



Minutes of the Development Review Commission REGULAR MEETING May 14, 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 Linda Spears
Commissioner Joe Forte
Commissioner Larry Tom

City Staff Present:

Jeff Tamulevich, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Michelle Dahlke, Principal Planner
Diana Kaminski, Senior Planner
Jacob Payne, Senior Planner
Chris Jasper, Senior Planner
Lily Drosos, Planner II
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Rhiannon Corbett
Alt Commissioner Charles Redman
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 4/9/24
Development Review Commission – Regular Meeting 4/9/24

Motion: Motion made by Commissioner Cassano to approve Study Session minutes and Regular Meeting minutes for April 9, 2024 and seconded by Commissioner Tom.

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 Development Plan Review for a new single-story 154,669 square foot retail building for **SAM'S CLUB TEMPE MARKETPLACE** located at 2080 East Rio Salado Parkway. The applicant is Kimley-Horn. (PL230360)
- 3) Request a Development Plan Review for a new single-story industrial building totaling 144,870 square feet for **WARNER & HARDY**, located at 811 West Warner Road. The applicant is Creation RE. (PL240052)

- 4) Request a Development Plan Review for a new 9,948 square foot warehouse and office building for **AME ELECTRICAL CONTRACTING OFFICE**, located at 1540 West Drake Drive. The applicant is Eric Leibsohn + Associates, Ltd. **(PL240072)**
- 5) Request a Use Permit to allow a restaurant in the General Industrial District and a Use Permit to exceed 125 percent (125%) of the minimum required vehicle parking for **CHICK-FIL-A**, located at 1160 East University Drive. The applicant is 4G Development & Consulting, Inc. **(PL230337)**
- 6) Request a Use Permit to allow a massage establishment for **GOLDEN FEET REFLEXOLOGY**, located at 1720 East Warner Road, Suite 8. The applicant is Yin Yu Shi. **(PL240070)**
- 7) Request a Use Permit to expand the hours from 10:00 p.m. to 12:00 a.m. (Midnight) for a drive-through restaurant for **FILIBERTO'S**, located at 620 West Baseline Road. The applicant is Withey Morris Baugh, PLC. **(PL240084)**
- 9) Request a Zoning Map Amendment from CSS TOD and R-4 TOD to MU-4 TOD; a Planned Area Development Overlay to establish development standards; and a Development Plan Review for a new five-story, mixed-use development consisting of 256 dwelling units with 13 live-work units on 3.92 acres for **STERLING TEMPE**, located at 1202 South Terrace Road. The applicant is Snell & Wilmer, LLP. **(PL240036)**

Motion: Motion made by Commissioner Forte 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 Zoning Map Amendment from R-3 and R-4 to MU-4; a Planned Area Development Overlay to establish development standards; and a Development Plan Review for a new five-story, mixed-use development consisting of 910 dwelling units and commercial uses on 17.22 acres for **TEMPE GATEWAY**, located at 2180 North Scottsdale Road. The applicant is Berry Riddell, LLC. **(PL230302)**

PRESENTATION BY APPLICANT:

Wendy Riddell, Berry Riddell, LLC, addressed miscommunication that has been published to the community. Ms. Riddell clarified that a General Plan Amendment was not needed for this request as it meets the guidelines of the recently voter-approved General Plan 2050. She stated that they are not kicking people out of their homes. Ms. Riddell stated that construction will not begin until 2028 for phase 1, and then an additional three years between subsequent two phases (3 phases total). There is a minimum one-year notice to tenants prior to construction. Ms. Riddell stated that a relocation plan was created and has been distributed to tenants. Ms. Riddell proceeded to provide an overview of request, project design, and phasing plan which will span approximately 10 years. Ms. Riddell went over the extensive outreach that they have had with neighborhood associations, adjacent property owners, tenant meetings, neighborhood meetings, and ongoing follow up to neighborhood questions and emails.

Commissioner Spears asked Ms. Riddell if she had discussed with her client the possibility of including an affordable housing component in this development and not making it all market-rate. Ms. Riddell stated they had discussed it, but they are more likely to be contributing to the City's Hometown for All and keeping it as market-rate as she feels there is more of a need for that in North Tempe.

Commissioner Lloyd asked Ms. Riddell to speak to how they will address the parking garage construction during the three phases. She also noted they plan to have 910 units and asked how many current units they will be displacing. Ms. Riddell advised there are currently 471 units on the site. Mike Edwards, Davis (architect), addressed Commissioner Lloyd's parking question and stated that the garages will be a precast parking structure. They will construct the section of garage for Phase 1, wrap it, and architecturally screen it the western end of the parking garage until Phase 2 comes online. He stated it will be built in a phased sequence from east to west.

Chair Johnson asked Ms. Riddell to explain the circulation for the parking garages, specifically how you would get in and out from the main roads. Mr. Edwards stated that the Phase 1 parking structure is accessed from the northeast corner off of Scottsdale Road, turns south and goes into that portion of the garage, and that there is a park-on ramp that will circulate within it. When Phase 2 is built, that garage will continue to the west and tie into the existing Phase 1 garage. It will be accessed from McKellips and enter the west end of the garage. When Phase 3 is built, it will tie in so there will be one access point coming from the north in Phase 1 and then another from the south.

Commissioner Tom asked if Ms. Riddell knew the unit count for each phase. Mr. Edwards stated that for Phase 1 it is 232 units, 280 units will be added during Phase 2, and 398 for Phase 3, for a total of 910 units. Ms. Riddell provided a breakdown of the types of units in each phase.

Commissioner Cassano asked for clarification that they would not be starting the phasing until 2028 and was advised by Ms. Riddell that was correct and that there would be three years between each phase.

Vice Chair Schwartz asked Ms. Riddell to explain the reasoning for coming for approval now if construction will not start until 2028. Ms. Riddell stated that it takes time to get through the overall process and that they want to work with the current residents onsite to provide alternatives and give them ample notice.

Commissioner Cassano asked if they are developing a plan to notify residents and help them relocate. Ms. Riddell stated that they do have a relocation plan and that they shared it with the residents when they met with them. She stated that as the phases progress, they could possibly relocate those residents that are in Phase 1 into Phase 2, then those in Phase 2 into Phase 3. She noted they could also relocate them to one of their other projects at Miller and Roosevelt.

PRESENTATION BY STAFF:

Lily Drosos, Planner II, gave a brief overview of the request. She advised that a neighborhood meeting was held on December 13, 2023 and was attended by 34 members of the public. Staff received two calls and 29 emails in opposition to the request at the time the staff presentation was created. Ms. Drosos noted that more public comments were received in opposition to the rest prior to the DRC hearing. She stated that concerns were related to building height, parking, density, affordability of the units, relocation plan for existing tenants, and sightline impacts to the single-family residences. Additional comments also addressed the landscaping and trees along McKellips Road. Ms. Drosos proceeded to go over the unique Conditions of Approval for the request.

Commissioner Spears referenced the provision that the building permit has to be within three years and asked what happens if they build Phase 1 and decide not to build Phases 2 and 3. Ms. Drosos stated that applicant needs to submit the building permit within three years or it expires.

Commissioner Lloyd asked if the design for each phase is stand-alone so that if Phase 1 was completed, but phases 2 and 3 were not, that Phase 1 could stand on its own as far as design, parking, etc. Ms. Drosos stated that they are on different parcels so they could stand alone, but that the idea is that they have these stipulations in place so that the construction is finished in a timely manner. Commissioner Lloyd noted that market conditions or financing could change and if the future phases were not completed it could affect ingress/egress, parking, etc. Ms. Drosos stated that there is proper access at each phase. Michelle Dahlke, Principal Planner, also noted that they are requiring that the applicant combine the three parcels into one lot so this should alleviate some of the concerns.

Commissioner Tom asked if they would have to come back before the DRC if they failed to complete Phase 3 within the required time or if their entitlement would go away on that portion. Ryan Levesque, Deputy Director – Community Development, Planning, stated that typically those Conditions of Approval regarding the timelines are expirations of the entitlement to the design. Mr. Levesque went over the timeline and process. He noted there is still the ability to provide some administrative relief/extensions if they are still working on the project. Commissioner Tom asked that if they submit their plans for Phase 3 that they could prolong the building permit application process. Mr. Levesque advised that would only work if the building permit was active.

Commissioner Tom asked about the discrepancy in height where the applicant stated it would be 55 feet but are asking for 75 feet. Ms. Drosos stated that the City of Tempe measures building height from grade, so the grade point is lower. The 55 feet the applicant was referencing was the fifth story at finished floor, but the City of Tempe measures grade from top of curb, which is the midpoint of the front property line, to grade which is nine feet below the finished floor.

Chair Johnsons asked if that was due to the natural lay of the land as that line goes to the west it gradually trends downward. Ms. Drosos advised that was correct.

PUBLIC COMMENT:

Julie Lind, Tempe resident, stated she has lived in a home on Taylor Street and welcomes the value this development will bring to the neighborhood.

Robert Miller, Tempe resident, stated that he supports this project but has a couple of concerns. He stated that although it conforms with the recently adopted General Plan 2050, there is a component of the plan that speaks to affordable housing, yet this project is market-rate housing and does not address this. He is also concerned about the residents who currently reside on the property who will be displaced and may not be able to afford to live at the new development. Mr. Miller noted there is over 24,000 square feet of commercial space that he does not believe will be viable due to the lack of walking space in that area. He stated this project would be more appropriate for Apache Boulevard versus the current location.

Darlene Justus, Tempe resident, stated she has lived in this community since 1965 and has been very involved with it and is in support of the proposed development. She stated that Scottsdale Road has been on a downward trend for the past few years and that this development will help to revitalize the area. Ms. Justus stated that North Tempe has some of the most diverse types of housing but that the current development on the site has deteriorated over time.

Kim Gaffney-Loza, Tempe resident, stated that she is also in support of the proposed development. She stated that the developer has been very good at reaching out to the neighbors and has taken some of their suggestions, especially regarding the line of sight. Ms. Gaffney-Loza also stated that she likes and is pleased to see the desert plant palette tonight, as they were not available at the neighborhood meeting. She does not think that walkability is really an issue and noted that there is a circular bus route along that section and there are a lot of bike lanes. Ms. Gaffney-Loza stated that the current development is getting tired looking, and this new development will be a definite improvement to the neighborhood.

Ken Jacobsen, resident of the complex currently on the site, stated that over the years improvements have been made to the site. He stated that he voted for the General Plan 2050 and went over some of the principles of the plan, including preservation of the current character. He noted there is nothing of this density within a mile of this apartment complex. Mr. Jacobsen stated that when he received the notice of this proposed project in November 2023, he did not believe that the City of Tempe would approve upzoning for this area since it is such a huge increase from what is currently in the area. He stated this proposed development does not fit the character of the area.

Laurie Herman, Tempe resident, stated that she lives a quarter mile from the development and has been in that neighborhood for over 44 years. She stated that the current complex is government assisted housing and is extremely affordable and the City needs more of it. Ms. Herman stated that the current studio units (133) are 400

square feet and are currently over \$1,000. She noted that the proposed development will reduce the number of studio units from 133 to 42 and will probably not keep the same price point. She stated the proposed gated community is the opposite of affordable housing and is contrary to the surrounding area. Ms. Herman stated that all the vehicles from the proposed 1,600 car spaces will pour out onto Scottsdale Road and McKellips Road, where there is just one Orbit and one Bus 72 coming down there, and that you are not going to have any public transport. She doubts the developer would assist with paying for the light rail to be expanded out there, or the necessary addition of police, fire, and other resources the density will require and this will affect the surrounding neighborhoods.

Lane Carraway, Tempe resident, stated that he lives in the subdivision just south of McKellips Road and used to live in the current complex at the proposed project site. He thanked the developer and staff and said they have bent over backwards to accommodate the neighbors. Mr. Carraway stated that he has spoken to residents in the area and this project is something that his community really wants.

Mailen Pankiewicz, a south Scottsdale resident who lives about a quarter mile from the development, stated that she walks that area and emphasized the benefits of the trees that are currently on the property. She noted that according to the staff report, most of the landscape was put in place during the 1970s so some of the trees that are currently on site are over 50 years old. Ms. Pankiewicz stated that the tree canopy in this area is only 11.9% but the Tempe has a goal of 25% for tree canopies and other covers. She stated that that development is high, but it does not provide the environmental benefits that trees do such as shade, cooling, protection for nearby wildlife. Ms. Pankiewicz asked the Commission to add a stipulation requiring the partial protection of some of the current trees.

Angus Pollard, Tempe resident, stated that he lives directly south of the development. He stated that he is pro-development and for improving the housing stock in North Tempe. Mr. Pollard strongly urged that there be an affordable housing component added to this project. He stated that the developer mentioned they had high consideration for the surrounding neighborhoods regarding the step backs, however they showed photos of the north side and the west side but left out the photos on the south side. Mr. Pollard stated that the south side is five stories high and directly faces single-family residential and does not fit the neighborhood. He suggested there be a step back on the south side as well. Mr. Pollard stated that he is a big component for mixed-use development. He noted that part of the General Plan 2050 is to increase alternatives modes of transportation. He stated that the developer's proposal basically just says "don't worry, the light rail is only two miles away". Mr. Pollard stated that when you walk along the south side of McKellips Road it narrows sharply after Marlborough Park so there is no buffer between the road and the sidewalk and that is a safety concern. He suggested traffic be considered such as reducing the speed limit, adding lights, etc.

Jacque Colegrove, Tempe resident, stated that she has concerns approving this project at this time since construction will not start for four years. She noted there is so much that can change within the City and with economics that it is reckless to have a conversation four years from when a project starts, especially one that will take approximately nine years to build. Ms. Colegrove stated that she lives in Concord Village and that they currently have 373 units that serve moderate to low-income residents and provides a lot of affordable housing in Tempe. She stated that a project like this does not fit in that area, that they only have one grocery store within five miles of any of the residences. Ms. Colegrove stated that most of their sales tax dollars are spent in south Scottsdale because there is no infrastructure in the area. She is also concerned with the displacement of the residents who currently live on the site as there is nothing else in the area that is affordable.

Christian Wimmer, Tempe resident who lives in Concord Village, stated that although he believes that the growth is necessary for the community, the developer has not shown how this development will alleviate the housing crisis for low-income individuals. He stated that the traffic in this area is already really bad, and he does not know how this development will improve the situation. Mr. Wimmer also brought up the concern for the lack of grocery shopping in this area.

Elizabeth Stewart, Tempe resident, urged the Commission to recommend against the requested zoning amendments and the Tempe Gateway Project. She stated that the project will tear down 487 affordable apartments and replace them with 910 market rate units. Ms. Stewart stated that this is contrary to the representations the City Council made

to voters in urging the General Plan 2050 and will make the affordable housing crisis worse. She stated that simply moving existing residents of affordable housing to other affordable would reduce the availability of affordable housing. She stated that there should be a requirement that some accommodation be given to the current residents. Ms. Stewart agreed with earlier public comments regarding the tree canopy and step backs.

APPLICANT RESPONSE:

Ms. Riddell stated that it is very challenging when you are taking existing housing stock and replacing it. She stated that the developer has made a major effort to speak with the community. Ms. Riddell stated that some residents in the area expressed a desire for market-rate housing. She stated that she understands the need for more affordable housing, but that this project is the right one for this site and will help to revitalize North Tempe. Ms. Riddell stated that adding this project and density to the area will make getting a grocery store in the area more viable. She advised that they are open to exploring options for the existing trees and see if any can be retained and whether a stepdown on McKellips Road would be appropriate.

Commissioner Cassano asked who is going to manage the existing units during the years that it will take for this development to be built and if it was her client. Ms. Riddell stated that her client would manage it and noted that they currently own the existing property and is the landlord.

Commissioner Lloyd noted that the retail square footage noted in the package is very specific about an 8,700 square foot clinic and asked if there was a tenant use that has already been identified. Ms. Riddell stated that they do not have a specific tenant identified for that. She advised they were asked to assign parking ratios so they gave their best estimate of what the retail would look like. Commissioner Lloyd noted there was a comment made about too much retail space and asked if the client had a comment on that. Ms. Riddell stated that they believe it is the right amount of square footage, particularly as residents come on board. She noted that when you add 910 units it creates a lot of density and that will ensure that the retail is successful.

Commissioner Lloyd noted that Ms. Riddell had mentioned earlier that none of the project would be made as affordable housing and that they would be contributing to the Hometown for All. Commissioner Lloyd stated that since the owner already owns the property, she is concerned about some of the senior population may be displaced and asked if the owner would reconsider and potentially make some accommodations, especially for them. Ms. Riddell stated that it is a conversation that they can continue to have, however she cannot commit to it right now.

STAFF RESPONSE:

Ms. Drosos wanted to add that as a condition of approval for the Planned Area Development (PAD), a building permit application must be filed within two years, then following Phase 1 it will be three years.

Chair Johnson asked if it would be possible to save any of the existing trees and if the applicant would be amenable to adding a condition of approval regarding that. Ms. Drosos referred to Ms. Riddell who advised that they would.

Commission Tom referenced staff's Condition of Approval #2 and asked if it would be two years for Phase 1 then three years for both Phase 2 and Phase 3. He noted that "two years" is struck through in the staff report for this condition and it now states "three years". Ms. Drosos stated that under the Zoning Map Amendment and Planned Area Development it is Condition of Approval #1 that references that a building permit application will be submitted within two years. Michelle Dahlke noted that under the Zoning Map Amendment and Planned Area Development Condition of Approval #1 it states that the building permit application be submitted within two years of City Council approval. She also noted the Development Plan Review Condition of Approval #2 and asked Commissioner Tom which one he was referring to. Commissioner Tom advised he was referring to what Ms. Dahlke was looking at. Commissioner Tom then advised that he was comfortable with the conditions.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Spears stated that she is concerned with this project taking away affordable housing and not replacing it within the same area. She stated that her bigger concern is the phasing of the project. She noted that we have all

seen the market conditions change radically within a 10-year period. Commissioner Spears stated that she can see Phase 1 being built, and then that being the end of it. She stated that she is not thrilled with this project.

Vice Chair Schwartz stated that she shares some of Commissioner Spears' concerns regarding the project, the phasing, and the timeline for all the phases. She noted that the applicant stated that the project will not begin until 2028, however the conditions require them to submit a building application within two years. Vice Chair Schwartz stated that there is a lot of opportunity for market conditions to change and even the sale of the asset to a developer who may not be as willing to work with the community. She is also concerned about the non-enforceability of any relocation plans.

Chair Johnson noted there was a lot of good discussion from the people in the neighborhood, many who support this project, and many who have either lived at the location of this project or an adjacent property who are not in support. He stated he hears both sides of it and noted that it is a challenging project to hear when there is a mix of support. Chair Johnson stated that he is leaning more in support of the project since it basically doubles the number of units on the site. He noted this density could lead to amenities that the community is looking for. He stated that he does see the challenge with the phasing as the Commission has seen other projects that ended up not moving forward.

Commissioner Cassano stated that they have heard about the markets changing, and it is always a concern. He noted that the Commission and the City cannot control economics, who goes into the retail space, or whether a grocery store is constructed. Commissioner Cassano stated that they have to make the area appealing to attract those types of things.

Commissioner Lloyd stated that for her it was not about density or height, but rather about maintaining the affordable housing stock.

Chair Johnson noted that the Commission's decision is a recommendation to the City Council.

Motion: Motion made by Commissioner Cassano to approve PL230302 and seconded by Commissioner Tom.

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

Nays: Vice Chair Schwartz, Commissioners Spears and Lloyd

Abstain: None

Absent: None

Vote: Motion passes 4-3

- 10) Request a General Plan Projected Land Use and Density Map Amendment from "Mixed-Use High" up to 65 dwelling units per acre (du/ac) to "Mixed-Use Urban" more than 65 du/ac, a Zoning Map Amendment from CSS to MU-4, a Planned Area Development Overlay, a Use Permit to allow tandem parking, and a Development Plan Review for a new 21-story mixed-use development with 363 dwelling units on 1.04 acres for **THE STANDARD AT TEMPE**, located at 1306 South Rural Road. The applicant is Snell and Wilmer, LLP. (PL240060)

PRESENTATION BY APPLICANT:

Nick Wood, Snell & Wilmer, gave a detailed overview of the project and some of the constraints of the site. He stated that this is a great area for this project since it is next to the university and located directly along the light rail, and that the streetcar rides right along Apache Boulevard. Mr. Wood discussed the nine meetings that they had with staff on this project. He stated that staff did not tell them what to do but did tell them what was not acceptable in the City of Tempe. He stated that the project went through many iterations and that he is pleased with the end result of the project design. Mr. Wood explained why he believes this project meets the General Plan 2050 criteria.

Mr. Wood stated that they are in opposition to the following staff Zoning Amendment and Planned Area Development Conditions of Approval and would like them to be removed/struck out:

1. The Planned Area Development Overlay for THE STANDARD shall be no greater than 15 stories and a total of 165 feet inclusive of all rooftop structures. The density shall be no greater than 235 dwelling units per acre based on the gross acreage prior to dedication of right of way.
2. Parking requirements shall conform to the ratios proposed within the parking study and the total parking provided shall meet the minimum required for the number of units and bedrooms presented on levels one through fifteen.

Commissioner Cassano asked why they would buy this site knowing all the constraints that were there, and not knowing if the General Plan 2050 would be approved. Mr. Wood stated that their client does not own it but has it under contract so they have not purchased it yet.

PRESENTATION BY STAFF:

Diana Kaminski, Senior Planner, gave a brief overview of the request. She provided an explanation for the reasoning of staff recommending a height no greater than 15 stories. Ms. Kaminski advised that a neighborhood meeting was held on April 3, 2024 that was attended by two members of the public. She stated staff has received 16 letters in opposition of the request and that a petition of 27 individuals from University Park Neighborhood Association to the southwest of the site was submitted in opposition. Public concerns included building height and concern about density, parking, traffic, and precedence of this modifying the recently approved General Plan 2050.

Ms. Kaminski stated that staff recognizes the public concerns, and that the proposed height is out of character with the surrounding area. Staff recognizes the challenges that the General Plan density allowed for this site, in conjunction with existing site constraints, have on the feasibility of redevelopment, in that additional density may be needed to offset significant infrastructure development costs. Ms. Kaminski stated that staff worked closely with the applicant and acknowledge the design enhancements that provide significant improvement as a gateway project at a prominent corner. She noted that as a compromise to the requested PAD standards, staff recommend reducing the height from 21 to 15 stories maximum, with the density and parking adjustments made based on the loss of the six levels. Ms. Kaminski advised that the newer student housing developments to the east range from 10-15 stories.

Vice Chair Schwartz asked if the recommended changes would be worked through administratively if this moved forward. Ms. Kaminski stated that would be to the Commission's pleasure.

Commissioner Lloyd asked if the applicant agreed to the two aforementioned Conditions of Approval and was advised by Ms. Kaminski that they did not and that the applicant had struck through them in their presentation. Commissioner Lloyd asked if there was support from the neighborhood for any height. Ms. Kaminski stated there was mention of 8-10 stories and some people were opposed to any height.

PUBLIC COMMENT:

Phil Amorosi, Tempe Resident who lives on Apache Boulevard, stated that he was on the Technical Advisory Group for the General Plan 2050. He recommends the Commission deny the request for a General Plan Amendment for this site. Mr. Amorosi stated that this site is not part of the downtown urban core and this project should be downtown. He stated that the applicant is trying to compare this corner to the north side of Apache Boulevard, but that has been student housing for over 50 years. Mr. Amorosi noted the applicant's comments that the students would invigorate this area, however he stated that students do not have disposable income. He stated that this project would add congestion to the area.

Robert Miller, Tempe resident, stated his opposition to the project. He noted that just two months ago 60% of Tempe residents voted to approve the General Plan 2050 and now the applicant wants to amend that plan. He stated that the project is completely out of character with the area. Mr. Miller stated this is a bad precedent that will only make things worse.

Paul Kent, Tempe resident, stated that he supports the General Plan 2050 that was just voted on and that this site should stay the way it was meant to be in that plan. He feels the area south of Apache Boulevard is a step-down area with regard to height and that this project will be out of context with the area.

APPLICANT RESPONSE:

Mr. Wood stated that had his client come to him with this project after the General Plan 2050 was approved in March, he would have told them that it is too soon to make any changes. He stated that did not happen and that when the client approached him it was during the General Plan 2040 rules and guidelines. Mr. Wood stated that the reason there are General Plan Amendments is because you amend them on a case-by-case basis. He stated that at the time this project got started it was unknown if General Plan 2050 would even be approved. Mr. Wood stated that developments should not be stopped because eight months later there could be a change to the General Plan. He gave further justification as to why he believes this project is appropriate for the site and that it will not set a precedent.

Chair Johnson asked that if this request is approved with conditions as written by staff would the client move forward with the project. Mr. Wood stated that they struggle with the 15-story stipulation simply because of all they have to do and it is very expensive. He stated that he cannot say if they would be okay with staff's recommendations but that it would ultimately be up to the City Council.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Tom stated he is struggling with this one since there is ASU ownership to the north and south, and then there is this little private ownership of this property. He asked if they were to approve this, what would happen to the remaining private ownership properties and if there was enough property to redevelop this site. Commissioner Tom stated that he has some hesitancy approving the staff recommendations as they essentially cut the property in half and if that was something the applicant would want to move forward with. He stated that the General Plan does not always fit every site. Commissioner Tom noted that there are a lot of constraints on this site.

Commissioner Lloyd stated that she understands that the General Plan is to be amended on a case-by-case basis and it does not matter if the General Plan 2050 was just voted on or if they were still working under the General Plan 2040. She stated that she would not support an amendment for this drastic density change. Commissioner Lloyd stated that she appreciates staff's attempt to moderate the height, but that the applicant has already stated where they are at regarding that condition so it is unlikely that she will support approval of this request.

Commissioner Spears stated that it sounds like the land is too small for the building and that it does not belong there. She stated that the voters just approved the General Plan 2050 and that she does not think this project warrants an amendment.

Commissioner Cassano stated that he agrees with Commissioner Spears' comments and Chair Johnson agreed with him.

Motion: Motion made by Commissioner Spears to deny PL240060 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

Staff Announcements: NONE

There being no further business the meeting adjourned at 9:04 p.m.

Prepared by: Joanna Barry, Administrative Assistant II
Reviewed by: Michelle Dahlke, Principal Planner