

## Minutes of the Development Review Commission December 13, 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 Linda Spears  
Vice Chair David Lyon  
Commissioner Thomas Brown  
Commissioner Angela Thornton  
Commissioner Andrew Johnson  
Commissioner Philip Amorosi  
Commissioner Scott Summers  
**Absent:**  
Alternate Commissioner Gerald Langston  
Alternate Commissioner Barbara Lloyd  
Alternate Commissioner Nicholas Labadie

**City Staff Present:**

Chad Weaver, Community Development Director  
Ryan Levesque, Comm. Development Deputy Director - Planning  
Suparna Dasgupta, Principal Planner  
Lee Jimenez, Senior Planner  
Diana Kaminski, Senior Planner  
Karen Stovall, Senior Planner  
Obenia Kingsby, Planner I  
Cynthia Jarrad, Administrative Assistant

Hearing convened at 6:02 p.m. and was called to order by Chair Linda Spears.

**Consideration of Meeting Minutes:**

- 1) Study Session October 11, 2016
- 2) Regular Meeting October 11, 2016

**MOTION:** Motion made by Commissioner Amorosi to approve Study Session and Regular Meeting minutes for October 11, 2016. Motion seconded by Vice Chair Lyon.

**VOTE:** Motion passes 5-0

- 7) Request for an Amended Planned Area Development Overlay, for a new mixed-use development and a Development Plan Review for Phase 1A consisting of two buildings with commercial and office uses for **WATERMARK TEMPE (PL160224)**, located at 430 North Scottsdale Road. The applicant is Gammage and Burnham, P.L.C.

**MOTION:** Motion made by Commissioner Tom Brown to continue **WATERMARK TEMPE (PL160224)** to January 10, 2016 hearing. Motion seconded by Commissioner Johnson.

**VOTE:** Passes 7-0.

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

- 3) Request for a Development Plan Review for 39 townhomes for **WILSON STREET TOWNHOMES (PL160292)**, located at 6101 South Wilson Street. The applicant is Bowman Consulting Group.

**PRESENTATION BY STAFF:**

Ms. Diana Kaminski, Senior Planner, gave a brief presentation. This project came before this Commission a year and a half ago. The site is north of Guadalupe Road and west of Kyrene Road, adjacent to Compadre High School. There

are attached townhomes to the west, higher density single family dwellings to the east, and single family dwellings to the north. She explained that since the previous request, the density for the project has been reduced. It was originally 53 du/ac, which was reduced at the previous hearing to 44, and then after the Council hearing to 39. Setbacks have been increased after reconfiguring the site to allow more open space. There are no changes to the Planned Area Development. She shared floor plans for Buildings A and B. Previously, the DRC approved the design, the PAD and zoning case went on to Council. The DPR expired after the applicant chose not to move forward with the reduction in the quantity of units to 39. The property owner continued searching through the next year for someone to pick up and move on with the project. She shared the new elevations and windows, the colors and materials remain the same from the prior approval. The landscape plan has changed, as the applicant has been able to add additional landscaping in the greater buffer area to the north. She has had one inquiry only from the public, otherwise no comments or opposition. The City Council is in the process of reviewing the time extension for the PAD. That would be approved at an administrative level contingent upon the approval by Council in January 2017. She explained some minor changes to conditions.

Commissioner Brown asked about the service entrance sections and the screening of them. If these units are individually metered, how does that work with a screen wall? Ms. Kaminski stated that it was the HVAC that needed screening, and that is provided on the patio. The SES screening will be accomplished with doors, using recessed panels, etc., so that they will not be fully exposed. Commissioner Brown then asked if there are examples of this type of townhome on the street front where this has been done. Ms. Kaminski stated that there are some under construction but that this is a standard condition – it was a condition on 9<sup>th</sup> and Wilson, Newport, etc. This condition is resolved at the time of the construction document submittal.

#### **PRESENTATION BY APPLICANT:**

Mr. Brandon Lombardi of Z and M Holdings, the proposed developer of this project, gave a presentation. He gave a comparison of the current and previous site plan, and the improvements they've made. The original nine buildings has been reduced to six by reconfiguring the site to allow for more open space, to enhance setbacks from the school, and to create more of a buffer for the existing neighbors on all sides. This new plan has five seven-plexes and a four-plex. By changing the buildings and the placement of them, they have afforded more privacy for the neighboring homes. They've added three feet of depth to the lots for some more private outdoor space for residents. The entrance off of Julie Drive is now only for emergency and for refuse pickup. This will limit the traffic into and out of that neighborhood. Parking spaces remain the same. Landscaping has been enhanced at the entrance, at the request of staff. They've created new floor plans, a new stipulation that has been added is bedroom count, minimum count is 129 with a range to 141 per the stipulation. They are removing the fifth bedroom option in the four bedroom units, so the actual bedroom count will be 129 units.

Commissioner Brown verified the types of trees and their placement, stating they were too close to walls. He stated he does not like the west end of the complex, where units are just a few feet away from another townhouse. Buildings 20 feet apart from one another, when they are two story buildings, are too close. He understands why they did this, in regards to the retention basin, but he wondered if they could use an underground tank or some other means to juggle the buildings further. Mr. Lombardi responded that it was a total of about 20 feet to the nearest home, and the height of landscaping is required to be a minimum of 18 feet for additional screening. Dave Maldonado with D33 Design and Planning clarified that they placed the smaller, four-unit building closer to the cul-de-sac. It is 15 feet from their property line to the fence, and then an additional 15-20 to the rentals to the west, combining for a total of about 30 feet. Commissioner Brown inquired again if they could do on the west end what they did on the east end, so the buildings are not so close to existing structures. Mr. Maldonado responded that moving buildings typically affects parking, and they don't want to lose parking.

Chair Spears inquired about the twelve four-bedroom units. She does not see the logic in including four bedroom units for purchase and asked the applicant to explain the reasoning behind it. Mr. Lombardi replied that they wanted to include a unit with a downstairs living option, and the only way to do that was to create a larger floor plan with a living area and one bedroom downstairs. Also, the surrounding area offers typically smaller options with fewer bedrooms, and they want to have several options available. Chair Spears asked about CC&R's and if those will address the potential of investors buying these units and the ramifications of that – losing control of the management aspect. Mr. Lombardi stated there will be an HOA that will draft the CC&R's, designed to limit investors or rentals.

This is not something they have yet addressed, but they don't see it as being a problem, as these are meant to be single family dwellings.

**PUBLIC COMMENT:**

Mr. Philip Yates, of 320 S. Roosevelt Street in Tempe, President of the Riverside Neighborhood Association. He has issues with this development, he actually lives across from townhouses that were developed with the intention the units would be purchased, and that was a stipulation made by City Council. They were not sold, and he wonders if there is assurance that these will actually be sold. He also asked when the PDF files pertaining to all the projects tonight were posted, because he did not find them in the last few days. He also asked of the applicant who in the surrounding area had they spoken to? He wonders if they have been informed. He agrees that the trees are planted too close to the walls. Commissioner Thornton interrupted Mr. Yates and asked if he was stating the neighbors to the north were not notified of the project. He clarified that he was asking if they had been notified, he does not know if they were.

Commissioner Thornton asked staff if the residents had been notified. Ms. Kaminski responded that the neighbors were involved in multiple neighborhood meetings when the project came through the process the first time. The prior applicant had conversations with each of the neighbors to the north. There was no notification for this design, as this is a Development Plan Review, and there are no neighborhood meetings required. It is the same design that was presented a year and a half ago. Chair Spears reminded the Commission that this project had come before the DRC and City Council previously and been approved, they are only here now because the plan has expired. Chair Spears also let Mr. Yates know the PDF's for the cases are posted a week prior to the meeting and that is when the Commission receives them as well. Commissioner Thornton asked for clarification that this is a for-sale product. Ms. Kaminski stated that it was and that the City would be reviewing the CC&R's.

**APPLICANT RESPONSE:**

Mr. Lombardi responded to the concern about trees along the southern side and explained that what the Commission is looking at is simply schematic and the trees will be planted between the sidewalk and the wall, not against the wall as was discussed this evening. Root barriers will go in to prevent damage to the walls. Mr. Lombardi also addressed the question about notification to neighbors and explained they are not the original applicant. However, he is aware this was a contentious project when it was originally approved. Since then he has had only one neighbor contact him and they have been communicating.

**COMMISSION COMMENTS:**

Commissioner Thornton stated that she had been on the Commission when the project originally came through, and she voted against it because of the density, so she appreciates the reduction in density and the color palette. She will be supporting.

Commissioner Amorosi stated he likes this project, also the reduction in density and increased landscaping. He appreciates those things and will support.

Commissioner Summers also stated that it has improved since 2014 and he appreciates that they have taken into consideration two-story units overlooking one-story units in the designed the units to set back from the neighbors. This is a difficult, small, infill site, and he appreciates their efforts in making it work. He will support.

Commissioner Brown stated he liked the improvements, but that they did not go far enough. The statement that Julie Drive will only be for refuse and emergency doesn't seem feasible. The entry will not be gated, so he thinks residents will be using it. It is a dense project relative to the many single family homes that are in the vicinity, and he doesn't think it's compatible in the area. He won't support.

**MOTION:** Motion made by Commissioner Thornton to approve 39 townhomes, with the stipulations as presented by Ms. Kaminski this evening, for **WILSON STREET TOWNHOMES (PL160292)**, located at 6101 South Wilson Street. Motion seconded by Vice-Chair Lyon.

**VOTE:** Motion passes 5-2, with Commissioner Brown and Chair Spears in the opposition.

Agenda #4 and #5 were presented together:

- 4) Request for a Preliminary Subdivision Plat for **FRY'S FUEL CENTER 43 (PL160289)**, located at 5110 South Wendler Drive. The applicant is Sustainability Engineering Group
- 5) Request for a Development Plan Review of a new 3,475 square-foot restaurant with a drive-through and a new 6,880 square-foot fuel service canopy with a 232 square-foot kiosk; a Use Permit Standard to reduce the required side yard setback by 10% and three (3) Use Permits to allow: 1) gas/fuel sales, 2) outdoor retailing, and 3) exceedance of the Parking Maximum (125%) for **FRY'S FUEL CENTER 43 (PL160289)** located at 5110 South Wendler Drive. The applicant is Sustainability Engineering Group.

#### **PRESENTATION BY STAFF:**

Mr. Lee Jimenez, Senior Planner, gave a presentation on the project. He presented current conditions as well as what is being proposed. The applicant is requesting a 6,880 square foot fuel canopy with 9 dispensers. There are three use permit requests, for gas/fuel sales, for outdoor retailing, and exceedance of the parking maximum; as well as a request for a Use Permit Standard for reducing the side yard setback. As part of this project, there will be a new right turn deceleration lane and bus pullout combination along with a new driveway provided along Baseline Road just west of Wendler. The existing driveway from Wendler to the west would be relocated north, to align with the existing driveway across Wendler to the east. He shared the elevations and landscape plan. A neighborhood meeting was not required as part of this request. To date, staff has received eleven emails and nine phone calls in opposition to the request. One phone call has been received in support, and one email in neutral support and concern for the traffic problems in the neighborhood to the north. The primary concern of those opposed is increased traffic in the area because of this development. The citizen in support believed that traffic would be minimally impacted by this development. This evening, staff is requesting a continuance for the three use permits and the use permit standard, to the January 10, 2017 DRC hearing. Staff also proposes a stipulation that the approval of the DPR is only valid contingent on the approval of the use permits and use permit standard.

Commissioner Brown asked for clarification as to why the continuance. Ms. Dasgupta explained that the continuance only applies to the use permits, and the reason is that the City was informed yesterday 12/12/16 that the signs for the use permits were missing from the site. Since staff had no way of verifying why or when the signs went missing, and by Zoning and Development Code, the signs have to be posted two weeks in advance of a the public hearing. Therefore, staff is requesting for a continuance so the signs can be re-posted on the site.

#### **PRESENTATION BY APPLICANT:**

Mr. Ali Fakh, SEG Project Manager, gave a presentation. He reminded the Commission that they had presented at the November 9, 2016 Study Session. The design is similar to what they presented on November 9<sup>th</sup>. Per staff recommendations, they have used similar colors in keeping with the design of Fry's Electronics and Burger King. He stated that Mr. Jimenez had presented everything well, and he offered to answer any questions.

Commissioner Sumners said it appeared the applicant had not complied with one of the conditions set forth by staff, specifically the setback on lot #2. Mr. Fakh explained that the information was originally presented to the seller six to seven months ago based on discussions with staff at the time. Since then, they have gotten further into the design, and realized they needed to come back with the request for the additional 10%.

#### **PUBLIC COMMENT:**

Ms. Pamela Lefkowitz of 2244 W. Fremont Drive. She has been in the neighborhood for a year and a half, and immediately noticed the extreme difficulty of driving on Baseline Road. Adding another business that will add traffic on Calle Los Cerros and Wendler is unacceptable, and she feels the City should go back to the drawing board to address traffic in that area overall, on Baseline from Priest to 48<sup>th</sup> Street and then going north on 48<sup>th</sup>. People are stopped in the intersections and there are accidents all the time. This will exacerbate the problem.

Mr. Rich Leonard of 2509 W. Dunbar. He has lived in the neighborhood for about 20 years. His question is about an exit at the north end of the parking lot, has the applicant considered how to control people speeding through there. People do "donuts" to the west of Fry's Electronics, perhaps there could be speed bumps installed. Can they work with Fry's Electronics to come up with a plan? Also, does the applicant foresee more traffic off the freeway to stop at

this location, or do they foresee that it will most likely only be people that are already in the area stopping for these services. This is a highly congested area.

Mr. Paul Kennedy of 4710 S. Calle Los Cerros. He echoed what the others said; saying that trying to exit from Calle Los Cerros, even on a Saturday morning, traffic is backed up horrendously. He has trouble believing the traffic impact study that said there would be minimal change. Within two blocks of this site, there are three gas stations on one corner, so there is no need for another gas station. While he applauds more business coming to Tempe, he doesn't know that we need more minimum wage businesses.

Mr. Roy Anglin 2408 W. Carson Drive. He has lived in Tempe since 1951, owning three homes here, and he's seen a lot of growth. He stated that whoever proposed this project hasn't sat at the site and observed traffic, which is horrendous. The whole town of Guadalupe uses those freeway entrances and exits. If someone would sit at the Calle Los Cerros/Baseline area, they would easily see nine or ten automobile accidents consistently. He does not understand what the developers are thinking, adding to this traffic situation.

Chair Spears read into the record a statement from Marion Brownell, resident of Tempe who lives in the area. Her statement was also in opposition to the project because of traffic concerns. She wondered if fire and police departments have been notified and how it will impact them. She stated, as others did, that people stay stopped in the intersections, which further blocks traffic. She stated that a newspaper posting, site posting and postcards to people within 600 feet of the proposed project is not enough. She hopes the developer and the Commission will keep these and the others' suggestions in mind.

Chair Spears read into the record a statement from Timothy Davis of Knoell Gardens Tempe. He stated that he believes the bigger issue is the timing of the traffic lights in the area, as well as the location, with a large mountain to the south and a large freeway to the east. The light on Wendler turns red just as the ramp light (west off I-10) turns green is an example and a major problem. He is considering making a proposal to get traffic timing looked at.

Trish Zasinski of 2605 W. Vineyard Road. She has lived there for 12 years, across from a park. The traffic on 48<sup>th</sup> Street has gotten continually worse, and a pedestrian was actually killed there last week. That, added to the traffic on Baseline makes this development a bad idea. She has been trapped in her own neighborhood. The traffic problems are not just during weekday rush hours, but on weekends and evenings as well. Traffic is stopped in the intersection as the previous speakers mentioned. Adding more business in this area is unnecessary, there are five other gas stations very near there. The people in the neighborhood should be more important than the almighty dollar. She may even move, as she is tired of being trapped in her neighborhood. She implored the Commission to please reject this project.

#### **APPLICANT RESPONSE:**

Mr. Fakh stated they are removing 200 parking spaces within the parking lot for this project. Regarding traffic, they did an extensive parking impact study that was approved by staff, and Mr. Andrew Smigielski from Southwest Traffic came to the podium to address traffic concerns. He acknowledged the heavy traffic on Baseline, stating it had been growing every year. Current count is about 4700 vehicles per hour in the p.m. peak hour, and 4200 in the morning. The only fix for this traffic situation are regional ones, which are already in play. The 202 will draw vehicles off of Baseline, widening of the I-10 will be taking place, as well as an I-10 reliever route, that aligns along Baseline Road. This is a Tempe/Phoenix regional issue; they are aware of it and in the process of relieving it. For this development, customers should be those that are already on the road and passing by. This applies to the fuel sales as well as the fast food Burger King. Regarding the traffic signals, the City of Tempe has worked with ADOT to time those signals especially during rush hours, but rush hour traffic is just the reality of living in a large city.

Chair Spears asked if the bus pull-out and the dedicated right turn lane will impact the traffic numbers at all. Mr. Smigielski stated that dedicated right turn lanes have been shown to help reduce crashes by reducing the number of people turning out of the traffic flow. A right turn lane is good for added safety. The bus bay being in the turn lane is an accepted form of design in the valley, the buses are only there every 15 minutes to half an hour, and drivers expect this.

Commissioner Brown asked for clarification that there is no way to physically drive from this project into the residential neighborhood. Wendler is isolated, correct? Mr. Smigielski affirmed that this is correct. Wendler is not a through street; it serves only this site and the Denny's restaurant across the street. Regarding the cut-through traffic that had been spoken of earlier, he acknowledges that this happens, but it is nothing that can be controlled. People will always look for and take a faster route if possible. The neighborhoods can contact the police department for situations in which they cannot leave their neighborhood and cars are blocking traffic sitting in the intersections.

Commissioner Sumners asked for clarification that there were 4200-4700 cars at peak hours. Mr. Smigielski confirmed, Commissioner Sumners asked if the 2% number they referred to was their projection of increased traffic because of additional cars coming to this area to frequent either the Burger King or the fuel station. Mr. Smigielski confirmed, and Commissioner Sumners stated he believed that 2% seemed very conservative. Mr. Smigielski further clarified that the 4200 and 4700 were actual counts, taken on a given day at the site, and he agreed that the 2% is conservative.

Commissioner Sumners then asked staff about approving something that is more of a "destination," like a Dutch Bros or an In n' Out Burger. In this scenario, Burger King and Fry's Fuel are not "destinations," but in the future they could change to other retailers which are more of a destination. If this were the case, would they have to come back through the review process at the City to be approved? Ms. Dasgupta responded that it would depend on a future applicant and what they submitted within their request. After some discussion between Ms. Dasgupta and Chair Spears also asking for clarification as to what happens if ownership changes in the future, Ms. Dasgupta stated that any transfer of a Use Permit in the future would trigger a review process within the City for the project site. Mr. Jimenez clarified that the only Use Permit related to the Burger King is the Use Permit Standard to allow for reduction of the side setback by 10%.

Commissioner Johnson asked for clarification regarding what the Commission is being asked to approve tonight, and if the applicant would be able to begin work at the site based on approval. Ms. Dasgupta stated that approval of the Development Plan Review (DPR) this evening would give the applicant the opportunity to submit at-risk Construction Documents, as they will not be fully entitled. There is a condition added regarding this, and the City can accept only at-risk Civil Plans for review, the applicant proceeds until the entire project is approved by DRC. Mr. Fakh added that they are aware they are proceeding at their own risk.

Commissioner Sumners asked if there was a possibility of doing striping in the affected intersections, similar to Ray and 48<sup>th</sup> Street in Phoenix, combined with enforcement. Is that something that is done in the city of Tempe? Ms. Dasgupta stated that staff would follow up with Transportation Division of Public Works Department regarding his question. Mr. Smigielski stated that he has not seen striping used in Tempe, but according to state law, if a vehicle is stopped in the intersection with a red light, an officer can ticket that vehicle. Striping would help, but it is unnecessary for issuing citations.

#### **COMMENTS BY THE COMMISSION:**

Commissioner Amorosi stated that there is an overwhelming amount of opposition to this project and there is a sufficient amount of fuel stations and fast food restaurants in the area already. Instead of the applicant spending to further this process, he feels perhaps the City should spend to rectify the traffic problems there before adding additional businesses there. He will not support.

Commissioner Thornton stated that she agreed with Commissioner Amorosi. She stated that she avoids that intersection, and knows how terrible the existing traffic is. She does not understand why we would add additional businesses there. She is a Fry's Fuel customer and purchases fuel from them, but does not believe this is an appropriate site, the applicant should not "bulldoze" through. She believes that a 2% increase is not a reasonable number; it will be more than that. Since Fry's Electronics and the Arizona Grand are destinations, she cannot support this project.

Vice-Chair Lyon asked Commissioner Thornton about her stating she was a Fry's Fuel customer and purchased fuel from there, and asked her if she would go to this location during heavy traffic. She stated that she would not. He stated that he avoids that area as well, because of heavy traffic. His opinion is that no one would choose this location

during heavy traffic when there are other options. He believes that anyone who stops at this fuel station or Burger King would already be on this route, so therefore he does believe that 2% is a reasonable number and this project should not significantly increase existing traffic. He will vote in favor.

Commissioner Brown agreed with Vice-Chair Lyon. He does not think traffic will increase and guesses the number is actually closer to 1%, if that.

Commissioner Sumners stated that he agrees with Mr. Smigielski that the traffic fixes are regional and it will be quite some time before the I-10 is widened, the Loop 202 is completed, etc. He does not believe that stopping all development until these "fixes" are in place, but he does propose that striping may be one of the options to mitigate some of the traffic issues in the interim. He also pointed out that the three Use Permits being requested are affiliated with the fuel center, and that is not what would add additional traffic, the Burger King would. For this reason he proposes delaying both items until January 10, giving staff time to speak with streets and police, etc. about viability of improvements and enforcements at the intersections.

Commissioner Johnson stated he would not go to this area for either fuel or for the fast food in this development, as he knows how horrible the traffic is there. He has seen firsthand the accidents, vehicles clogging intersections, etc., and it is formidable. The regional fixes are going to take time, and he is torn as to whether to support, as he thinks the development is appropriate, but he understands the neighbors' concerns and they live with the traffic every day. He is leaning against approval.

Chair Spears stated that typically we can rely on the traffic studies and she believes that the dedicated right turn lane will help the traffic situation. In regards to the statements heard tonight regarding the quantity of fuel stations or restaurants, she reminded Commissioners that the City has never taken the position of limiting what the General Plan allows. This project fits within the General Plan, and the Use Permits are an additional step, as applicants need approval for certain uses. She does not believe that traffic will be impacted by this project, and the traffic issues will be addressed by the regional fixes.

Ms. Dasgupta interjected to clarify on Commissioner Sumners previous question about possible other uses for the site in the future. She stated that a similar use, but with an intensification, would trigger a staff review of the project.

**MOTION:** Motion made by Vice-Chair Lyon to approve a Preliminary Subdivision Plat for **FRY'S FUEL CENTER 43 (PL160289)**, located at 5110 South Wendler Drive. Motion seconded by Commissioner Sumners.

**VOTE:** Motion passes, 5-2, Commissioners Thornton and Amorosi in the opposition.

**MOTION:** Motion made by Vice-Chair Lyon to a new 3,475 square-foot restaurant with a drive-through and a new 6,880 square-foot fuel service canopy with a 232 square-foot kiosk for **FRY'S FUEL CENTER 43 (PL160289)**, including the stipulation that the proposed Use Permits pertaining to this project will be heard at the January 10, 2017 hearing. Motion seconded by Commissioner Sumners.

**VOTE:** Motion passes 4-3, Commissioners Johnson, Amorosi, and Thornton in the opposition.

6) Request for a Zoning Map Amendment from CSS TOD (Commercial Shopping and Services, Transportation Overlay District) and R-4 (Multi-family Residential General) TOD to MU-4 (Mixed-Use, High Density) TOD, a Planned Area Development Overlay, and a Development Plan Review for a new 4.31 acre, four- and five-story, mixed-use development to include 202 dwelling units and 2,269 square feet of commercial space for **METRO 101 (PL160362)**, located at 2177 East Apache Boulevard. The applicant is Huellmantel and Affiliates.

#### **PRESENTATION BY STAFF:**

Ms. Karen Stovall, Senior Planner, gave a brief presentation. She reviewed the items before the Commissioners in the Staff Report. Driveways are provided to this site on Apache as well as Price. These lead to surface parking that wrap the buildings except for the property's frontage along Apache. The landscaping incorporates a comfortable

pedestrian environment along Apache. Plants are appropriate for the desert environment and include many plants from the historic plant palette within the Apache Character Area Plan. A neighborhood meeting was held in November 2016, no one from the public attended. Staff has not received any public input regarding the requests. Staff recommends approval of all three requests subject to the conditions listed in the Staff Report, plus the additional condition discussed at the Study Session. This condition addressed the color changes at Building 1 and Building 3. Ms. Stovall read all these color changes into the record.

**PRESENTATION BY APPLICANT:**

Mr. Charles Huellmantel of Huellmantel & Affiliates, gave a presentation on behalf of the applicant. The approach on Apache is only eastbound and a right turn in only. On Price, it will always be a service drive, never a pedestrian fare. They have focused most of the pedestrian activity on Price, working with ADOT through that process. This is an old camper shell business that has been fenced for a long time. They have worked with Staff, refuse, etc., to come up with a site plan that works for this parcel. They've re-evaluated some of the colors at the request of one of the Commissioners. They have been careful about the landscaping, and there is plenty of room for planned trees to grow. This will be one of the first projects in the city that qualifies as a workforce housing facility. Workforce housing is one of the priorities of the city, until now no one has spearheaded a qualifying project. This a good location for this, near light rail, near large employer State Farm, etc. He stated that Ms. Stovall's presentation had been thorough, and he would answer any questions.

Commissioner Amorosi inquired about Attachment 62, the Citizens for a Vibrant Apache Corridor (CVAC) summary. He understands that the solar option is not being utilized in this project due to loss of tax credits for solar, etc., but he wonders if the applicant is willing to put the infrastructure for solar in the project, in case the option for solar is realized in the future. Mr. Huellmantel stated that they would be happy to put in the conduit for that option. Commissioner Amorosi and Commissioner Brown then asked further questions concerning whether this project would accept vouchers, Mr. Huellmantel explained that this project would not use vouchers, but may in the future. They are not, however, "part of the plan." They simply have designed a product that has rents within a certain range, meeting the standard of "workforce housing" according to the tables regarding this in the Development Code. The product type and the location is what defines workforce housing, not the voucher system.

Commissioner Johnson inquired about the retail area in Building 1, what specifically it would be used for. Mr. Huellmantel responded that it would most probably be a small coffee shop for residents and passers-by. Commissioner Johnson also asked about the commercial space in Building 3, is access strictly along Apache Blvd? Or is it accessible from the parking lot as well? Mr. Huellmantel responded that it is a difficult spot, and not easy to get to. Because of the TOD overlay, ADOT, etc., they are limited to two entrances, and therefore this commercial space would be a very specific destination. For that reason, the developer did not slate it as retail but commercial space, i.e. a medical office would be an option in which people could make exaggerated movements to get to the space.

**PUBLIC COMMENT:**

Charles Buss of 1364 E. Lemon St, which is about a mile from the site. He is a member of the CVAC group, which is trying to promote better developments on Apache, and he believes this project fits well, he would not have minded more density, he likes the colors, etc.

**COMMENTS BY THE COMMISSION:**

Commissioner Sumners commented that he was pleased to see this activity on Apache; he also applauded CCBG Architects Inc. for including a Site Plan with an aerial photo in the background, so the relationship can be seen between planned and proposed. That is very helpful for the Commission.

Commissioner Amorosi thanked the applicant, as there were many challenges with this site, which they worked through. He likes the design, he will support the project.

**MOTION:** Motion made by Commissioner Thornton to approve a new 4.31 acre, four- and five-story, mixed-use development to include 202 dwelling units and 2,269 square feet of commercial space for **METRO 101 (PL160362)**, located at 2177 East Apache Boulevard. Motion seconded by Commissioner Johnson.



**VOTE:** Motion passes 7-0.

8) Request for an Amended Planned Area Development Overlay and Development Plan Review for a new 24-story mixed-use development consisting of 393 residential units and 4,425 square feet of retail uses for **SKYVIEW (PL160154)**, at 903 South Terrace Road. The applicant is Huellmantel and Affiliates.

**PRESENTATION BY STAFF:**

Ms. Suparna Dasgupta, Principal Planner, gave a presentation on the project, which is an Amended PAD request with a Development Plan Review. This project originally had a development and disposition agreement signed by City Council in 2011. Subsequently, in 2012, the PAD with rezoning and a General Plan Amendment were approved. The project fronts on Terrace Road, the access road is on ASU property, and this developer and ASU have an easement agreement for this. This access goes all the way through to 8<sup>th</sup> Street. There is one other entrance, on the north side of 8<sup>th</sup> Street, which is a garage entrance. This project will include 393 units, with approximately 4,000 square feet of retail space. In regards to landscaping, the developer has coordinated with the City of Tempe's 8<sup>th</sup> Street Improvement Project, so that streetscapes will be consistent with the City's plan. The material boards are here for the Commissioners to view. It is a modern design with mostly glass stucco and a combination of materials with metal extrusions for the garage. On the East elevation, there is a step-down design, which is different from the previous approved design that included two 21-story towers. This is to provide a step back from the historic Elias-Rodriguez property next to it to the East. This is a multi-family for-rent product. There was a neighborhood meeting held on May 11, 2016. Subsequent to that meeting, Deputy Director Mr. Ryan Levesque has received one phone call as of the day of the meeting. The applicant also met with some members of the public, and she will ask the applicant to address that. Staff is recommending approval of this project, subject to the conditions of approval.

**PRESENTATION BY APPLICANT:**

Mr. Charles Huellmantel of Huellmantel & Affiliates presented information concerning the project. He stated it has been a very long and complicated project, coordinating and reaching agreements with SRP, APS, Bureau of Land Management, Board of Regents, ASU, Valley Metro, and the City of Tempe. The original development agreement with the City allows for 250 feet of height, which is what they are asking for today. The site has been reconfigured over time, especially when light rail came to the area. Golub purchased the site many years ago, and the City asked them to consider working with the City and all the other entities previously mentioned, to develop a larger site than originally planned, they have now done that. Several years ago they had a site approved that was substantially larger; it had been 483 units with 977 bedrooms. Today's request is quite different than that, specifically 393 units, with 590 bedrooms. It also has quite a bit of intriguing public space, particularly on the south side, which has a large plaza area. Rural has a pedestrian zone, and there's a longer multi-use path along 8<sup>th</sup> Street. It is designed to be very urban, just across the street from the light rail station. It is not intended or designed or functioning as student housing. They come tonight with ASU's support because it is not student housing. At the neighborhood meeting there were questions about additional height, after the meeting they decided not to request additional height. Another outcome of that meeting concerned having retail along 8<sup>th</sup> Street. That would present significant obstacles, as this site had a canal running through it. In actuality, a canal along 8<sup>th</sup> Street needed to be relocated, and this has now taken place. At the conclusion of this, the hope is to have a bike shop and a coffee shop here. This project is to be specifically upscale apartment living. He then explained that due to having some discussions with one neighbor in particular, they have voluntarily added some stipulations, one concerning painting the inside of the screening of the rooftop parapet to match the outside, and one concerning wireless communications. Wireless communications are not planned at this point, but if they are added, a stipulation addresses that rooftop communication equipment must be screened or hidden from view. The last concern was about reflectivity of glass, the type of glass has been stipulated to be much less reflective as that of the State Farm building in Tempe, which, as everyone knows, is highly reflective.

Commissioner Amorosi inquired about what he called "pick-up sticks" on the garage, commenting that on the material boards presented today, the orange color looks much brighter than the golden color depicted in the illustrations. Mr. Huellmantel explained that the physical material tonight depicts exactly the color as it will be, and that is the reason for the material boards. Commissioner Amorosi stated that this bold color would be very jarring to the people who live to the east, especially the historic site. Mr. Huellmantel stated that they are not opposed to going to a more yellow color if the Commission recommends that.

Commissioner Brown stated that he liked the color, and inquired about what the parapets are actually made of, and can they match the materials as well as the paint? Mr. Huellmantel responded that the architectural team affirmed that would be done.

Commissioner Johnson inquired about the area between the main building and the parking garage, there is a two story building which is called out as green roof at level two. Could the applicant explain what that is? Mr. Huellmantel explained that it is uninhabited space that will be planted.

Commissioner Brown inquired about the section view of the garage and tower and the one-story historic home to the east. The line of sight depicted has the line starting 30 feet above grade. Since an average person is five to six feet tall, why is the line of sight positioned as it is? Mr. Huellmantel explained that the drawing was meant to depict that someone would have to be 30 feet tall to see into the property. Commissioner Brown stated that the height of the garage next to the historic property will certainly cause an impact, especially if it is event space, without outdoor space utilized. Mr. Huellmantel responded that it is used as office space only, and Chair Spears affirmed this. Mr. Huellmantel stated that parking was an issue with light rail on one side, canal on another, ASU on another, and Rural on the fourth side. Also, retention is under the garage, which also presented limitations. They did the best they could with parking accommodations. In response to Commissioner Brown's additional question, Mr. Huellmantel stated there is no below-grade parking because of retention, and even the depth of the retention is limited because of proximity to light rail and to the canal.

#### **PUBLIC HEARING:**

Mr. Clyde Buckstaff, who had wished to speak, left the meeting before the Public Hearing portion. Mr. Huellmantel stated that Mr. and Mrs. Buckstaff were in support of the project, and have lived north of the site for many years. They have owned their property since the 1970's.

Ms. Kaelee Wilson stated she was representing El Adobe Condominiums at 1005 E. 8<sup>th</sup> Street, which are located 500 feet to the east of the project. They are not in support of the 250 foot height, even though it has already been approved. That was a "mistake made back in 2012," but they are not in support. In regards to what Mr. Huellmantel stated earlier regarding the conditions concerning wireless communications, she would like to see the word "screening" changed to "concealment" per the Federal Communications Act. They are also concerned about the appearance of the cylinder smoke stack; it is not a pleasant look. The height of the garage is also a concern, because of its proximity to the condos. They also are concerned with the glazing, if what is being approved here tonight were to change to a more reflective glazing in the future, would it be administratively reviewed or come back before the Commission? They are also concerned about visitor parking for the retail along 8<sup>th</sup> Street, as parking is already limited.

Commissioner Lyon verified with Ms. Wilson that the residents of El Adobe Condos are opposed to reflective glass coating. She stated in the affirmative. Commissioner Lyon asked specifically the reason they are opposed to the building height. Ms. Wilson stated that given the surroundings, 80 feet was more appropriate than 250 feet. The surrounding buildings are nowhere near this high.

Mr. Philip Yates, president of the Riverside Neighborhood Association stated that he has never seen such a large project proposed for this very congested area. He believes a project with 393 units is excessive, and that this would be a much better fit for student housing. The garage is large and not very accessible, as is the entire development, except from Rural. He is opposed.

Mr. Charles Buss of 1364 E. Lemon Street, opposes this project because of the 24 story height. He's not opposed to the height itself, but a building this tall should be at the City's core, not at this site. Also, he would like to see this as condos rather than apartments. He would like to see them converted if the market deems that feasible. He is a member of the Tempe Historic Commission, and he has a problem with a large parking garage and an even larger tower next to this one story historic building. He had gone to the public meeting in May of this year, and tried to work with Mr. Huellmantel about doing plant material screenings, and he never heard back. He thinks a row of tall trees could be planted between the driveway and the historic site, but he has never received an answer if this can be done. The transition between the two buildings is harsh. The Elias-Rodriguez house deserves better treatment.

**APPLICANT RESPONSE:**

Mr. Huellmantel stated that Condition #17 addresses the type of glass that is to be used on this project, and they plan to adhere to that stipulation. It is not reflective glass. They do not object to changing the word "screening" to "concealment." Regarding the steamship architectural feature on the roof, it was not part of their original design, but a product of working with City staff, and so was added through direction from staff. What is considered attractive is very subjective. Regarding parking, the project is currently over parked by ten spaces, and typically properties are not rented at full capacity at all times. This project is not a retail destination, and should not bring additional needed parking for retail. He explained that it had been mentioned this evening that access to this project if off of Rural Road, and that is not the case. Access to the site was a major hurdle given all the challenges, and configuring it took a lot of time and coordination with all the entities involved. Regarding the height of the building, the development agreement allowing that has been in place since 2012, and even with this height, the density has been reduced significantly from what originally was planned. Regarding the issue of the large building next to the small one-story historic site, that has been mentioned several times this evening, that is also relative and subjective. He gave the example of his own office being housed on Ash Avenue in Tempe in a building built in 1880, which is next door to a multi-story modern building, West Six Apartments. This is the downtown urban area, light rail is here, the City has worked for years to define this area, and this growth is what is expected and is not uncommon. In response to why they could not put more landscape in the drive between the garage and the Elias-Rodriguez building, the reason for this is the infrastructure for the canal is under that area, after much discussion about this with all the involved entities, the canal will not be moved from this location. Again, this is a very "tight" site, and was incredibly difficult to configure. The market does not support condo sales at this point, if it does in the future; it has been designed to be easily converted.

**COMMENTS BY THE COMMISSION:**

Chair Spears commented that staff (retired) Architect Mark Vinson had been overseeing Historic Preservation when he was involved in the preservation of the Elias-Rodriguez house and also involved with this project. She assured the Commission that he would have taken into consideration the alignment and impact of these two sites.

Commissioner Amorosi commented that this is a beautiful building, but it belongs in Chicago or in downtown Tempe. If built, this would be the third highest building in Tempe, and he is all for density, but this is three times what the City has defined as high density. It does not fit in the area because of its height. This is already a congested traffic area, City police state that University and Rural had the highest number of accidents in 2015. Two hundred and fifty foot buildings like this should be in the City core.

Commissioner Lyon stated that this project is a little like "Godzilla putting his foot down in Tempe," but he feels that's a good thing. It is a strong statement building, and he feels the density is something we need. He understands that scale to the surrounding area may be considered a problem, but in twenty or thirty years we don't want to look back and see that we scaled back on buildings. Therefore, he thinks this project/concept is a good one, and he will support it.

Commissioner Sumners stated that he sees this as a great compromise after a very long process. Two towers had previously been entitled, now we have one tower. He wishes there were actually two towers, and he is also bothered by the fact that this site contains a 500 space parking garage right next to transit, which is in opposition to the Transportation Overlay District. He is happy to support this, his opinion is that we should see high density not only in the City's center, but also at the nodes of light rail, and that is exactly what we see here.

Commissioner Johnson agreed that this is a beautiful building; his opinion is that it is a good location for the building and agrees with the density. He believes this sets a good precedent for the future for what's coming along Rural Road. He appreciates the difficulty and the time involved in this project, and thanked the applicant for working diligently with the utilities, etc., involved.

**MOTION:** Commissioner Thornton moved to approve a new 24-story mixed-use development consisting of 393 residential units and 4,425 square feet of retail uses for **SKYVIEW (PL160154)**, at 903 South Terrace Road, with the change in Building Elevation Conditions concerning concealment of rooftop wireless communications and matching the paint color internally and externally on the parapets. Motion seconded by Commissioner Sumners.

**VOTE:** 5-2, Commissioners Brown and Amorosi in the opposition.

**9)** Request for a Code Text Amendment for **RCC ZONING (PL160419)**, consisting of changes for the RCC district development standards and establishing a density for residential requests. The applicant is the City of Tempe.

**PRESENTATION BY STAFF:**

Mr. Ryan Levesque, Deputy Director Community Development – Planning gave a brief presentation. He explained that this text amendment concerns changes within the Zoning and Development Code, Development Standards in Commercial Districts, to allow in the RCC District a residential density designation that is consistent with the adopted General Plan, subject to review and approval of a use permit process. The Code currently allows residential in the RCC zoning with a use permit, but the current development standards limit any density on the property. This change will amend the code to coincide with the original intent of matching the General Plan.

**PUBLIC COMMENT:** None.

**MOTION:** Commissioner Amorosi moved to approved a Code Text Amendment for RCC ZONING (PL160419), consisting of changes for the RCC district development standards and establishing a density for residential requests. Motion seconded by Vice-Chair Lyon.

**VOTE:** 7-0.

**ANNOUNCEMENTS:**

Ms. Dasgupta announced the Agenda items for the next meeting of the Commission, on January 10, 2017.

**There being no further business, the meeting was adjourned at 8:58 pm.**

Prepared by: Cynthia Jarrad



Reviewed by:

Suparna Dasgupta, Principal Planner, Community Development Planning