

## Minutes of the Development Review Commission September 24, 2019

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, was held in the Tempe History Museum, 809 East Southern Avenue, Tempe, AZ

**Present:**

Chair David Lyon  
Vice Chair Michael DiDomenico  
Commissioner Scott Sumners  
Commissioner Thomas Brown  
Alt Commissioner Michelle Schwartz  
Commissioner Philip Amorosi  
Commissioner Andrew Johnson

**City Staff Present:**

Chad Weaver, Director, Community Development  
Ryan Levesque, Deputy Director, Community Development  
Suparna Dasgupta, Principal Planner  
Steve Abrahamson, Principal Planner  
Lee Jimenez, Senior Planner  
Karen Stovall, Senior Planner  
Dalton Guerra, Planner I  
Blake Schimke, Planner I  
Joanna Barry, Administrative Assistant II

**Absent:**

Commissioner Don Cassano  
Commissioner Barbara Lloyd  
Commissioner Angela Taylor

Hearing convened at 6:01 p.m. and was called to order by Chair Lyon

---

**Consideration of Meeting Minutes:**

- 1) Study Session August 13, 2019
- 2) Regular Meeting August 13, 2019

**Motion:** Motion made by Vice Chair DiDomenico to approve Regular Meeting minutes and Study Session Meeting minutes for August 13, 2019 and seconded by Commissioner Amorosi.

**Ayes:** Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Schwartz, and Amorosi

**Nays:** None

**Abstain:** Commissioners Sumners and Johnson

**Absent:** Commissioner Cassano

**Vote:** Motion passes 5-0

---

The following items were considered for **Consent Agenda:**

- 3) Request a Development Plan Review for a new three-story attached single-family development consisting of six (6) units for **ROOSEVELT CORNER**, located at 305 South Roosevelt Street. The applicant is Stewart and Reindersma Architecture, PLLC. (PL190166)
- 4) Request a Use Permit to allow vehicle rental (rideshare service) in the PCC-1 (Planned Commercial Center Neighborhood) district for **UCARS**, located at 1414 West Broadway Road. The applicant is UCARS. (PL190208)
- 5) Request a Use Permit to allow vehicle repair in the PCC-1 (Planned Commercial Center Neighborhood) district for **AAA AUTO REPAIR**, located at 939 East Broadway Road. The applicant is Architectural Resource Team. (PL190218)

- 
- 7) Request a Use Permit to allow a rental storage facility in the GID (General Industrial District) and a Development Plan Review for a new 104,450 square-foot, three-story building for **AGAVE CENTER SELF-STORAGE**, located at 1791 West Greentree Drive. The applicant is Huellmantel and Affiliates. (PL190127)

**Motion:** Motion made by Vice Chair DiDomenico to approve the Consent Agenda and seconded by Commissioner Sumners.

**Ayes:** Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Schwartz, Sumners, Amorosi and Johnson

**Nays:** None

**Abstain:** None

**Absent:** Commissioner Cassano

**Vote:** Motion passes 7-0

---

The following items were considered for **Public Hearing:**

- 6) Request a Use Permit to allow a tobacco retailer in the CSS (Commercial Shopping and Service) district for **VIRTUE VAPE**, located at 1845 East Broadway Road. The applicant is Virtue Vape, LLC. (PL190234)

**PRESENTATION BY APPLICANT:**

Ms. Catalina Jimenez, Virtue Vape, went over the history of their business. She advised that they do not have any nicotine or tobacco in their products. They only sell the liquid, they do not sell the devices, and only use organic products. They sell to distributors around the country but 90% of their product is exported to the UK and Europe. The main ingredient in their product is vegetable glycerin. They have had medical insurance for six (6) years and no one has ever filed a claim. They have a light assembly process where they flavor the vegetable glycerin and then bottle it and pack it for shipping. No product is packaged or labeled to be attractive to children. They do sell some product in the front of the store. All customers need to have identification and they must be 18 years old or older. They keep a copy of the identification attached to their invoices per FDA requirements. They do not sell anything online.

Commissioner Sumners asked if they sell tobacco of any kind in their stores and was advised they do not.

Commissioner Johnson inquired if their product was a one-time use disposable item like a Juul and was advised it was not. He then inquired that if once someone purchases their product if they could then add nicotine or other substances to it. Ms. Jimenez advised they try to educate their clients on the proper way to use the product, but it is hard to control what they do after they purchase it. Commissioner Johnson asked if this was their only location and was advised they also have locations in North Carolina and Florida.

Commissioner Amorosi questioned why people have to be 18 or older to come into the store even though they do not sell any nicotine products. Ms. Jimenez stated that per FDA regulations, even if they do not sell nicotine products, they are still considered under the FDA regulations that cover e-cigarette retailers.

Commissioner Brown asked for more clarification of the glycerin ingredient and Ms. Jimenez stated it is the same ingredient in food products. Commissioner Brown asked the audience if any of them has vaped without nicotine. One of Ms. Jimenez' clients were in the audience and proceeded to reply. She was advised to go the podium so she could be heard. Ms. Kenna Smalley stated she had smoked for 25-30 years and it was affecting her health. She met Ms. Jimenez and started using their product and has been on that for the last year and a half. Chair Lyon inquired if this helped her quit and if she found it pleasant. Ms. Smalley stated she has no desire for cigarettes anymore.

**PRESENTATION BY STAFF:**

Mr. Steve Abrahamson, Principal Planner, went over the staff presentation. He stated the application is for a Use Permit for a tobacco retailer as there is no other category that a vape store would fit into. Staff received three (3)

calls regarding this case; one was a call of inquiry and two were opposed to the project, one of those being a hookah bar that claimed this would be competition. Staff also received one email in opposition.

Commissioner Amorosi asked if the applicant could sell tobacco based on the Use Permit and Mr. Abrahamson stated that since the Use Permit request stated it was for vape products only it might have to come back for review if they sold tobacco. Commissioner Amorosi would like to make that an additional condition of approval.

**PUBLIC COMMENT:**

Mr. Arthur Lebowitz, Tempe resident and Principal at Tempe High School (not on official business) stated he sees no virtue in vaping and that anti-vaping is an issue and campaign in their schools and district.

**APPLICANT RESPONSE:**

Ms. Jimenez stated that they do not hire anyone in their store that is under 18 years old and they do not allow companions in the store that are under 18 years old. She stated 99% of the kids that are using vape products are using the Juul as they are easy to conceal. The vape devices that their products are used for are very large and hard to conceal.

Commissioner Brown asked Ms. Jimenez if she was aware of the City of Tempe's restrictions about putting additional a-frame advertising on sidewalks. Ms. Jimenez stated they would follow all of the rules and regulations of the City of Tempe. Commissioner Brown inquired that if marijuana became legal would they sell that and was advised they would not.

**DISCUSSION BY THE COMMISSION:**

Commissioner Johnson stated that he is not comfortable with this use, but he does not have an argument why this should be denied while other similar projects have been approved regarding the zoning.

Commissioner Amorosi stated that before tonight he thought all vaping was the same, but this is something different. Since there is no tobacco, he does not see why they cannot occupy that space and manufacture their product. Chair Lyon stated he felt the same.

**Motion:** Motion made by Commissioner Amorosi to approve PL190234 with the added stipulation that no tobacco or nicotine products will be sold on the premises and seconded by Commissioner Johnson.

**Ayes:** Chair Lyon, Vice Chair DiDomenico, Commissioners Schwartz, Sumners, Amorosi and Johnson

**Nays:** Commissioner Brown

**Abstain:** None

**Absent:** Commissioner Cassano

**Vote:** Motion passes 6-1

**8)** Request a Use Permit to allow vehicle repair in the PCC-1 (Planned Commercial Center Neighborhood) district and a Development Plan Review for a new 4,174 square-foot oil and lube express facility for **VALVOLINE TEMPE**, located at 8805 South McClintock Drive. The applicant is Diversified Partners. **(PL190090)**

**PRESENTATION BY APPLICANT:**

Mr. Walton Brown, Diversified Partners, is the physical owner of the property. He advised that the user, Valvoline, is going to invest \$2 million into this corner. They all made a business decision to scrap the entire site and start over. He stated the property is sandwiched to between two different uses; a Walgreen's and a Discount Tire store so they have some limitations as to what they can do. With regard to traffic, when they purchased the property the traffic impact was reported to be 5,000 visits a week between their three uses. Valvoline's demand and use are 300-450 cars per week. He stated that the tenant has agreed to 100% of the staff stipulations.

Mr. Kent Lupton, Valvoline, gave an overview of the company and how their buildings are designed. This is a drive-thru service and all services are performed inside the building. There is no overnight parking and no outdoor storage. Deliveries are done during normal business hours using 26' straight trucks, not tractor-trailers. Recycling/refuse is

picked up once a week during normal business hours and dumpster enclosure finishes will match the building. He anticipates about 200 cars being serviced per week. Mr. Lupton went over the site plans that were shown at the neighborhood meeting. These may change a bit based on staff's conditions of approval. The elevations will change since one of the conditions was to match the brick to the Discount Tire store and what the former building used to look like before it was demolished. Mr. Brown asked if the Commission needed to hear from the marketing team and Chair Lyon stated he did not feel there was a need for it however if Mr. Brown felt it useful, they would hear them.

**PRESENTATION BY STAFF:**

Mr. Lee Jimenez, Senior Planner, reiterated the facts of the case. Staff's recommendation for denial is based on the applicant not meeting Use Permit Approval Criteria #2 & #3, being in conflict city's adopted plans or General Plan. Mr. Jimenez presented the latest site plan for the proposed development. The existing driveways will remain and will be upgraded with pavers. Access to the service bay areas are to the south with the exit to the north. A screen wall is proposed on the north side to screen the service bays. Mr. Jimenez advised that there was a voluntary neighborhood meeting on August 29<sup>th</sup> that was recommended by staff based on comments that were received back on May 19<sup>th</sup>. Seven members of the neighborhood attended. Two neighborhood attendees completed comment cards in support of the project at the end of the meeting. Applicant received an email from another member of the community that was a neutral comment in regard to the project. Public input and comments received include 85 in opposition of support, four in support, and two neutral comments. The consensus of the opposition was based on the conflict with the Character Area Plan. They felt that there was a lot of city resources and resident input put into this character area in which this project does not align. Staff recommends denial of the project. Although the project meets the development standards under the zoning and development code, it does not fulfill the goals and objectives of the General Plan 2040, does not meet the objectives and placemaking guidelines in the Corona/South Tempe Character Area Plan, and the proposed project did not meet approval criteria #2 and #3 for a Use Permit in regard to aligning or being in conflict with the adaptive plans of the city, including the General Plan. Should the project be approved, Mr. Jimenez went over the unique Conditions of Approval regarding elevation, landscape, and hours of operation.

Commissioner Amorosi asked if the 85 people who commented against the proposal which Mr. Jimenez showed in his presentation included the 18 that the Commission was given today. Mr. Jimenez advised that they were included but were received after the updated agenda with attachments was posted so he provided the Commission with the additional copies. He also provided the Commission with an email from the applicant stating they would meet all of the conditions of approval.

Vice Chair DiDomenico noted that he had seen a recommendation from staff to eliminate a driveway on McClintock because of the shared driveway that runs to the other two commercial users. He inquired as to the reason the applicant was not in support of that recommendation. Mr. Jimenez advised that he was not sure what the response was as that comment was made through the Traffic Division and they did not follow through with that comment.

Chair Lyon asked staff to explain why the proposal does not meet the 2040 General Plan. Mr. Jimenez stated the project is in conflict with Land Use Goal #3 and #5 and read those goals to the Commission. He also stated that this project was not a revitalization from the previous development which was a gas and service station. Chair Lyon stated that he did not "get it" and is not sure what there is to oppose. He asked what staff's expectation is of what should be in this location instead. Mr. Jimenez stated that it would be a project that fulfills what the neighborhood seeks as far as what types of services they want provided as called for in their Character Area Plan development principles.

Commissioner Sumners stated that in the presentation it was advised that the applicant agreed to all of staff's stipulations, however in the staff report there are several statements where staff notes "applicant did not accommodate this request". He inquired if the applicant overcame those, if it was out of the past, or if they are still sticking points. Mr. Jimenez advised that the comments they provided during site plan review were addressed and those that were not addressed that staff felt needed to be addressed were provided as recommended Conditions of Approval. Commissioner Sumners asked if all of the Conditions of Approval address the items where applicant did not comply, and Mr. Jimenez advised they were.

**PUBLIC COMMENT:**

Mr. Selma O'Brien, Tempe resident of Circle G Ranches, stated this project would reduce the property values in the area. She would like this area to look like how it is on Rural and McClintock. That is what the character study says and that is what they want. There are two or three other oil stations in the area already so she does not understand why residents cannot just drive a mile to another one. Ms. O'Brien stated that rather than have the Valvoline there she would prefer to leave it blank as it is. It does not fit the neighborhood or the community and does not help their house values.

Mr. Dan O'Brien, Tempe resident, had a concern about the access on McClintock. There is already a major issue with cross traffic in the middle lane on McClintock. He is also concerned about the commitments with regard to landscaping and screening and whether they will actually come through. He feels this project will decrease property values in the area.

Mr. George Blay, Tempe resident, is opposed to the project. Residents went and took the time to prepare a character statement for their neighborhood and he feels it is being ignored. He advised this will be the fourth repair facility within a mile and they do not need another one.

Ms. Jill Strandquist, resident of Circle G Ranches, stated her opposition to the Valvoline proposal. She lives a mile away from this proposed location. She shops, walks, and bikes to all of the local businesses in the area. Her vision for the McClintock and Warner area is one that is a self-contained neighborhood such as Arcadia. She would like to see a similar development as Tempe Market and Ghost Ranch that have gone in down the way that have been very successful and very welcoming. She stated it is one thing to have a commercial fast food restaurant that is going in across the intersection, but an oil and lube business does not fit for her or the south Tempe neighborhood.

Ms. Amanda Stewart, HOA President for Circle G Ranches, stated that she has lived there 15 years and has seen the character of south Tempe transform. The housing stock has gotten older, but the land values have increased. She advised that the Warner corridor was always an executive housing corridor. Ms. Stewart has a background in real estate development, so she understands that residents want amenities. She feels the area should be like Arcadia. If amenities are not provided, then residents will continue to spend their sales tax dollars up north in Scottsdale, Arcadia, or go south to Chandler. She prefers more infill projects. Just because there was a gas station there before does not mean they should expect a project like this. They were advised by the owner of the gas station that they would be closing so that was not an issue to them. She asked the Commission to please consider what they would like executives to have in their area.

Mr. Matt Smith, Tempe resident, advised he had conducted an email survey through Google Forms and received 772 responses from 11 neighborhoods, with ¼ of those in the neighborhood directly behind Valvoline. 96.9%, about 600, of the responses were against the Valvoline project. He stated the Food Network referenced Ghost Ranch in South Tempe as the best restaurant in Phoenix and this made him very proud of the neighborhood and how an abandoned Circle K could turn into a cultural place. He stated they described in the Character Area Plan what they were looking for. Residents are very pro-business and want to use their tax dollars in South Tempe. South Tempe is becoming a mid-urban community and no longer just a suburb where everything is all the same.

Mr. Arthur Lebowitz, Tempe resident – lives less than ¼ mile from proposal location, stated he appreciates the Commission's significant responsibility in deciding the future of their neighborhood. He hopes the Commission respects the neighborhood the residents want to live and evolve in and not just the corporate neighborhood. Whether or not a restaurant goes into this space, that is at least the flavor they are after.

Ms. Erin O'Grady, resident of Circle G Ranches, stated she is a third generation, lifelong resident of Tempe. Her and her family have invested a lot into the City of Tempe, and she is opposed to the Valvoline establishment. She has concerns with the project and stated that when the Commission considers developments that will be put in the city, they need to consider if they are going to enhance or detract from the intersection. She stated that the general consensus is that this detracts from the intersection. She does not appreciate the condescending tone of big corporations telling them "they only want a Sprouts" because this does not reflect who they are. They are open to

many opportunities and she stated that if you drive down the streets of Arcadia you will see some of those possibilities. They want what is right for their neighborhood and have seen residents go to south Scottsdale because they like the developments and retail areas there. She stated that if the Commission does not go with the 93% opposition rate, they will appeal to the City Council and tell them that they do not feel that their wishes are being respected. Ms. O'Grady stated the intersection of McClintock and Warner seems to be playing "second fiddle" to Rural and Warner. The argument that since there was an oil establishment there before does not fit. Valvoline rotates tires, but the Discount Tire location already does that for free. There are many other services that Valvoline offers and charges for that are provided for free by nearby retailers already. If they want to look more like south Scottsdale, they need similar establishments, not oil and gas businesses. The city needs to promote retail and eateries in this area.

Ms. RoseMarie Horvath requested her comment be read into the record: "Do not allow Valvoline to be erected on Warner and McClintock. Keep south Tempe eclectic and open to small development."

Ms. Cindy Fernandez requested her comment be read into the record: "Don't allow such an eyesore in south Tempe – go with something new and a type of small business, not large private development."

Ms. Kathy Beebe requested her comment be read into the record: "No oil mega shop at McClintock & Warner. There is already a Valvoline off of Elliot Road. How many oil change businesses are needed? I thought the planning included locally owned restaurants and community hubs."

Mr. John McRae requested his comment be read into the record: "I would like to voice my pushback on the Valvoline oil change facility on McClintock & Warner."

Ms. Judy Tapscott, Chair of the Alta Mira neighborhood association, stated they have a very active and engaged community and have a history of successfully obtaining neighborhood improvement grants, including landscape along the rights-of-way for Warner and McClintock, new signage for their neighborhood, planting over 100 trees in the area, and partnering with their next door neighborhoods Alta Mirada and Corona del Sol in an effort to improve their general area. Corona south Tempe was the first character area to adopt a plan with very specific recommendations in 2014. The process lasted over an 18-month period and she attended every meeting – all were well-attended by neighbors in south Tempe. As stakeholders they identified priorities around connectivity, environment, development, community and culture. Priorities were identified and the plan was adopted as a view towards what the community wanted. The city has received hundreds of signatures, Council communicators, letters and phone calls about what the neighbors say is a business that is inconsistent with the Character Area Plan that residents helped create. Ms. Tapscott requests that the Commission deny this request.

Ms. Jan Septon, resident of Warner Estates, stated she has lived in the neighborhood about 30 years. The first time they heard about the Valvoline project was around Christmas and she feels something is wrong with the process if this project can get so far along without any input.

Mr. Russell Courtney, resident of Raintree Estates, stated he would like the Commission to take into account what the city has worked for. A good amount of time was spent on the 2040 plan and the neighborhood has also invested a good amount of time in the plan. They did not ask for a development like the one proposed. They wanted something more walkable, with more trees, more restaurants and types of retail.

Mr. Greg Massard, resident of Circle G Ranches, stated he decided to move from south Chandler to south Tempe because it is eclectic in a very positive way. He likes that his children can ride their bikes to restaurants but does not see them riding their bikes to a Valvoline store. This area is similar to Arcadia and he would like to see it enhanced and not detracted from due to Valvoline.

Mr. Tom Barclay, resident of Estate La Colina, stated he has lived in the area for about six years and has seen the property values go up in south Tempe. He mentioned that a fire station was just put in that took up a third of the park. He goes to shopping centers in the area all the time and saturation in this block has probably quadrupled since he

moved there. A lot of green space has been taken up in the area along with more traffic being added. He suggested the proposed property be used as a green space to make up for the space they have lost since it is a small lot in a strange location that will not work for a lot of different business. He would like something that is walkable, bikeable, and green.

**APPLICANT RESPONSE:**

Mr. David Richert, representing Valvoline, advised he has over 30 years of experience administering the things that the Commission is being asked to render a decision on tonight. He stated that a Use Permit by definition is a presumed use in that district subject to some criteria. Mr. Richert referenced the staff report Use Permit criteria. He stated that if it is decided it has an adverse impact on neighboring properties, then the city has to demonstrate what those impacts are. Regarding impact on traffic, Mr. Richert stated neighboring residents are not going to be walking or biking in that area. Also, any emissions or odors cannot go beyond the ambient area and this use would not create loud noise. He does not feel this use would result in the reduction of property values. Mr. Richert stated that by this site being demolished and a new building added to it property values will actually go up. He stated that the city is obligated to recommend approval of the Use Permit if the criteria is met and if there is no proof shown that the project violates the Use Permit criteria there is a legal obligation to approve it.

Mr. Ken Gats, Marketing/Leasing with Diversified Partners, advised that he marketed the project for about 10 or 11 months before securing Valvoline. They reached out to dozens of restaurants and retailers directly by phone or face to face meetings, as well as email blasts to hundreds and hundreds of restaurant representatives. Almost all of them felt the area was not right for them. Some liked the area but did not want to be right at the intersection, they would prefer one mile to the west by Ghost Ranch. They felt Warner and Rural had a more eclectic feel and did not want to be at Warner and McClintock where there are a lot of discount retailers as that does not fit their motif, especially being right by a Discount Tire. Mr. Gats felt that bringing the Valvoline to that area would be a giant improvement over what was there before. With regard to traffic, Valvoline would bring in fewer cars per week than any other retailer that was put there. They did have a back-up tenant for this property, which was a carwash, but they did not feel that was right.

**DISCUSSION BY THE COMMISSION:**

Chair Lyon stated that he largely feels the same way about the project as he did earlier, however he feels it is now more complex than what has been talked about. He would like to see restaurants show up in that area, but he is not sure they are coming. If this application is denied they may not get something that looks as good as it or the site might sit vacant for quite a while. Part of the Commission's job is to make sure land is put to its highest possible use. He is still not convinced, however staff recommended denial and many residents have come out in opposition and that is enough for him to decide he cannot support the project. He does so stating that he is not sure they will get anything better for the site.

Commissioner Amorosi commented that the Commission had a AAA Auto Repair on this agenda along with the Valvoline project. There was no opposition to the AAA project, yet there are tons of opposition to the Valvoline project. He stated both are quality companies, but it has to do with the neighborhood. Neighbors worked on a Character Area Plan for over a year and this is the only tool they have to work with. There is so much opposition to this project and staff also recommends denial. Commissioner Amorosi does not feel this fits in with the neighborhood plan due to the location and saturation.

Commissioner Johnson mentioned that typically when they have significant opposition to a project it is usually on a form letter that people personalize in minimal ways. However, most of the emails received on this project were uniquely written in their own voice and that adds a little more authenticity and in his book that gives them a little bit more authority. He will not be voting for approval at this present time.

Commissioner Sumners has lived in the area for over 30 years and is very familiar with it. During his career he has dealt with a lot of downtown development where they tended to get a lot of form letters or online campaigns where people would sign up with fake emails ten times. That is not what they have here tonight, and he will not be supporting the project.

Vice Chair DiDomenico referenced staff report recommendation for denial and stated it was because it does not conform with the 2040 plan which the Commission is supposed to have an eye towards. The Commission is also supposed to pay attention to the Character Area Plan studies and plans that have been put together in several neighborhoods. He feels this would be a different discussion if this was an adaptive reuse question, if the existing building was still there and they were filing an adaptive reuse plan or program to turn the existing Shell station into the use they are proposing. However, the applicant did not, and this property is now a dirt lot and when that dirt lot appeared its prior use went away. It is no longer a gas or oil change station, it is now a vacant lot. Although he has no issue with Valvoline as a use, he cannot support it due to what is in the staff report. Vice Chair DiDomenico stated that no matter how they vote, this will be appealed by one side or the other and go to City Council. He advised the applicant to remove the second driveway and use the one that is already there as it is a dangerous situation at that shopping center to have side by side driveways.

**Motion:** Motion made by Vice Chair DiDomenico to approve PL190090 with the Conditions of Approval mentioned in the staff report and seconded by Commissioner Sumners.

**Ayes:** None

**Nays:** Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Schwartz, Sumners, Amorosi and Johnson

**Abstain:** None

**Absent:** Commissioner Cassano

**Vote:** Motion fails 7-0

**Motion:** Motion made by Commissioner Sumners to deny PL190090 and seconded by Commissioner Johnson.

**Ayes:** Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Schwartz, Sumners, Amorosi and Johnson

**Nays:** None

**Abstain:** None

**Absent:** Commissioner Cassano

**Vote:** Motion passes 7-0

- 8) Request an Amended Planned Area Development Overlay to establish development standards, a Use Permit to allow tandem parking and a Development Plan Review for a new 12-story hotel containing 180 keys and commercial uses for **6th & COLLEGE HOTEL**, located at 580 South College Avenue. The applicant is Gammage & Burnham PLC. **(PL190070)**

#### **PRESENTATION BY APPLICANT:**

Ms. Manjula Vaz, Gammage & Burnham, advised the Commission that this project had previously been brought before them but due to some issues with constructability, as it was a very small site, and issues trying to manage the condos and hotel it is being brought back as just a hotel. On March 8, 2018 the City Council approved the Planned Area Development Overlay and Development Plan Review applications. Tonight, they are requesting a Planned Area Development Overlay, a Development Plan Review, and a Use Permit to allow tandem/vertically stacked parking in the City Center district.

Vice Chair DiDomenico asked when the demolition and construction would begin. Mr. Blake Bunker, Oakland Capital, stated that once they get City Council approval, they will move right into construction documents and plan on pulling a building permit as soon as possible. They estimate that to be around the end of the first quarter of 2020.

Commissioner Schwartz stated that in the previously approved project there was a very large art element on the east façade and inquired how they are incorporating the public art component in this design. Ms. Vaz advised that they are still working through the art plan. They are looking to put art on the west side. Commissioner Schwartz mentioned that she now sees a gate access on the garage when previously it was a speed ramp design and inquired about this access. Mr. Bunker stated that the previous project had a speed ramp up to six levels of parking that was open air, but now all parking exists on the second floor and it is fully enclosed, so it is not open to the public. They



now have a mechanical parking solution where you drive in on the south side and there are two parking lifts that can take you up to the second floor where there are 30 spaces that each have a stacker so you can park two cars in them. This will be valet only so people will have to valet their car and it will be professionally managed by a parking company whose expertise is to manage these types of solutions.

Chair Lyon requested clarification that is was 100% valet, that you cannot park your own care and Mr. Bunker stated that was correct, other than the existing spaces that are on grade.

Commissioner Brown asked if there are any items that are applicable to what the Urban Core Master Plan requires. Ms. Vaz advised that the pedestrian landscape, how the doors are open, the patio landscape meet the UCMP. Commissioner Brown asked if the hotel rooms would have operable balconies and windows and Mr. Bunker stated there would be no balconies or operable windows.

#### **PRESENTATION BY STAFF:**

Mr. Obenia Kingsby II, Planner II, advised that a neighborhood meeting was required for this project and two people attended. He did not receive any public input prior to the completion of the staff report. Staff recommends approval subject to conditions. He requested that the Commission read into the record a unique condition of approval, #12, with the motion.

Commissioner Sumners stated that the typical is 42' and asked if staff is requesting 48' for the railings. Mr. Kingsby sated they are allowed to go four feet by building code. Chair Lyon asked if there was any way around that law and asked which code they have to satisfy that requires a wall there. Mr. Kingsby stated you do have to have a barrier. Ms. Dasgupta advised that there used to be a condition that it was six foot but due to the fire code that was adopted had some restrictions, so they amended it to four feet for safety purposes. Chair Lyon clarified that he thought this was referring to seating at grade, but it is actually for the rooftop patio.

**PUBLIC COMMENT:** None

#### **DISCUSSION BY THE COMMISSION:**

Commissioner Amorosi stated he likes the design of the building but is a little disappointed that the living units went away but he is happy to support this hotel.

Commissioner Sumners stated the sidewalk in that area is a mess. He supports this project as it adds a lot of pedestrian amenities and is a good project.

Chair Lyon likes it better than the last time they saw it. He likes the new parking set up as he was not in favor of the six-floor parking. He is happy to support the project.

Vice Chair DiDomenico asked if there is a manufacturer for the parking solution and Mr. Bunker advised there was but it is customized to the specific project. The stackers and lifts are pretty standard and use hydraulics. Mr. Bunker agreed to send Vice Chair DiDomenico some information on this.

**Motion:** Motion made by Commissioner Johnson to approve PL190070 with the following modified condition of approval:

#### **#12. Proposed to be modified to as follows:**

*The above grade patios where adjacent to 6th Street and College Avenue shall be designed with a 4'-0" high wall, measured from floor grade, with at minimum the top 2'-0" designed with glazing. Landscape planters may be located on either the exterior or interior of the wall to act as a buffer from the building edge. Where landscape planters are not provided, the developer shall work with Planning Division staff to identify alternative design solutions that meet the intent of the condition.*

This was seconded by Commissioner Amorosi.

**Ayes:** Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Schwartz, Sumners, Amorosi and Johnson

**Nays:** None

**Abstain:** None

**Absent:** Commissioner Cassano

**Vote:** Motion passes 7-0

- 9) Request a General Plan Land Use Map Amendment from Commercial to Mixed-Use and a Density Map Amendment from No Density to High Density (up to 65 du/ac); a Zoning Map Amendment from GID to MU-4; a Planned Area Development Overlay to establish development standards; and a Development Plan Review for a new 4-story mixed-use development consisting of 324 dwelling units and commercial uses for **PARC BROADWAY**, located at 711 West Broadway Road. The applicant is Huellmantel & Affiliates. **(PL190085)**

#### **PRESENTATION BY APPLICANT:**

Mr. Charles Huellmantel, Huellmantel & Affiliates, stated they have come to full agreement with staff on the conditions of approval. They had a neighborhood meeting and the only people that showed up were in support of the project. The property is on Broadway and Roosevelt and is currently a Wells Fargo building. This project is in the Makers District, where one of the components is to provide housing. They went through several versions of the plan and arrived on a version that has trees on both sides and a wider sidewalk. They have been working with Economic Development to 1) find a project that is an opening to the Makers District, and 2) to create some identity with the Makers District which included taking out the retail portion and giving the city free space where people who are starting in the Makers District can show their wares. The rent they are proposing for the units is in the range that the city has proposed. Mr. Huellmantel referenced the modified Condition #14 that is different from the version in the staff report.

Commissioner Sumners mentioned there are a lot of versions of the site plan going around and looking at the version on the screen it appears the sidewalk is very wide. Mr. Huellmantel stated the sidewalk is eight feet.

Commissioner Schwartz inquired if the rendering was of the northeast corner and was advised it was, looking from Roosevelt and Broadway. Commissioner Schwartz asked if this was the area where they will be working with the City of Tempe on the monument signage and was advised it was.

Commissioner Sumners asked for clarification that it was eight feet on Broadway and six feet on Roosevelt and was advised that was correct.

Chair Lyon asked how far the building was off the street. Mr. Huellmantel stated it was roughly 21 feet from the sidewalk to the back of the building. Chair Lyon observed it was five feet from the street curb with an eight-foot walk dimension and then a sidewalk next that and next to that is an eight-foot building setback. That adds up to 29 feet but the main building 21'-5". Mr. Huellmantel stated it is 21 feet from the back of the sidewalk to the building then there is an eight-foot sidewalk and an additional planting area that appears to be eight feet from the sidewalk to the street and another five feet in the right-of-way. Chair Lyon observed the building was very large and asked why the team did not decide to break the mass up into separate buildings. Mr. Huellmantel stated the main reason is because they were trying to keep the design affordable and in order to have lower rents, they needed a less expensive building.

Commissioner Brown stated the setback is nice, but he is a little disappointed that it looks like there is 500 feet of wall, a lot of building. Mr. Huellmantel stated that to make the costs work they had to have as much density as possible. Commissioner Brown asked if it would be a wood frame and was advised it would. Commissioner Brown observed there were very long corridors where there would be a lot of noise and activity and asked if it would be broken up with firewalls. Mr. Huellmantel said there would be firewalls as that is required in building code.

Commissioner Amorosi stated he understands the affordability issue, but they could break up the mass with different colors. He does not see anything that would invite people into the Makers District. Mr. Huellmantel stated that at this time you cannot see the space for art or signage as they are still discussing that. He would be amenable to working with staff on changing the colors. They have a stipulation to work with staff on art and signage and suggested modifying it to include working with staff on the colors. Commissioner Amorosi asked if there was a mandate from staff to go to gray and black. Mr. Huellmantel stated it was not a mandate but a suggestion that they use colors that look industrial.

**PRESENTATION BY STAFF:**

Mr. Kingsby stated there was a neighborhood meeting for this project and three members of the public attended. Staff received input from two members of the public, both in support of the project. Staff recommends approval but notes there are five unique conditions of approval. Staff is also requesting that the proposed modification to condition #14 be read into the record. If the Commission wants modification, he can add that condition also.

Commissioner Amorosi asked staff if they were open to a more vibrant palette of colors and Mr. Kingsby stated that he would be amenable to staff. Ms. Dasgupta asked Commissioner Amorosi could specify to what colors they would like. Commissioner Brown stated that the City of Tempe logo has good color and that industrial does not have to be gray. Chair Lyon stated he has no issue with the colors.

**PUBLIC COMMENT**

Mr. Zachary Pebler, Tempe resident, requested his comment be read: Chair Lyon read it into the record that Mr. Pebler is support of the project.

Ms. Maria Laughner, City of Tempe – Economic Development, briefly went over the Tempe Maker District General Plan Amendment. The goal of this amendment is to revitalize areas that have fallen into hard times. The PARC Broadway project, especially due to the workforce housing component, fits the criteria for this.

Commissioner Johnson is concerned that the Maker component space is only 1,800 feet since that is very small to designate the project as mixed-use. He equated it to the Farmers Arts District, where there is no art. Ms. Laughner stated they already had people manufacturing goods in the area, so they were okay with the 1,800 square feet. Commissioner Johnson inquired if they had a plan for how they are going to program that space; is it going to be leased or are they going to manage it. Ms. Laughner advised they are still discussing this with Evergreen.

Commissioner Brown stated he would like to have a copy of the target rent document that was shown in the applicant's presentation. He inquired how they came up with those numbers. Ms. Laughner advised that every year HUD figures out the area medium income with the other agencies and then Economic Development's affordable housing group put together a matrix based on that data. Ms. Laughner stated she would send the Commission members a copy.

Mr. Huellmantel responded to Commissioner Johnson's Farmers Arts comment and advised that the art was there before it was known as the Farmers Arts District. With regard to being part of the Makers District, he knows there are people in the area that work in the Makers District and there is not a lot of affordable housing options for them.

Commissioner Johnson stated he appreciates what the applicant is trying to do and thinks it will be a nice component to the area.

**DISCUSSION BY THE COMMISSION:**

Commissioner Brown stated that he felt the project came up short architecturally – it is very boxy and there is a lot of it. He feels more could have been done to break up the masses. He believes the intent is there but worries about it being a cheaper solution and a problem for the town, long term.

Commissioner Sumners stated it all comes down to affordable housing. A lot of the projects that come before the Commission are high-end luxury properties and this can cause residents to leave the area. He supports the project however he does not like the darker, almost black, color on the building.

Commissioner Amorosi appreciates that the height is only 55 feet. He is willing to support the project because he feels Tempe has an affordable workforce housing problem and he feels this will jump start the area.

Commissioner Schwartz agrees with other comments about the colors and approves of condition #14 as she feels that adding some high-end materials will help the façade as it is very strong along Broadway.

Chair Lyon stated he is conflicted about the project. He is in favor of housing density showing up in that square mile but has some misgivings about the Maker display space and how you would attract people to come inside. He is also concerned about having so much affordable housing without some mixture. He feels the size of the building is oppressive.

**Motion:** Motion made by Commissioner Amorosi to approve PL190085 with the following modified condition of approval:

**#14. Proposed to be modified as follows:**

*The Developer shall modify the building façades in accordance with the September 20, 2019, Exhibits 20 A and 21 A. This shall include enhancing and delineating public and private areas along the ground floor of the façade along Broadway Road and Roosevelt Street with grey block and grouted CMU for public areas while maintaining the private patio areas of units with stucco. Exterior public area walls at ground floor shall be grey block and grouted CMU. Private area balconies shall remain stucco. Composite siding materials shown on August 5, 2019, elevations shall be replaced with perforated metal panels consistent with Exhibits 20A and 21A except at exterior corner elevations along Broadway Road and Roosevelt Street. Exterior corner elevations along Broadway Road and Roosevelt street shall utilize grey block and grouted CMU lock to the top of the 3rd floor in keeping with Exhibits 20A and 21A.*

This was seconded by Vice Chair DiDomenico.

**Ayes:** Vice Chair DiDomenico, Commissioners Sumners, Amorosi and Johnson

**Nays:** Chair Lyon and Commissioners Brown and Schwartz

**Abstain:** None

**Absent:** Commissioner Cassano

**Vote:** Motion passes 4-3

**Staff Announcements:**

Ms. Dasgupta stated that the next meeting will be held at the Tempe History Museum on October 22, 2019 and that an agenda will be provided on October 2<sup>nd</sup>.

**There being no further business the meeting adjourned at 9:08 pm.**

Prepared by: Joanna Barry

Reviewed by: Suparna Dasgupta



Suparna Dasgupta, Principal Planner