

## Minutes of the Development Review Commission January 12, 2016

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

**Present:**

Paul Kent – Chair  
Trevor Barger- Vice Chair  
Linda Spears- Commissioner  
Gerald Langston- Alt. Commissioner  
David Lyon- Commissioner  
Thomas Brown- Commissioner  
Andrew Johnson- Commissioner  
Daniel Killoren- Alt. Commissioner

**City Staff Present:**

Ryan Levesque, Dep. Comm. Dev. Dir. - Planning  
Suparna Dasgupta, Principal Planner  
Diana Kaminski, Sr. Planner  
Sarah Adame, Comm. Dev. Admin Assistant II+

**Absent:**

Margaret Tinsley- Alt. Commissioner  
Thomas Brown- Commissioner

**Number of Interested Citizens Present: 5**

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Hearing convened at 6:00 p.m. and was called to order by Chair Paul Kent.

**Consideration of Meeting Minutes:**

- 1) Study Session 11/10/2015
- 2) Regular Meeting 11/10/2015

**MOTION:** Vice Chair Barger motioned to approve Study Session and Regular Meeting minutes for 11/10/2015  
Seconded by Commissioner Langston

**VOTE:** Approved 5-2 with Commissioner Killoren and Commissioner Johnson in abstention

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**THE BOARD DISCUSSED THE FOLLOWING CASE(S):**

- 3) Request for a Preliminary Subdivision Plat for **FARMER ARTS DISTRICT – PARCEL 2 (PL150504)**, located at 401 South Farmer Avenue. The applicant is Charles Huellmantel, Huellmantel & Affiliates.

Commissioner Johnson recused himself from item number #3 Farmer Arts District – Parcel 2 (PL150504) as he is employed with SRP.

Chair Kent advised the applicant, Mr. Huellmantel that there are six Commissioners present for the meeting and Mr. Huellmantel may request another meeting date if he wishes that all seven commissioners to be present for his case. Mr. Huellmantel expressed that he did not have any concern with having six Commissioners present for his case.

**Case presentation by staff, Mr. Ryan Levesque**

Mr. Levesque explained that this parcel will consist of a future development on Lot 1 of this plat and Tract A will be used for open space and landscaping. This site is located on the northeast corner of Farmer Avenue and 5<sup>th</sup> Street. The lots will have access to a public street and meet the technical standard of the Tempe City Zoning and Development Code.

**PUBLIC COMMENT: 1**

Ms. Monica Michelizzi, Esq. on the behalf of Salt River Project (SRP) spoke regarding the Farmer Arts District Plat. She stated that SRP would like to make a note on record that they hold an easement within the Plat. The easement has been recorded since 1968 and it has 230kv power lines that are continuously operating at this location. SRP would like to continue having their rights for the operation and maintenance of those power lines on the easement as the easement is not shown on the plat, as presented. Ms. Michelizzi informed the Commission that SRP had submitted a letter to the City of Tempe requesting that the easement be shown on the plat.

**Questions from the Commission:**

Vice Chair Barger asked Ms. Michelizzi if the easement is public or private. Ms. Michelizzi answered that the easement is private property that was granted in 1968. It is not a public utility easement.

Chair Kent asked how does this effect the Plat and Mr. Levesque advised that the letter from SRP was received and there have been meetings with representatives from SRP. Staff will work with SRP to address the easement and discuss the language as described for the recorded document.

**Applicant Response:**

Vice Chair Barger asked Mr. Huellmantel if there is anything in question about the private easements. Mr. Huellmantel replied that this is a special request from SRP as private easements are not typically shown in a subdivision plat but he is willing to continue to work SRP to solve the issue.

**MOTION:** Vice Chair Barger motioned to approve Farmer Arts District Plat – Parcel 2 (PL150504) as presented by staff.

Seconded by Commissioner Spears

Commissioner Lyon asked in what ways, if any, will SRP be bound, by this. Mr. Levesque advised that the City and the developer had looked at this and will take the necessary steps in addressing and responding to the easement language as identified. The easement issue can be addressed when a development is proposed on this parcel.

Commissioner Killoren stated that since he is employed by SRP he will recuse himself from voting on this item.

**VOTE:** Approved 5 - 0 with Commissioner Anderson and Commissioner Killoren abstaining.

**DECISION:** Request for a Preliminary Subdivision Plat for **FARMER ARTS DISTRICT – PARCEL 2 (PL150504)**, located at 401 S Farmer Avenue is approved.

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4. Request for an Amended Planned Area Development Overlay and Development Plan Review for two new 23-story buildings consisting of a mixed-use 551-unit multi-family with retail and restaurant uses, and a Use Permit to allow tandem parking for **THE PIER (PL150426)**, located at 1190 East Vista Del Lago Drive. The applicant is Darin Sender, Sender Associates Chtd.

Ms. Kaminski presented the location of the project and its surrounding locations. She discussed the site plan review, parking, landscape plan, elevations and rendering. Ms. Kaminski advised that she did not receive any public calls.

**Commission Questions:**

Vice Chair Barger commented on the large turnaround area on the site plan for large trucks. Ms. Kaminski advised that it is on the west side for refuse and fire access.

**Case presentation from the Applicant, Daren Sender, Attorney**

Ms. Senders introduced her team, Rob Fransway, John Kane, Marc Beyer, and Tom Reilly.

Ms. Senders presented the project including the key design components, walkability and connectivity as well as the sustainability principles that are being used for this project. Ms. Senders mentioned two stipulations that she is proposing modifications to. The first is number #13E4 under building elevations. The applicant would like it to say, "Mechanical screening shall be" and eliminate "metal grading on steel frame" thus to read, "Mechanical screening shall be finished in natural or silver color, not white". This is for flexibility and currently it is limiting to only steel frame. The second stipulation is number #13E27 under building elevations. The applicant would like to be able to add at the end of the sentence, "or partially screened if cooling towers finished in a compatible exterior material".

**Presentation from John Kane, Architect:**

Mr. Kane presented the key architectural details of the design components including the renderings of the towers, grand entry, garage entrance, and the active four-sided retail all the way around the project. He reviewed the views of the towers from the lakeside and from the bridge connecting the two towers. Mr. Kane describe that each unit has 10 feet from floor to ceiling glass sliders and the planters are part of the balconies. The deep balconies will provide the shade. The glass will go all the way around the buildings and separated by a transition glass partition to separate the units and an access door for maintenance.

**Presentation from Marc Beyer, Architect and Design:**

Mr. Beyer presented an overview of the landscape plan proposed for the project that includes a unique plant palette including edible plants.

Chair Kent asked why the Pastiche tree was proposed when the master plan for Pier 202 calls out Ash trees. Mr. Beyer explained that the Pastiche has unique qualities with changes in the season and providing shade.

Chair Kent asked if the all the green spaces on the landscape plan were grass or artificial. Mr. Beyer explained that it was real plants for ground cover and that no artificial turf is proposed in the project. On the roof top are real plants of many different varieties and between the plants will be decomposed granite (DG) and mulch.

Mr. Kane explained that the roof will have 18 inches of soil in order for the plants to grow. There will be DG between that but once the plants start growing it will cover over the DG.

Chair Kent wanted to confirm that there is a set density for plants in this plan so that it would provide the same effect as depicted in the landscape plan. Mr. Beyer confirmed it.

Commissioner Spears asked how they will have access through the residential units to get to the plants. Mr. Kane explained that there is screening between the units that are doors. Maintenance can go around the exterior of the building through these doors to maintain the balcony gardens.

Vice Chair Barger wanted to know how the maintenance gardeners will access the outer ring. Mr. Beyer advised currently planned through one of the units.

Commissioner Lyon asked for more details on managing and maintaining the complex landscape plan proposed. Mr. Fransway responded that it would all be managed through a local landscape company that specializes in this kind of landscaping.

Chair Kent clarified some other details of the landscape plans with Mr. Fransway such as path ways, locations of trees and plants and locations of DG between plants and trees.

Commissioner Lyon asked Mr. Fransway how the watering system for maintaining the landscaping would work. Mr. Fransway explained there would be water tanks installed as well as possibility of collecting and using grey water.

Chair Kent asked about the phasing of the project and his concern about building of the first tower and what if the second tower did not get built as a result of some other factors such as the economy. Chair Kent was informed by the applicant that the first phase would include all of the underground parking and one of the towers. The applicant did not provide details of the timing of the first phase at the meeting.

Vice Chair Barger clarified that the Commission is asking for clarification on the phasing and what would be constructed as part of the various phases. Mr. Kane and Mr. Fransway provided detailed explanation of what portions of the building would be constructed in each of the phases including the refuse collection plan.

Vice Chair Barger raised concern regarding the viability of white structures for purposes of long term maintenance and its potential deterioration as a result of watering of the hanging plants. The applicant explained the mechanism by which the plants would be watered and discharge any excess rain water.

Chair Kent asked the applicant to clarify that the trellis shown in the renderings would also be real plants. The applicant confirmed it.

The applicant mentioned that he was working with Flood Control District of Maricopa Count to seek permit to also construct a pier over the Town Lake.

Chair Kent was concerned about the proposed glass front design of the retail spaces. Commissioner Spears commented that she liked clean lines on the retail. It's very urban looking with the signs at the pedestrian level. The applicant provided details of the retail area including the sandstone panels.

Commissioner Lyon stated that he really likes the project and all of the thought, care, and planning that has gone into this project. Commissioner Lyon commented on the design of the building and his concern about the vertical termination at rooftop. He wants some articulation that differentiates the body and the top.

Commissioner Johnson asked if the tandem parking was to minimize the parking or an amenity for the residences. Mr. Fransway explained that the tandem parking was to maximize the parking. He explained that the tandem is extra space for residents to store other vehicles, boats, and more.

Commissioner Langston asked if staff could advise regarding density on this project. Ms. Kaminski advised that this site is within the high density range of the General Plan.

**PUBLIC COMMENT: 1**

Ms. Megan McCuskey, Tempe resident, was concerned about this project being sustainable. She was also concerned about retail at Tempe Town Lake competing with the businesses already struggling in the Mill Avenue

area. She was also concerned about the high rent, lack of affordable rental units and the increasing cost of living in Tempe.

**PUBLIC COMMENT: 2**

Ms. Sarah Rich, Tempe resident, was concerned about the density and the highest rents in the valley. She was also concerned about the increased traffic and that the current infrastructure does not support the additional traffic that this project would add. Another concern she had was that the rental price is disproportionately high as compared to the demographics and income of the current population residing within the 85281 zip code and building luxury condos would raise that price point even higher.

**PUBLIC COMMENT: 3**

Ms. Cathie Mancini, Tempe residents, is concerned about that this project does not represent Arizona. Tempe does not have enough affordable housing, no grocery store in the downtown, sustainability of the water and plants at this project, and the traffic problems.

**PUBLIC COMMENT: 4**

Dustin Short, Tempe resident, is concerned about the sustainability of the vegetation proposed for the project and the reflectivity issue in a desert environment with the amount of glass proposed for the building. He shared his concerns regarding affordable housing in Tempe and that these kinds of projects are driving the Tempe residents out of the City.

**PUBLIC COMMENT: 5**

Philip Yates, Tempe resident, is concerned about the total cost of the project and the density proposed. He is 5<sup>th</sup> generation Tempe resident and does not support the project. He is opposed to the white color proposed and the maintenance cost related to it. He was also concerned about a phased project of this magnitude and whether it would actually get built.

**Applicant Response:**

Chair Kent reviewed the phasing of the project with Ms. Senders as well as the landscape plan and building colors and materials proposed for the project.

Chair Kent also clarified with the applicant regarding the proposed landscape palette and sustainability of such plants in the desert environment as well as if a traffic study was conducted for this project. The applicant confirmed that a traffic study was provided to the City.

**Discussion from the Commission:**

Commissioner Spears informed the general public in the audience that there is a fee to live on the lake and that fee is used towards maintenance of the lake. Additionally, she commented that there are no restrictions in the City of Tempe to require affordable housing as part of new developments but that is a policy question for City Council to address.

Vice Chair Barger referenced Market Rate Housing as a better terminology than Affordable Housing. He addressed the members in the audience who spoke and said he understands the concern of the residents regarding affordability of housing in Tempe and the issue of traffic congestion within the downtown area. Vice Chair Barger added that he is still concerned about use of white color on this project. He does appreciate the level details in this project.

Commissioner Spears asked staff if they were agreeable with the changes to the conditions as requested and Ms. Kaminski answered yes, they are.

**MOTION:** Commissioner Spears motioned to approval for **THE PIER (PL150426)**, with the modified to the stipulations as discussed.

13. E-4 Mechanical screening – ~~metal grating on steel frame~~ finished in a natural or silver color metal (~~aluminum/silver~~), not white (REQUESTED MODIFICATION BY APPLICANT RECOMMENDED FOR APPROVAL BY DEVELOPMENT REVIEW COMMISSION)

E-27 Mechanical cooling towers identified on elevations to be fully screened, or ~~partially screened if cooling tower is finished in a compatible exterior material~~. (REQUESTED MODIFICATION BY APPLICANT RECOMMENDED FOR APPROVAL BY DEVELOPMENT REVIEW COMMISSION)

Seconded by Commissioner Killoren

Chair Kent commented that he prefers an Ash tree. Ms. Kaminski stated that in condition 24 it indicates that there will be an Ash tree unless the Master Plan for Pier 202 allows a comprehensive change to the pallet.

Commissioner Killoren expressed that this is an iconic and beautiful building. It will be one of the most striking buildings on the lake. He does appreciate all the public comments. He stated that the lake is truly an evolution in the urban forum here in the Valley. He appreciates the green elements and the maintenance.

**VOTE:** Approved 7-0

**DECISION:** The request for an Amended Planned Area Development Overlay and Development Plan Review for two new 23-story buildings consisting of a mixed-use 551-unit multi-family with retail and restaurant uses, and a Use Permit to allow tandem parking for **THE PIER (PL150426)**, located at 1190 East Vista Del Lago Drive has been recommended approval with stipulation changes.

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**Staff Announcements:**

Suparna Dasgupta reviewed the next Study Session and Regular Agenda for January 26, 2016.

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**There being no further business the meeting adjourned at 8:24 pm.**

Prepared by: Sarah Adame  
Reviewed by: Suparna Dasgupta



Suparna Dasgupta, Principal Planner, Community Development Planning