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**CITY OF TEMPE**  
**DEVELOPMENT REVIEW COMMISSION**

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**Meeting Date: 05/28/2013**  
**Agenda Item: 4**

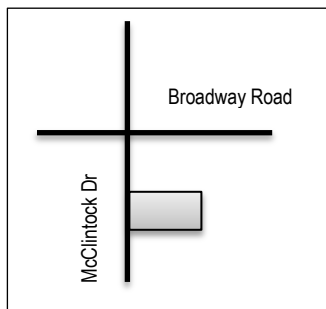
**ACTION:** Request for an Appeal of a Development Plan Review consisting of building elevation modifications for JOE'S ITALIAN ICE, located at 2019 South McClintock Drive. The applicant is Robert Des Rosiers.

**FISCAL IMPACT:** There is no fiscal impact on City funds.

**RECOMMENDATION:** Staff – Approval, subject to conditions

**BACKGROUND INFORMATION:** JOE'S ITALIAN ICE (PL130095) was administratively approved for a modification to the site plan, building elevations and landscape plan. They are requesting a review of condition #17 and #18; seeking a modification to #17 and deletion of #18. Staff, under the guidance of the City Architect, administratively approved the modifications to the site including the addition of a second drive thru lane, new windows and doors, replacement of building overhangs with awnings, a new color scheme and new landscape plan. The request includes the following:

DPA13001      Appeal of Development Plan Review (DPR13086) including site plan, building elevations, and landscape plan.



Property Owner	Mike Abeyna
Applicant	Robert Des Rosiers
Current Zoning District	CSS, Commercial Shopping and Services District
Gross/Net site area	23130 sf.
Total Building area	3794 sf.
Lot Coverage	18 % (50% maximum allowed)
Building Height	16'-7" (35 ft. maximum allowed)
Building Setbacks	+37' front, +22' side, +26' rear (0, 0, 10 min.)
Landscape area	18.9% (15% minimum required)
Vehicle Parking	Parked per shared model with Shopping Center

**ATTACHMENTS:** Development Project File

**STAFF CONTACT:** Sherri Lesser, Senior Planner (480) 350-8486

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



## COMMENTS:

This site is located at the southeast corner of Broadway Road and McClintock Drive. It is a reuse of a former Burger King Restaurant located at the western end of the Broadway Square Shopping Center. The site was originally built for the Burger King Restaurant and will continue to be a restaurant use. The Community Development Planning Staff issued a letter of approval for their building elevations with minor changes. The conditions of approval were drafted after several communication exchanges with the applicant. Some concessions were made by the City Staff and the applicant regarding the building colors, materials and the awning. The applicant is requesting modified conditions from the Development Review Commission on three (3) of the prior conditions of approval.

The applicant seeks the following modifications (the applicant's comments in bold type):

**The applicant is requesting that the two awning marquee signs extend 1'-11" above the existing parapet per the original design.** *The previous administrative condition #16 is in reference to a Zoning and Development Code requirement and is not subject to review as a design condition. Refer to bulleted items.*

*Condition #17 - Replace the light fixtures of the internally illuminated building canopies and provide fixtures which only illuminate cars and pedestrian areas below. The fixtures are to be shielded from view, directed down and must provide the minimum illumination levels for areas under the canopies per ZDC lighting regulations. **The team is requesting the awning is internally illuminated per the original design.***

The applicant is requesting deletion of the following condition (the applicant's comment in bold type):

*Condition #18 - The canopies may be illuminated by an external secondary light source (i.e. Gooseneck fixture mounted above); the details such as fixture location, appearance and illumination levels may be submitted for review during building plan check process. **External illumination is not an option since a majority of the canopy is not directly attached to the building.***

## PUBLIC INPUT

- A neighborhood meeting is not required for this request.

## PROJECT ANALYSIS

### Site Plan

The site plan modification was approved with an additional drive-through lane to the site.

### Building Elevations

Staff worked with the applicant and the City Architect to reach compromise on a building design which would give the applicant the color identity they were seeking for their Italian Ice Restaurant. The base color of the building was modified to a gray tone and incorporated an architectural reveal between the red, white and green accent colors. Also requested was an upgrade to the front of the building adding a red tile base which allowed more of the accent color on the building. Staff also requested modification to the top cornice from the green color to a darker gray tone.

The applicant is satisfied with the compromises reached with staff; except with regard to the awning height reduction in the portion with sign copy and the elimination of internally illumination of the awning. The awning colors and materials were accepted as proposed. A condition is proposed which would allow the illumination of the awning by an external source. The requirement to reduce the height of the awning below the cornice applies to the section containing sign copy. It is a requirement of the ZDC that no sign exceed the roof height.

### Landscape Plan

We modified the landscape plan to replace the artificial turf proposed at the street frontage with a Xerescape design and plant palette.

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

1. Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;  
*Elevations are upgraded with tile to utilize applicant's color scheme .*
2. Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions;  
*The building incorporates an inviting patio space near street frontage.*
3. Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; and  
*The signs will complement building design, as modified with the recommended conditions.*
4. Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.  
*The illumination of the awnings from the exterior is more in character with the surrounding area and will reduce negative impact.*

#### Conclusion

Based on the information provided and the above analysis, staff recommends approval of the Development Plan Review. This request meets the required criteria upon conformance with the conditions.

#### REASONS FOR APPROVAL:

1. The proposed project meets the approval criteria for a Development Plan Review.

#### CONDITIONS OF APPROVAL:

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

#### DPR130095

#### CONDITIONS OF APPROVAL

##### Building Elevations

1. The materials and colors are approved per the following  
Main Body Color- – DE6227- Muslim  
Cornice Color- DE6227- Play on Gray  
Vertical Stucco Accent Colors (per locations, frequency and width per elevation plans dated 3/26/2013)-  
Red to match "Cooley Brite" 2662 A  
Green to match "Cooley Brite" C0355a  
White to match "Cooley Brite" C0606

Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Additions or modifications may be submitted for review during building plan check process.

2. Provide a red tile finish "wainscot" for the portion of the building occupied by the dining area (western portion of the building under the windows at base of building).

3. Provide a metal channel reveal to create an architectural separation between vertical accent colors on building.
4. Reduce the band width of the “green” stripe located directly above the windows to a maximum one (1) foot height.
5. Remove parking blocks and provide 2’ overhang with areas adjacent widened accordingly by same distance.

### **Lighting**

6. Provide lighting at new entrance doors and exterior pedestrian areas, etc. per Zoning and Development Code minimum requirements
7. Exterior security lighting fixtures shall be controlled by photocell relay to the lighting controller. The use of a time clock to control exterior lighting is prohibited.

### **Landscape**

8. The landscape plan shall be modified to replace the artificial turf with a Xeriscaping design and plant palate. Any additions or modifications may be submitted for review during building plan check process.

### **Irrigation notes:**

9. Provide dedicated landscape water meter.
10. Repair existing irrigation system (on site or in the adjacent public right of ways) where damaged by work of this project. Provide temporary irrigation to existing landscape on this site for a period of time that irrigation system is out of repair. Design irrigation so (existing plants on site or in frontages) are irrigated as part of the reconfigured system at the conclusion of this construction.
11. De-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
12. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2” uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.
13. Trees shall be planted a minimum of 20’-0” from any existing or proposed public water or sewer lines located on-site or in public right of way. Final approval of tree locations subject to determination by the Public Works, Water Utilities Division.
14. Tree planting separation requirements may be reduced from the waterline upon the installation of a linear root barrier, a minimum of 6’-0” parallel from the waterline, or around the tree. The root barrier shall be a continuous material, a minimum of 0.08” thick, installed 0’-2” above finish grade to a depth of 8’-0” below grade. Final approval of root barrier detail subject to determination by the Public Works, Water Utilities Division.

### **Signage**

15. Provide address sign(s) on the building elevation facing the street to which the property is identified.
  - Conform to the following for building address signs:
  - Provide street number only, not the street name
  - Compose of 12” high individual mount, metal reverse pan channel characters.
  - Self-illuminated or dedicated light source.
  - Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
  - Do not affix number or letter to elevation that might be mistaken for the address.
16. ---

17. Replace the light fixtures of the internally illuminated building canopies and provide fixtures which only illuminate cars and pedestrian areas below. The fixtures are to be shielded from view, directed down and must provide the minimum illumination levels for areas under the canopies per ZDC lighting regulations.
18. The canopies may be illuminated an external secondary light source (i.e. Gooseneck fixture mounted above); the details such as fixture location, appearance and illumination levels may be submitted for review during building plan check process.

#### **CODE/ORDINANCE REQUIREMENTS:**

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

- Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through [www.tempe.gov/zoning](http://www.tempe.gov/zoning) or purchase from Community Development.
- Lower the portions of the canopy signs shall not extend above the cornice elements on the building. This prior condition #16, is in reference to the Zoning and Development Code requirement, Section 4-903(D)(4), Building Mounted Signs "Shall not exceed the height of the building".
- WATER CONSERVATION. Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for the non-residential components of this project. Have the landscape architect and mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59.
- Refer to this link: [www.tempe.gov/modules/showdocument.aspx?documentid=5327](http://www.tempe.gov/modules/showdocument.aspx?documentid=5327). Contact Public Works Department, Water Conservation Division with questions regarding the purpose or content of the water conservation reports.
- PARKING. Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.
- SECURITY REQUIREMENTS. Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.
- FIRE: Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.
- BUILDING Submit construction documents to the Community Development Department's Building Safety Division for building permit by May 28, 2014 or the Development Plan Review approval will expire. Subsequently, an expiration of the building plan check period or issued building permit will result in expiration of the Development Plan Review approval.
- REFUSE Indicate on site plan the refuse enclosure location Construct walls, pad and bollards in conformance with standard detail DS-116 or DS-118. Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate.

- **LANDSCAPE LAYOUT:** Coordinate landscape layout with other design elements, including security lighting, drainage structures, buried utilities, roof drain outlets and address signs indicated on elevations and freestanding signs. Indicate the location of all exterior light fixtures on the landscape plans. Avoid conflicts with lights in order to maintain illumination levels for exterior lighting.
- **LANDSCAPE GUIDELINES:**
  - All groundcovers and shrubs located within twelve feet of pedestrian areas, including parking areas, shall comply with the following vision clearance requirements.
- Plants within twelve feet of pedestrian areas shall be three feet or less in height at maturity.
  - Plants within six feet of pedestrian areas shall be two feet or less in height at maturity.
  - Provide a minimum of 1-15 gallon shade tree for every 30' of lineal frontage
  - Provide one 1-15 gallon shade tree and 5-1 gallon shrubs in each landscape island.
- **SIGNS:** Separate Development Plan Review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Obtain sign permit for identification signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process.

## **HISTORY & FACTS:**

May 23, 2013                      Community Development Staff-Planning approved a Development Plan Approval for JOE'S ITALIAN ICE subject to conditions.

Section 6-306, Development Plan Review



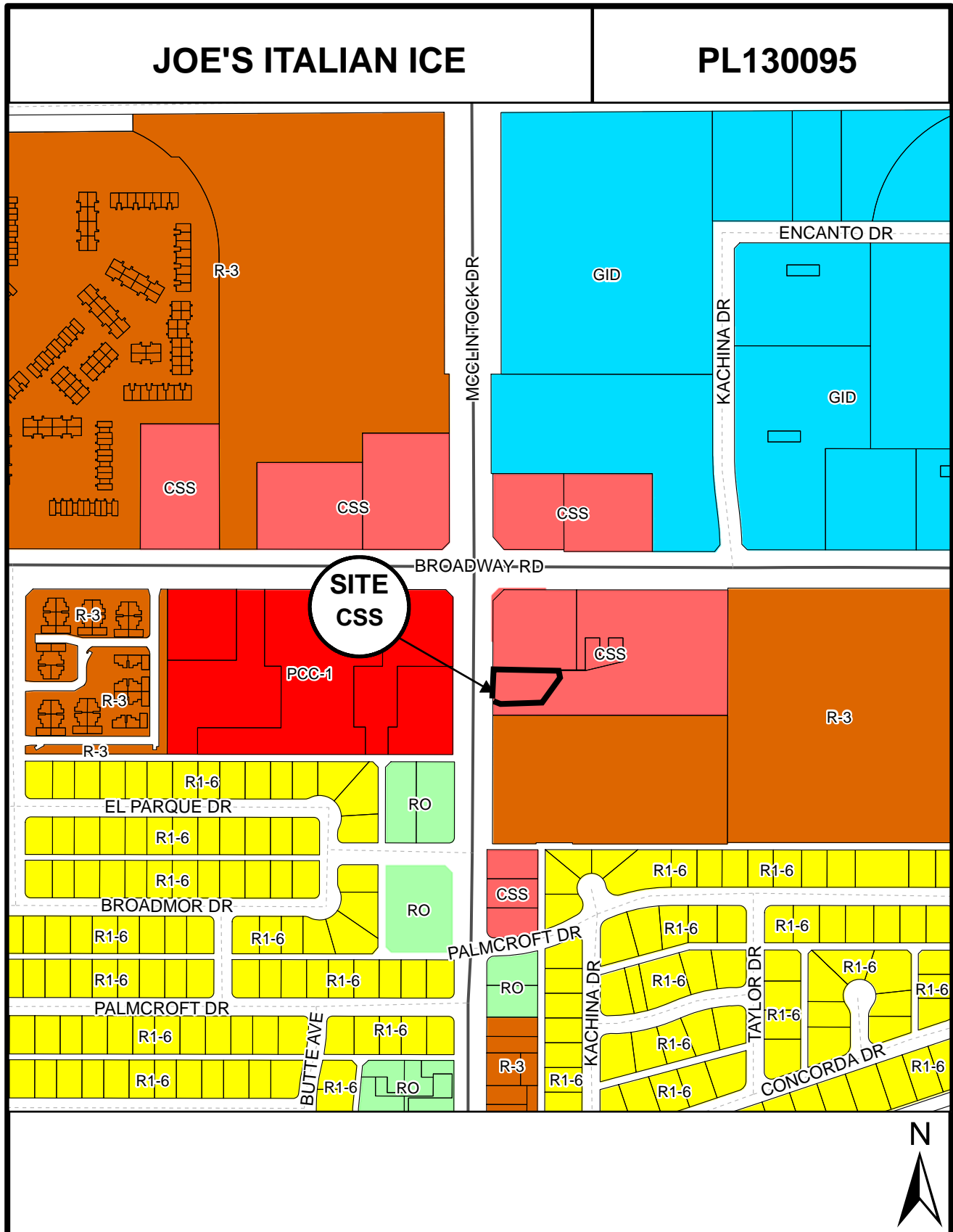
# DEVELOPMENT PROJECT FILE

for

## JOE'S ITALIAN ICE

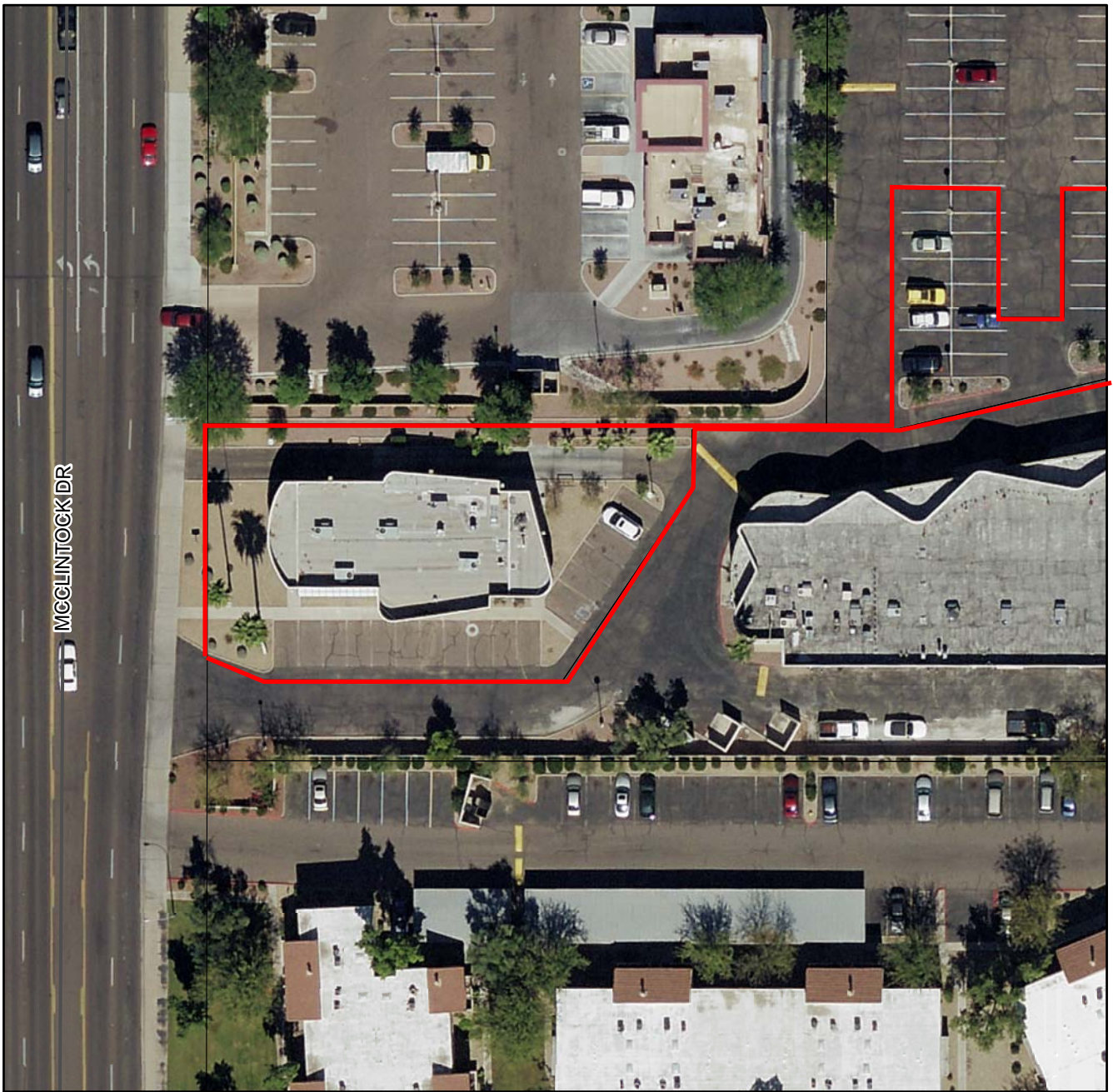
### ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-4. Letter of Explanation
4. Site Plan
5. Landscape Plan
6. Building Elevations
7. Image of similar concept

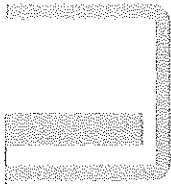


**Location Map**





**JOE'S ITALIAN ICE (PL130095)**



**formeTHIRD**

2510 North 11th Street  
Phoenix AZ 85006  
T 602 492 7545

formeTHIRD.com

TO:  
City of Tempe  
Planning Division  
31 East Fifth Street Tempe, Arizona 85281  
Phone: 480 350-8331

FROM (ARCHITECT):  
Robert Des Rosiers, AIA, LEED AP, Principal / formeTHIRD, llc  
2510 North 11th Street Phoenix, AZ 85006  
T 602 492 7545 E robert@formethird.com

PROJECT NAME:  
Renovations for Joe's Italian Ice & Ice Cream

PROJECT ADDRESS  
2019 S McClintock Drive Tempe AZ 85282

DATE: AMENDED:  
March 15, 2013 -

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**RE: Development Plan Review - Letter of Explanation**

The original Joe's Italian Ice & Ice Cream has become a critically acclaimed dessert-destination and proud contributor of the Garden Grove CA community; transforming a perpetually under-achieving commercial property into a success-story for over 10-years. This proposed project is the first Joe's Italian Ice & Ice Cream here in Arizona. To complement this great product the design team is proposing to introduce an iconic design that identifies with the concept and brand of enjoying the products offered at Joe's Italian Ice & Ice Cream while rehabilitating an under-utilized property in Tempe AZ.

**PROJECT DESCRIPTION:**

This project scope includes the exterior modification of an existing 3,506gsf commercial restaurant building. The modifications will update the vacant 1984 facility for use as a new location for Joe's Italian Ice & Ice Cream. The proposed use and zoning of the site will not change.

The scope includes a new awning system, new energy-efficient windows and doors and a new 288sf addition to accommodate the client's storage needs. Site improvements will include an expanded drive-through lane, an outdoor eating area and updated landscaping to complement the adjacent landscape areas. The existing curb-cuts, shared access drives and parking layouts/quantities will not be altered from the existing conditions.

Interior renovations have commenced under a separate building permit issued in December 2012.

Sincerely,

Robert Des Rosiers, AIA, LEED AP  
Principal / formeTHIRD, llc

Lesser, Sherri

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**From:** ROBERT DESROSIERS <robert@formethird.com>  
**Sent:** Thursday, May 23, 2013 9:42 AM  
**To:** Lesser, Sherri  
**Cc:** Mike Abeyta  
**Subject:** Re: Joe's Ice: Please Confirm DRC Date and Time

Sherri:

Thank you for providing the approval letter. We are in agreement on all stipulations with the exceptions noted below. The design will be adjusted to incorporate these mutually agreed-upon stipulations.

### **EXCEPTIONS**

We are requesting the following items are discussed at the upcoming Development Review Commission:

- *Item #16 - Lower the portions of the canopy signs to not extend above the cornice elements on the building. **The team is requesting that two awning marquee signs project 1'-11" above the existing parapet per the original design.***
- *Item #17 - Replace the light fixtures of the internally illuminated building canopies and provide fixtures which only illuminate cars and pedestrian areas below. The fixtures are to be shielded from view, directed down and must provide the minimum illumination levels for areas under the canopies per ZDC lighting regulations. **The team is requesting the awning is internally illuminated per the original design. See comment below regarding external illumination.***

We are requesting the following stipulations are eliminated at the upcoming Development Review Commission:

- *Item #18 - The canopies may be illuminated by an external secondary light source (i.e. Gooseneck fixture mounted above); the details such as fixture location, appearance and illumination levels may be submitted for review during building plan check process. **External illumination is not an option since a majority of the canopy is not directly attached to the building.***

Please confirm that these items will be addressed at the upcoming May 28, 2013 6:00pm DRC hearing. Let me know if you need any additional information.

Thank you,  
Robert

On Thu, May 23, 2013 at 3:45 AM, Lesser, Sherri <[sherri\\_lessor@tempe.gov](mailto:sherri_lessor@tempe.gov)> wrote:

Robert-

You probably thought I forgot our phone conversation....Murphy's Law every one of my home computers failed me so I had to return to my office in the wee hours to get this to you.....I really apologize for the delay and minimal review time. While completing the letter I had a thought which could be a solution for all by my last condition # 18 ; if my solution for illumination of the canopy is acceptable we may be able to forego a meeting?



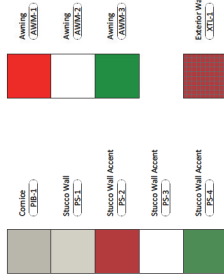




- a. Refer to cover sheet for DIVISION 01000 - GENERAL REQUIREMENTS
- b. These are the abbreviated keynotes. Refer to Building Keynotes on sheet "A2.0 - floor plan" for complete description of all noted items below.

- |   |  |
|---|--|
| [03] DIVISION 05000 - CONCRETE  |  |
| 03.01 New Concrete Foundations  |  |
| 03.02 Existing Slab-On-Grade (Interior)   |  |
| 03.03 New Slab-On-Grade (Interior)  |  |
| [04] DIVISION 06000 - METALS  |  |
| [NOTE] Refer to "Counterjoist" for structural steel framing locations.                          |  |
| [NOTE] Refer to "Fabricated Structures" (13000) and awning series "AW" for awning requirements. |  |
| 05.01 Roof Access Ladder  |  |
| [06] DIVISION 06000 - WOODS, PLASTICS AND COMPOSITES  |  |
| 06.01 Structural Framing and Sheathing  |  |
| 06.02 Architectural Millwork (Ordering Counter)   |  |
| 06.03 Architectural Millwork (Dosing Counters)  |  |
| [07] DIVISION 07000 - THERMAL AND MOISTURE PROTECTION   |  |

1. Refer to Finish Schedule for finish information

[illegible]

**3. SOUTH ELEVATION**

[illegible]

SCALE: 1:1

3/16"=1'-0" FOR ELEVATIONS. OTHERS AS NOTED

exterior renovations for **JOE'S ITALIAN ICE & ICE CREAM**





PROJECT:  
 RENOVATIONS FOR  
 JOE'S ITALIAN ICE & ICE CREAM  
 PROJECT ADDRESS: 2013 S. MCCLINTOCK DRIVE  
 GARDEN GROVE, CA 92647  
 OWNER:  
 MICHELETTA / PRESIDENT  
 13305 HARBOR BLVD  
 GARDEN GROVE, CA 92647  
 714.742.2074  
 1.MICHELETTA@GMAIL.COM  
 ARCHITECT:  
 ROBERT DES ROSENIERS, AIA  
 2525 N. 15TH STREET  
 PHOENIX, AZ 85008  
 602.944.8800  
 E. ROBERT@PDMCTHIRD.COM  
 GENERAL CONTRACTOR:  
 LODGE CONSTRUCTION  
 13305 HARBOR BLVD  
 GARDEN GROVE, CA 92647  
 PHOENIX, AZ 85008  
 602.944.8800  
 E. AGNUS@PDMCTHIRD.COM

Project location: 2013 S. MCCLINTOCK DRIVE TEMPL, AZ 85282  
 former THIRD project ID#13-012

REVISIONS  
 NO. DATE DESCRIPTION

DATE  
 PREPARED BY  
 DEVELOPMENT PLAN REVIEW  
 6/4/2013  
 2013.01.15



**a9.3**  
 PHOTOGRAPH OF EXISTING FACILITY (GARDEN GROVE, CA)