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## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION August 25, 2014

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

### Commission Present:

Dennis Webb, Chairman  
Paul Kent, Vice Chairman  
Peggy Tinsley  
Ron Collett  
Linda Spears  
Trevor Barger  
Angie Thornton  
Jerry Langston, alt.

### Commission Absent:

Dan Killoren, alt.

### City Staff Present:

Ryan Levesque, Deputy Director  
Steve Abrahamson, Planning and Zoning Coordinator  
Diana Kaminski, Senior Planner  
Sherri Lesser, Senior Planner  
Jaime Ortiz, Housing Services  
Steve Nagy, Administrative Asst. II

Chairman Webb called the meeting to order at 6:35 p.m., introducing the Commission and City staff. It had been determined in the Study Session that the minutes from the 08/12/2014 Development Review Commission meeting with corrections, and items #2, #3, and #5 could be placed on the consent agenda. Items #4, #6 and #7 would be heard.

### CONSENT AGENDA

#### 1. CONSIDERATION OF MEETING MINUTES:

08/22/2014

- Request for a Use Permit and Development Plan Review consisting of new restaurant building with a drive thru for **CARL'S JUNIOR RESTAURANT (PL140010)**, located at 1350 West Broadway Road. The applicant is Sun State Builders.
- Request for a Development Plan Review consisting of new office warehouse building for **AME ELECTRICAL CONTRACTING (PL140144)**, located at 7120 South Priest Drive. The applicant is Eric Liebson and Associates.
- Request for a General Plan Projected Residential Density Map Amendment from "Medium to High Density" (up to 25 du/ac) to "High Density" (up to 65 du/ac), a Zoning Map Amendment from R-4 to R-5, Multi-Family Residential High Density District, and a Development Plan Review consisting of an addition for a 30 unit three-

story building and recreation building for **EASTRIDGE APARTMENTS (PL140021)**, located at 1522 East Southern Avenue. The applicant is Lance Baker, Synectic Design Inc.

Chairman Webb asked if there were any members of the audience who wished to speak on the items being considered on the consent agenda. On a motion by Commissioner Tinsley and seconded by Commissioner Collett, the Commission approved the Study Session and Regular minutes from July 22, 2014, 2014 and voted to approve Items #2, #3 and #5 with a vote of 7-0.

### **REGULAR AGENDA**

4. Request for a Zoning Map Amendment from CSS to MU-4 and a Planned Area Development for development standards of density, building height, setbacks and parking for a new mixed-use development for **PONY ACRES (PL130191)**, located at 1847 East Apache Blvd. The applicant is Manjula Vaz of Gammage & Burnham, PLC.

Diana Kaminski began her presentation by introducing Jaime Ortiz, with the City of Tempe Housing Services, who would be providing translation services. Ms. Kaminski continued with identifying the location of the site.

Chairman Webb then interjected and stated he would prefer to hear the applicant explain what steps have been taken since the hearing the case was continued from to address the Commission's concerns.

Manjula Vaz, Gammage & Burnham, Phoenix, began her presentation by introducing Gabby Aguayo from the Tempe Community Council (TCC). Ms. Vaz explained that they had hired Gabby because she works for the TCC to help connect people to programs that can help them. Ms. Vaz also explained that Ms. Aguayo would be providing translation services for her.

Ms. Vaz went on to explain her presentation outline. She reviewed the site, current and proposed zoning, proposal overview, and proposed development schedule. Ms. Vaz also then went over the steps that had been taken since the hearing was continued from to address the Commission's concerns, which included reviewing the relocation assistance process.

Chairman Webb indicated to Ms. Vaz that he was interested in knowing whether or not the park tenants had been made aware of their options.

Ms. Vaz replied that Ms. Aguayo's role is to help the tenants along the way, so that they understand their options.

Commissioner Spears asked what options the tenants have if available assistance were to fall short. Ms. Vaz replied that bridge would have to be crossed upon the arrival of such a situation.

Chairman Webb then opened the hearing to public comment.

1. Dennis Gutenkauf, Tempe, expressed opposition to the project as the process lacks just compensation.
2. Elizabeth Lascarcz, Tempe, expressed opposition to the project.
3. Daniel Gutenkauf, Tempe, expressed opposition to the project as the tenants are being misinformed.
4. Phil Amorossi, Tempe, expressed support for the project.
5. Martin Overa, Tempe, expressed opposition to the project as not enough assistance was being offered.
6. Rocio Beltran, Tempe, expressed opposition, was unsatisfied with translation offered.
7. Juan Roberto Ramos, Tempe, expressed opposition to the project due to not enough compensation offered.
8. Magdalena Cowaif (sp?), Tempe, expressed opposition on account of not enough compensation offered.

9. Javier Rodriguez, Tempe, expressed concern over compensation for moving expenses.
10. Kate Hanley, TCC, Tempe, stated the role TCC could play in connecting tenants in need to services.
11. Patricia Martinez, Tempe, expressed opposition to the project.

Manjula Vaz introduced Neil Hanney, Mesa, AZ, who presented his experience in the mobile home industry. Mr. Hanney explained the process taken with the Pony Acres tenants up to this point, and although it may be traumatic, it happens, and people can work through it.

Commissioner Thornton asked Mr. Hanney if all of the homes could be moved. Mr. Hanney replied that as long as the mobile home retains its original structural integrity, it can be moved. He continued that this can only be determined on a home by home inspection which typically takes 6-8 weeks.

Mr. Hanney explained the process of relocation, and that homes can predominantly be moved.

Manjula Vaz committed to making the transition as easy as possible on everyone involved.

Chairman Webb then opened discussion among the Commission.

The Commission discussed other options and time limits on entitlements with Ms. Kaminski.

Commissioner Thornton recognized the efforts of the applicant to provide information to the residents about the process.

Commissioner Spears indicated concern that the PAD is being requested for approval without the Development Plan Review, and without assurances that this is not speculative.

Commissioner Collett stated that the project was appropriate for the site and the area.

Commissioner Tinsley moved to approve only the Zoning and not the PAD. Staff clarified that the two could not be split; the Mixed Use Four Zoning requires the PAD to establish the development standards. Commissioner Tinsley withdrew her motion.

Commissioner Collett made a motion to approve the request, Commissioner Barger seconded. With a vote of 4-3, the motion passed, with Commissioners Tinsley, Spears, and Vice Chairman Kent in the dissent.

Chairman Webb called for a 5 minute recess and the hearing reconvened at 8:45.

6. Request for a Zoning Map Amendment from CSS and R-4 to MU-4, Mixed-Use High Density District, a Planned Area Development Overlay, and Development Plan Review consisting of a new 5-story mixed-use development with 395 units for **THE HAYDEN AT DORSEY STATION (PL140078)**, located at 1221 East Apache Boulevard. The applicant is Charles Huellmantel, Huellmantel & Affiliates.

Ryan Levesque presented a review of the case details and read changes to the following conditions:

4. The maximum building height shall be sixty-five (65) feet, measured from midpoint top of sidewalk curb. This will exclude the architectural detail on the northeast corner which can reach 70 feet in height.

10. The development shall prepare, at the time of initial building permits, ready-to-use commercial space for tenant leasing. The permit submittal shall include, among other necessary improvements, the following: ~~commercial space equipped with air conditioning (HVAC); commercial cooking exhaust providing a shaft to ventilate to the roof; and a designated location for grease trap interceptor.~~ provide adequate roof space, evidence of roof structural support, and internal set lines for future adequate commercial space air conditioning (HVAC); provide a shaft to ventilate to the

roof for commercial cooking exhaust; and a designated location for potential grease trap interceptor if needed.

17. Maintain secure residential access control at pedestrian gates near Apache Boulevard and Spence Avenue, ~~with gate key pad~~. Provide access ~~codes~~ for Fire and Police.

18. ~~Designated dog run area shall limit any fence height near the sidewalk to a maximum 4' height, using decorative picket fencing. All other ornamental iron fencing shall be a minimum 6' 0" in height.~~ Applicant shall finalize details with Staff relating to the dog fence height and landscaping prior to submitting construction documents from building permits.

Mr. Levesque concluded his presentation by recommending approval.

Charles Huellmantel, Tempe, presented the project by reviewing the location, explaining the varying elevations, and how the architects have optimized the view of the project given the unique shape of the site. Commissioner Tinsley asked about the tenants of the existing apartment complex. Mr. Huellmantel explained that the leases will either end naturally or be bought out.

The Commission discussed landscape details, rents and the types of renters the apartments would attract with Mr. Huellmantel.

Chairman Webb then opened the hearing to public comment.

1. Michael Turnick, Tempe, expressed concern over tree line along property perimeter and utility lines.
2. Matthew Salinger, Tempe, expressed desire to see better transition from neighborhood to Apache corridor.
3. Al Viscitio, Tempe, expressed preference to limit commercial space from which he could hear noise at his home.

Mr. Huellmantel addressed the comments by explaining that the architects had designed the project to optimize desirable areas. Mr. Huellmantel also addressed an inquiry from Vice Chairman Kent regarding the east driveway.

After brief discussion amongst the Commission, Commissioner Tinsley made a motion to approve, which was seconded by Commissioner Collett, and with a vote of 7-0, the motion passed.

7. Request for a Code Text Amendment within the Zoning and Development Code for **ADAPTIVE REUSE PROGRAM (PL140262)**, consisting of relief in certain Code standards for the purpose of rehabilitating older commercial buildings. The applicant is the City of Tempe, Community Development Department.

Ryan Levesque presented by explaining what the code changes being proposed were. He also explained the process taken to arrive on the changes being proposed, as well as the future steps that would be taken to implement the changes.

Vice Chairman Kent, requested clarification on the 5,000 sq. ft. limits, which Mr. Levesque explained, and agreed that the language explaining the limit would be clarified.

The Commission discussed other details of the code changes with Mr. Levesque.

With no further questions of staff, the Commission discussed the item amongst themselves.

Commissioner Spears then made a motion to approve with proposed language changes, which was seconded by Commissioner Tinsley, and with a vote of 7-0, the motion passed.

The meeting was adjourned at 9:45 p.m.

Prepared by: Steve Nagy, Administrative Assistant II  
Reviewed by: Diana Kaminski, Senior Planner

A handwritten signature in dark ink, appearing to read "Diana Kaminski", written in a cursive style.

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Diana Kaminski, Senior Planner