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## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION November 18, 2014

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

### Commission Present:

Paul Kent, Vice Chair  
Peggy Tinsley  
Trevor Barger  
Angie Thornton  
David Lyon, alt.  
Dan Killoren, alt.

### Commission Absent:

Dennis Webb, Chair  
Linda Spears  
Ron Collett  
Jerry Langston, alt.

### City Staff Present:

Ryan Levesque, Deputy Director  
Steve Abrahamson, Planning and Zoning Coordinator  
Diana Kaminski, Senior Planner  
Karen Stovall, Senior Planner  
Nancy Ryan, Project Manager  
Steve Nagy, Administrative Assistant II

Vice Chair Kent called the meeting to order at 6:00 p.m., introducing the Commission and City staff. It had been determined in the Study Session that the minutes from the 10/28/2014 Development Review Commission meeting, with changes, as well as items #3 and #5 could be placed on the consent agenda. Item #2 would be postponed until December 9<sup>th</sup> and item #4 would be heard.

### CONSENT AGENDA

#### 1. CONSIDERATION OF MEETING MINUTES: 10/28/2014

Commissioner Tinsley moved to approve both the Study Session and Regular Meeting Minutes from the October 28, 2014 meetings. The motion was seconded by Commissioner Thornton, and passed with a vote of 4-0, with Commissioners Barger and Killoren abstaining due to absence from that hearing.

#### 3. Request for Development Plan Review consisting of a new restaurant building for Chipotle/Mod Pizza within the **DISCOVERY BUSINESS CAMPUS – SITE 5 (PL140032)**, located at 2020 East Elliot Road. The applicant is Schick & Bruno.

Commissioner Tinsley moved to approve the case and the motion was seconded by Commissioner Barger, and passed with a vote of 6-0.

5. Request for a Planned Area Development, a Development Plan Review and four Use Permits for hotels, restaurants, bars and retail uses in the HID and GID Industrial Districts for **2100 RIO SALADO (PL140212)**, located at 2100 East Rio Salado Parkway. The applicant is Mike Withey, Withey Morris PLC.

Commissioner Tinsley moved to approve the case and the motion was seconded by Commissioner Barger, and passed with a vote of 5-0, with Commissioner Lyon abstaining for a conflict of interest.

### **REGULAR AGENDA**

4. Requests for a Use Permit allow a bar in the CC (City Center) zoning district and a Development Plan Review consisting of building and patio expansions and modifications to an existing restaurant, including exterior televisions, roll up windows, and a patio screen wall for **WHISKEY ROW (PL140295)**, located at 640 South Mill Avenue, Ste. 120. The applicant is Arthur VigilAV3 Design Studio.

Karen Stovall presented the item by reviewing the location of the site and the request details.

Commissioner Killoren asked Ms. Stovall which stipulations the applicant was requesting to be modified, to which she responded stipulations 5, 7, 10, 11, 12, 14, and 15. Staff can support the modification of stipulations 5 and 11. The applicant has agreed to leaving stipulation 12 as-is. This leaves stipulations 7, 10, 14, and 15 up for discussion. Staff is not opposed to additional televisions on the patios, but televisions were only shown on the south patio, so they are unaware of where else they are proposed.

The Commission discussed with staff the reclaimed wood elements on the proposed site, which staff explained they would rather not see. Ms. Stovall added that if wood elements were to be used, staff would prefer to see a higher quality, perhaps with a more polished look.

The Commission discussed the issue of limiting the volume on outdoor speakers and how such limits are enforced. Ryan Levesque explained to the Commission that the noise levels are included in zoning provisions, and maximum decibels allowed are included in stipulations.

With no other questions of staff, Vice Chair Kent called the applicant up.

Artie Vigil, Phoenix, approached the podium and presented more detailed renderings. He explained the typical clientele they are trying to appeal to, and what the image they are shooting for is. He reviewed the type of fake ivy they would be using and explained it is of a high quality. He went on to explain that they are in agreement with the zoning limits on speaker noise outdoors. Mr. Vigil then indicated that they would like to increase the number of televisions on site from 12 to 24, the locations of which can be worked on with staff.

Commissioner Barger then discussed how the reclaimed wood would be attached to the walls, in case another business was to occupy the space in the future and didn't want the wood paneling. Commissioner Barger also asked about the maintenance practices on the wood panels. The applicant responded that the wood is attached to metal studs, and easily removed. He also added that if any of the wood pieces are damaged or vandalized, they are replaced immediately. Ryan Hibbert, Scottsdale, then also approached the podium as the applicant, and further emphasized his group's maintenance standards.

The Commission then discussed the location and volume levels of the outdoor speakers, which Mr. Hibbert assured were mainly used for ambient sound. They also discussed the materials being used in the development, as well as the location of those materials. Responding to Commissioner Killoren, the applicant explained reclaimed wood is used in many other locations along Mill Avenue, and that they believe they are achieving the look that staff is referring to.

Commissioner Tinsley then proposed changes to stipulations #7, #10, #11, #12, #14, and #15 and moved to approve with the changes. Commissioner Barger added operating hours to be within 6am and 2am, and the motion was seconded by Commissioner Thornton.

Commissioner Lyon expressed support for the project, as did Commissioner Barger who also thanked staff for maintaining a higher standard of quality for the projects they reviewed. Commissioner Killoren also expressed support, and explained that although he was not initially supportive of the wood elements, he had been persuaded to be in support of it. Commissioner Thornton expressed that she thought the ivy that was proposed throughout the site was tacky. Vice Chair Kent expressed that he liked everything about the concept except for the ivy, and would like to see it completely removed.

Commissioner Tinsley then again amended condition #15 to remove ivy from the sign, and the roof of the patio, and to move it onto the east side of the west wall.

Vice Chair Kent, then amended condition #15 to have no ivy on any of the interior or exterior surfaces, just not the sign.

With those amendments made, Commissioner Tinsley's motion, seconded by Commissioner Thornton, passed with a vote of 6-0.

The meeting was adjourned at 7:30 p.m.

Prepared by: Steve Nagy, Administrative Assistant II

Reviewed by: Diana Kaminski, Senior Planner



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Diana Kaminski, Senior Planner