



Minutes of the Development Review Commission December 11, 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:

Vice Chair DiDomenico
Commissioner Don Cassano
Commissioner Thomas Brown
Commissioner Scott Sumners
Commissioner Philip Amorosi
Alt Commissioner Michelle Schwartz

City Staff Present:

Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Diana Kaminski, Senior Planner
Christopher Ray, Administrative Assistant I
Lee Jimenez, Senior Planner
Dalton Guerra, Planner I
Robbie Aaron, Planner II

Absent:

Chair David Lyon
Commissioner Andrew Johnson
Alt Commissioner Barbara Lloyd
Alt Commissioner Angela Thornton

Hearing convened at 6:03 PM and was called to order by Vice Chair Michael DiDomenico.

CONSIDERATION OF MEETING MINUTES:

1. Development Review Commission – Study Session & Regular Meeting – October 23, 2018
Motion: Motion made by Commissioner Amorosi to **Approve** Meeting Minutes. Seconded by Commissioner Brown.
Ayes: Vice Chair DiDomenico, Commissioners Brown, Sumners, Amorosi
Nays: None
Abstain: Commissioners Cassano and Schwartz
Absent: Chair Lyon, Commissioners Johnson, Lloyd, and Thornton
Vote: 4-0-2

CONSENT AGENDA

Agenda #2 was considered on Consent Agenda.

2. Request a Preliminary Subdivision Plat for **1100 E APACHE HOUSING** located at 1100 East Apache Boulevard. The applicant is Gabriel Rios, Wood Patel & Associates. **(PL180174)**

Motion: Motion made by Commissioner Sumners to **Approve** PL180174. Seconded by Commissioner Cassano

Ayes: Vice Chair DiDomenico, Commissioners Brown, Sumners, Amorosi, Cassano, Schwartz

Nays: None

Abstain: None

Absent: Chair Lyon, Commissioners Johnson, Lloyd, and Thornton

Vote: 6-0

3. Request a Development Plan Review for a new 2,798 square-foot restaurant with a drive-through for **RAISING CANE'S**, located at 1781 East Warner Road. The applicant is Kerpan Planning & Design, LLC. **(PL180282)**

Staff Presentation

Mr. Lee Jimenez, Senior Planner, gave a brief overview and site context for PL180282 Raising Canes. He explained that the current building is an old bank building that will be demolished. He explained that in addition to the development plan review, the applicant is also in the process of trying to get a shared parking agreement which is under review at a staff level. He stated a new pedestrian path will be provided on Southbound McClintock drive and traverse the parking spaces just south of the building leading to the south entrance to the building. Mr. Jimenez also explained the single enclosure refuse container will be demolished and replaced by a double enclosure. He presented the landscape plan and overviewed the plants and coverage of the lot. Mr. Jimenez showed the commission some color elevations and renderings of the prospective development.

Vice Chair DiDomenico asked Mr. Jimenez what the shed was on the South elevation. Mr. Jimenez explained that it is a "corral", but it is represented incorrectly on the rendering and will be fully canvassed like the rest of the building. Commissioner Sumners asked about the material referenced as "vintage car hood". Vice Chair DiDomenico inquired if the applicant has provided a materials board. Mr. Jimenez stated they did not provide a materials board, but he does have a sample of the EIFS and masonry. Commissioner Brown asked Mr. Jimenez to explain the definition of canvassed, to which he explained by canvassed he meant covered in the wainscot material. Commissioner Schwartz asked if there is any screening for the south entrance seeing as it leads directly into a two-lane drive through. Mr. Jimenez explained that the south elevation is not the main entrance for the building, and the west elevation will be used for access as well and will not have to cross the drive through.

Applicant Presentation

Jason Morris, Withey Morris PLC, introduced himself as representative of the applicant. He explained that this building is different than many others that one might find in the Phoenix Valley, and a few of the materials were hard to come by for the materials board. He also wanted to point out there is 6 feet of landscaping between the drive through aisle and the patio. He stated the decision to raise the parapet instead of the tower element of the design was to be conscious of the neighbors that are also in the plaza behind them.

Commissioner Amorosi asked Mr. Morris why the landscape plan is deficient and why they have not adjusted for these deficiency's when they were notified by staff. Mr. Morris stated given the size of the site he believes the landscaping is sizeable and the design they have chosen used the landscaping as more of a hedge and a separation point rather than what zoning code recommends. He added that he believes this is still a vast improvement over what currently exists on this property. Commissioner Amorosi asked why they cannot provide shade trees near the sidewalk. Mr. Morris stated that every area they have been able to control they have. Commissioner Brown stated that he wasn't satisfied with the response to the landscape deficiency and asked again why they were not able to provide shade trees and make up for the deficiency. Mr. Morris stated it was not a matter of not wanting to provide

them, but rather not having enough space for them. Mr. Brown stated he felt like there could have been more trees included to soften the streetscape. Mr. Morris stated they would be willing to including more trees if one could be found that fits into that portion and tract of the lot successfully. Mr. Brown asked if the signs will be on the public right of way, or the property, to which Mr. Morris explained they will be on the property. Ms. Dasgupta, Principal Planner, wanted to address the comments made on the landscape plan and there are two stipulations in place regarding requirements for street trees and missing trees in the landscape islands. Commissioner Sumners wanted to explain these stipulations regarding street trees further and read to the audience the verbiage used and expectations of the applicant. Mr. Morris stated that the applicant has agreed with every stipulation made by staff. Vice Chair DiDomenico stated he felt as if the language used in the letter of intent was disingenuous, and makes it seem like this will be a reuse project instead of a complete demolition. He asked the applicant to explain how he feels this project fits in with the character area. Mr. Morris explained that originally there was thoughts about an adaptive reuse of the existing building, but the requirements of the project that was not possible. He also stated the redevelopment of this property is supported by the community plan and feels as if this will revitalize this area and shopping center. Vice Chair DiDomenico expressed his concern with the visual aesthetic of the development.

Public Comment:

None

Commission Comments

Vice Chair DiDomenico asked staff if there were any public comments towards this project. Mr. Jimenez stated he did not receive any public comments. Mr. Brown inquired about the feasibility of the refuse enclosure. Ms. Dasgupta explained that extensive discussion with refuse and this was the best location for this enclosure. Mr. DiDomenico asked staff how they felt this development fit in with the community plan. Ms. Dasgupta responded that it is a balancing act, and this development would be reactivating this space that has been vacant for so long. Commissioner Sumners stated at first, he was concerned with the traffic of the driveway because of Bashas, and the material quality of the development, but after the presentation he was satisfied. Commissioner Cassano stated he believes this development will be good for the area and stated he does not believe the refuse enclosure is not a concern.

Motion: Motion made by Commissioner Amorosi to **Approve** PL180282. Seconded by Commissioner Cassano

Ayes: Commissioners Sumners, Amorosi, Cassano, Schwartz

Nays: Vice Chair DiDomenico and Commissioner Brown

Abstain: None

Absent: Chair Lyon, Commissioners Johnson, Lloyd, and Thornton

Vote: 4-2

4. Request 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, presented the project and showed examples of new building elevations as requested by the Commission in a prior hearing. He explained that the project went from a 3-story to a 2-story project with a roof deck and displayed the new design elements incorporated by the applicant. He also explained that there is a stipulation requiring them to come back with a minor DPR regarding a porch on both buildings 1 & 3. Mr. Aaron then gave an overview of the changed floorplans. He then stated that staff recommends approval subject to conditions, and the City of Tempe Historic Preservation approved a certificate of Appropriateness to the Kirkland-McKinney Ditch. Mr. Aaron read the non-standard conditions of approval to the Commission. Commissioner Brown asked for an explanation of what staff is defining as a porch. Mr. Aaron responded that they have not gone deeply into detail, but at least expect an overhang and a raised stoop. Ms. Dasgupta explained that the stipulation regarding the porch is only for the units facing Gary Street. Vice Chair DiDomenico asked if there was any requirement of an enclosure for

this porch. Staff responded there was no requirement for enclosure. He also asked if included in the minor DPR is the amenity areas such as the pool. Mr. Aaron confirmed this stating they would.

Applicant Presentation

Mr. Neil Calfee, 8th Street Developers, asked the commission what presentation they would prefer since Mr. Aaron thoroughly went over the changes that have been made to the project. Vice Chair DiDomenico asked Mr. Calfee to give a brief recap to the new Commissioner Schwartz. Mr. Calfee displayed the old renderings from the previous DRC session, and digressed on why the design didn't work, and what they did to change that. He then transitioned to present the new design of the building, and explain the new design elements added to it. Commissioner Amorosi stated that he felt as if a pool wouldn't be the best and the space might be used better as a place to lounge, with lights hanging between the buildings. Mr. Calfee felt as if this idea was great as well, he believed a pool might be too large to fit between the buildings and he stated they were looking to make it a nice community space for the residents. Commissioner Brown asked whether the pop out feature on the stairway to the rooftop patio will be represented as it is in the rendering. Mr. Calfee stated that was the intention. Mr. Brown commented there may be a drafting glitch with the windows on the renderings facing Gary street, but stated that will make a nice porch space for the residence. Mr. Calfee stated it was likely a drafting glitch, but they are trying to make the porch a nice defensible area, so the resident feels safe from people potentially wandering onto the property from Gary Street. Commissioner Schwartz asked whether there were any plans to articulate the interior of the buildings more. Mr. Calfee stated that the exterior design elements will continue around the building fully, and there will be shading on the interior windows as well. Commissioner Schwartz asked if the landscaping section will be taken care of by the HOA. Mr. Calfee stated that all landscaping will be handled by the HOA. Vice Chair DiDomenico asked if they are amenable to the conditions presented by staff. Mr. Calfee agreed. Vice Chair DiDomenico asked Mr. Traeger if he is happy with the final product. Mr. Traeger stated he is very happy with the end outcome for these townhomes designs and feels as if the concept behind them fits the market very well.

Public Comment:

None

Commission Comments:

Commissioner Amorosi stated he was very happy the applicant listened to their initial suggestions and that he wholeheartedly support the project. Commissioner Sumners stated he was also very pleased that the initial comments were listened to and was happy the project went from two to three stories.

Motion: Motion made by Commissioner Sumners to **Approve** PL180204. Seconded by Commissioner Cassano

Ayes: Vice Chair DiDomenico, Commissioners Sumners, Amorosi, Cassano, Schwartz

Nays: Commissioner Brown

Abstain: None

Absent: Chair Lyon, Commissioners Johnson, Lloyd, and Thornton

Vote: 5-1

5. Request a Use Permit to allow off-street parking within the required front yard setback for the **TOLMAN RESIDENCE**, located at 1146 East Marny Road. The applicant is Brett Tolman. **(PL180323)**

Staff Presentation

Mr. Dalton Guerra, Planner I, presented the project to the Commission. He gave site context, and a brief overview of the purpose of the Use Permit.

Applicant Presentation

Mr. Brett Tolman presented the project to the Commission and explained why they are pursuing a use permit. He stated they purchased the home in plans on renovating it for resale. Commissioner Brown asked if the only reason he

was here is for the carport. Mr. Guerra explained the reason it needs a carport is because the garage is enclosed, and the required off-street parking has been reduced by one space. Commissioner Brown asked what the design looked like. Mr. Tolman explained it will have 4x6 posts and match the pitch of the existing gable. Commissioner Brown Inquired if this was similar to the project a few months back that had the RV parked in the front yard setback. Ms. Dasgupta explained that this is a different type of case because that case was for parking in the public right of way. Mr. Sumners added that this case is very different than the case pertaining to the RV and he is in full support.

Public Comment:

None

Commission Comments:

None

Motion: Motion made by Commissioner Amorosi to **Approve** PL180323. Seconded by Commissioner Cassano

Ayes: Vice Chair DiDomenico Commissioners Sumners, Amorosi, Cassano, Schwartz, Brown

Nays: None

Abstain: None

Absent: Chair Lyon, Commissioners Johnson, Lloyd, and Thornton

Vote: 6-0

6. Commission Member Announcements

None

7. City Staff Announcements

None

There being no further business, the meeting was adjourned at 7:15 pm.

Prepared by: Christopher Ray



Reviewed by:

Suparna Dasgupta Principal Planner, Community Development Planning