

Minutes of the Development Review Commission February 9, 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
Angela Thornton- Commissioner
David Lyon- Commissioner
Thomas Brown- Commissioner
Peggy Tinsley – Alternate Commissioner
Gerald Langston – Alternate Commissioner

City Staff Present:

Ryan Levesque – Deputy Comm. Dev. Director - Planning
Suparna Dasgupta – Principal Planner
Karen Stovall – Senior Planner
Sarah Adame – Comm. Dev. Administrative Assistant II+
Steve Abrahamson – Principal Planner

Absent:

Andrew Johnson - Commissioner
Linda Spears - Commissioner
Daniel Killoren – Alternate Commissioner

Guests: None

Hearing convened at 6:09 p.m. and was the meeting was called to order by Chair Paul Kent.

Consideration of Meeting Minutes:

1) Study Session 01/12/2016

MOTION: Motion made by Vice Chair Barger to approve Study Session minutes for 01/12/2016. Seconded by Commissioner Langston.

VOTE: Motion passes 5-0 with two (2) abstentions.

2) Regular Meeting 01/09/2016

MOTION: Motion made by Vice Chair Barger to approve Regular Meeting minutes for 01/12/2016. Seconded by Commissioner Langston.

VOTE: Motion passes 4-0 with three (3) abstentions.

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

- 3) Request for a Development Plan Review for three new duplex buildings for **FRIENDSHIP VILLAGE TEMPE COTTAGES – PHASE 1 (PL150520)**, located at 2645 East Southern Avenue. The applicant is RSP Architects.
- 4) Request for a Development Plan Review for a new 3,583 sq. foot office building for **INSEARCH CORP. (PL150483)**, located at 8845 South Hardy Drive. The applicant is Realty Asset Advisors.
- 9) Request for an Amended Planned Area Development Overlay to allow for the number of units to increase from 395 to 399 due to the reconfiguration of four 2-bedroom units into eight 1-bedoom units for **THE MOTLEY**

(PL150521), a mixed-use development located at 1221 East Apache Boulevard. The applicant is Charles Huellmantel, Huellmantel & Affiliates.

MOTION: Motion made by Vice Chair Barger and Seconded by Commissioner Tinsley to approve Consent Agenda to include:

FRIENDSHIP VILLAGE TEMPE COTTAGES – PHASE 1 (PL150520)
INSEARCH CORP. (PL150483)
THE MOTLEY (PL150521)

VOTE: Motion passes 6-1 with Commissioner Lyon in opposition.

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

- 5) Request for a Reversion of the Zoning Map Amendment for **2150 SOUTHERN CAMPUS MASTER PLAN (PL150462)** consisting of 192,156 sq. feet of development on 8.87 acres, located at 2150 East Southern Avenue, from current Zoning District of MU-2 Mixed Use Medium Density with a Planned Area Development (PAD) Overlay District to R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential Districts (original zoning) with existing uses of church and online school with offices to remain. The applicant is the City of Tempe.

PRESENTATION BY STAFF:

Suparna Dasgupta, Principal Planner, provided a brief description of the case including the location of the site, the current zoning of the property and the original zoning districts to which the project site would revert back to with the current used of the church and the online educational institute to operate.

DISCUSSION BY THE COMMISSION:

Chairman Kent announced that Commissioner Brown is recusing from voting on this item.

Vice Chair Barger asked staff for clarification stating that the reversion is of the 2009 development that was approved by the City but was never constructed and that the property would revert back to its original zoning district and vested rights to develop or stay as a non-conforming use under that specific zoning district. Staff confirmed.

Chairman Kent raised his concerns in general regarding all of the reversion cases that the process is confusing and that there are certain uses on these properties currently that may not be desirable for the area, specifically, for the cases where the zoning district is reverting back to GID (General Industrial District).

Vice Chair Barger stated that he supports the reversion since the action, in effect, is not an approval of a new development, but to keep the original zoning and the uses as it existed in the City.

PUBLIC COMMENTS: NONE

MOTION: Motion made by Commissioner Langston and Seconded by Commissioner Tinsley to recommend approval of the zoning reversion of **2150 SOUTHERN CAMPUS MASTER PLAN (PL150462)**.

VOTE: Motion passes 6-0 with Commissioner Brown abstaining.

- 6) Request for a Reversion of the Zoning Map Amendment for **501 WEST 1ST (PL150467)** consisting of 15,312 sq. feet of development on 0.36 acres, located at 501 West 1st Street, from current Zoning District of MU-3 Mixed Use Planned Area Development (PAD) Overlay District to GID General Industrial District (original zoning). The applicant is the City of Tempe.

PRESENTATION BY STAFF:

Suparna Dasgupta, Principal Planner, provided a brief description of the case including the location of the site, the current zoning of the property and the original zoning districts to which the project site would revert back to.

DISCUSSION BY THE COMMISSION:

Chairman Kent voiced his concern that reverting this property back to GID (General Industrial District) from the current zoning of MU-3 Mixed Use District may not be a desirable use for this area.

Vice Chair Barger asked staff whether the use under the GID zoning district is appropriate for the area. Staff clarified that it would be a legally allowed use and someone can still operate an industrial use if it is reverted back to GID. Staff also clarified that if a new development is proposed, it would require evaluating for conformance with the General Plan or an amendment to the General Plan.

Ryan Levesque, Deputy Community Development Director - Planning, clarified that if a legal non-conforming use stays dormant for one (1) year, the property loses its legal non-conforming status per the City of Tempe Zoning and Development Code (ZDC).

Vice Chair Barger asked staff to confirm whether the reversion would allow for an industrial use to occur. Staff confirmed that industrial use can occur with the approval of the zoning reversion.

Commissioner Tinsley clarified that if the zoning on the property is reverted, and someone wants to use the property it stands right now, that is allowed. But if any change is requested, whether it is a change in the General Plan or some other form of development application, it will require an approval by the City. Staff confirmed that is the case.

Vice Chair asked if the property is currently enclosed and if there are any screening requirements since any kind of storage of vehicle or other equipment are allowed in GID. Staff confirmed that screening is required.

PUBLIC COMMENTS:

There was one (1) public comment.

Mr. Philip Yates, resident of Tempe and President of the Riverside Neighborhood Association, spoke on the case. Mr. Yates stated that it has been difficult to have any communication with the property owner of 501 West 1st during his petition to close Roosevelt Street and request for property owner's signature. Mr. Yates stated that development on 1st Street has become dense and is causing traffic issues.

Chairman Kent explained to Mr. Yates that the case in front of the Commission is to revert back to a previously approved development plan for a mixed use development back to its original industrial use and that the Commission is not approving a new development or zoning on this property.

Commissioner Lyon further explained to Mr. Yates that there are two options for the Commission to consider. One would be to do nothing and in that case the mixed use designation and the development previously approved stay OR revert it back to the original zoning district to allow the industrial use, which would require the property owner to start a new process with the City. He asked Mr. Yates which action he is in support of. Mr. Yates stated he is in support of the industrial use.

Chairman Kent confirmed with staff that the property owner is okay with the reversion hearing initiated by the City.

Commissioner Lyon asked Chairman Kent if the Commission has any choice regarding not reverting the zoning. Chairman Kent stated that the Commission can chose to deny the request made by staff.

Vice Chair Barger reminded the Commission that it is the recommending body to City Council for this action item.

MOTION: Motion made by Commissioner Tinsley and Seconded by Commissioner Langston to recommend approval of zoning reversion of **501 WEST 1ST (PL150467)**.

VOTE: Motion passes 6-1 with Vice Chair Barger in opposition.

- 7) Request for a Reversion of the Zoning Map Amendment for **800 WEST (PL150468)** for four townhouse developments on approximately 0.24 acres, located at 800 West University Drive, from current Zoning District of R-4 Planned Area Development (PAD) Overlay District to R-4 Multi-Family Residential District (original zoning). The applicant is the City of Tempe.

PRESENTATION BY STAFF:

Suparna Dasgupta, Principal Planner, provided a brief description of the case including the location of the site, the current zoning of the property and the original zoning districts to which the project site would revert back to.

DISCUSSION BY THE COMMISSION: NONE

PUBLIC COMMENT: NONE

MOTION: Motion made by Vice Chair Barger and Seconded by Commissioner Brown to recommend approval of zoning reversion of **800 WEST (PL150468)**.

VOTE: Motion passes 7-0

- 8) Request for a Reversion of the Zoning Map Amendment for **LEMON MIXED USE DEVELOPMENT (PL150469)** consisting of approximately 694,000 sq. feet of development on 5.73 acres, located at 919, 1011 and 1019 East Lemon Street from current Zoning District of MU-4 Mixed Use Planned Area Development (PAD) Overlay District and Transportation Overlay District (TOD) to R-4 TOD Transportation Overlay District and CSS Commercial Shopping and Service Transportation Overlay District (original zoning). The applicant is the City of Tempe.

PRESENTATION BY STAFF:

Suparna Dasgupta, Principal Planner, provided a brief description of the case including the location of the site, the current zoning of the property and the original zoning districts to which the project site would revert back to with the existing use of the multi-family residential development to remain.

DISCUSSION BY THE COMMISSION

Vice Chair Barger confirmed with staff that the previously vested non-conforming use can legally exist on this property as long as the use has not been abandoned for more than a year.

MOTION: Motion made by Commissioner Langston and Seconded by Commissioner Thornton to recommend approval of zoning reversion of **LEMON MIXED USE DEVELOPMENT (PL150469)**.

VOTE: Motion passes 7-0

Staff Announcements:

Suparna Dasgupta informed that the decision of the Commission regarding the appeal of the Hearing Officer's decision of the Verizon Cell Tower is being appealed to City Council.

The meeting adjourned at 6:45pm.

Prepared by: Suparna Dasgupta



Suparna Dasgupta, Principal Planner, Community Development Planning