



Minutes of the Development Review Commission REGULAR MEETING February 23, 2021

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

Present:

Chair David Lyon
Vice Chair Michael DiDomenico
Commissioner Scott Sumners
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Andrew Johnson
Commissioner Steven Bauer

City Staff Present:

Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Lee Jimenez, Senior Planner
Karen Stovall, Senior Planner
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Barbara Lloyd
Alt Commissioner Michelle Schwartz
Alt Commissioner Linda Spears

Hearing convened at 6:02 p.m. and was called to order by Chair Lyon

Consideration of Meeting Minutes:

1. Development Review Commission – Study Session 01/26/21
2. Development Review Commission – Regular Meeting 01/26/21

Motion: Motion made by Commissioner Cassano to approve Regular Meeting minutes and Study Session Meeting minutes for January 26, 2021 and seconded by Vice Chair DiDomenico.

Ayes: Vice Chair DiDomenico, Commissioners Cassano, Sumners, Amorosi, Johnson and Bauer

Nays: None

Abstain: Chair Lyon

Absent: None

Vote: Motion passes 6-0

ITEM CONTINUED OR WITHDRAWN FROM AGENDA:

- ~~4. Request a Use Permit Standard to increase the maximum height for a detached accessory building from 15 feet to 20 feet for **THE ESTRADA RESIDENCE**, located at 6720 South Towers Street. The applicant is Vito Dascoli. (PL210008) WITHDRAWN BY APPLICANT~~

The following items were considered for **Consent Agenda**:

5. Request a Use Permit to allow an instructional school (life skills for cognitively disabled individuals) for **TRANSITIONS**, located at 1500 South Priest Drive. The applicant is Ramirez Architects. **(PL210011)**

Motion: Motion made by Vice Chair DiDomenico to approve consent agenda and seconded by Commissioner Johnson.

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Cassano, Sumners, Amorosi, Johnson and Bauer

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

The following items were considered for **Public Hearing**:

3. Request a Use Permit to allow a private school in the AG zoning district for **ST. DOMINIC SAVIO ACADEMY**, located at 9399 South Priest Drive. The applicant is Gammage & Burnham PLC. **(PL210002)**

PRESENTATION BY APPLICANT:

Ms. Manjula Vaz, Gammage & Burnham PLC, advised that this application will be in two steps. Today they are requesting a Use Permit to allow a private school on 3.7 acres located at the northeast corner of Priest and Knox that is currently zone Agricultural. Typically the Use Permit would be submitted with a design/site plan, however because this is a small private school they wanted to make sure they would be able to proceed with the Use Permit and they will then come back to the DRC in May with the site plan. They are currently working with staff on some site plan issues. St. Dominic Savio Academy will be a private, non-profit school for children with autism that range in age from 18 months to 22 years. The applicant currently has a small location in Chandler; however, they want to relocate to a larger location in Tempe. Ms. Vaz went over the proposed campus design. It will be a one-story, approximately 21-foot-high, 35,000 square foot school building. It will be oriented towards Priest Drive which will be the main access point towards campus and possibly offset some road noise. The campus provides for both indoor and outdoor learning and has been designed to respect the surrounding properties and provide some land use buffers. They will be preserving some of the existing mature trees along Knox Road and will also enhance the landscaping along Knox and Priest. The proposed school will be able to accommodate 117 students and 60 staff members. The children are not just dropped off like at other schools. The parents will park and then escort their child into the school where they will be assisted by a staff member. The children will always be accompanied by an adult. The school will operate between 8:30 a.m. and 3:30 p.m. All school operations will be fully contained, and they will not host any after school events, with the exception of an open house or parent night. They feel that based on the number of students the school will have a low traffic impact. The campus provides 100 parking spaces and they have agreed to post "No Parking" signs on the north and south side of Knox Road to discourage offsite parking. In addition, the school also enforces the parking. The City of Tempe Transportation Division did not have any concerns regarding the traffic generation for the proposed school. Ms. Vaz went over the Use Permit criteria and how this proposed school meets all the requirements. In speaking with the neighbors, the applicant agreed that there will be a cap on the number of students and that it will never exceed 117.

Vice Chair DiDomenico noted that at the current Chandler location services students from 18 months to 22 years and asked if that was correct and Ms. Vaz advised that it was. Vice Chair DiDomenico asked if it would technically be preschool and daycare services for the younger students prior to elementary school age and was informed that it would be. He then asked if there would be students coming in on buses or other types of shared transportation. Ms. Vaz stated that students will need to be accompanied by an adult. The bussing would mainly be for staff to get to school. Ms. Corrina Ndolo, Founder and Executive Director of St. Dominic Savio Academy, stated that more than 2/3 of the students in the academy and all the students in the early intervention program, adding up to about ¾ of the school's students, are transported to school by their parents. The remaining students who are placed with them through their school district receive district transportation, however right now none of them come in a bus. They are mainly all transported by vans such as ComTrans.

Commissioner Amorosi noted that in the traffic study there was an average of 31,600 vehicle trips per day on Priest Drive, however it did not state how much Priest could handle. Ms. Vaz stated that it was built for 35,000.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, advised that a neighborhood meeting was not required for this application. As of the completion of the staff report, staff has received one email in support of the project, a phone call with traffic concerns, and then several calls and discussions with the property owner to the east who had concerns about people parking on Knox Road. Following completion of the staff report they received ten additional emails in support of the project, three opposed, and another three with general traffic concerns and possible downgrading of property values. Ms. Stovall briefly went over the Use Permit criteria and how the application meets each of them.

As the result of a comment via Webex chat, Commissioner Amorosi asked if the speed limit will be reduced to 15 mph since this is a school. Ms. Stovall advised that this has not been discussed with the Transportation Department, however if the chat poster would provide their contact information to her she would be sure to pass it on to Transportation.

Vice Chair DiDomenico noted that the main point of egress from this site appears not to be off Knox Road but rather a drive in the center of the new project. Ms. Stovall agreed that the primary access point will be off Priest Drive. He asked if a right turn only sign off Knox to Priest Road would affect residents from exiting left at that spot and was advised that it would not.

Commissioner Bauer noted a lot of comments being posted in Webex chat and advised the public that they would probably not make it onto the record. If they have questions or comments, they need to put it on the record formally. Ms. Suparna Dasgupta, Principal Planner, advised the Commission that there are a lot of messages being posted in chat, some that are even technical questions, that are going to the moderator of chat who cannot answer those questions. She reiterated that anyone who would like to speak on the record or ask a question needs to submit a DRC comment card. Chair Lyon advised the public that they need to submit a public comment card to have their comments heard.

Commissioner Cassano asked if there were peak times when traffic would be entering and exiting the site off Priest. Ms. Stovall advised they would have staggered student drop-off between 8:00 a.m. and 8:30 a.m. and pick-ups between 3:30 p.m. and 4:00 p.m.

PUBLIC COMMENT:

Mr. James Mansperger, neighbor to the east and north of the project, stated he has spoken with Corrina Ndolo several times and she has been very receptive to his concerns. He is in favor of the project but with a few conditions. He finds it a little odd that the Use Permit is being reviewed with the design to come later. His biggest concern was the parking on Knox Road. He just noticed for the first time that they are going to ask for "No Parking" signs right to the east of their property. He asked that the City would move those down in front of his property because now if they want to park on Knox Road they will just park in front of his house. He also wanted to know what would happen a few years down the road if the school closed and someone wanted to turn it into another business. He asked if they would have to go through this process all over again. He also referenced the applicant wanting this to be a controlled sensory experience. As this school is facing his property, he just wanted to be sure it was documented that his property would not be a controlled sensory experience as there will be tractors, equipment, etc.

Mr. Eric Emmert, President of Sierra Tempe #4 HOA to the east of the subject property, shared some feedback that he received from the community about the project. He noted there are only two points of access into and out of their 151 single-family detached home development; Hardy to the east and Knox/Priest to the west. The access from the south off Knox and onto Priest is such a challenge during on peak hours and that ten-minute wait times to get into the flow of traffic is not out of the ordinary. Therefore, the residents are really focused on the traffic issues this project might bring. They would like a deceleration lane for the northbound traffic on Priest, even though the traffic study does not suggest it. They would also like the "No Parking" signs extended down the short section of Knox to Margo in his community, that would address some of the other concerns. The residents in his community do not want

access to Knox. If two points of access to the school are necessary, put them on Priest. One could be at the northern part of the property and another could be just north of the transit easement. They also feel the City should put in a traffic light at Knox and Priest, or a pedestrian activated crosswalk.

Ms. Ginger Masters, neighborhood resident, stated her main concern with the proposal was the traffic. The main gate they use to enter and exit their community is the entrance on Dawn. The site plan for the school shows the main entrance for the school to be between Dawn and Knox and she feels this will further congest the Priest people turning in and out of both entrances. They would ask that if this is done that a deceleration lane is used on both sides, the school side and the Rhythm side. When Tempe continues its study of the median on Priest, they would also ask that they do not restrict left hand turns out of their neighborhood. If the speed has to be reduced, they ask that it would only be during school hours.

Ms. Anne Doohan, neighborhood resident, is in support of the school but has some concerns with traffic and agrees with the comments made by Mr. Eric Emmert. She asked about the right-of-way improvements and street improvements that were mentioned earlier.

Mr. Michael Coffman, neighborhood resident, stated that he is in favor of the development.

In addition to the member of the public who spoke at the meeting, these are the comment cards that were received by staff:

Jennifer Clifford: Opposed (did not want comment read out loud).

Esther Pickens: Opposed (did not want comment read out loud).

Timothy O'Donnell. Opposed. Mr. O'Donnell stated that his concerns about the traffic and activity issues surrounding a school, parking along the street- Knox and Sierra Tempe neighborhood, activities at day and night, staff parking, parent pick up and drop off along a freeway bypass road. He also asked what mitigation and safety studies have been done since this is a school.

Cynthia Parker: Opposed. Ms. Parker stated why not have the secondary exit to the north, not to Knox. She was glad they are keeping the trees for shielding.

Chuck Cahill: Neither opposed or in support. In looking at site plan, the natural flow of traffic coming from the south, as well as accessing the drop off lane, is to access from Knox turning left into the school property. Then exiting, would complete the loop and exit back onto Knox. This will create congestion for residents leaving in the morning. Would like to see all access off of Priest and/or gated entrance to school parking lot that would force accessing only on Priest.

Emily (no last name provided): Opposed. Her concerns included the following: Why is it being zoned for a business? Would the main entrance and exit be on Priest (not acceptable if it is not)? Will there be a parking lot for employees and parents? Would not want lines of cars all over Knox and would not want to change speed limit. Do they not know the land right there floods constantly? I have photos. It is on a busy street. A streetlight would need to be put on Priest. In case you didn't know we are the only subdivision in the area that can't keep its 4-bedroom homes value over \$400,000. Please do not put a school. It will bring down the property value in our little subdivision even more.

Rachel Crupi: In support. Ms. Crupi states that as a parent of a child on the autism spectrum, who is now almost 18 years old, and she would have searched high and low when her son was younger to have him attend such a wonderful organization. She is 100% in full support of this project, without hesitation. The love and care that St. Dominic Savio Academy provides to all they serve is unmatched. There are so many families in the Valley to serve and this project opens the door to provide these much needed supports to all our children and families on the autism spectrum.

David Smith: Opposed (Did not want comments read out loud).

APPLICANT RESPONSE:

Ms. Vaz responded to the questions from the public. They are still working with Transportation related to the site plan for access for parents and students. There is probably not enough activity to warrant light from the school versus Rhythm. They are happy to work with the Transportation Department to discuss extending the “No Parking” signage. The neighbors on either side of those streets would have to sign off on installing those signs. Ms. Vaz wanted to clarify that they will not be rezoning the site. It will remain an Agricultural site, they are just asking for a Use Permit on AG land. The Use Permit is specific to this site and this use. If they wanted to increase the student cap from 117 or the property use changes they would have to come back to the DRC for approval.

Vice Chair DiDomenico asked what the advantage is to their design by having the access point on Knox. Ms. Vaz stated that the City asked them to have it on Knox but they continue to talk to them about Priest. Vice Chair DiDomenico asked how many school days per year this school will operate, and Ms. Ndolo advised that it would be about 206 days per year with the same breaks as a traditional school setting. They also have a six-week session during the summer due to the nature of their student’s disabilities.

Commissioner Amorosi asked if the deceleration lanes mentioned by the public would be on either side of the main entrance on Priest and asked if that would cut into landscaping. Ms. Vaz stated that it would.

Commissioner Bauer appreciates that the applicant worked with the neighbors. He stated the items that he feels would need to be discussed during the site plan DRC review of this project such as traffic, deceleration lanes, etc.

Ms. Stovall stated that regarding the “No Parking” signs, the Transportation Division did say those signs could only be installed between Priest and the east property line of the school. If any signs east of that were to be installed, it would require 75% of all property owners within a 300-foot radius of the no parking zone to sign off on it. This request would need to be submitted by the neighbors to the Transportation Division. Ms. Stovall advised that the Use Permit would be approved for this specific school, but it is transferrable to other schools through a staff level review. If they chose to, the DRC could make the Use Permit non-transferrable so that if any other school wanted to use the site they would have to apply for another Use Permit. As far as right-of-way improvements on Priest, at this time that would include curb, gutter, sidewalk, lighting, dedication of a transit easement and construction of a bus shelter.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Sumners noted that earlier the applicant stated they would be receptive to an enrollment cap; however, he did not see that in the stipulations. Ms. Stovall advised that this was discussed after the publication of the staff report and the applicant did appear receptive to adding this stipulation.

Regarding the “No Parking” signs, Commissioner Cassano suggest Eric Emmert with the HOA begin working with the City as soon as possible with this as it can take some time to make it through the system.

Commissioner Amorosi likes the idea of this being a non-transferrable Use Permit and a cap on enrollment. He would like those added to the approval process.

Commissioner Sumners agrees with the position on the additional conditions and he appreciates the neighborhood concerns.

Commissioner Johnson also supports the additional stipulations and he feels this is a terrific use of the site.

Vice Chair DiDomenico asked if the applicant would be agreeable to the two added conditions: One being a student cap limit of 117 and making the Use Permit non-transferrable. Ms. Vaz advised that they would be agreeable to both.

Motion: Motion made by Vice Chair DiDomenico to approve PL21002 with two added conditions and seconded by Commissioner Cassano.

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Cassano, Sumners, Amorosi, Johnson and Bauer

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

4. Request a Use Permit to allow a car wash in the GID zoning district and a Development Plan Review consisting of a new 5,220 square-foot automatic car wash for **SUPER STAR CAR WASH**, located at 1139 West Broadway Road. The applicant is Cawley Architects. (PL200232)
CONTINUED FROM JANUARY 26, 2021 DRC HEARING

PRESENTATION BY APPLICANT:

Brennan Ray, Burch & Cracchiolo, noted this is a challenging infill site that recently closed as a Burger King. It is a mid-block location with some existing well-established uses in the area. The immediate area is industrial and commercial. The applicant is okay with the stipulations in the staff report for this project. He noted they are complying with the General Plan, the mixed-use designation and zoning code. Regarding the noise, they are in compliance but have made more improvements that help them to far exceed the City's criteria when it comes to noise. Mr. Ray stated he believes they also satisfy all of the Use Permit criteria. He advised that the General Plan designates this area as mixed-use and industrial. The proposed project is in the General Industrial District. The properties to the south and east of this location are all commercial and industrial uses.

Mr. Ray stated that during the neighborhood meeting (via Zoom) that was held on February 16, 2021 they heard several issues and made changes to address them. This meeting was not required, but due to concerns that were received they voluntarily held one. About 15 people attended the meeting and voiced their concerns regarding noise, traffic and property values. As a result, Mr. Ray stated that they submitted two noise studies; one that was originally submitted and another that was submitted on Friday prior to this DRC hearing. The noise study looks at the ambient noise and specifically focuses on the single family residential that is approximately 280 feet north of Broadway Road. That existing ambient noise has a decibel reading of 60. When the noise consultant looks at it and reviews the different noise scenarios, they presume the worst; that all the blowers are on, all of the vacuums and other equipment are all consistently on at the same time. This is not always the case as there is intermittent noise from the car wash but he is not aware of any situation where everything is on at the same time but that is what the noise study presumes. The car wash is approximately 370 feet, or a football field and a third, away from the closest single family residential. They do have multi-family residential that is adjacent to them on the other side of Broadway but a lot of concerns they heard were from the single family residential to the north of them so that is what they focused on. The typical way car washes such as this operate is that the motors and the vacuums are within an enclosed building. The dryers and blowers are located as far back as they can put them in the building and the staff report indicates there are further things that have been done to help mitigate the noise.

Option one of the noise study was on what was initially proposed and initially reviewed by staff in terms of the equipment they were using. They met the City's noise ordinance criteria and the noise level at the property line, however, due to hearing the concerns from the neighbors and speaking to the representatives of Super Star Car Wash they decided to go back and see if they could do better. They changed out the blower system to an IDC Stealth Blower system which is more costly but does a better job at restricting the sound. The noise at the property line is now at 57 decibels and 47 decibels when they get to the nearby Black Rock Coffee location. When they get to the apartments it is at 45 decibels and when it gets to the single-family properties it is 33 decibels, which is well below what is required by the City's noise ordinance. The existing noise on Broadway Road is still 60 decibels regardless of whether the car wash goes in or not.

The next issues the public had dealt with traffic so they did a traffic impact study to understand what the change from a Burger King to a car wash would do to the traffic. Traffic is generally analyzed during A.M. and P.M. peak hours.

One of the things they are doing to this site is eliminating a driveway so there will only be one driveway which gives them better control of access and eliminates the number of driveway cuts onto Broadway Road which is a very busy street. The Institute of Transportation Engineers (ITE) publishes their criteria for uses and what they look at. They do not have a lot of data for the A.M. peak hour because there generally is not a lot of traffic that occurs during that time, so the focus has been on the P.M. peak. The car wash during the P.M. peak will cause less traffic than a fast food restaurant at that location. The traffic engineer informed them that many of the trips that are going to the car wash are "pass by" in nature, meaning these are people that are already traveling on Broadway Road and see the car wash and want to get their vehicle cleaned. Mr. Ray believes they are meeting the criteria from both a noise and a traffic standpoint.

Another issue that came up with the residents dealt with property values. Mr. Ray stated property values are usually based on the fear of the unknown that can impact them. This is a very mature and established part of Tempe that is also very industrial and commercial in nature. Mr. Ray does not believe there will be a negative impact to the residential properties in the area.

Mr. Ray believes they are in compliance with the Use Permit criteria. He agrees with the staff report, especially stipulation #3 that limits the hours of operation. This is not a 24-hour car wash where people can come in the middle of the night. The hours are controlled and there are employees on site to make sure that people behave and are doing the right thing.

Vice Chair DiDomenico asked if the signage on the building shown on the plans is what will actually be on it. Mr. Ray stated that is the actual signage that is proposed. He noted they would comply with the City's signage requirements.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, advised that signage is not reviewed as part of this development plan. They go through a separate process so what is seen on the plans is not necessarily what will be on the building. Ms. Stovall then briefly went over the site design. She advised that the existing building would be demolished and replaced with a 5,220 square foot automatic car wash with self-serve vacuum stations. The site will be accessed by a single driveway on Broadway Road. The car wash tunnel will be on the east side of the lot, with the self-serve area on the west side. The queue lane for the car wash begins at the south side of the property line. This will be a single-story building that is 30 feet high. The Transportation Division has reviewed the plans and has no concerns. The queuing distance into the tunnel should prevent cars from backing up into the right of way. Ms. Stovall went over the Use Permit criteria and how this request meets all of them.

Staff received seven emails and two phone calls prior to the completion of the staff report. After completion they received eight voicing concerns and one in support.

PUBLIC COMMENT:

Mr. Larry Djinis, Chair of the Holdeman neighborhood association, expressed his opposition to the car wash. He stated that the Holdeman neighborhood is north of Broadway Road, directly across the street from this site. He stated that considering the proximity of this site to the neighborhood, and the fact it is located on a prominent street facing lot along the Broadway corridor and in the Tempe Maker District, they feel this is not the appropriate location for a car wash. He noted four reasons why this car wash does not meet the requirements for the Use Permit and cannot be legally permitted for this location. The first reason he listed was traffic since the City of Tempe highlights in their Vision Zero plan that this section of Broadway Road is one of the most dangerous streets in all of Tempe. Adding a high volume, stand alone car wash will make it harder to reach the City's Vision Zero goal. Regarding noise, he stated that Super Star Car Wash's own noise study indicates that it violates the noise ordinance. He advised that the third reason it does not meet the Use Permit criteria is compatibility with the area and the Tempe Maker District. The purpose of the Maker District is to attract more local businesses and make the area more walkable for residents to enjoy. He stated that a car wash is not compatible with this vision. There will also be an impact on local property values, especially for the neighbors that live on 19th Street, Shafer Drive, and 18th Street as they will be most affected by the noise.

Mr. Alex Otto, with OSWI and a resident of the Holdeman neighborhood, stated that he takes no objection to the noise projection study, however these models do not provide a 100 percent certainty. He stated the language in the report refers to projection instead of prediction. It is a means to show what is expected but is not a guarantee of the outcome as it is only a projection and not a field study analysis. He has measured the exit tunnels at many car washes around town and they are about 90-95 decibels. Due to the proximity to the property line there is no piece of equipment that would allow the car wash to comply with the noise standard at the north property line. The tunnel has a porous roof so sound will leak out. This project will not meet the specifications, especially those of a mixed-use area.

Linda O'Connor: Opposed. Ms. O'Connor stated that she has lived in the neighborhood north of Broadway since 1979 and would like to see it become part of the Maker District. A carwash does not fit that image, no matter how sleek the design. As many have stated, there are enough carwashes in the area.

Theresa Elliott: Opposed. Ms. Elliot stated that she has lived in the Holdeman Neighborhood since 1959 and oppose putting a carwash across the road from our community on Broadway and her concerns included more traffic and noise and also it would lower the values of our property.

Harley Swartz: Opposed. Mr. Swartz stated he would like to express his disapproval of allowing a carwash to operate at 1139 W. Broadway Road due to concerns of noise, added traffic and potential ground water pollution issues. He also stated that this is counter to the Tempe Maker District plan that was approved that includes a supposed commitment to improve the walkability of Broadway Road.

David Meyers: Opposed. Mr. Meyers concerns were related to noise, traffic and staff's assessment that "The proposed use should not create a nuisance at a level exceeding that of ambient conditions" and "The use should not contribute to the deterioration of the neighborhood or downgrading of property values."

Kevin Roberts: Opposed. Mr. Roberts stated that there is no need another carwash in this area and the focus should be on neighborhood improvements.

Ellen Brown: Opposed. Ms. Brown stated that she is opposed to this car wash because of the noise it will create. The previous business, Burger King, was very quiet due to its unsuccessful operation, so it is difficult to compare the noise or traffic of that restaurant, which was low. Additional concerns included traffic on Broadway Rd and an over-saturation of carwashes.

Amanda Riske: Opposed. Ms. Riske noted there are plenty of carwashes in the area and that more local businesses are needed. The carwash combined with the existing factories on Broadway will increase pollutants. Additional concerns included noise impacts, increased traffic, impact property values, and the lack of compatibility with Tempe Maker District / Broadway Corridor Revitalization Plan.

Zoe Stein: Opposed. Ms. Stein stated her overall opposition to the project.

Steve Vigileos: Opposed. Mr. Vigileos stated there are numerous carwashes that are a comfortable distance from Holdeman and they do not need the neighborhood tranquility disrupted.

RESPONSE FROM APPLICANT:

Mr. Ray briefly went over the concerns expressed by the public that he had previously addressed during his initial presentation. With regard to the freeway noise that was mentioned, he meant that in the context of what you would hear from Broadway Road, not the noise that the car wash would generate.

Vice Chair DiDomenico stated he reviewed the acoustics in option two related to the stealth equipment and noticed it stated there was some bleed of sound at the exit point of the tunnel that was over 65 decibels that bled to the neighbors to the east. He asked Mr. Ray if this was correct and was advised that there was some bleed over the property line to the self-storage facility to the east.

Commissioner Amorosi asked if Mr. Ray if he was aware that this area was part of the Tempe Maker District, and if he was could he explain how he thinks a car wash is part of that vision. Mr. Ray advised that they look at the site's current zoning, which in this case GID, and he believes that is the criteria that this should be judged on in terms of the Use Permit. He believes this also meets the General Plan requirements.

Commissioner Johnson asked if the updated equipment was clearly stated in the staff report to guarantee that this will be the type of equipment installed. Mr. Ray stated he does not believe the staff report specifically states that they are going to use that equipment, but he does not have an issue with adding it as a condition of approval.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Bauer noted that as Mr. Ray pointed out the General Plans are guidelines and zoning is the directive mechanism in which to establish uses and the appropriateness of those uses. He stated that this project meets all of the Use Permit criteria set up by the City of Tempe. The car wash will generate less traffic than a fast food restaurant with a drive-through.

Commissioner Amorosi stated that this is a Use Permit but just because something is allowed does not make it useful to the area, especially since Tempe designated the area between Broadway Road, US60, Priest and Kyrene as the Tempe Maker District. He does not believe this use fits in with the Maker District vision.

Vice Chair DiDomenico stated that in evaluating the approval of the Use Permit there is a set of criteria to follow. He agrees that this use will decrease the traffic from what the prior use was and he does not believe it will contribute to a decrease in property values. However, he believes the noise will be excessive and over and above what is allowed. This construction will bleed over to the site immediately adjacent to the east despite the upgraded equipment. Currently the neighboring business is an industrial use, however in the future it could become apartments or something similar and this building will create a noise nuisance onto that property. As a result, he cannot support the Use Permit.

Motion: Motion made by Commissioner Bauer to approve PL200232 and seconded by Commissioner Johnson.

Ayes: Chair Lyon, Commissioners Cassano, Sumners, Johnson and Bauer

Nays: Vice Chair DiDomenico and Commissioner Amorosi

Abstain: None

Absent: None

Vote: Motion passes 5-2

Staff Announcements:

Ms. Dasgupta advised the Commission that staff will provide them with the agenda for the March 23, 2021 DRC hearing on Wednesday, March 3rd.

There being no further business the meeting adjourned at 8:18 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Suparna Dasgupta, Principal Planner

