

**Minutes of the
Development Review Commission
REGULAR MEETING
September 22, 2020**

Minutes of the Regular Meeting of the Development Review Commission, of the City of Tempe, was held in Council Chambers
31 East Fifth Street, Tempe, Arizona

Present:

Chair David Lyon
Vice Chair Michael DiDomenico
Commissioner Scott Sumners
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Andrew Johnson
Commissioner Steven Bauer

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
Diana Kaminski, Senior Planner
Robbie Aaron, Planner I
Dalton Guerra, Planner I
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Barbara Lloyd
Alt Commissioner Michelle Schwartz
Alt Commissioner Linda Spears

Hearing convened at 6:32 p.m. and was called to order by Chair Lyon

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session 8/25/20
- 2) Development Review Commission – Regular Meeting 8/25/20

Motion: Motion made by Commissioner Cassano to approve Regular Meeting minutes and Study Session Meeting minutes for August 25, 2020 and seconded by Commissioner Johnson

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Sumners, Cassano, Johnson and Bauer

Nays: None

Abstain: Commissioner Amorosi

Absent: None

Vote: Motion passes 6-0

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

- 3) Request a Use Permit Standard to reduce the required building (ramada) north side setback from 20 to 16 feet for **THE LIM RESIDENCE**, located at 520 East Pecan Place. The applicant is Meridian Development. (PL200126)
- 5) Request a Use Permit to allow vehicle sales for **TRUSTED AUTO SALES**, located at 410 South Perry Lane, Suite 4. The applicant is Earl and Curly, P.C. (PL200186)

- 7) Request a Use Permit for a hotel in the GID zoning district, a Use Permit Standard to increase the building height from 60 to 63' in the Southwest Overlay District, and a Development Plan Review for a 111 key hotel for **RESIDENCE INN TEMPE** located at 8946 South Harl Avenue. The applicant is Sustainability Engineering Group, LLC. (PL200115)

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

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Amorosi, Sumners, Cassano, Johnson and Bauer

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

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

- 6) Request two (2) Use Permits to allow rental storage and vehicle rentals, a Use Permit Standard to increase the maximum building height from 35 feet to 38 feet and 6 inches, and a Development Plan Review to demolish sections of existing self-storage buildings and replace with a new 97,089 square-foot three-story climate-controlled self-storage building for **U-HAUL OF TEMPE TOWN LAKE**, located at 500 North Scottsdale Road. The applicant is RKA Architects, Inc. (PL200114)

PRESENTATION BY APPLICANT:

Ms. Abigail Ayala, RKA Architects, advised the Commission that they would like to request a continuance as the owner wants some site plan changes and would like to discuss some stipulations with staff. The timeframe for this would be for the November 10, 2020 DRC hearing.

Commissioner Amorosi mentioned that he did like the wavy metalwork on the side of the building and hopes that is not something that they want to take away when they redo the building as he thinks it relates to the town lake.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Motion: Motion made by Commissioner Cassano to continue PL200114 to the November 10, 2020, DRC Hearing and seconded by Commissioner Johnson.

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Amorosi, Sumners, Cassano, Johnson and Bauer

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

- 4) Request a Use Permit to allow a tobacco retailer for **WILD SIDE SMOKE SHOP**, located at 405 West University Drive. The applicant is Wild Side Smoke Shop. (PL200166)

PRESENTATION BY APPLICANT:

Ms. Teresa Ocegüera, went over the project and gave a brief overview of their application request. The shop will be open from 10 a.m. to 10 p.m., seven days a week. It will employ 4-6 retail clerks who will be professionally trained on City licensing requirements.

Commissioner Amorosi noted that he had previously asked the applicant what types of products they would be selling to make sure it was not any type of vaping product or oils that go into the vaping products. The applicant had stated they were not planning on that as of now but that does not mean they would not add it in the future. They did

state that they would be open to a permit that restricted them from selling vaping products or the oils that go in them. Commissioner Amorosi requested adding a stipulation to the Use Permit to this effect. Mr. Steve Abrahamson, Principal Planner advised that the City does not regulate the day-to-day business operations of smokes shops or other businesses. They do have to follow State laws that prohibit the sale of tobacco products to minors, so he does not feel they need to add a stipulation. Chair Lyon stated that he believes Commissioner Amorosi's request was to ban the sale of vaping products specifically. The applicant asked if that was throughout the business or just to minors. Commissioner Amorosi stated he does not think vaping products are healthy and should not be on the market at all to any ages. The applicant stated if the Commission wanted to approve the Use Permit with those limitations she would understand. Mr. Abrahamson stated that vaping products are considered tobacco products at this juncture and are legal in the State of Arizona. Based on that classification it would be difficult to enforce. Chair Lyon noted that when the time comes to vote that the Commission can vote on the Use Permit without the stipulation first, and if it fails to pass, they can then vote on it with the stipulation. Commissioner Amorosi advised that he understands the State law and believes that the applicant would adhere to it so he would like to proceed with the application "as is".

Commissioner Bauer advised that would also be his recommendation. Since these products are legal right now, he does not want to over-burden staff with the process.

PRESENTATION BY STAFF:

Mr. Robbie Aaron, Planner I, went over the floorplan that was submitted by the applicant. He noted that the application meets all the Use Permit criteria. Mr. Aaron spoke with Tempe PD who advised that currently there is no security plan required for this location, however down the road a security plan may be required. There was no neighborhood meeting required. Staff received one comment in opposition based on the concerns of the use of tobacco.

Commissioner Johnson noted that there was one other business in that specific building and asked if the applicant will be taking up the full vacant space or just a portion of it. Mr. Aaron was not sure of the answer and stated the applicant would be able to provide that information.

PUBLIC COMMENT: NONE

APPLICANT RESPONSE:

Ms. Ocegüera stated she has no objections to comments made. Commissioner Johnson asked the applicant about the amount of vacant space they will be using. She is not entirely sure, but she believes it is just a portion and can follow-up with that information if needed.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Motion: Motion made by Commissioner Cassano to approve PL200166 and seconded by Commissioner Bauer.

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Amorosi, Sumners, Cassano, Johnson and Bauer

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

- 8) Request a General Plan Land Use Map Amendment from "Commercial" to "Mixed-Use" and a Residential Density Map Amendment from "Medium to High density (up to 25 du/ac) to "High density (up to 65 du/ac)", a Zoning Map Amendment from PCC-2 to MU-4, an Amended Planned Area Development Overlay, and a Development Plan Review for a 5-story 310-unit multi-family development for **TEMPE MARKET STATION** located at 1953 East Rio Salado Parkway. The applicant is Berry Riddell, LLC. (PL200129)

PRESENTATION BY APPLICANT:

Ms. Wendy Riddell, Berry Riddell LLC., gave a presentation to the Commission about the project. She advised the Commission that this is the third time she has come before them on this project. This evening they have four (4) requests running concurrently; the General Plan Amendment, Rezoning of lots 3 & 4, PAD Amendment for Lots 1-4, and a major Development Plan Review for Lot 4. She advised that the only point of conflict they have had with staff is regarding one of the corners of the building. Their use of stucco and different colors was to make the corner more distinctive from the other corners since it was a long building. However, the staff report included stipulation #11 suggesting that masonry should be brought up that entire corner. In an effort to try to respond to staff and work it out in order to give the DRC some options, they went back to their design team and took a look at incorporating some of the blonde brick that is a component of the project at other locations and adding it at the corner. Ms. Riddell stated they are happy with their original submittal and design but are also willing to go down this road with the blonde if that is the DRC's perspective. They are not in agreement with stipulation #11 as staff has proposed it as it causes some concern. They would much prefer one of the two options they mentioned.

Commissioner Cassano asked Ms. Riddell to elaborate on why they oppose staff's recommendation regarding stipulation #11. Ms. Riddell stated that when they first put the design together, they did not want everything replicated identically. Since it was a long project, they wanted to make sure that it was broken apart and there were not identical masonry bookends. The goal was to make that corner stand out and look a little different.

Commissioner Bauer stated that the Commission had received a modified version of the corner over the weekend and asked Ms. Riddell to walk through the original submittal versus the one that they received later. Ms. Riddell gave an overview of the original submittal compared to the updated version which had a different texture and tone.

Commissioner Sumners noted that the Commission had been advised that this was 70 feet, however in the report it mentioned 75 feet. Ms. Riddell advised that when they did this they built in a little cushion, so it does allow for 75 feet.

Commissioner Amorosi noted that based on the density shown, it seems rather high for luxury apartments. Ms. Riddell stated that in her understanding of the PAD throughout Tempe it is considered an overall project and the density is considered over that overall project. Excluding the hotel, the other remaining lots will not have any residential developed there so as a whole it comes in under the 65-dwelling unit per acre.

PRESENTATION BY STAFF:

Ms. Diana Kaminski, Senior Planner, gave the staff an overview of the project, including the landscape plans. There were several conversations about elevations, especially with the garage which is visible from all three streets. Staff had suggestions about enhancing the height of the Rio Salado corner to make it stand out. The applicant advised that increasing the height was not something they wanted to do so staff suggested possibly changing material or extending the darker charcoal color through the whole height of the building. Staff also suggested the bookend method and repeat what was on the west end.

The applicant did have a virtual neighborhood meeting that went very well. There were representatives for the property to the south. There were some concerns raised about the addition of residences to an industrial area. Due to the noise of their businesses, the industrial users did not want to receive complaints from people moving into an industrial area. They were reassured during the meeting that this would not be an issue. They were supportive of the overall design of the site but noted they were glad to see that the garage was wrapped and fully screened and not visible to their property.

Staff did not receive any additional public input after that meeting. Staff recommends approval but understands the applicant has issues with stipulation #11. Staff also added a stipulation that the trees that are planted along the street front are single trunk specimens so that they do not have issues with encroachment of low v-shaped branches over the sidewalk for pedestrian safety.

Commissioner Sumners inquired about the reduction in parking requirements. Ms. Kaminski advised that whenever they have a mixed-use project the applicant can hire a parking consultant and traffic engineer who can analyze all the uses on site with an internal capture. They can also account for existing transit infrastructure and there are stops on both ends of Rio Salado and Smith, adjacent to this property. There is also the upcoming function of the streetcar. Commissioner Johnson inquired about the proposal of adding the blonde brick as opposed to the grey masonry. Ms. Kaminski advised that staff received that change at the last minute and stated that all changes to materiality would be preferred to an all effaced corner, however using the blonde that is internal to the patios is going to be less prominent or noticeable.

PUBLIC COMMENT: NONE

APPLICANT RESPONSE:

Ms. Riddell stated she did not have any response unless there was something that the Commission wanted her to answer.

Commissioner Amorosi asked Ms. Riddell to clarify more clearly the courtyard dog park area. He asked if it was a courtyard for dogs or if it is a courtyard/dog park. Usually he sees dog parks on the outsides of the building. Ms. Riddell advised that the dog park is a portion of the courtyard. Commissioner Amorosi asked if the building was designed to be energy efficient based on the Apache character area plan. Ms. Riddell advised they are using xeriscape, but it is very early in the process, so they are not into the final design. They will be using LED lighting and energy efficient appliances. Based on the location there would also be a reduced use of vehicles.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Bauer stated that after he received the design changes over the weekend, he took another trip out to Tempe Marketplace. He noted this was a very large building and gave the architect credit for being able to break up the structure.

Commissioner Amorosi noted that when Tempe created the Smith Innovation Hub it was to get more workforce housing into the City. This location is directly across from a lot of retail businesses whose employees are probably on the lower end of the income level so this site would be ideal living space for people who work in that area that do not have a lot of money. He stated the proposed building looks similar to student housing, despite it being luxury housing.

Chari Lyon addressed condition #11 and thinks the look of it right now is quite nice. He would be willing to support either removing condition #11 or requiring the use of a CMU for that location and leave it to the architect to use the blonde block if they prefer.

Commissioner Cassano likes the project as it is and supports it.

Commissioner Johnson is also in support of the project but agrees with staff that they should address that corner as it is the gateway into the Smith Innovation Hub.

Commissioner Sumners stated that his concern with the corner is more about durability. He would be in support of condition #11, however removing some of the specifics as to color, type, etc.

Vice Chair DiDomenico agreed with Commissioner Sumners about loosening up the requirements on condition #11.

Chair Lyon suggested modifying condition #11 to state that applicant will “work with staff” on modifying that corner. He asked Ms. Riddell if that wording would be okay and she was in favor of that.

Motion: Motion made by Commissioner Bauer to approve PL200129 with modified condition #11 and seconded by Commissioner Cassano

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Sumners, Cassano, Johnson and Bauer

Nays: Commissioner Amorosi

Abstain: None

Absent: None

Vote: Motion passes 6-1

Staff Announcements:

Ms. Suparna Dasgupta, Principal Planner, thank the Commission and applicants for their patience during the technical difficulties. The next DRC meeting will be on October 27, 2020. The agenda will be provided during the first week of October.

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

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Suparna Dasgupta, Principal Planner

