



Minutes of the Development Review Commission REGULAR MEETING August 22, 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 Andrew Johnson
Vice Chair Michelle Schwartz
Commissioner Don Cassano
Commissioner Barbara Lloyd
Commissioner Linda Spears
Commissioner Joe Forte
Commissioner Larry Tom
Alt Commissioner Charles Redman

City Staff Present:

Jeff Tamulevich, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Mailen Pankiewicz, Principal Planner
Diana Kaminski, Senior Planner
Karen Stovall, Senior Planner
Chris Jasper, Senior Planner
Lily Drosos, Planner II
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Rhiannon Corbett
Alt Commissioner Robert Miller

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

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session 8/8/23
Development Review Commission – Regular Meeting 8/8/23

Motion: Motion made by Commissioner Cassano to approve Study Session minutes and Regular Meeting minutes for August 8, 2023 and seconded by Commissioner Lloyd.

Ayes: Chair Johnson, Vice Chair Schwartz, Commissioners Cassano, Lloyd, Spears, Forte, and Tom.

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

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

- 2) Request a Use Permit to allow vehicle-based service for **SMART MOVE**, located at 3214 South Mill Avenue. The applicant is Mill Plaza Investors LLC. (PL230001)
- 3) Request a Use Permit to allow two (2) required parking spaces within the front yard setback for **MARKULIS RESIDENCE**, located at 721 West 12th Street. The applicant is Mitchell Markulis. (PL230132)

- 4) Request for a Use Permit to allow three (3) required parking spaces within the front yard setback for **GOPAL RESIDENCE**, located at 725 East Encanto Drive. The property owner and applicant is Ballson Gopal. (PL230140)
- 5) Request for approval of a Use Permit Standard to increase maximum building height from 35' to 38' (up to 10%); a Use Permit to allow wireless telecommunication facilities; and a Development Plan Review, consisting of three new buildings totaling approximately 78,000 s.f. for **TEMPE MUNICIPAL OPERATIONS CENTER – PHASE 2**, located at 2070 West Rio Salado Parkway. The project applicant is DWL Architects + Planners, Inc. (PL230164)
- 6) Request a Use Permit to allow a second-hand store for **RESALE THERAPY**, located at 405 West University Drive, Suites 103-105. The applicant is Resale Therapy. (PL230198)
- 7) Request a Use Permit to allow a drive through restaurant for **THE BUZZED GOAT COFFEE**, located at 3415 South McClintock Drive, Suite 114, the applicant is Cre8ive T3ch, LLC. Von Beans, LLC (PL230220)
- 10) Request for a Zoning Map Amendment from General Industrial (GID) to Mixed-Use Four (MU-4), a Planned Area Development Overlay to establish development standards and a Development Plan Review for a new 18-story Mixed-Use Development for **955 EAST MIXED-USE**, located at 965 East University Drive. The applicant is Sender Associates, Chartered. (PL230023)
- 11) Request a General Plan Projected Density Map Amendment from “High Density” (up to 65 du/ac) to “High Density - Urban Core” (more than 65 du/ac); a Zoning Map Amendment from CSS TOD to MU-4 TOD; a Planned Area Development Overlay to establish development standards; a Use Permit to reduce the required 60 percent ground floor use requirement of Section 5-606(C) Ground Floor Uses in Station Areas; and a Development Plan Review for a new five-story, mixed-use development consisting of 167 dwelling units and commercial use on 1.95 acres for **APACHE SQUARE**, located at 1747 East Apache Boulevard. The applicant is Gammage & Burnham, PLC. (PL230063)

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

Ayes: Chair Johnson, Vice Chair Schwartz, Commissioners Cassano, Lloyd, Spears, Forte, and Tom.

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

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

- 8) Request a General Plan Land Use Map Amendment from “Open Space” to “Mixed-Use”, a General Plan Residential Density Map Amendment from “Medium-High Density” (up to 25 du/ac) and “No Density” to “High Density Urban Core” (greater than 65 du/ac), a Zoning Map Amendment from General Industrial District (GID) within Rio Salado Overlay District (RSOD) and Transportation Overlay District (TOD) to Mixed-Use High Density (MU-4) within the RSOD and TOD, and a Planned Area Development Overlay to establish development standards for **MUNICIPAL REZONING OF 1ST & FARMER**, located at 26 South Farmer Avenue. The applicant is Huellmantel & Affiliates. (PL230127)

PRESENTATION BY APPLICANT:

Charles Huellmantel, Huellmantel & Affiliates, briefly went over the history of the site and then gave an overview of their request. This is a challenging series of sites as it is very narrow due to the railroad so there is very little space between Farmer Street and the railroad. Part of the area is also taken up by power lines from SRP and fiber optic lines. There is a significant railroad easement, flood control issues, water line issues, sewer issues, etc. The historic Gonzales-Martinez, which was built in 1880, is also on this site. Mr. Huellmantel stated their commitment to work

with the City to preserve the house, mainly the original portion. Once that part is worked out, they will come back with a DPR.

Commissioner Lloyd asked if they see the historic residence staying onsite and working around it, or possibly relocating the residence. Mr. Huellmantel stated that their goal is to maintain it in place.

PRESENTATION BY STAFF:

Ryan Levesque, Deputy Director – Community Development, stated that the City is taking some of the typical processes that the Commission would normally see in anticipation of a future development. They are doing to pre-processing to consolidate the lots and get the right general plan and zoning in place so that the developer can then bring forward a development team and project that will go through this process again pursuant to the Development and Disposition Agreement. Mr. Levesque proceeded to go over the outline of the commitments the applicant and development team has already made to the City regarding the Gonzales-Martinez house as part of the development agreement.

A neighborhood meeting was held on June 22, 2023. Over 22 members of the public attended, including seven City staff members and the applicant team. Discussion surrounded the property history, significance of the Gonzales-Martinez House and the need for preservation, RFQ of City property, plans for multi-use pathway, pending development agreement, process of request without a development plan (project).

Public comments and communication were received from Salt River Project, identifying sensitive areas and restrictions near overhead power lines at the southeast portion of site. Staff received one comment in support, a comment concerning the requested density and height since no project has been proposed, and general inquiries on the schedule/hearings. Two Conditions of Approval were requested from the City of Phoenix Aviation Department. One was for a dedication easement, which the applicant can consider when the development plan comes forward. The second was that the owner/developer shall receive FAA obstruction evaluation no hazard determinations for temporary obstructions, which is already an obligation of the site. Currently, staff is not recommending adding these two conditions. Mr. Levesque went over the unique Conditionals of Approval and stated that applicant agrees with them.

Chair Johnson referenced Conditional of Approval #9 regarding the 18' wide multi-use pathway that starts along Farmer Arts and leads up to the Tempe Town Lake area. He stated there is still a missing piece in there and asked about the status. Mr. Levesque advised that there was a prior development agreement related to industrial improvements on east side and those obligations are still pending further review and improvements.

PUBLIC COMMENT:

Darlene Justus, Tempe resident, provided some history of the Gonzales-Martinez house and its status. She appreciates what is being done to save this house but emphasized that it needs to be done soon. She does not understand the easement and asked if the house would still belong to the applicant or if it would be turned over to the City to operate. She agrees with the zoning change on the site.

Tom Brown, Tempe resident, stated that at the public meeting that was held at the Cassano Room the applicant only showed the plat plan of the combined parcel and photos of the sidewalks. He noted that the applicant told the attendees he had not yet designed the project, yet the request tonight includes stipulations for number of dwelling units, height, and zero setbacks on all sides except for one ten-foot stretch. These are out of character with the neighboring homes.

Robert Moore, Tempe resident, agreed with Ms. Justus' comments and that he would like to have more information about the conservation easement before moving forward. He would like to see the long-term strategy for this historic property.

David Sokolowski, Tempe resident, asked the Commission to approve this request as we need to build more housing and increase density to support the jobs that we are bringing into the downtown area.

APPLICANT RESPONSE:

Mr. Huellmantel stated he appreciates the feedback and support for the historic preservation pieces, and they will continue to work with staff on this.

Commissioner Cassano asked if a discussion has been held between the applicant and the City about the ownership of the Gonzales-Martinez house. Mr. Huellmantel advised that there has and that in the development agreement the ownership goes to the applicant, however they do not know what will happen over the long-term as they still need to work on the preservation issues. They will continue to work with staff on this. He noted this project will be coming back before the Commission during the development plan review (DPR) process.

Chair Johnson asked staff to explain once again what address what is before the Commission this evening and what happens during the DPR process. Mr. Levesque stated that tonight's request is for recommendation of the General Plan Amendment (GPA), Zoning (ZON), and Planned Area Development (PAD). These items will go before the City Council on September 7th and on the 28th for action. When the applicant has a development project for the site they will need to come back before the Commission for a major DPR, including an amendment to the PAD. This will trigger the public hearing process, including a neighborhood meeting. It will also go before the Historic Preservation Commission due the historic overlay portion request.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commission Spears pointed out this is a development agreement that the City has already entered into and this is only a zoning change so the Commission will have plenty of time to look at it. She stated 500 units on 3.6 acres is better than 550 units on .6 acres.

Commissioner Lloyd also stated that the Commission will have another opportunity to review the site plan for the actual project that will be coming onto the side. She agreed with Commissioner Spears' comment about building on a larger site.

Motion: Motion made by Commissioner Spears to approve PL230127 and seconded by Commissioner Lloyd.

Ayes: Chair Johnson, Vice Chair Schwartz, Commissioners Cassano, Lloyd, Spears, Forte, and Tom.

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

Commissioner Lloyd recused herself from the following item. Alternate Commissioner Redman sat in as a voting member in her place.

- 9) Request a Planned Area Development Overlay to establish development standards and a Development Plan Review for a new 28-story mixed-use development with 380 dwelling units on 0.61 gross acres for 211 E. 7TH STREET, located at 211 East 7th Street. The applicant is Berry Riddell. **(PL220305) CONTINUED FROM JUNE 13, 2023 DRC MEETING.**

PRESENTATION BY APPLICANT:

Wendy Riddell, Berry Riddell, gave an overview of the request and provided examples of how this project is supported by the downtown character area plan, downtown community design principles, and the Mill + Lake District principles and guidelines, and that it is supported by both the existing and proposed General Plan. Ms. Riddell went over the changes that were made since this project was brought before the Commission at a previous Study Session. They upgraded the façade materials in response to concerns about the durability of the EIFS, reduced the number of stories to 28, modified the east façade screening to ensure ventilation and screening requirements are met, and reduced parking to promote a pedestrian oriented design. Ms. Riddell stated this is a market-rate product, not student housing, and that the lease terms are by unit, not by bed.

Ben Ayers, Gensler, provided an update on the changes that were made to the façade and materials based on the feedback from the Study Session presentation. He then went over the high-end amenities included in the project.

Dawn Cartier, CivTech, gave an overview of the traffic, circulation, and accident data for this site/area. She noted that 60% of the trips are projected to be by walking and biking. The site is located 2.5 miles from both the streetcar and the Transportation Center. Ms. Cartier advised that there is a proposed underpass to happen at College and University.

Ms. Riddell stated that a neighborhood meeting was held and there was no opposition expressed.

Commissioner Cassano asked if there will be visitor parking in the garage or if they will have to find parking on the street. Ms. Riddell stated there will be some visitor parking both inside the garage and on the street.

Vice Chair Schwartz referenced the stove panels and asked if the stucco finish that they are seeing is the actual material being adhered to the stucco panels. Mr. Ayers stated that they are still pricing different options, but that it is most likely one of the materials that will be used.

Commissioner Redman noted that only one side of the site has any egress, and part of that is the ramp from the garage, which is a space taker and risk for pedestrians. He asked what the actual sidewalk measurements were for the site. Ms. Riddell stated that the garage is accessed entirely from 7th Street, however, the back of the garage is where all the services are, so there will not be any mix of the vehicles with the customer access. Mr. Ayers stated that the dimensions of the sidewalks are 10'3". Commissioner Redman asked if the restaurant may have outdoor tables in addition to that. Ms. Riddell advised that the café patio is underneath and not included in that sidewalk.

Commissioner Redman stated that the intersection of College Avenue and University Drive is usually a bottleneck due to pedestrians. He noted that this property will add to that since the only way out for the residents will be 7th Street either to College Avenue or University Drive. Ms. Riddell stated that is why they pointed out the pedestrian underpass that is in the works at that intersection as part of a TIP.

Commissioner Redman stated that one side of this project abuts against The Atmosphere and asked about the mix on that side, such as windows, balconies, etc. Mr. Ayers stated that it is about 10 feet from one building to the other. He noted that The Atmosphere is a much shorter building.

Commissioner Tom asked if there was a way to move the walls into the parking garage so that there was more visibility when entering. Mr. Ayers stated that at this point they are part of the structural system so that would not be possible. He stated that at this point they are meeting the visibility triangles coming out of the garage. Ms. Riddell noted there are stipulations that staff added that talk about things that will be done to ensure the safety of the pedestrians, such as auditory signals being required.

PRESENTATION BY STAFF:

Lily Drosos, Planner II, gave an overview of the project and request. A neighborhood meeting was held on March 8, 2023. There were eight attendees, and there were no questions. Prior to filing their formal application, the developer met with Arizona State University over concerns about the developing site and density regarding student housing. Staff is recommending unique Conditions of Approval relating to the archeological significance of the site and providing audio and visual warning devices and signage to prioritize pedestrian safety while drivers exit the parking garage.

PUBLIC COMMENT:

Trevor Barger, Tempe resident, stated that residential housing is much needed in Tempe. He is in support of the height and density of this project.

David Sokolowski, Tempe resident, stated he supports this project as he wants to see more housing in the City. He likes that this project uses the least amount of land possible.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Spears stated that this project goes back to her concerns about how we are developing multi-family housing, and it has nothing to do with density. It has to do with lot coverage and creating these spaces. There will be no light coming into three sides of this building because of the position of the other buildings. It is too tall, and it is ridiculous to think that students are not going to be living there because that is basically who we have in downtown.

Vice Chair Schwartz stated she was not present when this item was heard during the Study Session, but she appreciates the changes that were made since including the reduction in parking. She likes that the quality of material is better, but still has some concerns over the finishes. She agrees with Commissioner Spears's concern about the height of the building along 7th Street, and Commissioner Redman's concern about the wall that side of the building that faces The Atmosphere.

Chair Johnson stated that he likes the dedicated patio space on the ground floor as that is something that is badly needed in projects like this so that if someone wants to open a restaurant, they do not have to cut into the spaces that have been built out already. He likes the openness at the street area as it seems to be a nice pedestrian experience. The cutouts in the parking garage as they break it up and opens it up for other times of use. He likes that the materials are not EIFS, however he finds the proposed materials a bit plain and not aesthetically pleasing, especially considering this being the second highest building in the downtown. He stated that density is appropriate for the downtown area. Students coming into this building will reduce the number of cars coming out of it. He would not like to encourage more students living in the downtown area, however he noted it is difficult to find other people to come and live in a project like this that are not students or associated with the university.

Commissioner Cassano stated he is concerned about the height that they are seeing in all these buildings. This project is fine, other than the height.

Motion: Motion made by Commissioner Cassano to approve PL220305 and seconded by Commissioner Forte.

Ayes: Chair Johnson, Commissioners Cassano, Forte, and Tom.

Nays: Vice Chair Schwartz, Commissioners Spears, and Redman

Abstain: None

Absent: None

Vote: Motion passes 4-3

Staff Announcements:

Mailen Pankiewicz, Principal Planner, advised the Commission of the regular DRC meeting will be on September 12, 2023, as well as the City Council/DRC joint meeting that will be held at the Tempe History Museum on September 19, 2023.

There being no further business the meeting adjourned at 7:41 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Mailen Pankiewicz, Principal Planner