



Minutes of the Development Review Commission August 22, 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 Philip Amorosi
Commissioner Scott Sumners
Commissioner Michael DiDomenico
Alternate Commissioner Nicholas Labadie

Absent:

Commissioner Andrew Johnson
Alternate Commissioner Angela Thornton
Alternate Commissioner Barbara Lloyd

City Staff Present:

Suparna Dasgupta, Principal Planner
Karen Stovall, Senior Planner
Cynthia Jarrad, Administrative Assistant

Hearing convened at 6:05 p.m. and was called to order by Chair Linda Spears.

Consideration of Meeting Minutes:

The following Agenda items #1 and #2 were considered together.

- 1) Study Session Minutes, August 8, 2017
- 2) Regular Meeting Minutes, August 8, 2017
MOTION: Motion made by Commissioner DiDomenico to approve Study Session and Regular Meeting minutes for August 8, 2017. Motion seconded by Commissioner Amorosi.
VOTE: Motion passes 5-0.
- 3) Request for a Development Plan Review and a Use Permit to allow Residential use in the CSS zoning district for a new 45-unit multi-family and commercial development for **DAYBREAK APARTMENTS (PL170214)**, located at 1935 East Apache Boulevard. The applicant is Functional Formation Architecture, PLLC.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, gave a presentation on the project. The project is located at 1935 East Apache Blvd., on the south side of Apache, approximately 130 feet west of Martin Lane. The property is within the CSS zoning district and the Transportation District Overlay. The site is 2.27 acres in size, the south half of the property contains an existing self-storage facility that will remain on the site. It is surrounded to the west by a Motel 6 and a

Self-storage facility, to the east by auto repair businesses, residential, and a church, and to the south by a UPS shipping facility. The applicant is requesting approval of a Use Permit to allow Residential in the CSS zoning district and a Development Plan Review for a new mixed-use building on the north half of the site. Vehicular access is provided by one driveway on Apache with a drive aisle that extends south to the self-storage facility. All vehicle parking is within a surface lot on the west side of the new building. A total of 45 one bedroom units are proposed within the three-story structure. On the first floor, a 1,050 s.f. commercial tenant space is included, fronting Apache, with residential units above and behind it. At the south end of the building, the plan provides for a common outdoor area. On-site landscaping on the north portion of the site totals 30%. The street frontage along Apache incorporates a comfortable pedestrian environment including a landscape buffer with shade trees and a detached sidewalk. An existing water line that serves the storage facility will be relocated to the middle of the new drive aisle in order to provide turf and shade trees along the west side of the building. The proposed development is three stories, and is 42'-6" high. The majority of the building is finished with smooth Exterior Insulation Finishing System (EIFS) painted two shades of brown. EIFS pop-outs surround the balconies, creating a recessed appearance and providing privacy and shade from the tops and sides. Brick veneer is used on the first and second floors of the north elevation and is carried to the primary resident entrance to the apartment units. The ground-level commercial space and laundry room along Apache have clear storefront windows to provide visual interest at the pedestrian level. A neighborhood meeting was not required for these applications, and staff has not received public input. Staff is recommending approval, subject to the stipulations listed in the staff report.

Commissioner DiDomenico inquired how large the patio balconies are, Ms. Stovall responded that they were 6 feet.

PRESENTATION BY APPLICANT:

Mr. Les Partch of Functional Formation Architecture, PLLC gave a brief presentation. He stated that this site is deeper in the north-south direction, and narrow in the east-west direction, parking will be to the west of the proposed building. They have listened and responded to staff requests, having relocated the water line at significant cost, to provide adequate landscaping and shade on the west side of the building. They have also added balconies, brick veneer, pavers and specific landscape features at the suggestion of staff. They will be incorporating a blue paint color along with sand and tan, in accordance with the Apache Character Area. They are also using brushed aluminum finishes on all of the metal on canopies, balconies and window panes to add a contemporary feel, as they have tried to establish balance between traditional and contemporary features. Each of the units will be 475 square feet, the target market for these units will be graduate students or those who have recently graduated, entering the work force, and wish to live alone. The retail space fronting Apache on the ground floor will most probably be a coffee shop or something similar, this has not yet been determined. He stated that they have heard a concern about density, and explained that part of the reason they only have 19 dwelling units per acre is because they are not utilizing the entire site for apartments. If they looked just at the development on the north half of the site, the calculation would be approximately 40 dwelling units per acre. This project will be a significant improvement, as the existing use of this portion of the site is vehicle storage.

Commissioner Brown inquired of the owner if the existing gate at the entrance to the self-storage will remain there when the new development is complete, and if they feel it is possible and/or feasible to separate the uses. The owner, Mr. Mansour Elmukhtar stated that they have considered that, but for now the plan is for everything to remain the same. There is a manager on duty, and this will be the case going forward. They have not had any problems with the area such as loitering for the 15 years they have been there. In answer to Commissioner Brown's question, Ms. Stovall stated that part of the review process is review by the Police Department, and that had been done, with no issues raised.

Commissioner DiDomenico inquired of the owner if he owned the entire site. Mr. Elmukhtar stated yes, since 1995. Commissioner DiDomenico inquired if there is keypad access to the gate. Mr. Elmukhtar stated that they typically leave the gate open and the manager oversees the activity there, but yes, if the gate is closed, someone who rents a storage unit could get to their unit using keypad access.

Commissioner Labadie inquired of Ms. Stovall and Ms. Dasgupta if the use permit for the mini-storage will remain, and if the Commission approves the use permit for residential, that use permit covers the entire site, or just the north half. Ms. Stovall responded that the use permit request only applies to the north half of the property for residential development. In the future, if the applicant wanted to add a residential use on the south half of the property, they would have to come back to request a modification of the use permit. Commissioner Labadie then inquired, since use permits can be transitory, is there anything within the Conditions of Approval that would ensure that this would be reviewed in the future, if for instance they wanted to split this into two sites and develop the south half. Ms. Dasgupta stated that any intensification of a use permit would require coming back before the Commission for approval, and this scenario would be an intensification. There would also be review of a new plat, cross-access easement and access from the south, etc if there were a request to develop the south portion. Commissioner Labadie stated he thinks the project just barely meets the development plan review conditions, such as superior quality, etc, so since he is not "thrilled" with the project overall, this use permit question adds to his concern. Ms. Stovall responded that if the proposed development does not live up to the conditions of approval, that would be reviewed by staff, and if there were issues with illegal activity or noise, etc, those things would be investigated through the nuisance code or other City code requirements. Commissioner Labadie stated he would just like to see that the use permit for residential could be revoked if the development was not built or maintained to a certain level, as that would be a great motivator.

Commissioner Sumners asked for clarification that part of this process is a re-plat to one parcel because it is currently two parcels, Ms. Stovall stated that was correct. Commissioner Sumners stated that since, if the south portion were to be developed in the future, it would again need to be re-platted. He feels that the required review would give the City some protection in that the site plan would be reviewed once again to ensure all issues are addressed.

Vice Chair Lyon asked for further clarification as to whether a re-plat is part of this process, or is that just a scenario that might happen in the future. Ms. Stovall explained that the site is currently two parcels, Condition number 2 under General Conditions requires the applicant to re-plat to one parcel to go forward with this project. In the future, an applicant would need staff review and City Council approval to re-plat, dividing into two parcels again to develop the south portion. Vice Chair Lyon then asked for verification of what the 2.27 acres includes, is that the site in total or just the north half? Ms. Stovall responded that 2.27 acres includes the entire site, both the north and south portions.

Commissioner DiDomenico stated that the dwelling units per acre (du/ac) calculation is correct as is, for the 2.27 acre site. He asked the architect why the building was placed on the eastern versus the western half of the property. His opinion is that this limits the applicant for any further development in the future. Mr. Partch responded that it had to do with access to the self storage facilities, the existing water line, and which buildings would be demolished. Also, Apache Blvd has a median, so the building will be approached by a pedestrian or vehicle from the west, so the proposed positioning means they will see the entrance to the building. Commissioner DiDomenico inquired of staff if they had an opinion about the positioning of the building. Ms. Dasgupta stated the positioning was originally due to the location of the water line, and then it evolved from there, it was the best location for addition of landscaping and preventing any loss of parking.

PUBLIC COMMENTS:

Mr. Matthew Salenger of Tempe stated that he was disappointed that the owner of the property did not meet with neighbors simply because he was not required to. Although he applauds changing the use of this site, he stated this does not meet the desired character of this area, as an example they want to minimize car uses, which this site does not do. He does not like the site plan, all you will see is cars if you drive by and look in. He believes there should have been a different design, the building situated for more street presence, which would have prevented seeing all those cars. He also believes the retail space is in the wrong place, it will not be utilized. He stated that with this type of design, it holds the potential of becoming another "Sin City" and becoming a drag on the area with potential crime, etc. He does not believe the project meets the stipulations of the Character Area plan.

Mr. Marin Gadusi of Tempe stated that he is the owner of the property to the west of the hotel, which is west of this site. He has looked at the proposal, and although he is a bit concerned about the use of the self-storage units, he supports the residential development, it will be a big improvement over what is currently there. It will also be good for businesses and properties in the surrounding area.

APPLICANT RESPONSE:

Mr. Partch stated that he realizes Mr. Salenger was unhappy with the density, and regarding the placement of the building, this was done because of the very narrow site. It was not feasible to have the largest percentage of the building facing the street; they would have ended up with an "L" shape with only about 20 feet of the building facing Apache Blvd. If this was a much larger site, it may have been possible to have the front of the building along the street, as Mr. Salenger suggested. He is unsure why Mr. Salenger thought the retail space was not in a good location and would not be utilized; in his opinion the opposite is true.

Commissioner DiDomenico asked about the original design, the staff report mentions the building was actually going to be split into two buildings, and now that is not the case. If it were split as originally proposed, and the second half of the building was located to the west, with the parking being pushed toward the self-storage, would that be a feasible option and alleviate some of the concerns we heard this evening? Mr. Partch responded that was correct, the original plan had been to split the building, but it was combined because of constraints of the site, as discussed this evening. He said that what Commissioner DiDomenico was suggesting was not feasible because it would be too tight for the drive aisle, would remove more of the self-storage, and remove parking. What they see before them is the most efficient way to utilize the site. Ms. Stovall added that the easement from the water line is a minimum 16 feet, which further limits the prospect of a second building. Commissioner DiDomenico stated in this Urban Core area, he would have liked to see a design that hid some of the parking, had more density, and fronted Apache Blvd.

COMMISSION COMMENTS:

Commissioner Brown stated that he appreciated the renderings and perspectives, he believes the trees will actually soften the look of the project even more than what the renderings show. He believes that overall it is a good project and is a great improvement over the existing.

Commissioner Sumners stated that staff had requested many revisions for this project, and the applicant accommodated those requests, which he appreciates. He will support, it is not perfect but is a big improvement over the existing.

Commissioner Amorosi stated he likes the brick veneer front rather than tile, and he appreciates the windows on the west side are inset with thick overhangs, which gives a modern take on thick adobe windows from the past. He does not like the fact that all the box trees are not 36". His opinion is this a prime piece of real estate right next to a light rail station, and the city is encouraging high density, which this is not. They are not developing the entire site and are opting to leave the grandfathered self-storage area, which is now a prohibited use. He thinks the entire site should have been redeveloped at this point, and he will not support.

Vice Chair Lyon said he had mixed feelings about how the site was developed as a whole. He is not in love with it, but it is a great improvement over what is currently there. He feels the paint colors are bad and dated, he feels he should support, but he is not overly enthusiastic about the project.

Commissioner DiDomenico stated that he has already spoken about use of the site, positioning of the building, incorporation into future development, redevelopment of the south half. He does not like the future possibility of building a "Phase II" on the south portion of the lot exactly like "Phase I" on the north, but he likes the use, materials, etc.

Commissioner Labadie stated he believes this is a trade-off of the existing for something better. He will support it, but he has reservations about it, which he stated earlier this evening. He does not believe this is the "final version" of this property, and there will be more development here, he believes there will be future problems with the use permit.

Chair Spears said she appreciated the small units, which would be perfect for graduate students. She believes this is a reasonable use for this difficult site. She is not worried about the use permit, as if there was a future time in which they wanted to develop the southern portion, it would have to go through the process again.

MOTION: Motion made by Vice Chair Lyon to approve a Development Plan Review and a Use Permit to allow Residential use in the CSS zoning district for a new 45-unit multi-family and commercial development for **DAYBREAK APARTMENTS (PL170214)**, located at 1935 East Apache Boulevard. Motion seconded by Commissioner Sumners.

VOTE: Motion passes 6-1, with Commissioner Amorosi in the opposition.

STAFF ANNOUNCEMENTS:

Ms. Dasgupta reviewed the agenda for the September 12, 2017 Development Review Commission meeting. There is currently one project on the agenda.

There being no further business, the meeting was adjourned at 7:05 pm.

Prepared by: Cynthia Jarrad



Reviewed by:
Suparna Dasgupta
Principal Planner, Community Development Planning