



Minutes of the Development Review Commission REGULAR MEETING February 14, 2023

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 Michael DiDomenico
Vice Chair Andrew Johnson
Commissioner Don Cassano
Commissioner Barbara Lloyd
Commissioner Linda Spears
Alt Commissioner Rhiannon Corbett
Alt Commissioner Charles Redman

City Staff Present:

Jeff Tamulevich, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Lee Jimenez, Senior Planner
Joanna Barry, Administrative Assistant II

Absent:

Commissioner Michelle Schwartz
Commissioner Joe Forte
Alt Commissioner Robert Miller

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

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session 01/10/23
- 2) Development Review Commission – Regular Meeting 01/10/23

Motion: Motion made by Commissioner Cassano to approve Study Session Meeting minutes and Regular Meeting minutes for January 10, 2023 and seconded by Vice Chair Johnson.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Cassano, Lloyd, and Spears.

Nays: None

Abstain: Commissioners Corbett and Redman

Absent: Commissioners Schwartz and Forte

Vote: Motion passes 5-0

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

- 3) Request for a recommendation of the renaming of existing streets from West Laird Street to Romo-Jones Street; East Laird Street to Ragsdale Obregon Street; and from Hudson Lane to Thomas Lane. The applicant is the City of Tempe. **UPDATED REPORT AND ATTACHMENTS**

Motion: Motion made by Commissioner Cassano to approve renaming request as listed and seconded by Vice Chair Johnson.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Cassano, Lloyd, Spears, Corbett, and Redman.

Nays: None

Abstain: None

Absent: Commissioners Schwartz and Forte

Vote: Motion passes 7-0

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

- 4) Request a Use Permit to allow a tobacco retailer for **STOGIES**, located at 925 West Baseline Road. The applicant is Antwan Karabet Masrelian. (PL220327) **ADDED CONDITION OF APPROVAL #4 AND PUBLIC INPUT**

PRESENTATION BY APPLICANT:

Peter Dahabreh, Applicant, stated that they arrived at this location after surveying different locations, conducting data analysis, and customer surveys with people in the community, asking them what they would like to see there and getting verbal recognition of whether they would be in support of the project. They run upscale smoke shops that do not tolerate underage sales, indoor smoking, or loitering around the premise. He stated they currently operate three stores and none of them has ever been subject to disciplinary actions such as judgements orders curtailing or suspending the business operation. They post signage stating that no one under the age of 21 is allowed inside the store and scan all identification cards to confirm age. You cannot buy a product from their store without an ID.

Mr. Dahabreh stated they have heard the concerns of the community and noted that no smoking will be allowed inside the store or within 20 feet of the building. If they find people violating this, they will not be permitted to purchase from their store. He stated that on the Baseline side products and accessories will not be blatantly displayed in windows and there will be no product advertisements or promotions. On the Hardy side there will be no advertisements or product displays.

Chair DiDomenico asked where their three stores are located. Mr. Dahabreh advised they were all in California.

Commissioner Lloyd asked the applicant to expand on what their inventory is and what their primary sales consist of. Mr. Dhabreh stated they include smoking accessories, cigars and cigar accessories, hats, t-shirts, vapes, and beverages. He stated there is not really a specific item that sustains the business.

PRESENTATION BY STAFF:

Lee Jimenez, Senior Planner, stated that the proposed location for the project is in conformance with the City of Tempe's Development Code, section 3-423, which prohibits tobacco retailers from being located on a lot within 1,320 feet from the lot line of a charter, private or public school that provides elementary or secondary education. He stated that the nearest school to this site is Getz School located at 625 West Cornell Drive, which is 1,835 feet from the property line of the proposed site. No neighborhood meeting was required for this request. Staff has received 14 public comments in support and 22 in opposition. Those who are opposed believe that there are too many smoke shops in the vicinity, that the use will contribute the deterioration of the neighborhood and downgrading of property values, consider the use a bad influence on the youth, and are concerned that it attracts bad individuals. Those who are in support are looking for other options in the area, believe it will create competition, expand selections, and possibly lower prices for patrons and businesses. Mr. Jimenez went over the five criteria for Use Permit approval and how the applicant's request meets them. Staff recommends approval subject to the Conditions of Approval. Mr. Jimenez advised that Condition #4, stating that the applicant will come back to the Commission in six months for a review of compliance with the assigned conditions of approval, was added and revised into the report. This would be after six months of operating the business. Staff discussed this added condition with the applicant, and they agreed with it. Mr. Jimenez also noted for the record that there is no separation requirement from one tobacco retailer to another. Our only separation requirements for a tobacco retailer are from schools.

Commissioner Redman noted the deterioration of the neighborhood argument and asked if the City has done any studies about it. Suparna Dasgupta, Principal Planner, advised that there is no actual analysis of real estate per se, and it is not required for the purpose of the Use Permit criteria, so it is more subjective by nature.

PUBLIC COMMENT:

Jonathan Ren, Tempe resident – Opposed

He stated he lives very close to the proposed site. He advised he was 16 when he started smoking. His parents found out, but he could not stop for a couple of years and now he is 18. He got rehab and help for that but has gotten cravings from around the neighborhood by seeing it and feeling the need for nicotine. He tries to push for zero smoke shops entering the area because he, and other people he knows, have gone down the same path with rehab and have talked about this. It is hard to quit so seeing more of these is like a candy shop to those people. It should not be in a neighborhood, but maybe in a different plaza. This type of business hurts kids and teenagers that could face peer pressure.

Leah McKiernan, Tempe resident – Opposed

As a member of the Pepperwood Neighborhood, and as a high school Principal she urges the Commission to not approve the use permit and stated it will put our children and schools at risk. Ms. McKiernan went over CDC statistics and data on youth use of tobacco. She stated that according to the AZ attorney general there are 153 Tobacco retailers in Tempe, 83 of those (54%) retailers have been cited for selling to minors in the past 5 years. She noted that the proposed use permit location is within 85 feet of a public bus stop, which is heavily used by high school students to get to and from school, and within 100 feet of a school bus stop for elementary and middle school students. She went over the disruptions that vaping violations at the high school cause.

Joseph Yuhas, Tempe resident – Opposed

He advised he is speaking on behalf of the Campaign for Tobacco Free Kids and guiding the efforts of the Tempe Flavors Coalition. He stated this is not a simple Use Permit concern and is not just a citywide concern but rather a statewide and national concern. He noted that in the Tempe City Council is currently contemplating a number of measures that would address this issue. He proceeded to give statistics on teenage use of vape and tobacco products. He recommends the application be rejected and allow the City Council and staff to continue their efforts to address this epidemic. He noted that the State of California has voted to end the sale of flavored tobacco products, and he believes that is why the applicant is trying to open here in Tempe.

Brendan McKiernan, Tempe resident – Opposed

He stated that he lives a few blocks from the proposed smoke shop. He noted that no one from the applicant reached out and spoke to members of the neighborhood to see what they want. He asked how you could sell a product that kills people in the neighborhood yet say it does not degrade or deteriorate the neighborhood and kills kids. He noted there are a lot of tobacco shops in the area, but that does not mean that adding one more is not going to make that much of an impact on the neighborhood or kids.

Lucy Logan, Tempe resident – Opposed

She stated she has compassion for those who are addicted to smoking however she thinks now is a time to put a stop to it. There are many more options to smoking than there were in the 1950's, such as flavored tobacco, etc. She would prefer a society with no smoking anywhere, but also must respect those who are addicted. She would like the Commission to respect both sides, however if it was up to her, she would vote no.

Ms. Dasgupta noted that Stacy Webster had submitted an online comment card requesting to speak, however she was not currently present online.

Ms. Dasgupta read into the record the names from public comments submitted:

Analy Flores	Support
Ashley	Support
Kathleen Conway	Oppose

Emilio Lopez	Support
Kyle Mounts	Oppose
Melissa Moore	Oppose
Shruti Shyamani	Oppose
Teresa Ross	Support
Ariadni Katsatos-Puente	Oppose
Amy Wood	Support
Baylen Jines	Support
Cary Gries	Oppose
Christopher Potash	Oppose
Grace Doyle	Oppose
Hannah Cisneros	Oppose
Sierra Gilmore	Support
Santana Vialon	Support
Taylor Pouncey	Oppose
Zachary Tedhams	Oppose
Alex Ren	Oppose
Brad Perkins	Oppose
Russell Moore	Oppose
Clare Doyle	Oppose
Norman	Support
Rebecca Reza	Oppose
Shelagh Newton	Oppose
M Prunty	Support
Velma Woodward	Oppose
Kerry Hamlet	Support
Abe Grant	Oppose
Isaac Rosales	Oppose
Cameron Garbrick	Support

APPLICANT RESPONSE:

Mr. Dahabreh stated it seems that the public believes they are a business that sells to minors, but they do not. They sell to adults who are of the legal age and have a legal right to buy a cigar or tobacco. He stated that Stogies has never sold to anyone underage, and they have never been cited or given any kind of restrictive measure as a result of selling to minors. He felt one commenter implied that Californians are not welcomed to move to Arizona, despite Mr. Dahabreh leasing a place to live in that is close to work. He feels most of the concerns are for the smoke shops that have already been open in the City of Tempe. They feel they should be given a chance to succeed.

Commissioner Cassano noted the comment that California is going to be banning certain tobacco items and asked if that was the applicant's reason for coming here. Mr. Dahabreh advised it was not, that it was because they were being crippled by taxes in California. He noted that marijuana is legal in California and is rampant, however they are banning flavored tobacco. Commissioner Cassano noted that Arizona is looking to possibly ban flavored tobacco, and Mr. Dahabreh advised that is not an issue since that is not the only product they sell.

Chair DiDomenico asked how long they have been in business in California and asked if they had any citations. Mr. Dahabreh advised it has been four years and they have had no citations.

ADDITIONAL STAFF COMMENT:

Mr. Jimenez stated that according to our zoning code, a tobacco retailer is a business that sells primarily tobacco products, so he does not know if the survey of tobacco retailers is accurate or not. A convenience store or grocery store may not be considered a tobacco retailer because that is not their primary sales item. Chair DiDomenico stated he appreciated that clarification and guesses it would include any retailer in Tempe that has tobacco products on the premises, such as a bowling alley, bar, grocery store, gas station, etc.

Commissioner Spears asked if the Walgreens that is in the same center of the proposed location sells tobacco products as they do at most of their stores. Mr. Jimenez stated he does not know, but if they did that would not be their primary item, since they are mainly a grocer.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Spears stated that she appreciates the concern, however smoking and selling tobacco is legal, as are other products that we may or may not personally support. Since there is already another tobacco seller in the center, it does not seem to meet the criteria of deterioration. She stated the likelihood of underage sales at the other locations would be higher than it would be at a place like the applicants. She noted it is called Stogies which would indicate their primary business is cigars rather than something else. She does not see how the request violates any of the Use Permit requirements.

Commissioner Lloyd noted they are submitting under Stogies and asked if that was going to be the name of this location. The applicant advised that it was.

Chair DiDomenico noted he has been on the Commission for a long time – since around 2001. They heard a lot of cases over those years, prior to medicinal or recreational marijuana becoming legal. Oftentimes the smoke shops they considered at that time were “head shops”, with lots of shelves with glass products. Now he sees smoke shops that are primarily vape shops where the demographics are high teens/early 20’s. He has family that has smoked/stopped smoking over the years, and his son vapes as a way of quitting smoking. He is sensitive to it and would love to be able to say the only places that are open, until it is not legal anymore, are places that have good, strong controls over underage smoking or sales. He appreciates this applicant is requiring ID checks for everyone. He has followed the discussion around the flavored tobacco ban here in our City, and people have told him it will not work if it is just Tempe and our little forty square mile, landlocked town passes this ban. We are surrounded by cities on every side of us that you can still buy it from. Kids can travel 2-3 miles to Mesa, Scottsdale or Chandler and buy the product. You can also buy them mail order. He does not want to see a proliferation of this, just as he does not want to see another dozen gun shop come in and ask for a Use Permit. However, as long as those uses are legal and the operators are good and try to do things the right way, he is hard pressed to make up something to deny an application that will just get overturned on appeal. He will be in support of this case.

Commissioner Cassano noted he was on the City Council at the time they made the determination to do the Smoke Free Ordinance in the City of Tempe in certain locations. At the time they were kind of an island but looking around things are changing. Until laws are changed saying “you cannot do this or sell this”, he does not see any way around not approving this request. He noted that maybe society will change. He stated he would not have voted in favor of legalizing marijuana, but it is out there now. He does not smoke it, but people do, and it is legal so we cannot control it. He noted that unlike other tobacco retailers they have approved, there will be a six-month review of this one. He would like to see how they attract and keep customers with the ID requirement every time you enter the store. He will be in support.

Vice Chair Johnson stated that these cases that come before the Commission with emotional arguments on each side are always difficult, but something that Commissioner Cassano mentioned that always helps bring votes around for approval is adding a condition of approval which brings the applicant back after a period of time for review. He stated the language of this specific condition is a review of the compliance with the conditions of approval, which is fine, but he is not sure if that gets to the concerns of the neighborhood. He wondered if the language should be modified to include any violations or citations that may have accumulated in the six-month period. Ms. Dasgupta advised the Commission that we can clarify it, however the intent behind it is that before we bring it back before the Commission for the six-month review, that is exactly what staff will do. They will look for any violation whether it is code related, police related, or any other complaints then bring it back to the Commission with the research done. Vice Chair Johnson asked for clarification if that is how it will be done under the existing language and was advised that was correct.

Commissioner Redman stated he is not questioning the fitting within the law question and is okay if the Commission approves it, however he would like to believe that any of the commissions that are appointed or created with the City do so with the intent of them exerting some judgement in what they do and expressing their viewpoints. The word “review” implies that to him so recognizing it fits within the letter of the law is okay, but he will be voting against it as a statement.

Motion: Motion made by Commissioner Spears to approve PL220327 and seconded by Vice Chair Johnson.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Cassano, Spears, and Corbett,

Nays: Commissioners Lloyd and Redman

Abstain: None

Absent: Commissioners Schwartz and Forte

Vote: Motion passes 5-2

- 5) Request a General Plan Land Use Map Amendment from “Residential” to “Mixed Use”; two (2) General Plan Density Map Amendments from “Medium Density (up to 15 du/ac)” and “Cultural Resource Area” to “High Density (up to 65 du/ac), and from “Cultural Resource Area” to “Medium to High Density (up to 25 du/ac)”; two (2) Zoning Map Amendments from CSS TOD and R1-6 to MU-4 TOD PAD, and from R1-6 to R1-PAD; and a new Planned Area Development Overlay to establish development standards including density, building step-back, maximum building height, building setbacks, lot coverage, landscape area, and parking ratios to allow a new affordable 19-unit single-family residential and 104-unit mixed-use development with ground floor commercial uses along East Apache Boulevard for **LA VICTORIA COMMONS**, located at 2320 East Apache Boulevard. The applicant is Sender Associates, Chtd. (PL220349) **UPDATED REPORT AND ATTACHMENTS**

PRESENTATION BY APPLICANT:

Darin Sender, Sender Associates, Chtd., introduced Bill McAllister, COPA Health, to go over his portion of the project.

Mr. McAllister stated they have three primary pillars of service: employment related service, community day programs, and residential services. COPA runs 37 group homes, predominantly in Maricopa County, with three or four currently in Tempe. In addition to those group homes, they also have a variety of apartment complexes that they provide for their members and some employees. They also run integrated health clinics which are medical and mental health clinics which are funded through Medicare and AHCCCS. They plan to have a smaller integrated clinic in this location.

Mr. McAllister stated that the COPA Health component of the La Victoria commons will be a five-story complex with 104 one-, two-, and three-bedroom rental units. 30% of the units will be set aside and designated for Copa Health members, as their income meets the median income threshold of 30% or below so they are low income. He stated the remaining 70% will be affordable as well and they are targeting that about 60% are median income and will be available to the general population. There will be a Copa Health Clinic to serve COPA members and residents of La Victoria Commons and the neighborhood. A Copa café will be operated by Copa Health employment related services. There will also be a community space available to La Victoria Commons residents and the neighborhood. In-home support, navigation, and other support services will also be provided. They have also partnered with Newtown to provide 19 townhomes that will be for sale through Newtown CDC. There will be four single-story for sale townhomes along McArthur Drive, and 15 two-story townhomes in the interior with six separate buildings. The two-story townhomes each have a two-car garage, and the one-story townhomes will utilize surface parking. The ownership will be through Newtown from a community development corporation standpoint. Mr. McAllister then proceeded to go over the timeline for the project. He noted that currently all their efforts are being put towards the LIHTC application. They are looking to initially get a 9% award under LIHTC.

Commissioner Spears noted that the low-income tax credit is a very competitive process and very few projects get awarded. She asked if they have a plan B if they do not get the low-income tax credits. Mr. McAllister advised they would probably look at a 4% option as well, but they have not made that decision yet.

Commissioner Lloyd referenced their operations management and property management component and asked if there would be staff on site 24/7. Mr. McAllister stated that their intention from a property management standpoint will probably be to look to a third party to work that. Commissioner Lloyd asked if the operations would be manned 24/7 and Mr. McAllister advised the property management will be 24/7, but the support services will typically be Monday through Friday, with some Saturday and Sunday activities.

Vice Chair Johnson asked if the 30% for COPA members means they would be more accessible style units and he was advised that some of them would be.

Ms. Sender proceeded to give a brief overview of the La Victoria Commons project and requests. She stated that the developers spent nearly a year conducting neighborhood outreach with Rail CDC within the La Victoria / Victory Acres Neighborhoods. This resulted in the project name "La Victoria Commons" and many project-specific designs such as a pedestrian pathway from the neighborhood to the light rail station and graduated intensity and height from McArthur Drive to Apache Boulevard. She noted that they received a letter of support from CVAC (Citizens for a Vibrant Apache Corridor) that was signed off on behalf of several neighborhood representatives. She advised they would be submitting a DPR later and, even though it is not required, would be holding another neighborhood meeting for anyone who wants to see the design portion of the project at that time.

Ms. Sender went over the site design and noted they are seeking higher density on the south side along Apache where the light rail is located but plan to keep it low towards the neighborhoods. On McArthur they have four one-story townhomes (Lot 2) that will face the homes across the street. Beyond that will be three layers of the two-story townhomes and then rise towards Apache with the five-story building. She advised there will be a pathway from the neighborhood down south on McArthur to the light rail station. Currently, you cannot get from McArthur to the light rail station without going all the way around.

PRESENTATION BY STAFF:

Lee Jimenez, Senior Planner, gave a further overview of the request. A neighborhood meeting was held on January 11, 2023, and they did receive one letter in support from the CVAC. An email was received this morning from Mr. Hanna, who owns the property to the east. He is in support of the project but is concerned that the parcel along the north is a little underutilized with 19 units and he would be in support of the mixed-use component extending all the way to McArthur. He was also concerned that there was an existing sewer line that runs across the mixed-use portion. Through site plan review, staff provided feedback that if that easement and line is to be abandoned that they be relocated since it does provide service downstream. Mr. Jimenez then went over the two non-standard Conditions of Approval.

Chair DiDomenico asked if at this time there was any intention or discussion about abandoning the sewer line. Mr. Jimenez noted that if they did abandon it, they would have to relocate it, so that has been the thought process from our engineering group and through site plan review.

PUBLIC COMMENT:

David Sokolowski, Tempe resident, stated he would like to see more density at this location. He noted Tempe needs to build nearly 20,000 affordable units, which means Tempe will need to build a minimum of 1,000 affordable units per year. Based on the Apache project and Victoria Commons, Tempe will still need 700 affordable units for 2023. Tempe is building 25 affordable units per acre on average. Tempe would need at least 800 acres of land, which is basically impossible. He is disappointed that the City of Tempe is building single-family units with low-density by the light rail station. He stated this could be an example of why Arizona has introduced SB1117 which will automatically up zone properties near the light rail in order to meet the city and state affordable housing goals. He recommends up zoning this property as much as possible and prove to the state of Arizona that we are capable of building 1,000 units per year for 20 years in a row.

Sam Hanna stated he owns the property immediately to the west of the proposed site, at 2306 East Apache and 2314 East Apache. He stated he would like COPA to make a correction as they stated 2314 East Apache was part of their project. He is supportive and welcomes the project and would like to see it developed. He stated they have two parcels on McArthur and Apache, one immediately to the west of the COPA development and one at the corner of the canal and McArthur Drive. He was surprised when speaking to staff to discover that the map that he distributed the Commission had been rejected. He thought that on September 6, 2019, they approved their proposal to upgrade their property to mixed-use and high-density. It got delayed due to the pandemic almost a year so but on October 15, 2020, the City Council approved the proposal, shown on the map. He was surprised why they were now requesting high density and mixed use. He stated he did not receive any notification that the original proposal had been rejected and everything on the City of Tempe website shows approval. He stated that the sewer line they are connected to runs east and west. He believes it flows to the west and dumps into another northwest oriented sewer line on Price Road. They would like to maintain that as active so they can utilize it and the only way to do that, he believes, is if that sewer easement is abandoned and the physical line is severed and there is a cleanout at the border of their property to continue utilizing it. He hopes the appropriate civil engineers who are in charge of that can address the situation. He stated the COPA development fits into some of the City's requirements for density, but the single-family on the north half fronting Apache Boulevard seems to not be fully utilized the way he thinks it should be. He has a concern about maintaining the integrity and character of the single-family homes that exist on the north half of Apache. There is a logical transition right-of-way with McArthur Drive separating any medium or high-density development on the south side of Apache. To develop the 19 units seems to be bringing the problem from the north side of McArthur to the south side of it. To satisfy and maintain the character of the north side residential people, the applicant has brought them now to new residents on the south side of McArthur, and immediately to the south there will be a five-story building looking down on the new occupants. It does not make any sense to him.

Chair DiDomenico asked if Mr. Hanna brought his concerns up with the developer and staff prior to this meeting. Mr. Hanna stated that the only notification he received was for the January 11th hearing, which he attended and spoke to a representative from Sender, the architect, the Vice President of COPA, and Lee Jimenez. He presented his concerns and asked if they wanted it in writing. They said they did not, that they heard what he was saying, would address his concerns and get back with him, however he has not heard anything since.

Chair DiDomenico noted he saw records of publications and community and neighborhood meetings much prior to today's hearing. He asked Mr. Hanna if he was saying he never received any notification of those prior hearings. Mr. Hanna said the first direct notification he received was for the January 11th meeting which he attended.

Mr. Hanna asked if he could get a confirmation that the Urban Core Master Plan has being rejected. Chair DiDomenico noted he would have staff address that.

APPLICANT RESPONSE:

Mr. Jimenez noted that the handouts the Commission were given by Mr. Hanna were related to the Urban Core Master Plan, which did include some general plan amendments, but that it was never adopted by the City Council. Chair DiDomenico asked if it was ever heard by the City Council or if it just died for lack of hearing. Ryan Levesque, Deputy Director, Community Development, advised that it did have multiple hearings with the City Council. There were some follow up requests, then the Covid pandemic hit. There were a lot of concerns about the master plan element, the urban core overlay, as well as some general plan amendments. Some in the general public suggested we should wait for the General Plan 2050 process, which we are currently underway with. Ultimately it was concluded with upper City management that we withdraw the application. What was brought forward in the October 2020 hearing was the industrial hubs, which were general plan amendments of some industrial areas. That portion of the general plan was approved but the rest was put on indefinite hiatus until we find a time to bring it back. There will be an opportunity to discuss it during the General Plan 2050 process. Mr. Levesque also clarified that it was not to change property zoning as Mr. Hanna referred to, but to change the general plan projected land use if the applicant were to propose a zoning change.

Chair DiDomenico asked staff about the address issue Mr. Hanna referenced. Mr. Jimenez advised that as far as the processing address for this project it is 2320 East Apache, and it is bound by the legal description provided so far. He does not believe that the legal description encapsulates Mr. Hanna's property.

Ms. Sender addressed the density issues and stated they want to maintain a relationship with the neighborhood as it has been there a long time and they have a lot of history there. Having a lower density attached to the neighborhood and higher density on the light rail reflects the Newtown CDC model that they started with their micro estates, and it makes sense to go from a lower density to a higher density.

Commissioner Spears asked if Newtown would own the properties through the land trust, which keeps them permanently affordable. Ms. Sender advised that was correct.

Vice Chair Johnson asked if both the one-story and two-story homes were involved with Newtown and was advised that they were.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Chair DiDomenico noted that he is usually the one who looks for more density along Apache Boulevard, especially as it ties into the light rail and transportation overlay district, so he understands some of the comments they have heard from the public about more density. What he really appreciates on this type of design is that it is a strong attempt to listen to and respect the neighborhood plans that were put in place all over town that talked about connectivity and property density. He stated that Mr. Hanna brought up a great point about this pushing the problem up the street a little bit as you have this natural McArthur place where the transition and conflict already happens. He noted the difference is if you build five stories all the way to McArthur you force the problem and the transition onto an existing neighborhood that is already there as opposed to moving it to the lot line between Lots 1 & 2, where now you have people who chose to be a part of this development and invest in it and live there. They are the ones choosing to have five stories looking over the backyard of their two-story property. That is the only positive about pushing it towards that direction. He wishes there was more density, but he loves the community this serves.

Motion: Motion made by Vice Chair Johnson to approve PL220349 and seconded by Commissioner Cassano.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Cassano, Lloyd, Spears, Corbett, and Redman.

Nays: None

Abstain: None

Absent: Commissioners Schwartz and Forte

Vote: Motion passes 7-0

Staff Announcements:

None

There being no further business the meeting adjourned at 8:05 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Ryan Levesque, Deputy Director