



CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION

Meeting Date: 04/10/2018
Agenda Item: 3

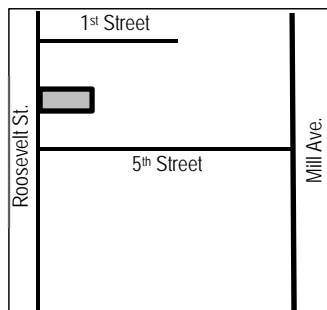
ACTION: Request a Development Plan Review for six (6) new single-family attached dwelling units on an existing 4-unit development for ROOSEVELT COURT TOWNHOMES, located at 323 South Roosevelt Street. The applicant is Kontecture.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: ROOSEVELT COURT TOWNHOMES (PL170253). On September 7, 2006, City Council approved a PAD Overlay and Subdivision Plat consisting of ten (10) lots and a tract for this site. On February 26, 2008, the Development Review Commission approved a Development Plan Review (DPR) for ten (10) new single-family attached dwelling units (townhouses). The construction of the four (4) of the townhouses was completed in January and February of 2012, but the remaining six (6) townhouses were never constructed. Therefore, the building permits for the remaining six (6) units expired. The PAD for this site is still in effect but the DPR has expired. The applicant is requesting a Development Plan Review to construct the remaining six (6) new townhouses which will meet the development standards established through the existing PAD. The new units will be designed to match those existing. The request includes the following:

- 1. Development Plan Review including site plan, building elevations and landscape plan.



Property Owner	Chan Sahota
Applicant	Daniel Istrate, Kontecture
Zoning District	R-3 PAD (Multi-Family with a Planned Development Overlay)
Gross / Net site area	.5405 acres (23,539 SF)
Density / Number of Units	18.5 du/ac and 10 units (6 new, 4 existing)
Unit Types	8 three bedrooms 2 four bedrooms
Lot Coverage	32.7% (32.7% maximum allowed)
Building Height	35'-0" (35'-0" maximum allowed)
Building Setbacks	21' front, 10' north side, 10' south side, 20'-8" rear (20', 6', 6', 10' minimums)
Landscape area	32.8% (30% minimum required)
Vehicle Parking	28 spaces provided; 22 in units and 6 guest surface spaces (20 spaces minimum required)
Bicycle Parking	Space(s) in each unit with 2 guest surfaces spaces (no spaces required)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Obenia Kingsby II, Planner II (480) 858-2394

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Obenia Kingsby II, Planner II
Reviewed by: Suparna Dasgupta, Principal Planner

COMMENTS

This site is approximately 1,840 feet north of University Drive on the east side of Roosevelt Street, between 5th Street and 1st Street.

Existing entitlements for this property that will remain in effect are: R-3 (Multi-Family) PAD.

Existing uses on the site include: A single-family attached residential development (townhouses).

This request includes the following:

1. Development Plan Review which including a site plan, building elevations and landscape plan for six (6) new single-family attached dwelling units.

The applicant is requesting the Development Review Commission take action on the item listed.

SITE PLAN REVIEW

Two (2) Site Plan Reviews have been completed for this project, one preliminary (11/23/2016) and one formal (08/16/17). There was a third review completed by staff that was not routed through the site plan review process and only received comments on the site plan from the Planning project coordinator. The majority of comments for this project were requests such as providing more detailed plans, correcting errors, and presenting the project data/plans more clearly. There were no major comments provided to the applicant for this project.

PUBLIC INPUT

A neighborhood meeting was not required for this request but the agenda was sent out to a resident and to the Riverside Neighborhood Association by request. In addition to that, the agenda was distributed all neighborhood associations and homeowners' association by Neighborhood Services Division of Community Development. Staff received an email regarding this project on October 16, 2017; the sender had concerns about the project and provided an attachment of the Tempe Police Department, calls for service to the site from 01/01/2015 to 10/14/2017 (Attachments 21-22).

DEVELOPMENT REVIEW COMMISSION

This request was previously heard by the DRC on February 27, 2018, at which time it was continued to the April 10, 2018 DRC meeting. There were six members of the public who attended the meeting to speak and a seventh that was not present but wanted their comments read into the record. The majority of those who provided comments were nearby residents and in opposition to the request. Their primary concerns are the belief that the site is a fraternity house and the property is being utilized as a multi-family product instead of single-family, since the property owner is only renting the units and not making them available for sale. The residents also noted that since the site has been occupied there have been large parties (including 200-300 people), parking issues (overflow into the neighborhood), public intoxication and vandalism of private property. The residents also believe the site is operating as a fraternity house and a Use Permit should be required. There was one resident that requested the perimeter walls be built higher to provide privacy.

The applicant informed the Commission that he was the architect hired for the project, not the property owner; and was unaware of the concerns of the nearby residents. The applicant attempted to address the design issues but was unable to speak to the other issues as the property owner was not present at the meeting.

The Commission had varying views on this project. Three of the commissioners believed that only the building design should be evaluated and factored into their vote on this request and that their power does not exceed beyond that. The other four commissioners thought it would be appropriate to attempt to remedy the concerns of nearby residents with the testimonies provided and did not feel comfortable voting solely on the building design; they also believed the property owner should be at the hearing prior to deciding to approve or deny this request. Ultimately, in response to the concerns of nearby residents and an inability of the applicant to address these concerns, the Commission decided with a 7-0 vote to continue the request. The Commission informed the applicant that the property owner must attend the next hearing so the concerns of the residents can be adequately responded to. Staff was tasked with trying to determine if this site is currently fraternity house which would

require a Use Permit; and to work with the applicant to address other concerns of the nearby residents.

See attachments 23-28 for the approved minutes from the February 27, 2018, DRC hearing.

PROJECT ANALYSIS

DEVELOPMENT PLAN REVIEW

Site Plan

The lot is rectangular and approximately 0.5405 acres; a lot coverage of 32.7% is proposed. There are four (4) new buildings proposed containing six (6) units, which will bring the total number of buildings on the site to six (6) with ten (10) units. The development has one ingress/egress driveway on Roosevelt Street that leads to the unit garages and surface guest parking spaces.

Building Elevations

The applicant is proposing to build the new units to match those that are existing. Primary material finishes include; integral colored CMU, painted stucco, cement roof tiles, glazing and metal railings. The buildings are three-story at a maximum height of 35'-0".

Landscape Plan

A landscape coverage of 32.8% is proposed. There is landscape placed around the entire perimeter of the site and along the street frontage. Trees in the palette include; Dalbergia Sissoo, Dwarf Navel Orange and Palo Brea. The Palo Brea are located at the driveway and sissoo are around the perimeter. A diverse variety of shrubs and ground cover are proposed.

Section 6-306 D Approval criteria for Development Plan Review (*in italics*):

1. *Placement, form, and articulation of buildings and structures provide variety in the streetscape*; the buildings are designed with variation in materials, colors, fenestration, and wall planes on all elevations. The design provides variety in the streetscapes.
2. *Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort*; design of building and landscape on the ground floor combine to mitigate heat gain.
3. *Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings*; materials are compatible with existing units on-site, as they are proposed to match existing.
4. *Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings*; landscape and building elements are appropriately scaled to site.
5. *Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level*; the buildings contain variations in height, wall planes, and materials, resulting in a sense of movement and enhanced pedestrian experience near the street level.
6. *Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions*; building facades provide architectural detail and the design is appropriate to the scale and context of the development.
7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage*. The site is in relatively close proximity to mass transit; bus system, Orbit Circulator and light rail.

8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;* vehicular circulation will primarily occur at driveways and do not interfere with pedestrian access to or around the site.
9. *Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance;* plans have been reviewed by the Police Department, and comments provided to applicant. The height of proposed landscaping adjacent to the public sidewalks will comply with CPTED principles.
10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways;* landscape accents the perimeter of the project as well as internal walkways and driveways.
11. *Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located;* signs are subject to a separate plan review.
12. *Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.* Lighting must comply with current code requirements to meet minimum illumination levels and be non-intrusive to adjacent properties.

REASONS FOR APPROVAL:

1. The project will meet the development standards required under the Zoning and Development Code.
2. The proposed project meets the approval criteria for a Development Plan Review.

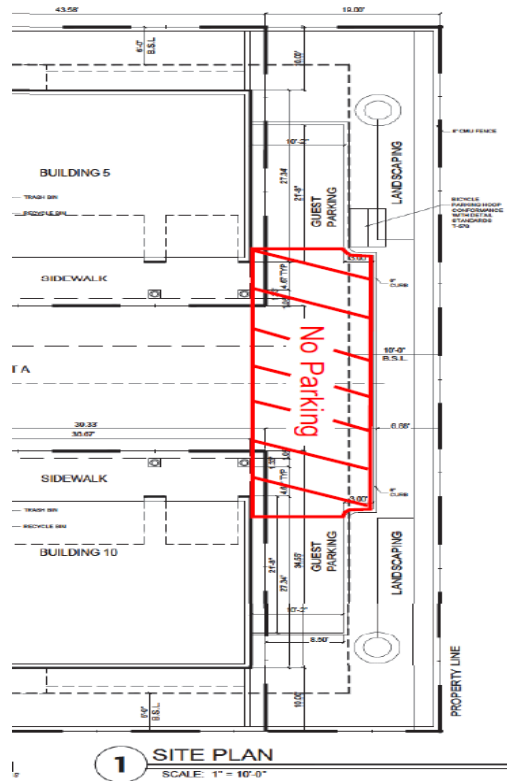
DEVELOPMENT PLAN REVIEW CONDITIONS OF APPROVAL: (Non-standard conditions are identified in bold)

General

1. Except as modified by conditions, development shall be in substantial conformance with the site plan, building elevations and landscape plan 10/01/2017. Minor modifications may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.
2. **CC&R'S: The owner(s) shall provide and maintain in good standing, a continuing care condition, covenant and restriction for all the project's landscaping, required by Ordinance or located in any common area on site. CC&R's shall include enforcement measures to restrict parking in designated drive lanes and in front of unit garages. CC&R's shall require trash/recycle containers be stored in unit garages and not visible from street), except for collection days for on-street pick-up; containers must be moved back to storage location after being serviced on days of collection. The CC&R's shall be reviewed and placed in a form satisfactory to the Community Development Director and City Attorney prior to issuance of building permits.**
3. **Site must be equipped with both fire lane signage and striping. Layout and details of fire lanes are subject to Fire Department approval.**

Site Plan

4. **The space between the ends of parking stall located along rear of property must be striped and demarcated for no parking to allow for a safe turnaround as illustrated below.**



5. As required, provide parking restriction and sidewalk widening on Roosevelt Street in front of property in conjunction with periodic curb site refuse and recycling materials pickup. (Condition is carried from previous DPR approval)
6. Increase visual surveillance at the entrances along the covered pedestrian walkways by removing the entrance alcoves. Place the first level front entrances for units 2, 3, 4, 5, 7, 8, 9 and 10 toward the drive aisle so they are slightly offset (maximum 12") from the walls containing the garage doors. The front entrances for units 1 and 6 are exempt from this requirement because they are directly visible from Roosevelt. (Condition is carried from previous DPR approval)
7. Provide private back yard gates of a semi-transparent steel mesh panel design (so visual surveillance is maintained), or a steel vertical picket with wood infill or similar opaque infill construction. Where a gate is opaque, provide a 3" wide vision portal for visual surveillance located between 43" and 66" from the bottom edge of each gate. Match or exceed the height of the gate to that of the adjacent wall, or provide a masonry lintel above the gate to maintain the minimum 8'-0" security barrier height for the private back yard. (Condition is carried from previous DPR approval)
8. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
9. Per previous DPR approval, maintain upgraded paving at each driveway consisting of brick or integral colored unit paving. Extend this paving in the driveway from the right-of-way line to 20'-0" on site and from curb to curb at the drive edges. From sidewalk to right-of-way line, extend concrete paving to match sidewalk.
10. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
11. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.

Floor Plans

12. Exterior door hardware security notes: (Condition is carried from previous DPR approval)
 - a. dead bolt locks with strike plate cover guards required on all exterior doors;
 - b. two wide angle viewers per ground floor entrance door unless door is glazed or has a glass sidelight—center viewers in door at 36" and at 60";
 - c. Provide at least 18" clearance on latch side of entrance doors.
13. The site is in the 65 dnl zone (decibel noise level) due to the proximity of the Sky harbor flight path. Provide double glazed windows and weatherproofed exterior doors. Conceal roof service access scuttle within the interior of each dwelling unit. Indicate locking hardware for roof access, and weatherproof the access. (Condition is carried from previous DPR approval)

Building Elevations

14. The materials and colors as presented:

Primary Building (stucco) – Sherwin Williams – White Duck (SW7010)
Secondary Building (stucco) – Sherwin Williams – Spicy Hue (SW6342)
Accent (stucco) – Sherwin Williams – Smokey Topaz (SW6117)
Masonry Base – Mesa stone – Fuego Red (Medium Blast)
Roof – Cement Tile – Spanish Red

Provide primary building colors and materials with a light reflectance value of 75 percent or less.

15. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
16. Conceal roof drainage system within the interior of the building.
17. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials is not permitted.
18. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.

Lighting

19. Illuminate building entrances, garage doors and backyard gates from dusk to dawn to assist with visual surveillance at these locations.

Landscape

20. Arterial street trees shall be a minimum of 36" box specimens and a minimum of 1 ½" caliper trunk.
21. Irrigation notes:
 - a. Provide dedicated landscape water meter.
 - b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". Provide details of water distribution system.
 - c. Locate valve controller in a vandal resistant housing.
 - d. Hardwire power source to controller (a receptacle connection is not allowed).
 - e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
 - f. Repair existing irrigation system (on site or in the adjacent public right of ways) where damaged by work of this project. Provide temporary irrigation to existing landscape on site or in these frontages for period of time that irrigation system is out of repair. Design irrigation so existing plants on site or in frontages is irrigated as part of the

reconfigured system at the conclusion of this construction.

22. De-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
23. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.
24. Trees shall be planted a minimum of 20'-0" from any existing or proposed public water or sewer lines. The tree planting separation requirements may be reduced from the waterline upon the installation of a linear root barrier, a minimum of 6'-0" parallel from the waterline, or around the tree. The root barrier shall be a continuous material, a minimum of 0.08" thick, installed 0'-2" above finish grade to a depth of 8'-0" below grade. Final approval subject to determination by the Public Works, Water Utilities Division.

Addressing

25. Provide address sign(s) on the building elevation facing the street to which the property is identified.
 - a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 12" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) Do not affix numbers or letters to elevation that might be mistaken for the address.
 - b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

SITE PLAN REVIEW: Verify all comments by the Public Works Department, Community Development Department, and Fire Department given on the Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

DEADLINE: Development plan approval shall be void if the development is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the approval is granted or within the time stipulated by the decision-making body. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the development plan.

STANDARD DETAILS:

- Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: <http://www.tempe.gov/city-hall/public-works/engineering/standards-details> or purchase book from the Public Works Engineering Division.
- Access to refuse enclosure details DS116 and DS118 and all other Development Services forms at this link: <http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms>. The enclosure details are under Civil Engineering & Right of Way.

BASIS OF BUILDING HEIGHT: Measure height of buildings from top of curb at a point adjacent to the center of the front property line.

HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and repatriation of the items.

POLICE DEPARTMENT SECURITY REQUIREMENTS:

- Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage ambush.
- Maintain distances of 20'-0" or greater between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.
- Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
- Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.

TRAFFIC ENGINEERING:

- Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
- Incorporate brick sidewalks for all off-site pedestrian paving. Follow City of Tempe Public Works Department Detail T-353, when designing all sidewalk areas in the Right-of-Way. Alternative paver materials may be considered subject to review, and approval, by the Engineering and Planning Departments. Any alternative patterns should be used in small amounts to create accent areas at entrances, or to demarcate architectural features of the building. Do not propose a wholesale change of material. These materials shall be compatible with the Americans with Disabilities Act, ADA, and the Building Code.
- Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering.
- Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult Intersection Sight Distance memo, available from Traffic Engineering if needed www.tempe.gov/index.aspx?page=801. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.

FIRE:

- Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.

CIVIL ENGINEERING:

- An Encroachment Permit or License Agreement must be obtained from the City for any projections into the right of way or crossing of a public utility easement, prior to submittal of construction documents for building permit.
- Maintain a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure.
- Underground utilities except high-voltage transmission line unless project inserts a structure under the transmission line.
- Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
- Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
- Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or

foundation design.

- 100-year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

SOLID WASTE SERVICES:

- Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate. Refuse staging, collection and circulation must be on site; no backing onto or off of streets, alleys or paths of circulation.
- Develop strategy for recycling collection and pick-up from site with Sanitation. Roll-outs may be allowed for recycled materials. Coordinate storage area for recycling containers with overall site and landscape layout.
- Gates for refuse enclosure(s) are not required, unless visible from the street. If gates are provided, the property manager must arrange for gates to be open from 6:00am to 4:30pm on collection days.

PARKING SPACES:

- Verify conformance of accessible vehicle parking to the Americans with Disabilities Act and the Code of Federal Regulations Implementing the Act. Refer to Building Safety ADA Accessible Parking Spaces Marking/Signage on Private Development details.
- At parking areas, provide demarcated accessible aisle for disabled parking.
- Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.

ZONING AND DEVELOPMENT CODE:

- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/zoning or purchase from Community Development.

LIGHTING:

- Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
- Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.

LANDSCAPE:

- Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected" trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department. Notice of Intent to Clear Land form is available at www.azda.gov/ESD/nativeplants.htm. Follow the link to "applications to move a native plant" to "notice of intent to clear land".

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to www.tempe.gov/signs.

DUST CONTROL: Any operation capable of generating dust, include, but not limited to, land clearing, earth moving, excavating, construction, demolition and other similar operations, that disturbs 0.10 acres (4,356 square feet) or more shall require a dust control permit from the Maricopa County Air Quality Department (MCAQD). Contact MCAQD at <http://www.maricopa.gov/aq/>.

HISTORY & FACTS:

- September 7, 2006 City Council approved a Planned Area Development Overlay on R-3 (Multi-Family) zoning district for Roosevelt Court (DS040091/PL040054, located at 323 South Roosevelt Street.
- City Council approved a Subdivision Plat for Roosevelt Court (DS040091/SBD-2006.02) for ten (10) lots and one (1) tract on .54 net acres, located at 323 South Roosevelt Street.
- February 26, 2008 Development Review Commission approved a Development Plan Review for a site plan, building elevation and landscape plan for Roosevelt Court (PL080035/DPR08025), located at 323 South Roosevelt Street. The approval was for a new three-story development of ten (10) townhouses.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review



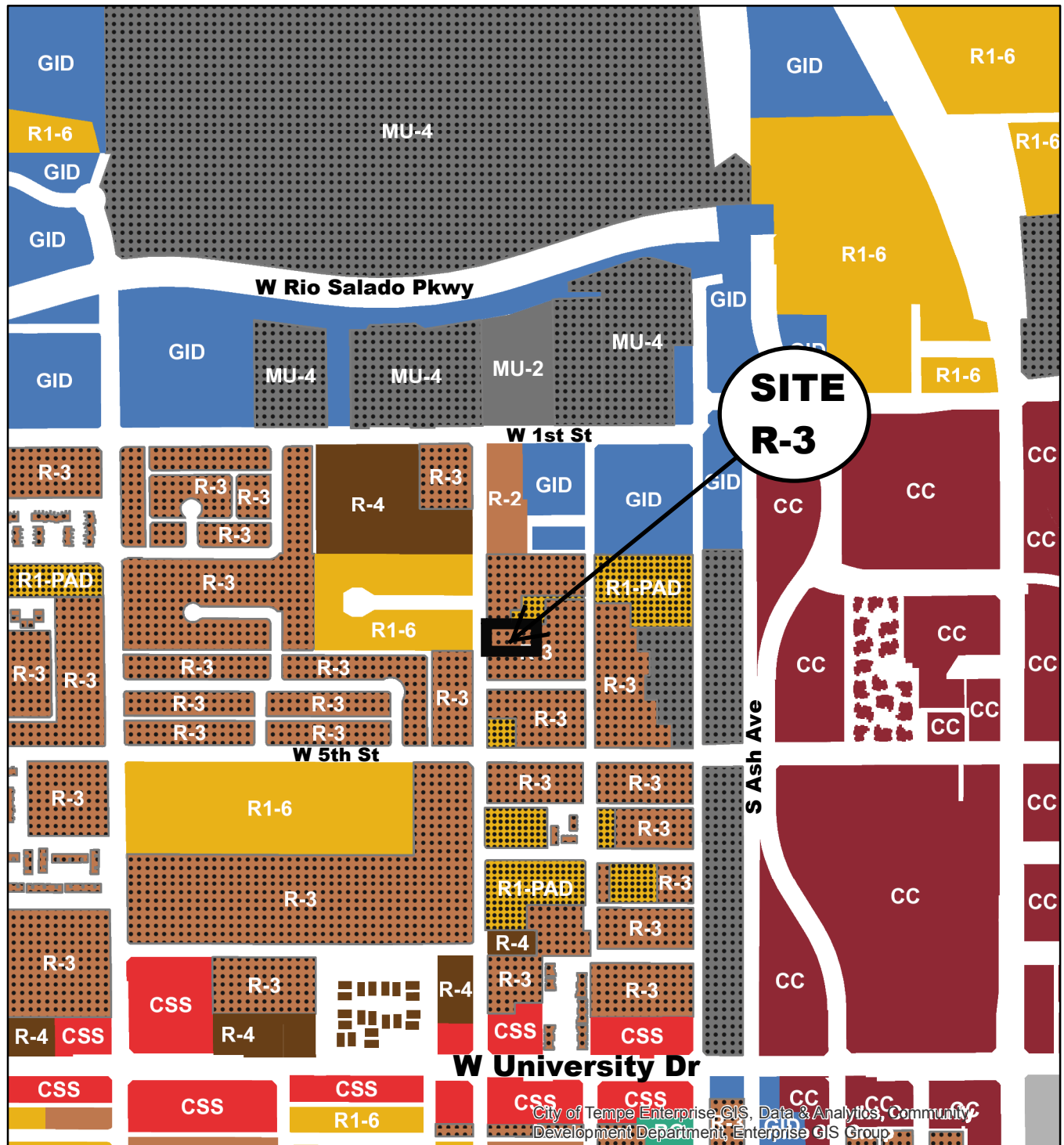
DEVELOPMENT PROJECT FILE
for
ROOSEVELT COURT TOWNHOMES
(PL170253)

ATTACHMENTS:













1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
- 5-8. Floor Plans
9. Landscape Plan
- 10-13. Blackline Building Elevations
- 14-17. Color Building elevations
- 18-19. Sections (Wall and Stair)
20. Site Context Photos
- 21-22. Public Input
- 23-28. Approved Minutes from the April 27th DRC Hearing

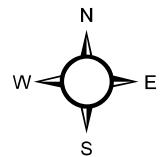
Roosevelt Court Townhomes

PL 170253



City of Tempe Enterprise GIS, Data & Analytics, Community Development Department, Enterprise GIS Group

- | | |
|--|---|
|  General Industrial District (GID) |  Residential/Office (RO) |
|  City Center (CC) |  Single-Family Residential (R1-6) |
|  Mixed Use Med (MU-2) |  Single-Family Residential Planned Area Dev (R1-PAD) |
|  Mixed Use High (MU-4) |  Multi-Family Residential (R-2) |
|  Mixed Use Educational (MU-ED) |  Multi-Family Residential Limited (R-3) |
|  Commercial Shopping and Services (CSS) |  Multi-Family Residential General (R-4) |





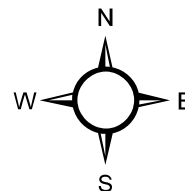
Tempe

Roosevelt Court Townhomes

PL 170253



Aerial Map



August 3rd, 2017

City of Tempe
Community Development Department
Planning Division
31 E. 5th Street
Tempe, AZ 85281
Phone: 480-350-8331

**Re: Roosevelt Court Townhomes
323 South Roosevelt St
Tempe, AZ 85281**

LETTER OF EXPLANATION

Roosevelt Court Townhomes is a complex of 10 townhomes at 323 S. Roosevelt St. The project was first design and approved in 2006. Due to the economic downturn that followed, only 4 of the 10 townhomes were built. This application is to build the remaining 6 townhomes as they were originally approved in 2006 while complying with the new building codes.

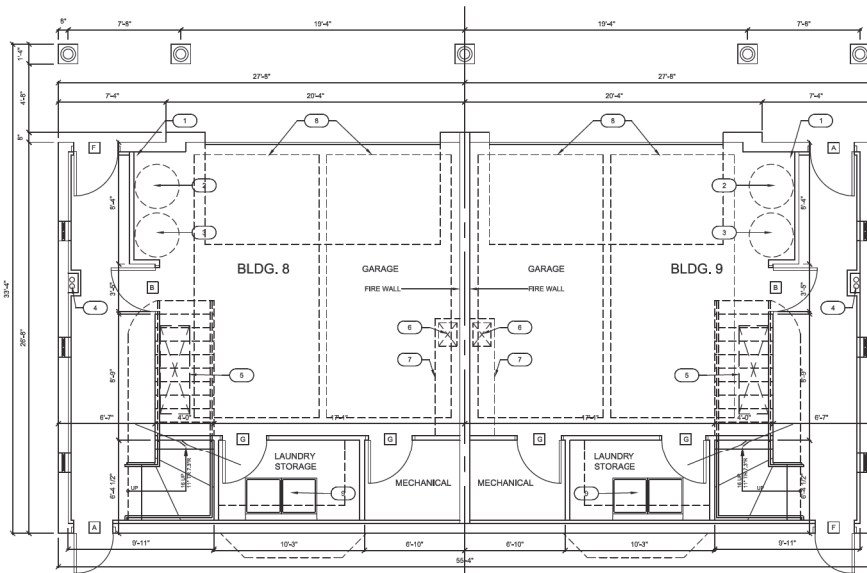
The placement and form will be the same as before and matching the existing 4 units. The materials, color and texture will match what was originally approved and will match the existing 4 units. The site improvements, and utilities were placed in for the entire 10 units during the first phase of the project. As such, the landscape for the entire project is already existing. All the landscape and landscape have been constructed and installed during the first phase and will remain as it is.

All site lighting is already installed. Any new lighting on the structures will match the lighting on the existing 4 units.

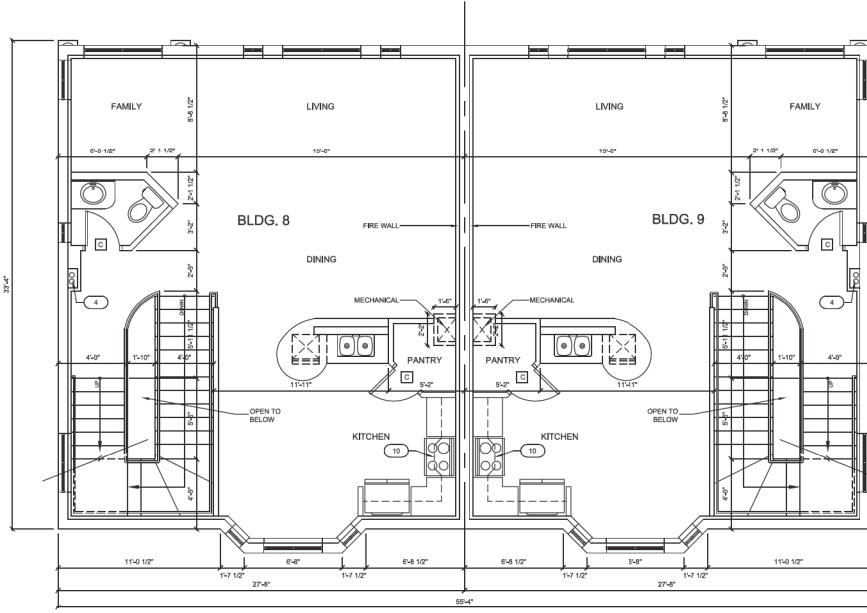
Should you have any questions do not hesitate to contact me. daniel.istrate@kontexture.com
602.875.6231

Sincerely,

Daniel Istrate, AIA, LEED AP BD+C



1 BUILDINGS 8-9: FIRST FLOOR
SCALE: 1/4" = 1'-0"



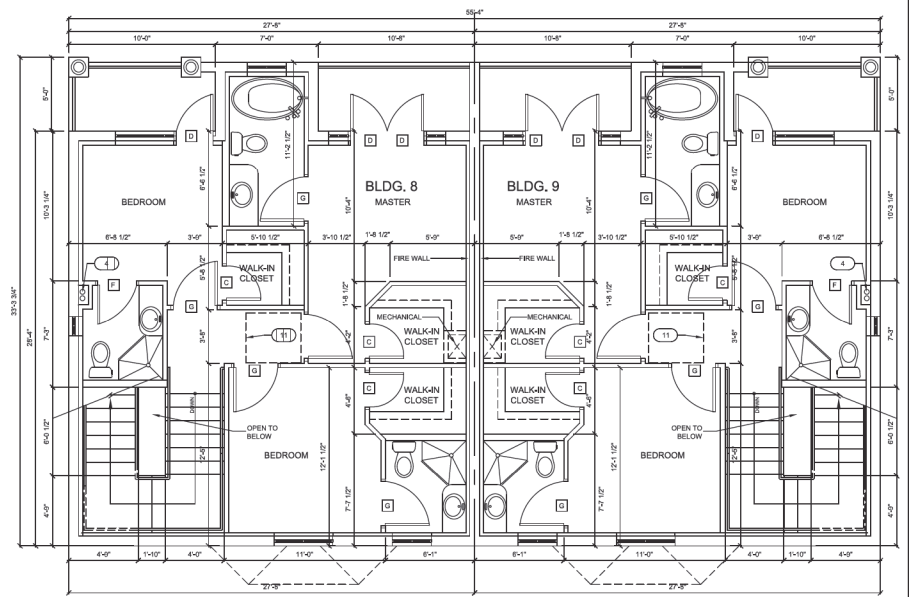
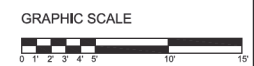
2 BUILDINGS 8-9: SECOND FLOOR
SCALE: 1/4" = 1'-0"

BUILDING 8 & 9 AREAS

MAN/GARAGE:	751 S.F.
SECOND:	936 S.F.
THIRD:	710 S.F.
TOTAL:	2,397 S.F.
GARAGE/UTILITY:	
ENTRY:	558 S.F.
	193 S.F.

- GENERAL NOTES**
- AIR SUPPLY BELOW THE CEILING WILL BE COVERED BY SOFFITS AND 5/8" DRYWALL TYPE "X".
 - WASHROOM ENTRY THRESHOLD WILL BE RAISED TO CONTAIN BOWL OVERFLOW WATER.
 - ALL WINDOWS AND ARCADIA DOORS WILL BE MADE FROM TEMPERED STAINED DOUBLE GLASS.
 - SLIDING DOORS (NO FOLDING DOORS) WILL BE USED FOR CLOSETS.
 - ALL 3 EXTERIOR GROUND FLOOR DOORS WILL BE MADE FROM STEEL WITH METAL JAMBS.
 - SMALL WINDOWS IN THE FIRST LEVEL HALLWAY WILL HAVE METAL BARS.
 - ENTRY DOOR TO HAVE DOORBELL AND ELECTRONIC COMMUNICATIONS.
 - UNITS WILL BE FINISHED AS MOVE IN READY.
 - ALL INTERIOR DOORS TO BE MADE OF SOLID WOOD.
 - 2ND, 3RD FLOOR FINISH TO BE STAINED CONCRETE/TILES/OWNER'S CHOICE AND CARPET IN THE BEDROOMS.
 - STAR STEPS TO BE COVERED WITH WOOD/CARPET/OWNER'S CHOICE.
 - PROSPECTIVE PIGEON'S NESTING PLACES ON THE ROOF TO BE BLOCKED.

- KEYNOTES** (XX)
- FIRE RISER SPRINKLER LOCATION
 - TRASH CAN, 60 GALLON
 - RECYCLE CAN, 60 GALLON
 - 4" DRAIN PIPE
 - 2" X 8" BICYCLE RACK UNDER STAIRS
 - MECHANICAL OPENING IN CEILING, CONFIRM SIZE WITH MECHANICAL CONSULTANT
 - BULKHEAD AT CEILING FOR MECHANICAL DUCTWORK
 - 8'4" X 16'4" VEHICLE CLEARANCE
 - 1" ABOVE THE GROUND LEVEL
 - WOOD/CARPET/OWNER'S CHOICE
 - ROOF ACCESS



3 BUILDINGS 8-9: THIRD FLOOR
SCALE: 1/4" = 1'-0"

KONTEXTURE
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**ROOSEVELT COURT
TOWNHOMES**
3303 SOUTH ROOSEVELT STREET
TEMPE, AZ 85281

ISSUED FOR: _____ REV: _____ DATE: _____

SEALS AND SIGNATURES



OWNERSHIP OF DOCUMENTS
DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT UNLESS THE PROJECT FOR WHICH THEY WERE PREPARED IS EXECUTED OR NOT THEY ARE NOT TO BE USED ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO KONTEXTURE, L.L.C.

DRAWING TITLE
**BUILDINGS 8-9:
1ST, 2ND, 3RD
FLOOR**

DATE: 10.01.2017
DRAWN BY: S.G.H.
CHECKED BY: D.L.
SCALE: -
PROJECT NUMBER: 17-040
DRAWING NUMBER: A3.0

Kingsby II, Obenia

From: MICK DARCEY [REDACTED]
Sent: Monday, October 16, 2017 7:56 PM
To: Kingsby II, Obenia
Subject: PI 170253 Roosevelt Court
Attachments: TPD_CFS_323_S_Roosevelt_2015-17.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please include this from Tempe PD for design review protest.Thanks
Merrill Darcey Riverside NA

Tempe Police Department - Calls for Service to 323 S. Roosevelt St.

1/1/2015 - 10/14/2017

Call Date	Time	Incident/CFS #	Call Type Reported	Location	Unit	Synopsis
May-13-2015	6:16 PM	2015-059601	BURGLARY FROM VEHICLE	323 S. Roosevelt St	Not noted	No forced entry; no suspects/no leads/early case closure
Sep-26-2015	6:10 PM	2015-119210	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	Call cancelled
Oct-24-2015	9:00 AM	2015-131174	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	Occupants warned by Officer to keep noise level down or citation would be issued if called again
Oct-24-2015	9:54 AM	2015-131190	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	No violation located; no contact made w/ occupants
Jan-24-2016	12:39 AM	2016-009685	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	1001	Valid loud party located; cite issued
Feb-06-2016	9:57 AM	2016-015435	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	Residents advised to keep noise level down; party dispersed
Sep-20-2016	10:03 PM	2016-112277	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	Officer made contact; party dispersed
Sep-24-2016	4:22 PM	2016-113837	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	Valid loud party located; cite issued
Sep-24-2016	5:10 PM	2016-113855	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	No further action needed; cite issued by Officers (see above)
Sep-24-2016	6:39 PM	2016-113889	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	No party located; party dispersed
Dec-03-2016	12:05 AM	2016-142299	BURGLARY FROM VEHICLE	323 S. Roosevelt St	Not noted	Forced entry; no suspects/no leads/early case closure
Feb-25-2017	4:29 PM	2017-023328	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	Occupants warned by Officer to keep noise level down
Mar-29-2017	12:54 AM	2017-036956	CIVIL MATTER	323 S. Roosevelt St	1009	Vehicle window broken during weed trimming; civil options explained by Officer
Jun-02-2017	8:24 AM	2017-065149	CRIMINAL INFORMATION	323 S. Roosevelt St	1009	City of Tempe Pubic Works contacted to pick up Train Crossing signs at back of property
Aug-06-2017	7:26 PM	2017-092021	LOUD MUSIC/NOISE	323 S. Roosevelt St	Not noted	No loud party located in the area
Sep-09-2017	5:42 PM	2017-107650	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	Occupants warned by Officer to keep noise level down; citation would be issued if called again
Sep-23-2017	4:46 PM	2017-113743	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	1009	Warning issued to occupants
Oct-14-2017	5:17 PM	2017-122319	LOUD PARTY IN PROGRESS	323 S. Roosevelt St	Not noted	Occupants warned by Officer that a citation would be issued if called again



Minutes of the Development Review Commission February 27, 2018

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, which 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 Michael DiDomenico
Alternate Commissioner Angela Thornton
Alternate Commissioner Nicholas Labadie

Absent:

Commissioner Scott Sumners
Commissioner Andrew Johnson
Alternate Commissioner Barbara Lloyd

City Staff Present:

Chad Weaver, Community Development Director
Ryan Levesque, Comm. Dev. Deputy Director - Planning
Suparna Dasgupta, Principal Planner
Obenia Kingsby, Planner II
Cynthia Jarrad, Administrative Assistant

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

Consideration of Meeting Minutes:

- 1) Study Session Minutes, February 13, 2018
MOTION: Motion made by Vice Chair Lyon to approve Study Session Minutes for February 13, 2018. Motion seconded by Commissioner Amorosi.
VOTE: Motion passes, 5-0.
- 2) Regular Meeting Minutes, February 13, 2018
MOTION: Motion made by Vice Chair Lyon to approve Regular Meeting Minutes for February 13, 2018. Motion seconded by Commissioner Amorosi.
VOTE: Motion passes, 4- 0.
- 3) Request for a Development Plan Review for six new single-family attached dwelling units on an existing four-unit development for **ROOSEVELT COURT TOWNHOMES**, located at 323 South Roosevelt Street. The applicant is Kontexture. (PL170253)

PRESENTATION BY STAFF:

Mr. Obenia Kingsby, Planner II, gave a short presentation. He stated that this site has a Planned Area Development (PAD) overlay approved by City Council in 2006, which established the development standards for the site. Subsequently, in February of 2008, the Development Review Commission approved ten new townhouses for the site. Four of the townhouses

were constructed by February of 2012, but the remaining six were never built and the building permits expired. The PAD is still in effect since four of the townhouses were built. The applicant is requesting approval of a Development Plan Review consisting of site plan, building elevations and landscape plan, to finish the build-out of the remaining six units, which will match the original four. Staff is recommending approval, subject to conditions. Staff has received one phone call as of yesterday, voicing opposition. That gentlemen was planning to be here tonight to go on record with his opposition.

Commissioner Amorosi inquired if the owner of the property is the same owner as in 2012, and Mr. Kingsby replied that was correct.

PRESENTATION BY APPLICANT: None.

PUBLIC COMMENT:

Chair Spears read into the record the comments of Eduarda Yates, stating "I object to having a fraternity in our residential neighborhood. This use should not be allowed here."

Mr. Chuck Lindbergh of Tempe stated that he has lived in many neighborhoods in different areas of Tempe, and now resides very close to this property. He chose this location for its proximity to ASU during his graduate studies as well as the diversity of the area and the neighbors, many of whom are long term residents. Many, including himself, and in conjunction with City efforts, have continually tried to improve the neighborhood, but unfortunately, now the City is emphasizing high density, and this neighborhood has some of the highest density developments in the City. He believes this owner should be adhering to the original stipulation, that is they were to be multi-family, for-sale products, but in reality, they have never been sold and now the property is being used as a fraternity house. The benefit of the building permits expiring is that one can review whether the original project has been carried out as planned. Commissioner Thornton asked Mr. Lindbergh for clarification as to what stipulations the owner had not adhered to. Mr. Lindbergh replied that these were to be for-sale products, and they have never been listed for sale. They are utilized as rentals, and as a fraternity house.

Mr. Merrill Darcey of Tempe stated that he lives close to this property, and also owns a second property in the vicinity. He thinks this project does not have any resemblance to single-family townhomes. The plans show small bedrooms each with their own small bathroom, with a small bathtub only large enough for a keg of beer. In actuality, this is designed as multi-family according to Code, which is two or more dwellings in one structure, and is also defined by the owner as rental property for student lodging. The owner originally obtained approval from the City with the understanding that these would be single-family, for sale products. None of them have ever been listed for sale. Parking as it stands now is inadequate for the number of vehicles. Thirty-six parking spaces would be needed for the residents here if these additional buildings are built. The site cannot accommodate that, and neither can the street.

Commissioner Amorosi inquired if Mr. Darcey had permit-parking around his homes to prevent others parking there, and Mr. Darcey responded that he did not. Commissioner Amorosi asked why not, and Mr. Darcey answered saying that was because there are not that many cars on his street to warrant it, and the street sweeping every 3 weeks by the City helps with that as well, so he simply did not think it was necessary. Roosevelt Street, however, is a different story. It is always overparked.

Mr. Kelly Calvert of Tempe, stated he also lives in the area, and besides reiterating what the previous speakers said, he wanted to point out that the MLS listing that he had with him, has never shown any of the completed structures for sale. The back half of the site, the undeveloped area, has been listed for sale, but not the structures. He believes that the original application stating single-family was not submitted in good faith. The structures have been, and are currently occupied, by fraternities. Residents have been in contact with the police and the assistant dean at ASU, and it is a fact that this is occupied by a fraternity, the members have been disciplined by ASU. There have been egregious events there, including parties with 200-300 people which included public urination, underage drinking, public sex, drunk driving resulting in harming parked cars, etc. After neighbors complained about this party and police broke it up, three cars at two residences were fire-bombed and burned. The fires were moments from catching the roofs of those homes involved when they were discovered.

Mr. Mark McIntyre of Tempe stated he also lives in that immediate area. Besides echoing what the other speakers said, he wondered if there is a process or mechanism in place which would force this owner to sell these units, as he is presenting this application as single-family, for sale units. If the original submittal was not in good faith, he does not want to see the same thing happen again.

Mr. Edward Wong, another resident from the area, has lived there for 47 years. He is opposed to the project for a few reasons. He stated there was a disagreement on the property line with this property owner, which he is adjacent to. The outcome of that has been that somehow the west wall on this site is only 6 feet, when his understanding is that a three-level single-family condo building must have an 8-foot wall. Also, perimeter trees at this site have branches that are untrimmed, he had to confront the owner to ask about trimming them, as the tree limbs are tearing off the metal flashing at his roofline. He would like to see an eight- or ten-foot wall at this site to mitigate construction noise and the noise of the fraternity parties, and the six-foot wall currently onsite changed to an eight-foot wall.

Mr. Philip Yates stated that he is representing the Riverside Neighborhood Association, and he also lives in close proximity to this site. He understands that the request before the Commission tonight is for design only, but he believes the owner of the property has no intention of selling the units, as was the original and the current request. The behavior of the residents at this site is simply not acceptable, and the parties and bad behaviors will only continue. He has a seven-year old son that is afraid to go outside. This community is discouraged because the only solution being given them is to "call the police." His understanding is that after the most egregious instance, in which his car was one of the cars burned, the outcome was only two minor citations issued. This is not a safe environment, cars traveling on Roosevelt in this area have been clocked at 80 miles per hour as well. This project should simply not go forward.

Commissioner Amorosi inquired if Mr. Yates had permit parking around his residence, and when Mr. Yates replied that he did not, Commissioner Amorosi asked why not. Mr. Yates replied that he had attempted to do so, but the process requires that all the residents within the neighborhood association's boundary streets sign a petition, and one person on 5th Street who owns more property on the street than anyone else, refuses to sign. Since the requirement is signatures representing 75% of those affected, this means their efforts at permit parking, speed bumps, parking restrictions, etc have not been successful.

APPLICANT RESPONSE:

Mr. Daniel Istrate of Kontexture, at 3334 N. 20th Street in Phoenix, is here representing the owner, who is not present this evening. He stated he is not the architect who was involved in the original project, he came on board last year to help complete the units. He stated he has much experience with single-family residential in the valley, and that one bathroom dedicated to each bedroom is not unique to this project, but is done on a widespread basis. This is the current trend, and market-driven. Regarding the rest of the comments heard tonight, he does not have control over who is currently residing in these units and their behavior, but he pointed out that the plat shows clearly that the new units are not rental units. Also there is currently a huge, vacant "back yard." With this new development, that will no longer be the case, so if that is a "party area," that may help solve the problem. The request before the Commission tonight is for the design only.

Commissioner Thornton stated that Mr. Istrate needed to hear and work with the neighbors, and what can he offer to do to make things better? Mr. Istrate stated he was completely unaware of the information he has heard tonight, but he will certainly be speaking with the owner when he gets back to this country, to come up with some solutions. Commissioner Thornton stated she understood this put him in a bad spot, and to please communicate that the owner needs to come up with some good-faith gestures.

Commissioner DiDomenico inquired if the owner lives in this area, and is he currently out of the country? Mr. Istrate stated that he was, and he would be returning soon. Commissioner DiDomenico stated he would prefer to continue the case and wait for the owner himself to come before the Commission. He believes there are some regulations according to City

Ordinance that limit the number of members of a fraternity, club, or organization residing within the same project. He also believes there is also a point at which an owner can be held liable for the behavior of his/her tenants.

Commissioner Amorosi asked if the applicant would be amenable to an 8-foot perimeter fence, as one of the speakers tonight suggested. Mr. Istrate stated yes, but reminded the Commission that a 6-foot wall requires a different foundation, so changing the existing 6-foot wall to an 8-foot does not simply mean adding two more courses of blocks, it requires a different type of footing.

Commissioner Brown inquired about the landscape plan, asking Mr. Istrate to point out where the 6-foot wall actually is, as the plans show an 8-foot wall. Mr. Istrate stated that if this was permitted as an 8-foot fence and built as a 6-foot, then that was a mistake of the building inspectors at the time. Again, to rectify this means a new fence because of the footing, but it can certainly be done.

Commissioner Brown asked staff if this needs to be voted for approval or denial only, or can a continuance be voted on. It has already been pointed out that the drawings are incorrect in regard to the height of the fence. However, the major issues have already been pointed out this evening, with is the behavior of the tenants. Chair Spears reiterated that the Commission's purview is only the design of the project, they cannot vote on any other issues, and they cannot force the units to be for sale.

Mr. Levesque then added that if the Commission voted for a continuance, staff can look into security issues, etc. Within Tempe, fraternities do require Use Permits in R-3 and R-4 zoning. This property is in R-3. Staff would have to verify if the determination has been made that this is definitively an organized fraternity house. If so, the Code Compliance division could enforce the proper use of this property. Chair Spears stated that regardless of how the vote is this evening, that research should be done, and Mr. Levesque agreed.

Ms. Dasgupta added that meetings with the other departments, Police and Code Compliance had been held prior to tonight's meeting, and the challenge is the verification of whether this is indeed a fraternity house.

Commissioner Labadie asked staff if there would be a time frame when this information could be forthcoming. His reasoning is that he would be more apt to vote for continuance if indeed there was information that these residences are currently being utilized as a fraternity house and a Use Permit is needed. He understands the plight of the neighborhood, and hearing that a Use Permit may be needed is unfortunately the first reason he has heard to possibly deny this project this evening. Otherwise, the Commission needs to vote this evening on the design, as that is their purview. Otherwise denying a project for reasons outside the scope could become a liability.

Mr. Levesque replied that to date, the definitive determination has not been made as to whether this is operating as a fraternity. He stated that staff would check with Code Compliance and the Police Department again to make sure all measures have been exhausted to obtain a clear answer. This could then be presented at the next DRC meeting.

Chair Spears stated that regardless, the possibility of needing a Use Permit is a separate issue than what is before the Commission tonight. She did not overall object to a continuance, but if that is what the Commission does, she wants to see it date specific.

COMMISSION COMMENTS:

Commissioner Brown stated that although the request this evening is for approval of design only, part of the documentation presented specifies that these are for-sale units. There is also a discrepancy on the height of the fence, as discussed. For these reasons, he believes the problems with these two items alone could be reason enough for the Commission to vote to deny this evening if it so chooses. The project would then most likely go on to City Council on appeal, and a full hearing there would let the neighbors be heard.

Chair Spears stated that she disagreed, if this were a new project, the Commission would have no idea if the “for-sale product” aspect would be genuine and followed through on, the Commission would still be voting on the design only.

Commissioner DiDomenico stated that he interprets it differently. In the absence of a request for a Use Permit, he has no issue with the design itself. But the testimony heard tonight and the owner himself not being present to rebut that testimony or answer the Commissioner’s questions makes him believe this should not be approved just because the design is fine. He does not believe they should vote to reward the owner by approving the design, when this site should be operating with a Use Permit. A request for a Use Permit may indeed affect design, such as addressing noise or traffic issues with orientation, wall heights, landscaping, ingress and egress, etc. He would like to hold off approving this design until the owner/applicant can be present to answer questions.

Vice Chair Lyon stated that his opinion is that what has been presented this evening about behavior and problems at the site all seem to do with Code violations. The Commission’s purview does not include any control over those items. The Commission can only judge the appropriateness of, in this case, the design of the project. Finding a reason or a way to vote against the project outside of their purview is not the right thing to do. The processes in place in the City should take care of the issues, such as Code Compliance getting involved in land use issues and the need for a Use Permit if need be.

Commissioner Labadie stated he agrees with Vice Chair Lyon, the existing City processes should be allowed to take care of existing issues at the site. With this process in place, the Commission is not the body that can act to change problems at the site. In essence the Commission could vote for a Continuance, the owner could appear and state that he will not continue to rent to the current residents, that he intends to sell the new units, etc, and therefore no Use Permit is needed. Then the Commission is back at “square one.” He believes the Commission should vote on the design, and the design only, this evening. He agrees with Vice Chair Lyon that they “shouldn’t be legislating from the bench.”

Commissioner DiDomenico asked of staff if there is exposure for a landlord for multiple citations at the same address, and if the City has the power to impose any sanctions on the property owner. He also reminded the Commission that last summer, a smoke shop operator came before the Commission requesting approval of a Use Permit, and in that instance, the shop had to be closed until the Use Permit was granted, as it had been open illegally before that. He thinks this is a similar state of affairs, if this use under the first approval in 2006 is not compliant, then an approval should be delayed until things are set right.

Commissioner Amorosi agreed with Commissioner DiDomenico, he does not feel they should reward the owner with an approval, when nothing has been done to address existing problems already at the site for more than three years.

Chair Spears stated that it is not the Commission’s job to reward or punish landowners, that is a Code Compliance and Police issue. Their only purview is design, and design only. She told Commissioner DiDomenico that the difference between this project and the smoke shop, is that by ordinance a smoke shop needs a Use Permit, so they were indeed operating illegally. Staff has not been able to determine if this site indeed houses an organized fraternity.

Commissioner Brown stated he was not focusing on the “fraternity” aspect, it is simply put, bad behavior. Chair Spears stated that may be the case, but the only stipulation that this use would need a Use Permit according to City code, is if indeed it is an organized fraternity.

Vice Chair Lyon stated that the Commission holds a small modicum of power, and though they may want to use that to do something they see as good or right, he thinks his fellow Commissioners should ask themselves if they are stretching a bit to get to this goal, and if they are, that is problematic. They are not in the position of deciding how things should work.

MOTION: Motion made by Commissioner Labadie to approve a Development Plan Review for six new single-family attached dwelling units on an existing four-unit development for **ROOSEVELT COURT TOWNHOMES**, located at 323 South Roosevelt Street. Motion seconded by Vice Chair Lyon.

VOTE: Motion fails, 4-3, with Commissioners Brown, DiDomenico, Amorosi and Thornton in the dissent

MOTION: Motion made by Commissioner DiDomenico to continue to April 12, 2018, the request to approve a Development Plan Review for six new single-family attached dwelling units on an existing four-unit development for **ROOSEVELT COURT TOWNHOMES**, located at 323 South Roosevelt Street. Motion seconded by Commissioner Thornton.

VOTE: Motion passes, 5-2, with Commissioner Labadie and Chair Spears in the dissent

Ms. Dasgupta informed the Commission that April 12, 2018 is actually the wrong date, the DRC meeting is scheduled for April 10, 2018. The motion will have to be amended.

MOTION: Motion made by Commissioner DiDomenico to amend the date in the previous motion to April 10, 2018. Motion seconded by Commissioner Thornton.

VOTE: Motion passes, 7-0

COMMISSION ANNOUNCEMENTS:

Commissioner Amorosi reminded all that the Urban Core Master Plan workshops would be held the next day, one in the afternoon and one in the evening at FABRIC, in Tempe. All are invited to attend.

STAFF ANNOUNCEMENTS:

Ms. Dasgupta reviewed the agenda for the March 13, 2018 Development Review Commission meeting. There are currently thirteen items on the agenda.

There being no further business, the meeting was adjourned at 7:04 pm.

Prepared by: Cynthia Jarrad



Reviewed by:
Suparna Dasgupta
Principal Planner, Community Development Planning