. He is not a fan of large signs, and the signage on this building is very large. He asked Mr. Johnson if he is set on this design,

or open to change. Mr. Johnson stated he is set on the design, it is within code and sign code, and has staff approval.

Chair Spears inquired of staff if hours of operation and a review of compliance can be stipulated by the Commission for this project. Ms. Stovall responded that hours of operation could be, also a review of the Use Permit could be requested after a 6-month or 12-month period of business operations.

Commissioner Sumners asked Mr. Johnson if those requirements would be amenable to him or if they would place undue burden for development or financing of the project. Mr. Johnson stated that the stipulations sounded reasonable.

Commissioner DiDomenico stated that this "review" requirement has been used in the past for other businesses in the city, especially bars and restaurants with noise issues near residences, and overall it has not impeded the developer regarding financing or opening for business.

COMMISSION COMMENTS:

Commissioner DiDomenico stated that they could look to a similar project that had been approved 5 or 6 years ago, a gas station with an automated car wash at the Baseline/Rural intersection. When the review of this business' Use Permit took place, it was noted that there had been no noise complaints regarding the car wash, not even from the Starbucks, whose patio was directly behind it. Although that car wash is smaller than this one will be, it could be looked at as a precedent for this area, it is only a mile away.

Commissioner Sumners stated that he uses a car wash regularly, and his concern is that the blowers are very loud. He appreciates the noise study, but there is also a fire station close, and just because there is already a lot of noise, it does not mean we should add to it. He is concerned that this may not be the right location for this type of use.

Commissioner Johnson thanked the community members in attendance, both for and against this project. He believes this setup seems superior, and regarding noise, he believes the shopping center surrounding this site will dampen noise before it can reach the residences, so he does not believe noise will be an issue. He appreciates the recycling and fund-raising aspects of this business, and yes, if he lived in the neighborhood, he would be in support. He will vote in favor.

Vice Chair Lyon thanked all who spoke, and appreciated that they were all very respectful. He also has experience with being near other car washes, he frequents this specific complex for another business located there, and is familiar with the traffic in the area. Based on his experience, he does not believe the noise from this business will be a problem for neighbors, he appreciates the bus pullout and the environmentally-friendly aspects. This is a good business and he thinks it will be a good neighbor, he will support.

Commissioner Brown stated he agrees with some of what Vice Chair Lyon said, in that he does not believe the noise will be problematic. However, he cannot support the structure itself, he believes its appearance is sub-par, and it is also unnecessarily tall and too close to the street.

Commissioner DiDomenico inquired of staff if there was an issue regarding the cross-access easements, as the two interior drives will be removed, and the packet states the owner of the adjacent property will move to close off any easement if this project is approved. Ms. Stovall responded that the project was designed knowing that shared access may not exist, and the flow of traffic will not be impeded without the two interior drives or the cross-access easements.

Chair Spears stated that there are two Use Permits and a Development Plan Review (DPR) to be voted on this evening. She asked Mr. Johnson, regarding the design, if he would be willing to continue the DPR to possibly change

some of the bulkiness of the building. Mr. Johnson responded that they have adhered to all the requests of staff, and he would not see the need to change anything more on the building.

Chair Spears and Commissioner Lyon then decided to break up each of the three requests and vote separately on them.

MOTION: Motion made by Vice Chair Lyon to approve a Use Permit to allow a car wash in the PCC-1 zoning district, with hours of operation between 7am and 10pm, with a review of compliance with the Use Permit conditions of approval 6 months after opening, for a new 3,349 s.f. building for **QUICK QUACK CAR WASH (PL170240)**, located at 5201 South McClintock Drive. Motion seconded by Commissioner Amorosi.
VOTE: Motion passes, 6-1, with Commissioner Brown in the dissent.

MOTION: Motion made by Commissioner Brown to approve a Use Permit to exceed the parking maximum (125%) for a new 3,349 s.f. building for **QUICK QUACK CAR WASH (PL170240)**, located at 5201 South McClintock Drive. Motion seconded by Vice Chair Lyon.
VOTE: Motion passes, 7-0.

MOTION: Motion made by Commissioner Amorosi to approve a Development Plan Review for a new 3,349 s.f. building for **QUICK QUACK CAR WASH (PL170240)**, located at 5201 South McClintock Drive. Motion seconded by Vice Chair Lyon.
VOTE: Motion passes, 5-2, with Commissioners Brown and DiDomenico in the dissent.

STAFF ANNOUNCEMENTS:

Ms. Dasgupta reviewed the agenda for the January 9, 2018 Development Review Commission meeting. There are currently six items on the agenda.

COMMISSION ANNOUNCEMENTS:

Chair Spears wished all those in attendance Happy Holidays.

There being no further business, the meeting was adjourned at 9:26pm.

Prepared by: Cynthia Jarrad



Reviewed by:
Suparna Dasgupta
Principal Planner, Community Development Planning