

## Minutes of the Development Review Commission REGULAR MEETING January 9, 2024

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 Joe Forte  
Commissioner Larry Tom  
Alt Commissioner Robert Miller

**City Staff Present:**

Jeff Tamulevich, Director, Community Development  
Ryan Levesque, Deputy Director, Community Development  
Mailen Pankiewicz, Principal Planner  
Diana Kaminski, Senior Planner  
Chris Jasper, Senior Planner  
Lucas Jensen, Planner I  
Joanna Barry, Administrative Assistant II

**Absent:**

Commissioner Linda Spears  
Alt Commissioner Rhiannon Corbett  
Alt Commissioner Charles Redman

**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 12/12/23  
Development Review Commission – Regular Meeting 12/12/23

**Motion:** Motion made by Commissioner Cassano to approve Study Session minutes and Regular Meeting minutes for December 12, 2023 and seconded by Commissioner Lloyd.

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

**Nays:** None

**Abstain:** None

**Absent:** Commissioner Spears

**Vote:** Motion passes 7-0

---

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

- 2) Request a Use Permit to allow temporary outdoor vending for **CAYA COFFEE & TACO CART**, located at 230 East University Drive. The applicant is Espiritu Loci. (PL230271)
- 3) Request a Use Permit to allow a vehicle repair use for **TAKE 5 OIL CHANGE TEMPE**, located at 1335 West Elliot Road. The applicant is Atwell, LLC. (PL230278)

- 4) Request a Use Permit to allow an amusement business for **KIDS EMPIRE**, located at 1245 West Elliot Road, Suite No. 113. The applicant is Kids Empire. **(PL230307)**
- 5) Request a Use Permit to allow a massage establishment for **TLC MASSAGE**, located at 1801 South Jentilly Lane, Suite D-14. The applicant is Christina Lopez. **(PL230335)**

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

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

**Nays:** None

**Abstain:** None

**Absent:** Commissioner Spears

**Vote:** Motion passes 7-0

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

- 6) Request a Zoning Map Amendment from Commercial Shopping and Service (CSS) to Mixed-Use High Density (MU-4) within the Transportation Overlay District (TOD), a Planned Area Development to establish development standards, and a Development Plan Review for a new 15-story Mixed-Use development for **1020 APACHE**, located at 1020 East Apache Boulevard. The applicant is Gammage & Burnham, PLC. **(PL230262)**

#### **PRESENTATION BY APPLICANT:**

Manjula Vaz, Gammage & Burnham, PLC., gave a brief overview of the request. This is a 15-story mixed-use student housing building with 289 purpose-built units. The site is located between two existing student housing buildings.

To be respectful to the neighbors, the height of the west side of the building will be similar to the adjacent building. On the east side they also stepped it down and opened it up so that the height along Apache is similar to what is on that side. Ms. Vaz showed some conversion plans to illustrate how the units could be converted from student housing to residential units in the future if the student housing market changes.

Alison Rainey, Shepley Bulfinch, gave an overview of the design of the building. All the public/active functions are located towards the street and the broadest/longest façade of the building is pushed back from Apache Boulevard. There will be co-working space on the second level that overlooks the lobby space below. There are two main amenity exterior decks on levels five and fourteen. They moved the columns back by the vehicular access to the project to allow more pedestrian, bicycle, traffic visibility and promote safety.

#### **PRESENTATION BY STAFF:**

Diana Kaminski, Senior Planner, gave a brief overview of the site plan. Since the site is narrow, the egress on the east side is 'in only' and primarily designed for fire/service/delivery trucks. The main egress for customer service and residents is on the west drive which is wider. Staff had some concerns about the view of the north and east sides from off site and asked for more color and material variation on the upper floors. The applicant did provide some of that, but not as much as staff expected on the upper floors. There are special Conditions of Approval from staff to address this concern.

A neighborhood meeting was held on November 13, 2023 and attended by three members of the public. Residents commented that they support the project but encouraged four-sided architecture with less stucco and a need for a conversion plan for market rate housing if the student housing market changes. They also encouraged sustainable design concepts and the opportunity for art. Ms. Kaminski proceed to go over the unique Conditions of Approval that included historic preservation processes, deliveries, setbacks, security, and elevations.

Commissioner Miller asked for modification to be made to Conditions of Approval #6 and #7 that address archeologically sensitive areas. After discussion, the following changes were made to those conditions:

6. This site is located within a known archeologically sensitive area with the likelihood of encountering cultural resources, human (Ancestral) remains, or funerary objects. Prior to issuance of any permits that would result in ground disturbance, the Developer shall hire a qualified archaeological firm to complete a monitoring and discovery plan (MDP) as well as archaeological testing prior to construction and/or monitoring of ground-disturbing activity during construction. This condition applies to projects on both previously disturbed and previously undisturbed ground. This process requires consultation and sign off of the Historic Preservation Officer.

7. Prior to commencement of construction, contractors and subcontractors on the project performing ground-disturbing activities will provide evidence (an unexpired decal) of successful completion of the Salt River Pima-Maricopa Indian Community (SRPMIC) online cultural sensitivity training and test. Evidence shall be provided ~~upon request by~~ to the Community Development Department, Historic Preservation Officer. Obligation of this condition shall be noted on the permitted set of plans.

Commissioner Miller referred to staff's concerns about the upper stories of the north elevation and asked if the applicant was going to fix that. Ms. Kaminski stated that staff has communicated their concerns to the applicant but did not get the changes in the last iteration that the applicant submitted prior to the DRC hearing. Staff's Condition of Approval specifies the areas and possible remedies to address this concern. Commissioner Miller stated that he believes the west elevation has the same issues as the north elevation. Ms. Kaminski stated that the portion of the west elevation that is visible is dark brick, while the remaining white areas are hidden by the surrounding buildings. Commissioner Miller asked what the applicant's solution to the issues on the east side of the building was and Ms. Kaminski went over those details that were included in the unique Conditions of Approval. Commissioner Miller suggested that they increase the height of the brick on that side.

Commissioner Miller asked to clarify if there were 4-½ floors of parking and Ms. Kaminski advised that was correct. Commissioner Miller asked if they need that much parking since this is proposed as student housing and is also on the streetcar and light rail line. Ms. Kaminski stated the concerns of neighbors about the need to provide adequate parking in case of a possible conversion of the site in the future to either market rate apartments or a condominium project. Commissioner Miller stated that if we are trying to encourage people to use other modes of transportation one way to do that would be to reduce the parking that is provided, especially with streetcar and light rail right there. He also stated he thinks the building height could be reduced by a story or two or the parking be put underground. He asked if the applicant would be amenable to that. Ms. Vaz stated that she appreciates the suggestions, however they are not amenable to those changes as they have spent a year getting the project to this point.

Commissioner Lloyd noted there are 45 Conditions of Approval and asked if the project was ready to bring forward. Ms. Kaminski stated that the applicant went through multiple reviews in site plan review and that there were changes that were made at the last review. These were minor changes that staff felt could be addressed via Conditions of Approval versus having the applicant redraw the plans.

Commissioner Tom asked of the applicant was agreeable to all the Conditions of Approval and was advised that they were.

Chair Johnson asked if all the Conditions of Approval that were mentioned in the meeting were the same as those in the staff report and was advised that they were.

Chair Johnson asked if Condition of Approval regarding the setbacks (#4) changed the footprint or design of the front of the building and Ms. Kaminski stated that it did not. There was a small portion of the frontage that was not 55 feet, so staff had advised the applicant that they needed to dedicate that right of way. This was not picked up in the plan revisions so it was added as a Condition of Approval.

Commissioner Miller asked the applicant if they were agreeable to the modifications made to Conditions of Approval #6 & #7 and Ms. Vaz advised that they were.

**PUBLIC COMMENT:**  
NONE

**COMMENTS AND DISCUSSION FROM THE COMMISSION:**

**Motion:** Motion made by Commissioner Forte to approve PL230262 with modifications to Conditions of Approval #6 & #7. Seconded by Commissioner Schwartz.

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

**Nays:** Commissioner Miller

**Abstain:** None

**Absent:** Commissioner Spears

**Vote:** Motion passes 6-1

---

**Staff Announcements:** None

**There being no further business the meeting adjourned at 6:51 p.m.**

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Ryan Levesque, Deputy Director - Planning