



Minutes of the Development Review Commission October 23, 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 David Lyon
Vice Chair DiDomenico
Alt Commissioner Barbara Lloyd
Alt Commissioner Angela Thornton
Commissioner Scott Sumners
Commissioner Thomas Brown
Commissioner Philip Amorosi

City Staff Present:

Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Diana Kaminski, Senior Planner
Christopher Ray, Administrative Assistant

Absent:

Commissioner Don Cassano
Commissioner Andrew Johnson

Hearing convened at 6:09 PM and was called to order by Chair David Lyon.

CONSIDERATION OF MEETING MINUTES:

1. Development Review Commission – Study Session & Regular Meeting – August 28, 2018

MOTION: Motion made by Vice Chair DiDomenico to approve the minutes. Motion seconded by Commissioner Amorosi

AYES: Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Sumners, and Amorosi

NAYS: None

ABSTAIN: Commissioners Thornton & Lloyd

ABSENT: Commissioners Cassano & Johnson

VOTE: 5-0

Motions passes.

2. Development Review Commission – Study Session & Regular Meeting – September 12, 2018

MOTION: Motion made by Commissioner Philip Amorosi to approve. Motion seconded by Commissioner Barbara Lloyd

AYES: Chair Lyon, Commissioners Thornton, Sumners, Amorosi, and Lloyd

NAYS: None

ABSTAIN: Vice Chair DiDomenico & Commissioner Brown

ABSENT: Commissioners Cassano & Johnson

VOTE: 5-0

Motion passes.

DEVELOPMENT PLAN REVIEW / PRELIMINARY SUBDIVISION PLAT *The following consist of public meeting items in accordance with the Code. The Commission is the decision-making body for these requests:*

3. Request a Development Plan Review for a new office warehouse building consisting of three suites within a 6,000 square foot building for APACHE TAXI, located at 820 North McClintock Drive. The applicant is Apache Taxi, LLC. **(PL180250)**

Chair Lyon announced to the public that this item will be handled as a Consent Agenda item unless there is any member of the public who wishes to speak.

MOTION: Motion made by Commissioner Michael DiDomenico to approve **PL180250**. Motion seconded by Commissioner Barbara Lloyd.

AYES: Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Thornton, Sumners, Amorosi, and Lloyd

NAYS: None

ABSTAIN: None

ABSENT: Commissioners Cassano & Johnson

VOTE: 7-0

Motion passes.

USE PERMITS & DEVELOPMENT PLAN REVIEW *The following consist of items requiring a public hearing notice in accordance with the Code. The Commission is the decision-making body for these requests:*

4. Request a Use Permit Standard to reduce the front setback from 20 feet to 16 feet and a Development Plan Review for a new 28-unit attached single-family development for LOFTS ON 8TH, located at 1403 East 8th Street. The applicant is 8th Street Developers, LLC. **(PL180204)**

Staff Presentation

Mr. Robbie Aaron, Planner II, gave a brief presentation for Lofts on 8th:

- 4 Buildings
- 28 Units
- 3 Stories Tall
- 5 Bedrooms per Unit
- 2 Car Garages
- Patio Balcony
- Alternate Floor Plan on top Floor

Mr. Aaron explained that the applicant met landscape requirements but had to get approval from the Historic Preservation Commission since this property sits along the Kirkland McKinney Ditch. The Historic Preservation Commission approved Lofts on 8th Landscape Plan. Any minor changes may be processed administratively by the Historic Preservation Officer. Mr. Aaron explained that Salt River Project (SRP) has a 35 ft. easement that starts on the north side of the property and extends south, and they are responsible for the maintenance of the Ditch. The trees along 8th street will be placed in steel planter boxes, so they do not affect SRP's easement. Mr. Aaron briefly showed us the elevation renderings of the development.

Mr. Aaron briefly went over the non-standard conditions recommended by staff. The non-standard conditions of approval were as follows:

- #3. A minor Development Plan Review is required for the proposed pool area prior to the issuance of building permits.
- #9. Reconfigure to orient the two west end units of buildings one and three with the front entrance on Gary drive, and provide a 5' deep by 16' wide front.
- #14. Sheet A1.0 first floor of all units:
 - a. Remove the den/office/optional bedroom and closet
 - b. Remove the shower to design a ½ bathroom
 - c. First floor to provide open floorplan for general living pace as shown below

#15. Eliminate Sheet A1.2 “Third Floor Plan” and utilize Sheet A1.21 “Alternate Third Floor Plan” with a master bedroom that is larger than the other bedrooms and contains amenities such as a walk-in closet, and the remaining bathroom is shared.

#18. The project shall comply with the required street trees along the 8th Street on the North side of the Kirkland-McKinney Ditch per the Zoning and Development Code. Street trees shall be planted either in ground or in movable planter boxes above ground. Final landscape permits are subject to review by the City of Tempe and Salt River Project.

Staff recommends approval of the project, subject to conditions and maintain a Certificate of Appropriateness from the Historic Preservation Commission for landscaping Improvements to the Kirkland-McKinney Ditch.

Commissioner Philip Amorosi inquired whether all the units will be four bedrooms, 4.5 bathrooms. Mr. Aaron confirmed.

Vice Chair DiDomenico questioned whether the applicant was amenable to the listed conditions and wanted to clear up that this was not the applicant’s proposal but recommended by staff.

Applicant Presentation

Mr. Neil Calfee, Calfee Development Advisors, introduced the team for Lofts on 8th:
Kevin Moore, Landscape Architect
John Spalding Project Architect
Tom Troeger, Property Owner and Developer.

Mr. Tom Troeger introduced himself to the Commission and stated that he has developed 8 townhome communities and 3 student housing communities in other states. He also stated he has worked closely with staff to make this development acceptable. He provided an overview of other developments he has built in the past. Mr. Troeger continued to explain his vision for Lofts on 8th, and the reasoning behind the decisions they have made.

Mr. Calfee gave explained that the alley has been used for the past 50 years for parking, so nothing will be different in that regard, and presented a picture of what the Kirkland McKinney Ditch currently looks like. He also showed the Commission photographs of the demolished lot, and the historic fig trees currently on the property.

Mr. Calfee then informed the Commission that he is proposing modifications to the conditions as proposed by staff, as follows:
Modify Condition #9
Remove Condition #14
Remove Condition #15

Chair Lyon Questioned how they would propose a change to Condition #9. Mr. Calfee responded that they are not against having a doorway and a patio, but do not want to be conditioned to the dimensions of the patio as proposed. The applicant would like to work with staff to design it and modify the plans with a minor development plan review.

Chair Lyon wanted clarification as to whether the applicant was requesting to remove or modify the other two conditions and the reasons for purposes of clearer language. Mr. Calfee clarified that he would like to work with staff in a minor development plan review (DPR) and if it does not work out have the condition be removed. He also explained in more depth the building elevations and the vision that they had for them.

Commissioner Brown asked to clarify whether the windows were recessed, to which Mr. Calfee confirmed.

Commission Comments & Applicant Responses

Vice Chair DiDomenico asked what the depth of the garage driveway parking spaces was. Mr. Spalding explained that the driveway depth was 18 feet.

Commissioner Sumners inquired whether the façade of the buildings near the pool area was going to stay a blank stucco slate, or if they have plans of what they are going to do with it. Mr. Calfee explained they are still trying to decide what exactly they are going to do with this area, but they are open to modification.

Commissioner Thornton asked whether this project was going to be for sale or for rent, and how much are they planning on selling for. Mr. Calfee explained that they will be for sale, priced around \$500,000.

Commissioner Sumners stated he believed this project looked like multi-family, and the 5-bedroom 5 bath layout is concerning. He asked how supportive the team would be to change that. Mr. Calfee stated they would like to have options for buyers.

Mr. Troeger explained further that the ability to have options is what they are looking for and explained more deeply the plans they have to sell these properties. He stated he would not be supportive of taking away the 5-bedroom option because of financial reasons. He ensured that with modern technology such as security cameras, and on call guards, the potential multi-family home problem should be easily negated.

Chair Lyon stated he would like to circle back and have the applicant explain why they would like to remove the remaining conditions. The applicant explained as follows:

Reasons to remove Condition #14:

- Open Floorplan an Option
- Parking Adequate for 5 bed/bath
- No Existing Zoning Code Requirement or Policy to Limit Bedrooms

Commissioner Brown wanted to clarify for everyone that they are counting tandem parking spots in their calculations. Mr. Calfee responded that tandem parking (parking on the driveway) is a possibility but is not counted towards the required parking.

Chair Lyon asked staff whether a tandem parking use permit was required, to which Ms. Suparna Dasgupta, Principal Planner, responded a use permit is not needed in single family homes for tandem parking.

The applicant went on to explain the reasons behind the request to remove Condition #15. They are as follows:

- Alternate Floorplans and Option Flexibility
- No Existing Code Requirement or Policy to Address this Issue

Chair Lyon explained to the applicant that there is a directive from City Council to be cautious of student housing and units with large number of bedrooms. He stated he had trepidation about the number of bedrooms and feared the project would turn into investment rentals. He also asked about the date they would speculatively like to break ground and how they plan on selling these properties before they are built.

Mr. Troeger explained that the units are planned to be pre-sold and the buildings are going to be built in order. Also, he stated they will be building the units so that they can retrofit and change out the options easily for the buyer. He stated the benefit for 5 bedrooms is that it gives parents the option to visit their kids and have a separate floor to stay in, if there are students living in the units.

Chair Lyon added that he was not a huge fan of the architectural design of these buildings and feels as if it appears quilt-like with an arbitrary pattern. He stated that he has seen projects in Tempe with similar value that have had a much more successful design.

Vice Chair DiDomenico asked the applicant to explain why the setback use permit was necessary for this project. Mr. Calfee explained that it is an effort to not have the project be close to the neighborhood on the East, and believed it would be better to push it closer to Gary Dr.

Vice Chair DiDomenico also inquired whether the finish was stucco or EIFS. Neil Calfee explained the finish was integrated color trowel applied stucco.

Public Comments

Mr. Nathan Crowell, resident of E Orange St., was concerned about the density being too high, does not like the tandem parking, and the design aesthetics as it looks like stucco boxes. He is also concerned about parking on Gary will become an issue as a result of increase traffic. He is concerned about privacy of the adjacent single-family residents with this 3-story design.

Commissioner Brown thanked Mr. Crowell for his clarity in the situation and agreed with him on the tandem parking ordeal.

Commissioner Summers Inquired about the comment Mr. Crowell made about closing Gary Dr. off. Mr. Crowell reiterated that he believed this would create a better flow of traffic closing Gary Dr.

Mr. Chuck Buss, Resident of University Heights, introduced himself and stated that he believed the original version of the project was a much better design and had the support of his neighborhood, but with the current design he can't support it. He believed that the material value went down, and there is no reason to do 5 bedrooms when the original layout and floorplans would have made the developer the same 14 Million dollars.

Applicant Response

Mr. Neal Calfee, reiterated that this is in R-4 zoning and stated that he believed this project looks better than what R-4 zoning could turn into. He added that this development will be 60 feet away from the single-family homes, so they are not right up on top of them, and that he is in agreement with the parking situation on Gary. Mr. Calfee restated that they are not proposing tandem parking, and from an ordinance perspective they have the parking that is required of them. He stated that he agrees with Mr. Buss regarding the universal opinion of the first project and offered to have Mr. Troeger explain the economics of the decision.

Mr. Dave Gustafson, Representative of 8th St Developers, addressed the concern of EIFS vs Stucco, and stated that they were never going to use EIFS and it has always been Western One-Coat.

Chair David Lyon, inquired about the design change. Mr. Calfee explained that the first design took a more historic approach and tried to match the character area more, with the prominent use of red brick.

Mr. Troeger explained that they strayed away from the original design because it was very redundant and had nothing to break up the look of the building and exclude too much verticality. As to the reason the number of units was changed Mr. Troeger stated that in his experience they needed to have a driveway to sell well. He added that the economics of the greater number of units worked better in his experience as well.

Commission Comments

Chair Lyon asked Ms. Suparna Dasgupta if she had any additional comments on the project.

Ms. Dasgupta stated that in the past Staff has been successful in working with applicants to a compromise in reducing the bedrooms from 5.

Vice Chair DiDomenico attested for the Developer's past projects and stated he felt a lot better about this development than he did at the start. He had experience staying at one the developments built by this applicant in the past in a different state and believed this would be a better addition than what could be crammed in an R-4 zoning district.

Commissioner Lloyd felt as if this design was too cookie-cutter for the Apache character area.

Commissioner Amorosi stated the design does not meet the material standard for this area and needs to incorporate more natural materials and doesn't fit in with the historic nature of this area. He was also concerned with this project turning into a student housing project.

Commissioner Brown did not think the design was very successful at all, and agreed with Commissioner Amorosi, and did not believe this development was good for the neighborhood.

Commissioner Thornton asked the Developer to clarify the position of Condition #9, she was confused as to where they stood on it. Mr. Calfee restated they are agreeable to modifying condition #9, they just don't want to be limited to a specific size.

Ms. Dasgupta stated that staff is concerned and would be request that the modification includes a minimum patio size they can work with and cannot leave that condition open ended.

Chair Lyon and Vice Chair DiDomenico bounced ideas around as to how to word the modification for condition #9.

Commissioner Amorosi suggested to put parameters on Condition #19 so that the patio ends up a feasible size.

Vice Chair DiDomenico was apprehensive of making the hole patio hardscape in fear that it would take away the buffer that trees would give in a landscaping boundary.

Commissioner Brown stated that he believes a combination of landscape and patio would be a nice addition to the character of the development and believed a specific minimum specification would show some willingness from the Developer to cooperate.

Chair David Lyon stated he believed it would be a good idea to treat this as a minor DPR when the time came for a motion to have Condition #9 treated administratively at a later date.

Commissioner Sumners stated that even though this is an R-4 district, there are some intrinsic flaws with putting this development so close to single-family homes.

Chair Lyon stated he cannot see this property being rentals and would like to see it stay single family. He would support the project if they could work with staff to get rid of 5 bedrooms, and he also does not support the aesthetic design of the building.

MOTION: Motion made by Commissioner Michael DiDomenico to approve **ZUP180020**. Motion seconded by Commissioner Angie Thornton

AYES: Chair Lyon, Vice Chair DiDomenico, Commissioners Thornton, Amorosi, and Lloyd

NAYS: Commissioners Brown & Sumners

ABSTAIN: None

ABSENT: Commissioners Cassano & Johnson

VOTE: 5-2

Motion passes.

MOTION: Motion made by Commissioner Angie Thornton to approve **DPR180011 – With Conditions:**
To Amend Condition Number 9, As Proposed by Vice Chair, and the Remaining Conditions as Proposed by Staff, and added condition by Commissioner Sumners to state, The East Elevations 1 And 3, And West Elevations Of 2 And 4 To Match the North Elevations of Buildings 1 And 2 With Exception of Stucco Which Shall Not Exceed 40% Of Each Elevation.

Motion seconded by Commissioner Scott Sumners

AYES: Vice Chair DiDomenico, Commissioner Thornton

NAYS: Chair Lyon, Commissioners Brown, Sumners, Amorosi, and Lloyd

ABSTAIN: None

ABSENT: Commissioners Cassano & Johnson

VOTE: 2-5

Motion fails.

Vice Chair DiDomenico asked the applicant if they would be amenable to changing the design and taking what Staff has recommended into consideration for a future hearing.

Mr. Troeger said they would be open to changing the design of the elevations, but they are not willing to give up the 5-bedroom option.

MOTION: Motion made by Commissioner Michael DiDomenico to continue **DPR180011** to a future date. Motion seconded by Commissioner Barbara Lloyd

AYES: Chair Lyon, Vice Chair DiDomenico, Commissioners Thornton, Summers, and Lloyd

NAYS: Commissioners Brown & Amorosi

ABSTAIN: None

ABSENT: Commissioners Cassano & Johnson

VOTE: 5-2

Motion passes.

Staff Announcements

Ms. Dasgupta recommended we do not continue Lofts on 8th due to the closeness in date and notified the Commission that the November 13th DRC meeting will be cancelled due to lack of items. She also mentioned that the November 27th DRC meeting will be the first meeting to introduce standalone use permits.

There being no further business, the meeting was adjourned at 7:49 pm.

Prepared by: Christopher Ray



Reviewed by:
Suparna Dasgupta Principal Planner, Community Development Planning