

Minutes of the Development Review Commission January 10, 2017

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:

Suparna Dasgupta, Principal Planner
Lee Jimenez, Senior Planner
Obenia Kingsby, Planner I
Cynthia Jarrad, Administrative Assistant

Hearing convened at 6:04 p.m. and was called to order by Chair Linda Spears.

Consideration of Meeting Minutes:

- 1) Study Session and Regular Meeting Minutes, October 25, 2016.
MOTION: Motion made by Commissioner Thornton to approve Study Session and Regular Meeting minutes for October 25, 2016. Motion seconded by Commissioner Summers.
VOTE: Motion passes 5-0
 - 2) Study Session and Regular Meeting Minutes, November 9, 2016.
MOTION: Motion made by Commissioner Thornton to approve Study Session and Regular Meeting minutes for November 9, 2016. Motion seconded by Commissioner Amorosi.
VOTE: Motion passes 5-0
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The following items were considered for **Public Hearing:**

- 3) Request for 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 brief presentation, reiterating what was presented at the December 13, 2016 DRC hearing. At that hearing, the Commission approved the Preliminary Subdivision Plat of the development and conditionally approved the Development Plan Review for the site plan, building elevations, and landscape plan, pending approval of the Use Permit Standard and three (3) Use Permit requests before the Commission this evening. He shared drawings of elevations, etc. Public input received by staff to date, as reflected in the Staff Report this evening, is eleven emails and nine phone calls in opposition, one neutral phone call and two emails in

support. The primary concern of those opposed to the requests is an increase in traffic and congestion generated by the new development. At the December 13, 2016 hearing, seven members of the public spoke in opposition, all expressing concern over increased traffic and congestion. Last Thursday, January 5, 2017, City planning staff and City traffic engineers held a meeting with three members of the neighborhood to discuss the neighborhood's concerns with the proposed development. Existing and future traffic was the primary concern, but security at the gas pumps was also identified as a concern, especially during afterhours, when an attendant is not on duty. Staff supports approval of the Use Permits requested, and staff also recommends adding a condition of approval for a security plan for the gas/fuel sales.

Commissioner Amorosi stated that one of the letters mentioned connecting Wendler to Vineyard Streets, he inquired if that is a viable solution to some of the traffic congestion. Mr. Julian Dresang, City of Tempe Traffic Engineer, responded that those streets actually were connected in the past, but cut-through traffic from 48th Street over to Wendler was a problem for the neighborhood and so the disconnect was done on purpose at that time. Commissioner Amorosi asked if a one-way exit from the neighborhood would be an option. Mr. Dresang responded that it is typically not feasible to do this, as a police presence would need to be there round the clock for enforcement, people would simply not adhere to the "one-way" aspect.

PRESENTATION BY APPLICANT: None.

PUBLIC COMMENT:

Chair Spears read into the record a statement from Marion Brownell, a city resident from the 85282 zip code. The concerns she expressed are safety, because of afterhours loitering at both locations, as well as ongoing concerns about cut through traffic and congestion. Patrol officers have stated that automobiles cutting through on Vineyard and Calle Los Cerros are going as fast as 55 mph, these officers suggested calming stripes or speed humps.

Ms. Chris Hoover stated that she and her spouse had lived in this area for 44 years and raised a family here. They hope to stay in the same home as they age, and are concerned about backing out from their home with someone going by at 55 mph. They would like to see speed humps installed on Calle Los Cerros and Vineyard. It is human nature not to follow rules, when traffic is backed up, people are always going to look for an alternative route. She asked for the "gift of safety" and to still be able to enjoy living in this area. They need some relief through whatever can be done, she again requested speed humps.

Chair Spears then asked Mr. Dresang to speak again, requesting he update the Commission on what the plan is for mitigating traffic in this area in the future, also whether residents will continue to be informed as to upcoming meetings, entities that residents can remain in touch with, etc. Mr. Dresang stated that he empathizes with the residents of the neighborhood, the City is aware that this is not only one of the most congested areas of the city, (Baseline and I-10), it is actually one of the most congested in the entire metro Phoenix region. Maricopa Association of Governments (MAG), Arizona Department of Transportation (ADOT), and the City of Tempe are all aware of this problem, since there is agreement between all entities, there is funding available, and some of the concerns can be addressed. MAG is currently gathering feedback for the "spine corridor," which is the I-10 and I-17. There are five meetings this month; he has made the residents aware of these meetings so they can participate. He has committed as City of Tempe staff to continue working with the neighbors to further any improvements to existing conditions.

Commissioner Amorosi inquired if roundabouts could be used in this area as well, for traffic calming. Mr. Dresang stated that this was an option, among others, such as speed humps. Staff will be working toward some of these options along Calle Los Cerros.

PRESENTATION BY APPLICANT:

Mr. Ali Fakh of Sustainability Engineering Group stated he had a full presentation if the Commission wanted to hear it, Chair Spears said there was no need. Mr. Fakh stated that he was aware of the need for a security plan and has agreed to that condition, and said he was available for any further questions.

COMMENTS BY THE COMMISSION:

Commissioner Thornton stated that she would read aloud the "Use Permit Standards" so that everyone listening would understand why she is opposed to approving these Use Permits. She read them into the record, and said for the stated reasons, she could not support, as in her opinion, this project fails on each of the standards. She will be voting no.

Commissioner Sumners stated he had looked at the PCC-1 Zoning Classification, which is commercial at a neighborhood level. He wondered what could be developed on this site without needing approval of DRC or City Council, just needing a building permit. When one looks at that list, it includes uses like a daycare operation, an office building, a Lifetime Fitness, a Harkins 24, etc; each of those types of businesses could go in here without Use Permits, etc. His opinion is that all of these options would generate traffic in comparison to this development. He will vote in support.

Commissioner Brown pointed out that the setback request was made with good reason and is completely acceptable.

Chair Spears commented that although she appreciated Commissioner Thornton's thought process on why she would oppose, she herself does not believe the development will cause a significant increase in traffic. She is aware that it is a regional issue, and she also believes this development will bring some needed services to the area. She will support.

MOTION: Motion made by Vice-Chair Lyon to approve, (with new Condition regarding approval of a Security Plan), 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. Motion seconded by Commissioner Sumners.

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

Chair Spears explained that Items #4 and #5 will be presented together, and then voted on separately

- 4) Request approval for three (3) Use Permit Standards, 1) reduce the street side setback from 25 to 20 feet; 2) reduce the front setback from 25 to 20 feet; 3) reduce the parking setback from 20 to 18 feet, and a Development Plan Review for a new 11,559 square-foot industrial building for **CARSON COMMERCIAL – SITE A (PL160375)** located at 6420 South Ash Avenue. The applicant is LGE Design Group.
- 5) Request approval for three (3) Use Permit Standards, 1) reduce the street side setback from 25 to 20 feet; 2) reduce the front setback from 25 to 20 feet; 3) reduce the parking setback from 20 to 18 feet, and a Development Plan Review for a new 8,655 square-foot industrial building for **CARSON COMMERCIAL – SITE B (PL160374)**, located at 6422 South Maple Avenue. The applicant is LGE Design Group.

PRESENTATION BY STAFF:

Mr. Obenia Kingsby, Planner I, gave a brief presentation concerning both properties. Site A is located on the southwest corner of Ash Avenue and Guadalupe Road. Site B is located on the southwest corner of Maple Avenue and Guadalupe Road. Each is requesting Use Permit Standards to reduce street side and front setbacks, and also to reduce the parking setback. The proposed plans are for a new industrial building at each site, Site A will be 11,559 square feet and Site B will be 8,655 square feet. Each will be approximately 27 feet in height. The projects meet development standards and approval criteria, and staff recommends approval, subject to conditions.

PRESENTATION BY APPLICANT:

Mr. Vince Dalke and Mr. John MocarSKI of LGE Design Group gave a presentation. They explained that these are similar projects; they are both on infill lots in a subdivision. These two frontage lots were "left behind" because their configuration is a bit challenging in regards to fit, parking, access, etc. Concerning the design of the buildings, these are a step above all those surrounding them. They believe these are great buildings to have on the frontage, with some contemporary flair; they will be an asset to the two corners on which they sit.

Commissioner Brown inquired about the coverage of the lot and the request for the setback. He believes that it does not look like that difficult of a site, and doesn't see the need for the setbacks. Mr. Dalke explained that it is simply to keep in alignment with the buildings to the east and west of them. Commissioner Brown stated that the adjacent buildings are some distance away; he doesn't see the reason for the setback except for more square footage for their buildings. Mr. Dalke explained that they are asking for the same accommodation in setback as the building to the east, that is the reason for the request.

Chair Spears asked Staff for clarification that these discussions regarding setbacks had taken place, and that Staff deemed the request as reasonable, Mr. Kingsby confirmed this was the case. She then asked the applicants if they

wanted to add anything regarding Site B. Mr. Dalke stated that they were very similar in design, a bit different in color schemes, but many of the design elements, access, etc were the same.

PUBLIC COMMENT: None.

COMMISSION COMMENTS:

Vice-Chair Lyon asked Mr. Kingsby to please explain staff's thinking on the setback requests, and why/how they make sense. Mr. Kingsby stated that to the west of Site A is a City operation, and Site A's building is actually set further back than that. For Site B, there is a multi-family residential project to the east, which is closer to the street, which is also the case in the building to the west. The applicants had setbacks from previous plats going against them, which would have required them to be even further back. They asked Staff for better alignment with the buildings that are already there. Vice-Chair Lyon then clarified that the reasoning was the surrounding area as well as the use? Mr. Kingsby stated yes, as well as the fact that Staff's opinion is that the buildings are very well designed considering their use. Staff had them add additional windows to the north elevation, etc, and the applicant willingly complied with Staff's requests for the project.

Commissioner Sumners applauded the applicant and staff for looking at the long standing life of the building, how it will hold up over time, an example being that the applicant went with integral color block rather than painted block, which ensures its look over the long term.

MOTION: Commissioner Thornton made a motion to approve three (3) Use Permit Standards, 1) reduce the street side setback from 25 to 20 feet; 2) reduce the front setback from 25 to 20 feet; 3) reduce the parking setback from 20 to 18 feet, and a Development Plan Review for a new 11,559 square-foot industrial building for **CARSON COMMERCIAL – SITE A (PL160375)** located at 6420 South Ash Avenue. Motion seconded by Commissioner Johnson.

VOTE: 6-1, Commissioner Brown in the opposition.

MOTION: Commissioner Thornton made a motion to approve three (3) Use Permit Standards, 1) reduce the street side setback from 25 to 20 feet; 2) reduce the front setback from 25 to 20 feet; 3) reduce the parking setback from 20 to 18 feet, and a Development Plan Review for a new 8,655 square-foot industrial building for **CARSON COMMERCIAL – SITE B (PL160374)**, located at 6422 South Maple Avenue. Motion seconded by Commissioner Johnson.

VOTE: 6-1, Commissioner Brown in the opposition.

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

PRESENTATION BY STAFF:

Mr. Obenia Kingsby, Planner I, gave a presentation on the project. He explained that Watermark Tempe is a mixed-use development proposed at the intersection of Scottsdale Road and Playa del Norte Drive, which is north of Tempe Town Lake and South of the Loop 202 Freeway. The applicant is requesting an amended Planned Area Development (PAD) Overlay to establish development standards for density, building height, lot coverage, landscape coverage and building setbacks; a Development Plan Review (DPR) for Phase 1A consisting of a site plan, building elevations and landscape plan; and a Preliminary Subdivision Plat for seven lots. The total project is proposed in three phases and consists of eight buildings. Phase 1A is the request before the Commission this evening, which includes two buildings, for commercial and office uses. The commercial building is eight stories at 102'-10" with ground floor retail and restaurants with the parking garage above. The office building is seventeen stories, at 224'-6", with ground floor commercial, two levels of parking below grade and six levels above. Staff recommends approval of this project, subject to conditions. Staff has confirmed that the project meets the General Plan Projected Land Use and Projected Residential Density for this site. It meets the development standards, and also meets the approval criteria for a Planned Area Development Overlay, Development Plan Review and a Subdivision Plat.

Chair Spears asked for clarification that the existing PAD remains in effect for everything other than the three buildings being discussed this evening, and is this correct? Mr. Kingsby responded that no, this PAD is for the entire

site, all phases. This new PAD will supcede and each phase of the development will require a Development Plan Review to come before the Commission. Chair Spears and Commissioner Brown said they were confused. Ms. Suparna Dasgupta, Principal Planner, explained that there is an existing entitlement in place, the current PAD process is amending the existing PAD. However, the ordinance is still in place that the site plan has to be in substantial conformance to the existing site plan in order for them to build. What was proposed in the original site plan is not in conformance with the new PAD, so the applicant would have to, by ordinance, process a separate amended PAD for any subsequent phased developments in the project. Chair Spears asked if that meant that since there's not a development plan for the other areas, those are blank slates? Ms. Dasgupta stated yes, they have to process the PAD with a DPR. So in essence, the rest of the development, each phase, will have to come back before the Commission with a DPR for each new building/buildings. With some more questions by the Commissioners about density, height, etc, Ms. Dasgupta explained that there is an overall existing density; the site plan still needs to be in conformance to it. What is not presented to the Commission tonight (the future phases) needs to come back to them, and no building permits, etc can be issued without going through the approval process for each building or phase. Chair Spears commented that the existing PAD is being replaced, but it is in essence being replaced with nothing. Commissioner Brown clarified are they being asked to approve a certain density, parking ratio, etc, but they are not yet aware in what form it will be? Ms. Dasgupta confirmed that was correct.

PRESENTATION BY THE APPLICANT:

Ms. Manjula Vaz of Gammage & Burnham, PLC, 2 North Central Avenue, Phoenix, AZ 85004, gave a presentation. She stated that she was here this evening on behalf of El Fenix, LLC. She explained that in the past, applicants were able to request a PAD without a DPR. So an applicant could come in and get a PAD approved, get the entitlement for a myriad of uses, square footages, densities, masses. What happened historically with this PAD, it went to the Development Review Commission at the time gave them an entitlement for 2.2 million square feet, certain residential density that needed to be maintained and a mix of uses. But what happened then was the City of Tempe did their General Plan. The General Plan reflects currently what this PAD shows - that is a density of 65 dwelling units and greater. The current entitlement is for 1.7 million square feet of mixed use and a certain number of residential units, which the General Plan states should be above 65 dwelling units per acre. Now in 2017, as Ms. Dasgupta explained, an applicant cannot just request a PAD without a Development Plan, and since there is an existing PAD, anything the applicant now requests will force a new PAD. Back in 2010 and 2011, the original development that would have been here went through bankruptcy. The bankruptcy court stated that the applicant needed go back to the City and get some value from the entitlements. Back in 2011, that was done. Ms. Vaz stated that at that time, she stated on the record that the project was not potentially what was going to be built, but what the court required them to do. She recognizes that the City's current intent is for tall buildings with high density, mixed use quality products, especially at the Lake. She shared images of what the projected site looked like in the past, and what they are proposing at this time. The bankruptcy court had mandated that they market the property, which they did for a few years, garnering some offers, which then needed to go back to the court for approval. The court did not accept the offers. Then when Marina Heights was announced, they held onto the property to see how Marina Heights was received before they took any other offers. Marina Heights was received well, and now the applicant is of the opinion that the climate is right for this project. The first phases will be mixed-use and office, with residential in further phases.

She then introduced Mr. Jeff Brand of Nelson Partners at 15210 N. Scottsdale Road, the architectural firm on this project. Mr. Brand stated that their goal was to create a great streetscape and a destination, not just a corporate office. He shared renderings of the buildings seeking approval this evening, and explained frontage on the streets, access, parking, etc. Landscape Architecture firm Design Workshop was brought in to do high quality landscaping, a firm that is known for their mixed-use projects. There will be lush landscaping to mitigate some of the heat, and the design of this building is contemporary in nature, this project will be a flagship project for Nelson Partners, they envision it as a "gateway" into Tempe. The office building is mostly glass facade, with a nautical feel facing the lake; it will be an iconic building for the lakefront. The entirety of the garage has been screened; cars in the garage will not be visible, as is the case with most other garages. There will be a bridge at the top level of the garage, with access to the common area level of the office building. This bridge is not only functional but also public art. The bridge will be highly visible, especially from Rural Road, and so the perfect place for a public art element. This concluded his presentation.

Commissioner Amorosi inquired if the main entrance to the courtyard along the multi-use path is ADA compliant. Mr. Brand confirmed that yes, everything is ADA compliant.

Commissioner Johnson inquired about the existing multi-use path that leads up to Rural Road so that one could cross the lake at that point. He pointed out that this is on the west side of Rural and could the applicant explain how

that path will look. Ms. Vaz explained that they are currently working with staff to change it, being careful to ensure that it remains ADA compliant, she pointed out on the drawings where it will be placed.

Commissioner Brown asked how reflective the glass is on the east side of the office tower. Mr. Brand explained that some of it is 43% and some is 15% or 17%, which is roughly half as much. Commissioner Brown asked what that was in comparison to the insurance office building across the lake at Marina Heights. Mr. Brand said the insurance building was also at 43%, but pointed out that less than 50% of the proposed building being discussed this evening has that type of glass. Commissioner Brown asked about the height, and Mr. Brand stated that it was currently "dashed in" at the entitlement, which is 278 feet. Commissioner Brown asked additional questions about some of the renderings, the pile of dirt that is currently at the site, etc. His questions were answered to his satisfaction by Ms. Vaz. Commissioner Brown wrapped up by saying that this will be the best looking garage in town, and he applauds their efforts on the garage. Overall, it's a spectacular project; he is in favor in putting this type of project with this density in this location.

Ms. Vaz then asked to speak for a moment about two of the current stipulated conditions. Condition #10 specifies that the control gate in the northwest corner of the site leading to Gilbert Drive shall be eliminated, and further stipulates that at each phase of the project the City is provided with a traffic impact study and plans for mitigation of traffic if it is increased by a certain level. The applicant is requesting that this gate should be kept, not done away with. In speaking with the neighbors, and in order to mitigate traffic, the applicant requests to keep the gate, with fob access to the site for residents and workers. This project is adjacent to a park and neighborhoods without any commercial "buffers", so the gate seems a better alternative for all involved. Also, Condition #22 states that the applicant shall improve the architectural design of the garage. The applicant feels strongly that they have already done so, that this condition has already been satisfied and should be eliminated.

PUBLIC COMMENT:

Ms. Darlene Justus stated she has lived in north Tempe for 52 years, and she has a concern about traffic although the project is a nice development. Looking at the aerial map, she pointed out the roads that access the site, and added that there is an Equestrian Trail under the 202 which goes directly into Papago Park. Papago Park is very heavily used, especially on weekends, there are many condominiums and apartments to the east, the residential area goes all the way north to Curry. She stated that the gate might help mitigate some of the cut-through traffic, and that with each phase of this development the traffic will get worse, she hopes everyone is mindful of that.

Ms. Darin Sender of Sender Associates at 464 South Farmer stated that she is unclear what is being requested for approval this evening, and guesses that most of those here are confused as well. She stated that Chair Spears has stated that just Phase 1A is being approved, and everything else remains under the old PAD. That was also her understanding, but now they've heard that the entire PAD must be approved this evening. She disagrees with that, saying that the PAD could have been done in pieces. She said that Mr. Kingsby stated that the Commission would be approving the entire site plan this evening, even though each of the phases or buildings need to come back through the process with a separate DPR. The Commission in essence will be approving the setbacks, a residential density, everything in that plan. She stated that the Ms. Vaz' previous statement that the 2011 PAD that was approved "doesn't matter now" is false. It was approved by our City Council in 2011 and her client, Transwestern, developed their project around that approval. She stated that with approval tonight, the Commission would be approving everything about the apartment buildings, even though those buildings will be coming through later. She also stated that the access gate mentioned previously needs to remain in place for the traffic flow to be appropriate for this project.

Ms. Deb Gain-Braley of 327 E. McKemy Street commended the applicant for working with the neighbors, meeting with them to talk them through some very complex issues. She is concerned about bike access for this project, and wanted to make sure that it is still part of the plans. Also, the neighborhoods have all expressed concern about traffic. There is already a lot of traffic on College, there's also a school there with bus stops that do not have dedicated pull-outs, which has raised concerns about safety of children there. There is an urgent need for traffic calming and traffic control in this area. The gate should remain in place, and she hopes there are other options available for traffic calming.

Mr. Josh Delk of Transwestern in Austin, Texas, Ms. Senders is representing them this evening. Transwestern was the developer of Vela Apartments, which is the existing neighbor to this project. He reiterated what Ms. Senders had stated, the amendment to the PAD and the floorplate that you see tonight includes the residential area, and that it is far more obtrusive and has substantially more negative impact on their project than the existing PAD, which they specifically planned their building around. The Commission is being asked to approve something this evening which

is just a line diagram. It seems this should not be approved without more information. He wants to be on record that they've been diligently working on coming up with a compromise, he believes the proposed project is a quality project and he appreciates much of their design. However, there are several incompatible components to the project that "we are not talking about tonight" that are major concerns for Transwestern. They will be filing a formal protest prior to going to City Council, if this project is recommended for approval tonight.

Commissioner Thornton asked to see exactly where the proposed gate is on the proposed project, and how it affects Transwestern's property. Mr. Delk responded that they don't have access to Rural Road right now, and they've requested utilizing that drive as access, the current applicant has been unwilling to do so because they would not be contributing to the operating and maintenance expense as well as construction. Mr. Delk stated they he and his representative had offered to contribute and actually build that before Vela was built, but were turned down. They were also asked to contribute in a disproportionate amount to construction, based on how much they would utilize the access road.

Commissioner Brown asked Mr. Delk if his residents are fine with the access that is available to them now, under the freeway. Mr. Delk stated that he thought so; they are renting at a good pace over the past six months and have not been hearing complaints. He stated that if the majority of the public is able to use that access, there should be no reason that the 350 residents at Vela should not be able to.

APPLICANT RESPONSE:

Ms. Vaz pointed out for the Commission exactly where the gate sits, and stated that the access to Vela, the neighboring project, is on Gilbert Drive, so the developer would not be cutting off their access to Gilbert Drive. She believes Mr. Delk and Ms. Sender's concern is the heavy traffic sitting on Rural will divert through the development trying to find any way out. The gate with fobs concept (for people who live and work there) came from the applicant's discussions with the neighbors who live north, who wish to see some mitigation of the traffic coming out from the development. The gate will limit those who can access out Gilbert Drive.

Chair Spears inquired if a fob is required to enter as well as exit? Ms. Vaz affirmed that yes that is the case, from Gilbert Road. Chair Spears then asked staff what their rationale was for this entrance/exit to not be gated. Mr. Dresang stated that without access on the northwest, we would essentially have a large cul-de-sac, and those wishing to come to this site would have the option of Rural Road only, which is already highly congested. If there were a circumstance and Rural Road was blocked from entrance, vehicles would have to sit onsite. From a traffic standpoint, there is always value to more access points. This project is phased, and that brings the luxury of looking at the traffic impact as each phase is approved. For these reasons, staff recommended removing the gate from the plans, although they appreciate and understand the neighbor's concerns.

Chair Spears then asked the applicant and staff to explain once again what the Commission is being asked to approve this evening, and what will happen in the future. Ms. Vaz explained that they were asking for approval to amend the PAD from the old 2011 plan. But with the way PAD's are now processed, they have included the DPR on the buildings in Phase 1A (an office building, retail building with a parking garage, and the landscaping that was explained earlier by Mr. Brand.) They are not asking for approval of site plans on the other phases, which will be coming in a couple of months. Ms. Dasgupta reiterated that a PAD cannot be approved by DRC or by City Council without an accompanying DPR. Therefore, the DPR they have before them tonight is for Phase 1A only. This is by City Code, with the PAD reform that happened in 2014.

Commissioner Brown stated that all this land has an existing entitled density; it will never go back to raw land, so his understanding is that the Commission is still approving a certain number of dwelling units, square feet, and parking spaces, without any "form," as the design will be from scratch. Does he understand this correctly? Ms. Dasgupta responded yes.

Commissioner Amorosi stated if the Commission is not approving anything outside of Phase 1A, then why is there a building outline in one of the other sections? Ms. Vaz responded that he is looking at the original PAD, and that was the old building that was planned. That building has no DPR attachment to it; the outline of the building would be part of a site plan that they are not asking approval of this evening. That section theoretically has an entitlement of multi-family, height, and density, but not an entitlement of that outline.

Commissioner Johnson asked for clarification that changes to the existing PAD applies to the entire property, so the setback changes, (increasing or decreasing) would apply to anything that does not have a DPR tonight as well, is this correct? Ms. Dasgupta responded yes. Chair Spears reminded the Commission that a future PAD amendment

would probably change those as well. Ms. Vaz affirmed that yes, there will be a PAD amendment coming in about two months, which will cover the multi-family portion and then eventually a third PAD amendment for the hotel.

Commissioner Thornton asked for further clarification from Ms. Dasgupta regarding the ordinance she had mentioned earlier that dictates how PAD's are now handled. She is uncomfortable approving an entire PAD when there are only DPR's for two buildings, and why could they have not have been done separately?

Chair Spears explained that what is being approved this evening is only the two buildings, not anything else. The other buildings, such as multi-family housing, in this development will have to come back before the Commission with an Amended PAD and DPR at the same time. The entitlements are there; they may or may not change depending on the next PAD Amendment request.

Ms. Dasgupta reiterated that before 2014 and the PAD reform that happened at that time, an applicant could come before the Commission with just a speculative development and obtain the zoning without showing anything that will be on that site. This request is within the General Plan, on Tempe Town Lake, the City envisions these types of high density projects. This is in essence a Zoning Map approval, and the Zoning Map approval cannot take place without the associated DPR.

Commissioner Sumners inquired that regardless of what the PAD approval grants or declines to grant, anything that is going to be developed has to come through with a DPR, so for future buildings, the Commission will see height, density, mass, materials, etc, is that correct? Ms. Dasgupta affirmed yes.

COMMISSION COMMENTS:

Vice-Chair Lyon asked the other Commissioners their thoughts on the proposed gate, as they've heard tonight from traffic engineer Mr. Dresang that staff recommends not having the gate.

Commissioner Amorosi stated that his worry would be if there is no gate there, and it will be at the edge of a parking lot, this would invite people parking there regularly and it would be more difficult to add a gate after the fact.

Commissioner Johnson stated that when he reads through Condition #10, it states (paraphrased) "upon completion of each phase of the project, the City of Tempe shall be provided with a professional traffic impact study..." and "if any of the studies demonstrate an increase in site-generated traffic on College Avenue that exceeds 10 percent of projected values in the original analysis, then the developer shall be responsible for planning, design, and construction of traffic mitigation improvements..." So no mention of a gate being installed, but rather review by the City at that time. He stated that there might be a large problem if people think they can cut through the property at the back side of it to avoid traffic on Rural Road. He doesn't believe that College is a well-known alternate route so there should not be a lot of cut-through traffic. To come through this project as a cut-through would be a circuitous route.

Chair Spears stated that she tends to agree with staff that this may create a "cul-de-sac," however if the gate was motion activated only for exiting the property, then she would agree with a fob for entrance. This way if traffic needed to be moved through, it could be.

Commissioner Brown stated that the residents living north of Curry don't want a lot of traffic exiting from this development. He agreed that what Chair Spears expressed might be a good idea.

Commissioner Sumners said that he typically looks at an existing condition elsewhere in the valley to project what this might "look like." The route through the Arizona Grand is what comes to mind as something we could be setting ourselves up for, if we let cut-through traffic happen. Phoenix let that happen many years ago, and they are still trying to "un-do" it. He would be concerned that this same condition might happen here, and therefore he is supportive of the gate.

Ms. Dasgupta pointed out that if it made the Commissioners more comfortable, they could add a stipulation to the motion before voting, making clear that the recommended approval is only for Phase IA, the commercial development only.

Chair Spears asked staff members if they had any objection to removing Condition #22, concerning the garage. Ms. Dasgupta stated there was no objection.

Chair Spears asked Ms. Vaz if they were amenable to, if the gate stays, having it motion sensed for exiting. Ms. Vaz said they had no problem with that.

MOTION: Vice-Chair Lyon made a motion to approve an Amended Planned Area Development Overlay for a new mixed-use development; 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, with the following changes: Removal of Condition #22 under Building Elevations (describing improvement of the garage), and modifications to Condition #10 under Planned Area Development Conditions of Approval, such that a gate which opens for exit by motion control is acceptable. Motion seconded by Commissioner Summers.

Commissioner Thornton inquired of Mr. Dresang if he agreed with the stipulation proposed (no fob required to exit), in regards to traffic control. Mr. Dresang responded that from a traffic standpoint, anytime access is limited there is a concern, but he leaves it to the Commission. With the gate in place or not in place, traffic engineers will continue to work with the neighbors to address their traffic concerns on College and in the neighborhoods.

Commissioner Brown asked of Mr. Dresang if there was any way there could be a right-turn only configuration at the intersection of Curry and College in order to keep heavy traffic from going north past the Historic Museum. Mr. Dresang stated that all those options are on the table, they wish to have a public process, as that would affect all the neighbors south of Curry. Engineering always wishes to work with all the neighborhoods impacted by a given change.

Chair Spears clarified that the motion on the table is only for the DPR for the first two buildings, Phase 1A, for the record.

VOTE: 7-0

MOTION: Commissioner Brown made a motion to approve a preliminary plat, revised, showing the utility easement across Lot 7, for **WATERMARK TEMPE (PL160224)**, located at 430 North Scottsdale Road. Motion seconded by Commissioner Amorosi.

VOTE: 7-0

STAFF ANNOUNCEMENTS:

Ms. Dasgupta stated that there are currently no agenda items for the upcoming January 24, 2017 hearing, and it will most likely be cancelled. The Commissioners will be notified as soon as possible if this is the case.

There being no further business, the meeting was adjourned at 8:08 pm.

Prepared by: Cynthia Jarrad



Reviewed by:
Suparna Dasgupta, Principal Planner, Community Development Planning