

**Minutes of the
Development Review Commission
REGULAR MEETING
November 12, 2019**

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

Present:

Vice Chair Michael DiDomenico
Alt Commissioner Michelle Schwartz
Commissioner Scott Sumners
Commissioner Thomas Brown
Commissioner Don Cassano
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
Karen Stovall, Senior Planner
Obenia Kingsby II, Planner II
Dalton Guerra, Planner I
Joanna Barry, Administrative Assistant II

Absent:

Chair David Lyon
Alt Commissioner Barbara Lloyd
Alt Commissioner Angela Taylor

Hearing convened at 6:00 p.m. and was called to order by Vice Chair DiDomenico

Consideration of Meeting Minutes:

- 1) Study Session – September 10, 2019
- 2) Regular Meeting – September 10, 2019

Motion: Motion made by Vice Chair DiDomenico to approve Regular Meeting minutes and Study Session Meeting minutes for September 10, 2019 and seconded by Commissioner Sumners.

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

Nays: None

Abstain: None

Absent: Chair Lyon

Vote: Motion passes 7-0

Consideration of Annual Report:

- 3) 2019 Development Review Commission Annual Report
Correction was made to change the number of meetings Commissioner Schwartz attended from five to six.

Motion: Motion made by Commissioner Sumners to approve the 2019 Development Review Commission Annual Report with revision and seconded by Commissioner Johnson.

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

Nays: None

Abstain: None

Absent: Chair Lyon

Vote: Motion passes 7-0

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

- 5) Request a Development Plan Review for a new 7,146 square-foot restaurant for **TWIN PEAKS**, located at 2050 East Rio Salado Parkway. The applicant is Vertical Design Studios. **(PL190233)**
- 6) Request a Use Permit to allow a second-story addition for a single-family residence for the **WHITEFORD RESIDENCE**, located at 1165 East Diamond Drive. The Applicant is Jason Whiteford. **(PL190242)**

Motion: Motion made by Commissioner Cassano to approve Consent Agenda and seconded by Commissioner Amorosi.

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

Nays: None

Abstain: None

Absent: Chair Lyon

Vote: Motion passes 7-0

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

- 4) Request a Development Plan Review for a new 2,630 square-foot building for **RAISING CANE'S**, located at 5201 South McClintock Drive. The applicant is Kerpan Planning and Design, LLC. **(PL190195)**

PRESENTATION BY APPLICANT:

Mr. Jason Morris, Withey Morris PLC, stated that since the project was initially going to be put on the consent agenda, but was pulled due to public comment request, that maybe staff should present first. He can then address the public comment or question after that. Vice Chair DiDomenico agreed to this request.

PRESENTATION BY STAFF:

Mr. Obenia Kingsby II, Planner II, gave a brief overview of the project. Vice Chair DiDomenico asked Mr. Kingsby to address the question that Commissioner Brown had during the study session regarding how to provide mechanical screening on the roof. Mr. Kingsby advised that it will be screened by the upper level parapet wall. Commissioner Brown asked for clarification that it would be 360 degrees around the units and that they will be higher than the units. Mr. Kingsby stated that was correct.

PUBLIC COMMENT:

Mr. Thomas Galvin, of Rose Law Group on behalf of Pollack Investments, advised that his client owns the parcel just to the east at Peter Piper Plaza. They have been negotiating with the owners of the property and with Raising Cane's for the past couple of years. He advised there was a previous use proposed for the property that they did not agree with or support, however they do support this proposed use. They have provided the owner with a Letter of Understanding involving a cross access easement. Nothing has been recorded yet, but they look forward to working with them and appreciate all of the work and diligence they have done so far. Vice Chair DiDomenico asked if they are comfortable with the one point of entry between the two projects and Mr. Galvin advised that they were.

DISCUSSION BY THE COMMISSION:

Commissioner Sumners mentioned that he initially had a concern about two driveways being close to each other, however after looking at the history of the property there had actually been four driveways in the past. Now that there will only be one driveway, he thinks that is good, and he supports the project.

Motion: Motion made by Commissioner Sumners to approve PL190195 and seconded by Commissioner Cassano.

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

Nays: None

Abstain: None

Absent: Chair Lyon

Vote: Motion passes 7-0

- 7) Request two (2) Use Permit Standards to reduce the required front yard building setback by 20% from 20 feet to 16 feet and to reduce the required setback for an accessory building to the minimum district standard of 5 feet for the **DEDIC RESIDENCE**, located at 1030 East Carson Drive. The applicant is Suad Dedic. (PL190271)

PRESENTATION BY APPLICANT:

Mr. Saud Dedic, applicant, gave a brief overview to the Commission of the project. He advised that he has to park two vehicles however he cannot park them in front of the house as there is a stop sign on the left side which requires a setback and if he parks on the right side he will encroach on his neighbor's property. He could build a two-car garage but would need 20 feet.

Vice Chair DiDomenico asked if the garage would back up to the neighbor directly to the south of them and if so, do they know about the plans or have any issues. Mr. Dedic stated they were aware of the plans and have not stated any concerns or issues.

Commissioner Brown stated that when you look north on Carson, the blank wall is going to be ahead of you, and it looks very stark. He suggested adding a window. Mr. Dedic stated that area was mainly for storage, however he would be willing to include a window on that southeast side.

Commissioner Amorosi asked if the walkway/gap between the garage and the main how would remain open and if they were going to put fencing there. Mr. Dedic advised that he would be putting a small gate at the entrance.

PRESENTATION BY STAFF:

Mr. Dalton Guerra, Planner I, was asked by Vice Chair DiDomenico if staff could work with the applicant to come up with the placement for the window. Mr. Guerra advised this could be done during the plan check. Vice Chair DiDomenico asked if it needed to be added as a stipulation and Mr. Steve Abrahamson, Principal Planner, advised that was up to the Commission. The Commission decided not to add this as a stipulation.

Mr. Guerra stated staff worked closely with Mr. Dedic to establish the front lot line since it is very confusing lot, and this resulted in the need for the Use Permit Standard to reduce it by 20% to get him the four feet. The second Use Permit Standard is for the detached building setback.

DISCUSSION BY THE COMMISSION:

None

Motion: Motion made by Commissioner Amorosi to approve PL190271 and seconded by Commissioner Cassano.

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

Nays: None

Abstain: None

Absent: Chair Lyon

Vote: Motion passes 7-0

- 8) Request a Zoning Map Amendment from CSS TOD and R-4 TOD to MU-4 TOD and an Amended Planned Area Development Overlay to establish development standards for a new one- to three-story, mixed-use development consisting of 636 dwelling units and commercial uses for **EASTLINE VILLAGE**, located at 2025 East Apache Boulevard. The applicant is Gammage & Burnham, P.L.C. (PL190059)

- *Vice Chair DiDomenico advised the Commission is taking testimony from both the applicant and the public, however they will not be voting on this item tonight.*

PRESENTATION BY APPLICANT:

Ms. Manjula Vaz, Gammage & Burnham, gave a brief presentation and stated this project had also been presented in a study session. This will be a non-car-dependent community. They are requesting a Zoning Map Amendment to rezone the entire property in order to take in some of the parcels that were holdovers in the original zoning case. They are also

requesting a Planned Area Development Overlay Amendment to establish site-specific development standards for approximately 15.56 acres. The project was originally planned to be a 13.56 acer master-planned community consisting of buildings up to 90-feet in height, 698 residential units, over 59,000 sf of commercial space, and 1,385 vehicle parking spaces. The project will not be an innovative, sustainable people-first mixed-use neighborhood designed around being non-car dependent. They are doing the PAD for the full project but will be coming back next year to show the Phase I Development Plan Review for commercial and residential portion of the project to the Commission. They had held discussion with the City Council on whether this type of project would work, which resulted in it being done in phases.

Mr. Jeff Berens, with Culdesac, advised this project is a new concept for people who would like to live without a vehicle, therefore the residential component does not include parking or vehicles for the residents. There will be ample parking for the retail area and for guests of the residents. The project will support sustainability by reduction carbon emissions, providing abundance of green space, a lot of natural light into residences to reduce energy usage, and utilize green-building features and living practices. To accomplish the non-car usage, this project is located by the light rail, there will be a lot of bike paths, and shared-mobility. There will be bookable spaces on site to enable residence to perform more activities on site. This will be a rental community so there will be staff on site, not only for security but to also assist with organizing events, local mobility options, etc.

Commissioner Sumners stated this idea looks good on paper but inquired if there were examples of where this exists somewhere else. Mr. Berens stated there were examples in Europe and Japan. In the United States they are more at the building scale or something that has been repurposed, such as university town or downtown centers are redesigned to be more pedestrian friendly.

Commissioner Cassano inquired what would happen if the project does not lease. Mr. Berens restated what Ms. Vaz indicated earlier that this is why they are doing the project in phases. They are hearing a lot of positive feedback about the first phase and depending on how that goes they will process east with the other phases. Commissioner Cassano clarified that he wanted to know that if the leasing does not work, would the applicant be back before the Commission to ask for on-site parking. Ms. Vaz advised they would be coming back to the Commission and City Council to discuss what is not working and make changes.

Vice Chair DiDomenico asked about the item on the building by the light rail. Ms. Vaz advised that is not the art that will be on the building, like some different pictures.

Commissioner Brown asked what the average Tempe resident might save by getting rid of their vehicle. Mr. Berens stated that the official statistic is about \$600 per month. Commissioner Brown asked if the shared spaces could be reserved. Mr. Berens advised they can be reserved but are also available for drop-in use depending on which shared space they are. Commissioner Brown asked if a non-profit such as a little league could get them free and Mr. Berens stated they have not made decisions like that you. Commissioner Brown asked what percentage of the space in Phase I will be dedicated to mixed-use and public access. Mr. Berens indicated it would be 5,000 sf of bookable space for Phase I.

Commissioner Johnson noticed there are areas of vehicle flow throughout the community but there appears to be a lot of dead ends. He inquired if these were for loading and asked applicant to explain the process. Mr. Berens explained that 55% of the site is landscaping and this was possible but having just enough surface parking for retail and visitors. The paved area from the northwest corner that bisects the site is accessible by fire, and then there are vertical portions going through the site that are not all accessible to fire. The vertical portions are not meant to be used for daily purposes, but rather for something like a sofa delivery, etc. Commissioner Johnson asked if the access on the south side on the west portion between sections F2 and G2 there would require you to back in and back out or if it would be a three-point turn. Ms. Vaz indicated that next year when they do the DR, the Commission will have a better sense of what that portion looks like. They would be willing to meet with staff and the Commission to explain these details further.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, spoke briefly about the development agreement that was approved the previous month by the City Council. She advised it is allowing processing of the Zoning Map Amendment and PAD without concurrent processing of the DPR. The Commission will see the DPR for Phase I next year. The processing of the DPR will be

through a public meeting with the DRC and also the City Council. This would allow processing of the future phases, 2-5, as minor DPR applications as long as they are determined to be in substantial conformance to the Phase I DPR. Therefore, if Phases 2-5 are in conformation with the original DPR approved by the City Council, then they would not be brought before the DRC, but rather it will be done at a staff level.

Ms. Stovall went over the landscape plan and advised that open space is provided in the plazas – Apache Plaza which is near the northwest corner of the site, the Center Plaza which is further southeast of that. The main part would be constructed with Phase II that connects to Wilderman Avenue, then there is a small park over to the east side on River Drive. The fire access routes will have alternative pavement materials and landscaping to provide alternative paths for pedestrians, bicyclists, and scooters throughout the development.

A neighborhood meeting was held on April 24, 2019 and four individuals attended and expressed support for the project. No further public input was received outside of that meeting. Staff recommends approval subject to conditions. These conditions include construction of a pedestrian/light rail crossing on Apache Boulevard. Money for the crossing has to be placed in escrow prior to the first Certificate of Occupancy for Phase I – Residential. The development will have to comply with the parking management plan. A stipulation limits on-site parking spaces to a maximum of 110% of those currently shown on the plan. If the applicant wanted to modify the site plan, increase the number parking spaces they would need to come back through the public hearing process. The final condition applies to the temporary treatment plan for the PAD site prior to the issuance of the building permit to make sure it is dust proofed, cleared off, etc. before it is developed.

PUBLIC COMMENT:

Ms. Christina Pucci, President of the Escalante neighborhood association, stated she attended the public meeting in April and wanted to come out and express her support for the project. Her and her husband use bikes and alternate transportation, and she uses the light rail to work, so she is excited to see a car-free community coming into the area.

DISCUSSION BY THE COMMISSION:

Commissioner Sumners stated that he understands it is necessary to look at things at this scale, but the way people will experience the neighborhood is at the micro level so when they get down to the DPR for individual portions of the project that would be really important.

9. COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Brown stated that he went along the lake by McClintock and construction has commenced on a project the DRC had approved. It took a while for them to get the other crane certified. They are building four levels below the grade parking. It's expensive and a really good commitment to opening up the ground plane.

10. Staff Announcements:

Ms. Suparna Dasgupta, Principal Planner, advised that the next meeting will be December 10, 2019 and staff will have an agenda ready by next week. The Eastline Village project will be on that agenda for a vote.

There being no further business the meeting adjourned at 7:39pm.

Prepared by: Joanna Barry

Reviewed by:



Suparna Dasgupta, Principal Planner, Community Development Planning