

Minutes of the Development Review Commission June 14, 2016

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

Present:

Chair Paul Kent
Vice Chair Trevor Barger
Commissioner Linda Spears
Commissioner Lyon
Commissioner Brown
Commissioner Angela Thornton
Alternate Commissioner Margaret Tinsley

City Staff Present:

Ryan Levesque, Dep Com Dev Dir - Planning
Suparna Dasgupta, Principal Planner
Diana Kaminski, Senior Planner
Karen Stovall, Senior Planner
Sarah Adame, Admin. Assistant II+

Absent:

Commissioner Johnson
Alternate Commissioner Gerald Langston
Alternate Commissioner Daniel Killoren

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

Consideration of Meeting Minutes:

- 1) Study Session April 12, 2016
- 2) Regular Meeting April 12, 2016

Motion: Motion made by Commissioner Thornton to approve Study Session and Regular Meeting minutes for April 12, 2016 and second by Commissioner Spears.

Vote: Motion passes 5-0 approved

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

- 3) Request for a Development Plan Review for a new four-story, 300 unit multi-family developments for **THE GRAND AT PAPAGO PARK CENTER – PHASE 2: BROADSTONE AT THE GRAND (PL160098)**, located at 1003 West Washing Street. The applicant is ORB Architecture, LLC.

MOTION: Motion made by Vice Chair Barger to approve The Grand at Papago Park Center – Phase 2: Broadstone at the Grand (PL160098) and seconded by Commissioner Thornton.

VOTE: Motion passes 7-0

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

- 4) Request for a Development Plan Review and Use Permit Standard for increased building height for a new nine-unit apartment building and existing single family house for **SMITH ROAD APARTMENTS (PL150372)**, located at 940 S. Smith Rd. The applicant is Fred Woods.

PRESENTATION BY STAFF:

Diana Kaminski, Senior Planner provided a brief description of the case including the location of the site, the history, the current zoning of the property with aerial, elevations, and landscaping plans. Ms. Kaminski pointed out that the applicant is requesting for a building height increase to accommodate modifications to the building elevations, massing and the roof line to the proposed projects plans to keep an existing house on the property and add a new nine (9) unit multi-family building. Ms. Kaminski stated that the applicant would like to discuss conditions # 9 and #12 with the Commission.

Commissioner Thornton asked Ms. Kaminski why it is a challenge to landscape the south side of the property. Ms. Kaminski advised that there is an underground water utility easement that prevents putting trees on the south side. The applicant will provide shrubs and ground cover. Ms. Kaminski also clarified that there is not enough space on the north side to plant trees because the residents' vehicles will be pulling right up to the wall. There is a 2 foot landscaping area where they can provide some vertical vines. There will be shade canopy on that north side.

Vice Chair Barger asked Ms. Kaminski whether there is a possibility of planting trees with root barriers and Ms. Kaminski advised that there is not enough room. There is 16-foot requirement for root barrier.

Chair Kent asked for clarification about the black areas on the plans. Ms. Kaminski explained that the black areas are proposed as turf areas and that there are trees proposed along Smith Rd.

Commissioner Brown asked a clarifying question about parking islands and landscaping requirements where covered parking is proposed on a site.

PRESENTATION BY APPLICANT:

Fred Woods with Woods Associates of Architects spoke about this project. He introduced the owners of this project; Todd and Don Kenny whom are present. Mr. Woods advised that they are in agreement with all the stipulations in the staff report except for conditions #9 and #12. Mr. Woods explained that they do not think that adding a masonry wainscot on all four sides of the existing dwelling unit and on the new building is effective to their design. They think it is just be added as a decoration to the building. The applicant is requesting for the Commission to remove this condition #12. The applicant stated that they are requesting for the Commission to remove condition #9 which is requesting that the storage units be incorporated into each unit. The applicant stated that the storage units are being provided for bicycle storage and they are going to be in a secured area.

Chair Kent asked the applicant to explain where the storage units are and how this will be accessed by the residents. The applicant described the tenants' access, view panel, lighted areas, and location of the storage areas. All tenants will have the same accesses on each floor.

Commissioner Brown asked about the number of dwelling units and the number of bicycle storage provided. The applicant confirmed that there are 10 dwelling units and that there could be more than 1 bike per dwelling unit.

Vice Chair Barger wanted to know about the method of security for the storage units. The applicant described that it would be a key and lock or a card swipe system and it will be a tenant access only.

Vice Chair Barger showed concern regarding the landscape plan as proposed and if there are other better options for landscaping. The applicant explained that there are other options for more landscaping but that would reduce parking spaces which would be less than required for parking or less units on the site.

Mr. Kenny, the General Manager, briefly described that they plan to own and maintain the building. They are providing moderately priced units compared to the apartments on University Drive. This project is located on the orbit route and would be student friendly.

Commissioner Thornton asked the applicant to clarify if there would be additional rental charge for the storage units in addition to the dwelling units. The applicant stated yes. Commissioner Thornton asked if there were renters in the existing home on the property. The applicant explained yes, there are renters living in the house and that the house has been rehabilitated.

Commissioner Tinsley asked the applicant if they are going to be painting the house the color of the building to match. The applicant replied yes. Commissioner Tinsley asked staff to clarify the stipulation about incorporating the bicycle storage within the units and address the concerns that staff has regarding the design of the storage units. Ms. Kaminski clarified that the designs of these storage rooms are for any individual who is renting by the room but the floor plan design is not family-friendly. The units are designed with four bedrooms but there are no dining rooms or master bedrooms. In addition, there is a security concern by the Police Department about the narrow corridor that accesses the storage units.

Chair Kent inquired about the trees and landscaping on the west. The applicant described that there are trees on the west side. The applicant explained that with having trees means there will be mud and to avoid mud they would like to have open turf area with foot shrubs and a border around. Chair Kent asked about the parking spaces on the south side of the lot and how does that meet the grass area. The applicant advised that it's just a curb and an overhang.

PUBLIC COMMENT: NONE

Commissioner Lyon expressed that he is concerned about the layout of the storage units. He is also aware that there is a concern about security and safety. Commissioner Lyon expressed that he would feel a lot better if the units could open on to the stairs landing of the balcony. As for the concern of the wainscoting, he does not feel that this project needs it.

Chair Kent asked Ms. Kaminski where would the wainscoting be located on the project and Ms. Kaminski replied that it would be on the east elevation below the window level with alignment along the underside of the window and wrapping around the north elevation.

Commissioner Tinsley expressed that she does not love this project. The applicant did make a pretty good case for it and there are a few things about it that she does like. She likes the solar array. She hopes that the applicant would take a look at what Mr. Lyon has proposed that would provide better access between the dwelling units and the storage area.

Commissioner Thornton expressed that she does not like this project either. Commissioner Thornton does like that the applicant stated that his family will be keeping this project and maintaining it themselves. She does agree that the storage units should be connected to the apartments. As for the wainscoting, she does not think that it is necessary.

Commissioner Brown expressed there could be a little more effort to break up the project, work the site and not have a boxed designed project. He does not like the shape of the project at this time and does not think that adding wainscoting would help. He stated that this is not a good design.

Commissioner Spears stated that she is offended that the applicant said that this neighborhood deserves this building because she knows that no neighborhood deserves this building. She does not like the design and thinks it looks like an institution. Commissioner Spears expressed that the storage unit access is dangerous and that she does not like the project.

Vice Chair Barger expressed that he likes that the owner wants to keep the house on the property which is unusual. He appreciates that the applicant is trying to provide affordable student housing. He feels challenged understanding how the living space is supposed to work for the students.

Chair Kent expressed that he understands that the applicant is trying to keep the house there but it does not seem to fit. It would be a better project if the house was not there and would be able to do more with the project. Chair Kent

expressed that he understands the need for the storage area but the design of it does not work. As for the wainscoting, he is not concerned about it. Chair Kent also stated that this project is taller than most buildings around the area and probably should be more integrated with the surrounding area. He feels that this project is not complete.

Commissioner Tinsley asked if the applicant would consider a continuance and the applicant replied no.

MOTION: Commissioner Tinsley motioned for the approval of the request for a Development Plan Review and Use Permit Standard for increased building height for a new nine-unit apartment building and existing single family house for **SMITH ROAD APARTMENTS (PL150372)**, located at 940 S. Smith Rd without conditions #9 and #12 and seconded by Vice Chair Barger.

VOTE: Motion fails 1 – 6

MOTION: Vice Chair Barger motioned for the approval of the request for a Development Plan Review and Use Permit Standard for increased building height for a new nine-unit apartment building and existing single family house for **SMITH ROAD APARTMENTS (PL150372)**, located at 940 S. Smith Rd removing the condition for wainscot (condition #12) and add a stipulation to continue to work with staff on floor plans and storage would remain.

VOTE: Motion fails 3-4

MOTION: Commissioner Spears motioned for the denial of the request Development Plan Review and Use Permit Standard for increased building height for a new nine-unit apartment building and existing single family house for **SMITH ROAD APARTMENTS (PL150372)**, located at 940 S. Smith Rd and seconded by Commissioner Brown.

VOTE: Motion passes 4-3

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5. Request for a Code Text Amendment consisting of changes within the Zoning and Development Code Section 3-401 and adding a new subsection E for **NEIGHBORHOOD LIBRARIES (PL160180)**. The applicant is the City of Tempe.

PRESENTATION BY STAFF:

Ryan Levesque, Deputy Director of Planning, provided a brief presentation. The Neighborhood Libraries is a proposed text amendment to the ordinance. This is a proposal that was presented by City Council work study group and initiated by Councilmember Granville and Councilmember Schapira. Mr. Levesque stated that there have been several neighborhood libraries that have been built in various different neighborhoods already and this ordinance outlines specific parameters that would allow neighborhood libraries in residential lots, multi-family lots, and churches or private or public school properties.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Spears asked about why a rebate program is being created and what precedence does it set.

Chair Kent is concerned about the liability of someone dropping illegal items in these libraries such as a gun or drugs and expressed concerns about whether a person can be arrested by virtue of being at the location of that illegal activity, given that anyone from the general public can access the library. He is also concerned about the potential liability and safety issue with an unknown person on a private property to access the library. Chair Kent agrees that it is a great initiative but there are other priorities in the City that need attention. He also stated that there is no cost benefit to administering the program.

Commissioners Spears questioned what concerns necessitated the City to draft an ordinance to regulate these neighborhood libraries and some of the unintended consequences as a result of the City's involvement. Commissioner Spears is also concerned about the potential liability of the City as a result of these libraries being used for illegal activities such as distribution of child pornography.

Commissioner Thornton asked to clarify that if permits are not required, how the City is going to regulate and ensure that they are meeting the criteria set forth in the proposed ordinance. She is also concerned about the Commission taking action on an ordinance that has not undergone a thorough public input process.

Vice Chair Barger questioned the limitation on the number allowed in the proposed ordinance and why these are only restricted to front yard setback and cannot be placed on the side yard, as well as, other possible and feasible location on a site. He is concerned that the ordinance is too restrictive and questioned how this would work in a scenario in which there is a rather large multi-family property since there is only one per property allowed. Vice Chair Barger also asked about the process by which a resident in an older neighborhood would be allowed to install a neighborhood library since often times in older neighborhoods a portion of the right-of-way is within private property. He also asked for clarifying language for a lot versus tract where the structure can be placed.

Chair Kent is concerned about the ADA accessibility to the library as the proposed ordinance does not address design (height, placement etc.) issue and how a person with disability can access the library. He is also concerned about the potential liabilities of a private property owner if a person with disability is injured while trying to access the library.

Commissioner Spears is concerned that the City is setting up criteria, but there are no permits being issued and no variances required so why is an ordinance being created for it. She does not see a co-relation between the grant program and this ordinance.

There was one public comment received and the question was again asked how the City would regulate whether it is being utilized for the intended use.

PUBLIC COMMENT:

Julie Kent a resident of Tempe. Ms. Kent is concerned about not knowing whether those who receive the grant money will use it for the Neighborhood Libraries. Some neighborhood libraries are being used for nonperishable items and other things that people are in need of. Basically, how do we know that people will use it for its intended use?

Chair Kent expressed that he is not against libraries or reading although, he is concerned for the potential of a law suit for misuse of the Neighborhood Library.

MOTION: Commissioner Tinsley motioned to recommend denial request for a Code Text Amendment consisting of changes within the Zoning and Development Code Section 3-401 and adding a new subsection E for **NEIGHBORHOOD LIBRARIES (PL160180)** and Commissioner Spears seconded the motion.

Commissioner Spears expressed that she could support sending this back to the committee and going to council to tell them that the Commission did not like it due to the possible liabilities and not requiring the city's involvement in the planning process.

Amended Motion: Commissioner Tinsley motioned to recommend denial to act on the request for a Code Text Amendment consisting of changes within the Zoning and Development Code Section 3-401 and adding a new subsection E for **NEIGHBORHOOD LIBRARIES (PL160180)** and encourage the working group to reconsider the thoughts that have been presented tonight.

Mr. Levesque expressed to the Commission that they can only recommend to approve or deny this request. The Commission can clarify what that denial is once they deliberate.

Amended Motion: Commissioner Tinsley motioned to deny with clarification that the Commission has raised issues that are believed that the working group needs to address before it is appropriate to approve the request for a Code Text Amendment consisting of changes within the Zoning and Development Code Section 3-401 and adding a new subsection E for **NEIGHBORHOOD LIBRARIES (PL160180)**. Commissioner Spears seconded the motion.

Vice Chair Barger asked Mr. Levesque for timing on this request, whether the working group is still meeting and how often do they meet. Mr. Levesque advised that the working group has concluded their discussion on this and a schedule has been identified on taking this request. There may be an opportunity after the first hearing to go back and get further input from the group about the Commission's comments and concerns. Ultimately, it will be up to Council if they want to act on it now or provide further input. Mr. Levesque recommends that the Commission makes a motion.

Commissioner Thornton expressed that she thinks that this request is not complete.

VOTE: Motion to recommend denial passes 7-0.

Staff Announcements: None

There being no further business the meeting adjourned at 7:39pm.

Prepared by: Sarah Adame

Reviewed by:



Suparna Dasgupta, Principal Planner, Community Development Planning