

# MINUTES OF THE DEVELOPMENT REVIEW COMMISSION STUDY SESSION

Harry E. Mitchell Government Center Tempe City Hall - City Council Chambers 31 E. 5th Street, Tempe, AZ 85281

# **Commission Present:**

Mike DiDomenico, Chair Ron Collett Peggy Tinsley Paul Kent Angie Thornton Linda Spears Dave Maza

# Commission Absent:

Dennis Webb Jim Delton Dan Killoren

# City Staff Present:

Lisa Collins, Interim Community Development Director Ryan Levesque, Senior Planner Kevin O'Melia, Senior Planner Diana Kaminski, Senior Planner Lisa Novia, Administrative Asst. II

Chair DiDomenico began the Study Session at 5:30 p.m. Staff provided the Commission with a brief introduction on each case and after a short question/answer period, it was determined that each case would be heard and there would be no cases were recommended to be placed on the Consent Agenda.

Commissioner Thornton requested a minor clarification to the minutes of October 9th and Chair DiDomenico indicated that the change could be read into the record and the minutes approved with that noted modification.

It was also discussed that the Commission would like to have a discussion regarding the PAD process at a future Study Session; it was then tentatively scheduled for the next meeting December 11, 2012.

Seeing no other business to be discussed, the Study Session was adjourned at 5:55 p.m.

Prepared by: Lisa Novia, Administrative Asst. II

Lisa Collins, Interim Director Community Development Department Reviewed by:

Lisa Collins, Interim Director, Community Development Department



# MINUTES OF THE DEVELOPMENT REVIEW COMMISSION NOVEMBER 13, 2012

Harry E. Mitchell Government Center Tempe City Hall - City Council Chambers 31 E. 5<sup>th</sup> Street, Tempe, AZ 85281 6:00 PM

#### Commission Present:

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Chair DiDomenico called the meeting to order at 6:05, which included the introduction of the Commission and City staff

# 1. CONSIDERATION OF MEETING MINUTES: 10/9 & 10/23/12

On a motion by Commissioner Tinsley and seconded by Commissioner Collett, the Commission with a vote of 5-0 (Commissioners Kent and Maza abstained) approved the minutes of October 9, 2012 with modifications as read into the record.

On a motion by Commissioner Tinsley and seconded by Commissioner Maza, the Commission with a vote of 6-0 (Commissioner Thornton abstained) approved the minutes of October 23, 2012.

# **REGULAR AGENDA**

2. Request approval for a Development Plan Review for **PORTILLO'S RESTAURANT (PL120042)**, located at 55 S. McClintock Drive. The applicant is Rich Pozzi of Portillo's.

STAFF REPORT: <a href="https://doi.org/10.1007/journal.com/">DRCr\_PortillosII\_111312</a>

This case was presented by Diana Kaminski and represented by Jarod Jensen, architect, and Rich Pozzi,

Portillo's (applicant). Ms. Kaminski stated that Portillo's had previously been approved by the DRC in July of 2012, but due to changes in the site plan and building elevations, are returning to the Commission for reapproval. Modifications include changes to the parking configuration and site circulation, as well as building elevation modifications and changes to the building facade materials.

Commissioner Spears asked for clarification as to why the drive aisle was widened.

Ms. Kaminski indicated that it was a requirement by Vestar and the contractural agreements of Tempe Marketplace.

Commissioner Kent questioned the ownership of the site as he was under the impression that Portillo's was the owner.

Ms. Kaminski stated that currently Vestar is still the owner and the property owner is required to sign off on the application and design.

Mr. Jensen addressed the Commission with a brief presentation on the reasoning behind the changes to the design. He indicated that since the previous meeting, the site was modified due to the requirement by Vestar, so the team took the opportunity to make changes to the design to better fit in with the expectations Tempe had for the site.

Jeff Atkins, Mercury Studios (design consultant) also addressed the Commission to specifically speak to the architectural modifications made the previously approved building design.

Commissioner Thornton questioned the placement of the Coca-Cola sign.

Mr. Atkins clarified that yes, there are several "vintage" type signs placed around the building to give it that old neighborhood feel.

Commissioner Maza questioned Mr. Atkins as to whether the building is precast with the light colored stripes detailed or is it individual brick print.

Mr. Atkins stated that it is precast panels with the lower three feet of the building a true brick veneer.

Chair DiDomenico asked why this version is better for the City of Tempe.

Mr. Jensen indicated that the new building footprint lends itself better to this site and the new design is more of a monumental anchor for this corner. He also stated that from the previous meeting, it was clear that this is a prominent corner in the City and the owner and design team listened to what the Commission and staff were saying.

Mr. Dick Portillo addressed the Commission to also speak to the reasons for the changes. He indicated that a more efficient building will generate more revenue as well as more tax dollars to the City of Tempe.

Chair DiDomenico asked if anyone from the audience wished to speak on the case, seeing no one, he closed the meeting to public input. He also asked the applicant if they were in agreement with the Conditions of Approval.

Mr. Jensen indicated yes, they are in agreement with all of the conditions.

On a motion by Commissioner Tinsley and seconded by Commissioner Collett, the Commission with a vote of 7-0 approved this Development Plan Review as recommended in the staff report.

3. Request for an Amended Planned Area Development Overlay and Development Plan Review consisting of a proposed mixed-use development including 327 dwelling units all within a (14) fourteen-story building for THE GROVE AT 1000 EAST APACHE (PL120130), located at 1000 East Apache Boulevard. The applicant is Snell & Wilmer, LLP.

STAFF REPORT: DRC TheGroveat1000Apache 111312

This case was presented by Kevin O'Melia and represented by Nick Wood of Snell & Wilmer (applicant). After a brief presentation, Mr. O'Melia indicated that the applicant was in agreement with the Conditions of Approval, with a modification to the first sentence of Condition No. 22, to read as follows: "Provide masonry screen walls or steel security fence at east, north and west property lines at a minimum of 8' in height." The remainder of the condition is unchanged.

Mr. Alex Eyseen from Campus Crest presented the project to the Commission, which also included history about Campus Crest and their past developments. He also indicated that not only will they be building the project, they will also manage the building once construction is complete.

Gary Coursey, Coursey Associates, addressed the Commission in regards to the architectural aspects of the project.

Angela Eldreth from Coursey Associates also spoke in regards to both the inside and outside architectural design components of the project.

Chair DiDomenico opened the hearing to public input, seeing no one interested in speaking on this case, closed the public portion of the meeting.

Commissioner Collett questioned the traffic study and the problems this development could create on an already very busy intersection at Rural and Apache.

Dawn Cartier of CivTech addressed the Commission in regards to the traffic study. Ms. Cartier first addressed the left turn lane into the site. They felt that it is adequate for two reasons; 1) this case traffic study was based on apartment use, as there is no designated use for student housing and statistics show that student housing generates less trips than apartments, due to students walking and biking to campus, which is the primary focus of their day-to-day travel; 2) an equation is used assuming that everyone is stopping at a stop sign prior to making the left turn, which at this location is mid-block and there is no stop sign, so there is the possibility of free flowing traffic and not everyone is required to stop prior to the left turn. She also indicated that approximately 30 U-turns are made at that location currently. If in the there is an issue, that area could be signed for no U-turns.

Ms. Cartier also indicated that they reviewed the intersection of Rural and Apache and the west bound left turn is an issue at this time, but that this development will not be adding any cars to that movement.

Commissioner Collett stated that he didn't feel they could make that statement as there is a grocery store and laundromat that students may travel south on Rural to visit.

Ms. Cartier agreed but clarified that the study evaluates peak rush hour traffic and that is typically when the intersection will experience the largest amount of congestion.

Commissioner Maza questioned Ms. Cartier as to the medians along Apache and whether there will be an issue with The Grove and The District.

Ms. Cartier indicated that these driveways have been designed to align perfectly to provide adequate turning capability and line of sight for both developments.

Commissioner Maza asked if all traffic, pedestrian and otherwise, will enter and exit from this main driveway on Apache.

Mr. Coursey indicated that yes, all traffic will enter and exit at that location as it helps with security.

Commissioner Spears is concerned with the number of student housing developments and how it will affect the City's neighborhoods and the future of Apache Boulevard.

Chair DiDomenico questioned whether or not the intensification of The District had been accounted for in this study.

Ms. Cartier indicated that yes, CivTech had also done the traffic study for The District as well.

Commissioner Thornton is concerned about the Rural and Apache intersection traffic and is in agreement with Commissioner Spears as well. She is concerned how the future student housing developments will affect overall traffic in this area.

Commissioner Kent questioned the location of their recent development that was completed in Flagstaff.

Mr. Eyssen indicated that it was off campus on Butler behind the shopping center, the old sawmill tract.

Chair DiDomenico questioned if the previously entitled project (The Retreat) was student housing or for purchase.

Mr. Eyssen indicated that it had also been planned for student housing. He also indicated that these projects fit well with the general plan and although this is concentrating much of this activity to this location, this is where it should be, away from the neighborhoods and single family homes.

Chair DiDomenico stated that his main concern is not traffic but the pedestrian and bike interactions with the street. He also asked the applicant why they are requesting an amended PAD and why this design is better than what was original proposed for this site.

Nick Wood returned to address the Commission with final comments. He also indicated that the design has gone from three buildings to one building and the applicant is trying to create a community and an environment conducive to successful student life.

Mr. Eyssen of Campus Crest indicated that financing was not available the first time around to have designed this project. He stated that he feels this is a superior design which will be an enhancement to Apache Boulevard and the developer has a proven track record of building and managing successful projects.

Commissioner Maza asked if staff tracks the parking availability at student housing developments, such as The Vue next door, which have already been built to see if the parking standards approved are working as anticipated.

Mr. O'Melia indicated that it is his understanding that The Vue is not maxed out in parking.

Commissioner Kent stated that he is not a fan of the design and increase in density and cannot support the case.

Commissioner Tinsley stated that she feels this is a well-designed project overall and is in support of the case.

On a motion by Commissioner Tinsley and seconded by Commissioner Maza, the Commission with a vote of 4-3 (Commissioners Spears, Kent and Thornton opposed) recommended approval of the amended Planned Area Development Overlay and approved the Development Plan Review as recommended in the staff report.

4. Request for a Planned Area Development Overlay and Development Plan Review consisting of replacing the existing restaurant/drive-thru with a new 4,027 sf. restaurant/drive-thru building with 1,300 sf. of outdoor dining for CHICK-FIL-A (PL120217), located at 25 West University Drive. The applicant is Kerr Project Services Inc.

STAFF REPORT: DRCr Chick-fil-A 111312

This case was presented by Ryan Levesque and represented by Debra Kerr, Kerr Project Services (applicant).

Chair DiDomenico questioned staff as to the inquiry made by an adjacent resident to close off Maple and if any other neighbors had expressed interest in that as well.

Mr. Levesque indicated that residents at the neighborhood meeting were in support of a form of street closure. But there is no consensus from the neighborhood to close Maple and that the adjacent property owner was opposed to the road closure. He also indicated that the proposed design of this project would not hamper any road closures should that become a possibility in the future.

Commissioner Spears questioned whether the road closure was being fueled by the addition of a driveway on Maple Avenue.

Mr. Levesque stated that there were comments related to the proposed driveway but that a driveway is being removed from University Drive. Most of the discussion centered around the parking, site circulation and that the building's design is more pedestrian oriented.

Commissioner Kent questioned whether there is access to this site from the alley.

Mr. Levesque indicated that yes, there is access from the alley and that access is geared toward alley refuse pickup, referring to a site plan to indicate where the access is and how it is maintained and accessed for refuse and emergency vehicle use.

Debra Kerr from Kerr Project Services addressed the Commission. Ms. Kerr indicated that this is not the typical Chick fil A drive thru and that the focus of the site layout and design is to serve students and people that live and work in the downtown area that arrive on foot, bike and/or public transportation. Ms. Kerr gave a brief presentation which included renderings of the building and landscaping along with the materials that are planned to use on site.

Ms. Kerr explained the reason behind the PAD for this site. She indicated that the PAD entitlement is there to promote innovation and design. The PAD is allowing us to build a nicer product in which we can best serve our customers. She also indicated that the restaurant is on University and once the street car is approved and in place, they will be within the TOD and therefore, will be in compliance with TOD zoning as it relates the parking requirement.

Commissioner Kent questioned Ms. Kerr on the reasoning behind having the northern driveway as an exit only driveway.

Ms. Kerr stated that they try and have customers move in a singular pattern and helps with site circulation.

Chair DiDomenico opened the hearing to public input.

One of the residents in the area spoke with concerns regarding the impact of traffic on Maple and the reduction in parking.

One ASU student and resident spoke and wanted to commend the owner of this Chick fil A on being communicative and responsive to the communities concerns regarding the (social issues) expressed by the CEO of Chick fil A. She also indicated that she supports the design of this project and the reduction in parking.

Kent Oertley, the property owner directly south of Chick fil A, spoke in regards to the alley just south of the site. With the current design, it has no wall between the properties which would allow for no privacy. If a wall is put in, there will continue to be a problem with transients. He also indicated that customers of CVS park their cars in that alley. Mr. Oertley would like to see the alley abandoned and half given to Chick fil A and they be given the other half to turn into yard space. He also indicated that he is not in favor of closing Maple Avenue.

Chair DiDomenico closed the hearing to public input.

Chair DiDomenico asked staff to elaborate on the possibility of closing Maple Avenue.

Mr. Levesque stated that with the proposed street car concept, all left hand turns onto University westbound will be restricted from Ash Avenue to just west of Mill on University. All traffic (exiting on to University) will be required to go east bound. All westbound traffic on University at those same locations will be restricted from turning left and heading south bound into the neighborhood. Mr. Levesque also indicated that this neighborhood does receive quite a bit of cut-through traffic but it's not the result of the proposed Chick fil A but the fact that Mill and University is one of the busiest intersections in Tempe. He stated that the Traffic Engineering staff had proposed a concept for closures but City Council had directed staff to seek a consensus among the adjacent property owners that would most be affected by the closures, and unfortunately a consensus could not be obtained.

Ms. Kerr returned to the podium and indicated that they were in agreement with the Conditions of Approval.

Commissioner Maza asked Ms. Kerr if they had explored other site layouts in order to obtain the parking necessary.

Ms. Kerr indicated that they had looked at approximately 25 site plans to explore different layouts and efficiencies and a smaller building did not mean more parking. She stated that due to the location of the site and the demographics, this parking reduction is valid.

Commissioner Spears commented that she has concerns regarding ingress and egress to this site with no access onto the site from University Drive.

Commissioner Collett stated that the City is encouraging more pedestrian friendly access to sites and unfortunately in doing so, it may make the site less accessible for vehicular traffic, you often times can't have both.

Commissioner Tinsley feels this is definitely an improvement over what is there and she feels people will be able to follow the intended site circulation.

Commissioner Maza stated that he feels this is the same amount of people going to the same places and that you may even alleviate issues by removing the second entry/exit onto University and people wanting to go westbound will most likely cut through the neighborhood and go to the light at Ash and University. He is interested in preserving quietness of the Maple Ash neighborhood.

Chair DiDomenico agreed with Commissioner Spears on the additional entrance off University but likes the design element of the project.

On a motion by Commissioner Collett and seconded by Commissioner Tinsley, the Commission with a vote of 6-1 (Commissioner Spears opposed) recommended approval of the Planned Area Development Overlay and approved the Development Plan Review.

5. Request for an Amended Planned Area Development Overlay and Development Plan Review consisting of a new six-story 341 unit multi-family residential development for **THE HANOVER PROJECT (PL120313)**, located at 101 West 5<sup>th</sup> Street. The applicant is Gammage & Burnham PLC.

STAFF REPORT: DRCr HanoverProject 111312

This case was presented by Ryan Levesque and represented by Manjula Vaz, Gammage & Burnham (applicant). During his brief presentation, Mr. Levesque read into the record modifications and additions to the Conditions of Approval, they are as follows:

Condition No. 6 is now recommended to be 6A and 6B:

6.

- <u>a.</u> Provide a total minimum 14'-0" wide public sidewalk along 5<sup>th</sup> Street, <u>including street curb</u> and Maple Avenue, and as required by Traffic Engineering Design Criteria and Standard Details. <u>This excludes</u> accommodations for existing electrical switch cabinets, stairs and hand railings.
- <u>b.</u> This includes the Provide an eight (8) foot clear unobstructed pathway clearance along 5<sup>th</sup> Street and Maple Avenue.

Condition No. 11. Last sentence to read "If backflow prevention or similar device is for a 3" or greater waterline, provide an alternate design using rod iron and plant material for screening.

Two conditions have been added after discussion with the neighboring property owners:

- 18. All vertical elements, excluding spandrels between the windows, between the 2nd level floor and 6th level floor located south of the west garage entrance shown on the west building elevation, dated October 19, 2012, shall be full brick veneer with all brick panels to return to inside corners.
- 19. The owner of the property located at 602 South Ash Avenue, Tempe, shall be notified by the applicant if there are any design changes, including administrative requests, pertaining to the south and west building elevations.

Manjula Vaz, Gammage & Burnham (applicant) addressed the Commission with a brief presentation on the project.

Rick Stenson, Hanover Company, gave a brief presentation on the interior and exterior architectural aspects of this case, as well as the proposed landscaping.

Paul Basha, Traffic consultant, addressed the Commission to on traffic and parking. Mr. Basha indicated that although there will be more traffic than is there now, there will be less traffic with this development than was previously approved.

Commissioner Collett stated that he feels the parking ratio proposed is unrealistic.

Ms. Vaz indicated that what they are proposing is consistent with, and even a little higher, than what is required in the TOD.

Eric Kenney, spoke to address parking concerns and how parking has been successful in their other developments. He stated that the proposed parking ratios work in an urban environment. He also indicated they have spent quite a bit of time at West 6<sup>th</sup> and he feels they have a great project and they aspire to provide a product that will call for the top rents in the market place. West 6<sup>th</sup> has a lot of open space available in their garage and they are running at 96-97% occupied.

Commissioner Maza stated that he is not fond of the design and would like to see something that plays off the two towers.

Commissioner Spears would like to see a more urban approach. The previously approved PAD had urban height and it is now being replaced by a much shorter building that completely covers the lot so we lose our space between buildings.

Chair DiDomenico asked the applicant to explain the vision and why you are under selling the density.

Mr. Stenson stated that it is not economically viable to go to a high rise on this site.

Mr. Kenny indicated that this is as high as they can build and stay out of the high rise code. He stated that it's hard to make a comparison between this project and West 6<sup>th</sup>. He indicated that Zaremba did a great job but that they got in at a completely different market metric than Hanover did. He also stated that in this market, over the next few years, this is the only product that will work on that site, no high rise project will work, unless it's student housing. Hanover doesn't do student housing.

Chair DiDomenico stated that it's a beautiful project but he agreed with Commissioner Spears and would like to see something with more density, higher with a smaller building footprint. He stated that the economy might not support a high rise development in the next few years, but that not every vacant site needs to have something built on it today and it's a great project in the wrong place.

Commissioner Collett agreed with Chair DiDomenico and cannot support the project.

Commissioner Thornton stated that she liked the project and that it isn't out of place in the downtown.

Commissioner Kent stated that he liked the design, not sure he liked it for this location.

On a motion by Commissioner Tinsley and seconded by Commissioner Thornton, the Commission with a vote of 2-5 (Commissioners DiDomenico, Kent, Collett, Spears and Maza opposed) denied the Development Plan Review and recommended denial of the Planned Area Development Overlay.

#### 6. ANNOUNCEMENTS

No announcements.

The meeting was adjourned at 9:20 p.m.

Prepared by: Lisa Novia, Administrative Asst. II

Reviewed by: Lisa Collins, Interim Director Community Development Department

Lisa Collins, Interim Director, Community Development Department