
MINUTES OF THE DEVELOPMENT REVIEW COMMISSION May 12, 2015

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

Commission Present:

Dennis Webb, Chair
Jerry Langston, alt
Peggy Tinsley
Linda Spears
Trevor Barger
Dan Killoren, alt.

Commission Absent:

Paul Kent, Vice Chair
David Lyon, alt
Angie Thornton

City Staff Present:

Ryan Levesque, Dep. Com. Dev. Director
Larry Tom, Principal Planner
Diana Kaminski, Senior Planner
Sarah Adame, Administrative Assistant II

Chair Webb called the meeting to order at 6:00 p.m., introducing the Commission and City staff. It had been determined in the Study Session that the minutes from the Study Session and Regular Meeting minutes for 03/10/2015 and 04/28/2015 would be on the Consent Agenda.

CONSENT AGENDA

1. Study Session minutes: 03/10/2015, 04/28/2015
2. Regular meeting minutes: 03/10/2015, 04/28/2015

Commissioner Tinsley moved to approve the Study Session and Regular Meeting minutes from 03/10/2015. The motion was seconded by Commissioner Barger and passed 4 – 0. Killoren and Langston abstained. Commissioner Tinsley moved to approve the Study Session and regular Meeting minutes from 04/28/2015. Then motion was seconded by Commissioner Barger and passed 5 – 0. Langston abstained.

REGULAR MEETING AGENDA

3. Request for a Zoning Map Amendment from CSS to MU-4, a Planned Area Development for development standards and a Development Plan Review for 423 apartments and commercial uses for **MCCLINTOCK STATION (PL140381)**, located at 1831 East Apache Boulevard. The applicant is Gammage & Burnham, PLC.

Ms. Kaminski introduced McClintock Station. She expressed the project entails 3 different parcel properties which Ms. Kaminski pointed out on the map on the overhead. The Applicant is requesting rezoning to mixed use 4, plan review of development plan review of the site plan, landscape plan, and elevations design for the project.

Ms. Kaminski reviewed the history the properties, 1997 adopted GP 2020 that designated area for mixed use, approved through voter ratification for General Plan 2030 and 2040 and 1997 Apache Redevelopment Plan which designated the area for mixed use.

Pony Acers development is on established mobile home property and falls under the state's requirements for notification and relocation. Tempe Travel Trailer Park has a use permit to allow the recreational vehicle facility zoning limitation for no more than 3 months per year. This property designates different stipulations for notification and relocation requirements: one that requires different zoning code for a travel trailer facility and one requirement for state mobile home communities.

Chair Webb asked for Gammage & Burnham to come up. He advised Applicant that there are only 6 board members tonight and advised the applicant(s) that they can wait to present case until there are all 7 board members or they can continue with 6.

Lindsay Schube, legal representative from Gammage & Burnham, Phoenix, came up and said that she and her clients are fine with presenting to 6 board members. She introduces her clients and team, Jeff Allen and Jonathan Cornelius (FORE), Mike Hampton (Architect), Rob Lane (Gammage & Burnham). Ms. Schube expressed FORE history and sited the company's current building projects. She advised that this is the company's first project in the City of Tempe. They have three requests from the board: a rezoning for the Tempe Travel Trailer Villa (MU4 with a PAD), a plan area development overlay, and a request for a development plan review. Ms. Schube described all the communities business, residential, city and industrial sites around the project including the light rail. She feels that this project is a "good fit" for the area. Ms. Schube noted that staff mentioned the General Plan 2040 does call this area as mixed use. The project fits that scope with mixed use and high density. The plan is to build one four story mixed use building and two three story mixed residential with 541,000 sq ft to include residential, club house, fitness center, pools, leasing space, high end amenities; 300,000 sq ft, flex space, office, retail, restaurants, neighborhood grocery, and outdoor patio seating. The setbacks are 20ft front yard, 10 – 60 west, 50ft on the east, 50ft at the rear residential building, and 3ft maintenance building on the back, there is ample parking, 631 spots 102 are private garages, 322 carport spaces, additionally, bike maintenance and valet as part of the project. There is 30 percent landscaping with an urban garden, dog park, and pet washing station all aiming for the young professional feel.

Ms. Schube introduced Architect, Mike Hampton.

Mr. Mike Hampton, Architect, Texas, is designing a mixed use area to blend in with other projects along the Apache Blvd. The design concept is called Southwestern Contemporary. It will be more contemporary from the traditional southwestern desert style colors. The design will introduce different materials on the building, stone material and canopies. The rail material that runs along the side of the building is going to be galvanized or an aluminum look rather than the traditional black look. The design of the building has incorporated the garages and lots of carport parking; landscape in the middle including 2 pools. The project is designed to be a walkable environment for the young professional. Mr. Hampton asked for any questions from Commission.

Commissioner Tinsley asked if any of the mature trees would be saved.

Mr. Hampton replied it was not likely, maybe a few but they would be replacing those that are removed.

Commissioner Tinsley asked what size of tree would be replacing those that are removed.

Applicant Mr. Cornelius expressed they are doing an inventory of all the landscape and would try to salvage as much as they can.

Commissioner Barger asked, if the side walk would be detached and separated by a green space from the building, and if the artistic license, was in the rendering or intended to be separate, one for the public and one for the homeowners.

Mr. Hampton expressed that the plans have been revised and the grass is not intended to be there. There are two separate spaces.

Commissioner Barger asked if the sidewalk connected to the courtyard spaces in front of the buildings.

Mr. Hampton explained, yes, there is a landscape element. There is no grass but there will be bushes and plants.

Mr. Cornelius interjected; there will be connectives of the hard scape along the building to the sidewalks not two completely separate spaces.

Commissioner Barger asked is the courtyard use space for the leasing club space and do they interact with the street level.

Mr. Cornelius, clarified that they want to activate the courtyard space. The fitness center is rather large with a yoga and spin class. On the northwest corner there will be leasing office. The area will be separated so people can still enter the area off of Apache Blvd. When someone walks into the building there will be a flow thru where people can see the plaza which faces the vehicular parking. There will be a community room off or adjacent to the staircase which will be the mail room. Basically, one large community room with open seating much like a hotel with a bar type setting. Further south, there will be a display kitchen, where chefs can come to teach cooking classes and/or wine tasting and a media viewing area. Next, there would be new club house upstairs for a cyber café intended for a lounge and also a business center "work from home" with a conference table. Currently, the client is exploring for a more sound proof room for residents that like to practice their music not to disturb their neighbors. This is the list of amenities inside the club house and also, the exterior will have two pools and cabanas. A bike repair shop will be available for residents and pet washing station with dog park.

Commissioner Barger expressed his concerns for doors in every other bay going out to the front. He asked if they were exit emergency only doors or for folks going out to Apache Blvd.

Mr. Cornelius stated that those reflect the balconies going up and there will not be any doors in that location. There will be one main door and another door for emergency purposes. There will not be any doors down in front on Apache Blvd. The retail space will have store front glass. The applicant is targeting local grocery markets and is installing a grease trap in case a restaurant wants to go in. An awning will create covered space to provide cover seating.

Commissioner Barger asked if the applicant would consider landscape rather than the hard scape along the club space?

Mr. Cornelius replied, yes, I think so.

Commissioner Spears asked if, the only mixed use part of this building is the small retail space.

Mr. Cornelius expressed yes, roughly 3,000 sq. ft.

Commissioner Langston refers back to the streetscape he acknowledged the discrepancy between grass and DG.

Mr. Cornelius said yes there will be grass because they were not allowed to have turf in the right of way. There is turf inside their setback.

Commissioner Spears asked if there was going to be Decomposed Granite.

Mr. Cornelius referred to the map the comparison of the decomposed granite and the turf.

Chair Webb stated that the applicant is targeting the project to be no less than Leed Silver Certified. Is it ok with applicant to make that a condition?

Applicant said yes.

Chair Webb asked commission if there are any more questions.

Commissioner Killoren asked how the 2900 sq. ft. is the percentage over all.

Mr. Cornelius stated that he is unable to answer and not sure how that happened. It was for the second floor but was needed for the first floor.

Commissioner Killoren asked, if that space would have a use if they are unable to find a tenant.

Mr. Cornelius ensures that they will find a use for it.

Chair Webb asked to be shown where the dog park would go.

Mr. Cornelius points out that it would go in the southeast corner next to the railroad and police substation.

Chair Webb is unclear about where the dog park is going to be built as it is not stated on the DPR.

Mr. Cornelius states, that they have discussed adding a dog park since this project was designed. The location that they are looking to is in the southeast corner.

Ms. Schube expressed that if there is ample parking and that the amenities of the ramadas, the bicycle shop and pet washing station, can be put in because they are shown on the site plan today. If the dog park doesn't work in the existing plan that they are asking for approval for today then it will not be included.

Chair Webb asked applicant if they had a picture of the dog park.

Mr. Cornelius replied no.

Commissioner Tinsley asked for dimensions of the dog park.

Mr. Cornelius states that it's roughly for the run of the park, long and skinny. It's an area for residence to let their dogs out so they are not confined to the unit.

Commissioner Langston asked what the construction material is.

Mr. Cornelius states that the framing is wood frame and the elevations are stucco, split face block and then smooth surface stone with medal awnings to be incorporated with the light rail station.

Commissioner Killoren asked how the applicant arrived at the density of the project.

Mr. Cornelius stated the density is based off the overall function of the site and financial ability. They focused on a project that didn't require a parking garage and wanted a higher density. Also, to provide a lower price point of entry compared to other projects that are recently approved and under construction. The project is a lower density than the surrounding projects.

Chair Webb asked what kind of rent they are going to be asking for.

Mr. Cornelius replied average rent would be \$1350.00 and on the low end would be about \$900.00 - \$950.00 and go up from there.

Chair Webb asked what percentage of students would be renting here.

Mr. Cornelius states, that they do have to comply with fair housing but are going to take measures to target young professionals and not college students.

Commissioner Langston asked if the applicant had made any provisions to help eliminate or buffer the noise against

the rail road tracks.

Mr. Cornelius replies they will be taking appropriate measures.

Commissioner Langston asked if these will be metered individually for conversion to condos down the road.

Mr. Cornelius replies, they would have a master meter for sub meters.

Chair Webb asked for questions from the public.

Joann Domitrovich, Tempe, resident at Tempe Travel Trailer for 8 years. She is located near the rail road tracks. She explained how the rail road train coupling and uncoupling behind her trailer created a lot of noise. She asked how that will be handled if a resident is paying \$1350.00 a month to live there. She stated that there is not enough installation to not hear that noise. Ms. Domitrovich stated that she addressed this concern at the neighborhood meeting. She also said that she addressed the fact that the applicant was trying to go after Pony Acres area where there is only one exit and it's very narrow then the applicants go after her trailer park. She is ok that the property owners of the park want to sell. She and other residents have been there many, many years. Her second concern is for the low income/disabled/elderly residents. She would like to see some help for those people.

Commissioner Barger asked Ms. Domitrovich if she has been a full time resident there for 8 years.

Ms. Domitrovich stated no. She has another home in Pennsylvania. She teaches here in Arizona. She is a working snowbird. She leaves her motor home there and she pays monthly. She does plan on staying in the Tempe area.

Roger Comeau, Tempe, is a permanent resident of Tempe Travel Trailer Park. His home is a permanent structure. He is addressed that there hasn't been anything mentioned in the planning of this project that speaks of displacement. He states that not everyone has wheels under their house. Mr. Comeau states that he has made a considerable amount of investment at this park. Mr. Comeau stated that our documents indicate that there are 106 spaces in the trailer park however; he knows that there are 160 spaces. He is requested to see or hear some sort of plan for the treatment of the people that are going to be dislocated, displaced or become urban refugees.

Commissioner Spears is asked where Mr. Comeau lives.

Mr. Comeau stated that he lives in the other location next to Pony Acres. Mr. Comeau confirmed that he has lived in the park for 25 years.

Commissioner Spears asked how many spaces are there.

Mr. Comeau stated that he is not exactly sure of the number.

Commissioner Spears asked if he has a long term lease.

Mr. Comeau stayed, that he is not sure that there are any leases per say. The statutes that he is familiar with says if there are no formal leases then the rental is month to month informal rental.

Commissioner Langston asked for staff if the travel trailer park by code has a three month occupancy.

Staff Ms. Kaminski states, no, that the only discrepancy that she has seen is in the number of units. The original use permit was for 89 spaces. It was pretty specific to commercial zoning, for travel or recreational vehicle for nightly, weekly, or monthly bases no larger than 35 ft. vehicles would not remain on site for more than 3mths in any one year. This has not been enforced on the property.

Chair Webb expressed, the mobile home park residential landlord tenant act. The statute calls for a default in the month to month in the absence of a lease rental agreement.

Commissioner Langston asked Mr. Comeau if this is his legal permanent address.

Mr. Comeau answered, yes.

Chair Webb asked for the applicant to come up.

Ms. Schube explained the applicant's action regarding noise. She explains to be Leed Silver Certified; the condition is for double pane windows. Fire service and access does meet code a traffic study was completed and approved by the transportation department of the City of Tempe. Gabby is here and has been working with Pony Acres residents regarding the relocation issues.

Manjula Vaz, Attorney for Applicant stated, that the property owner of Tempe Travel Trailer is here and will speak for himself.

Mike Macova, owner of Tempe Travel Trailer, stated that he is part of the families that own the park. He explained that there are permanent residents that have at the park for over 20 years due to inexpensive life style and he does realize that the park was never designed to be a permanent park only an RV / trailer park. Mr. Macova has been working with social services to help his residents relocate as far as what assistance they can get from the state, county, and city. He stated if he can get a final date as to when the park will close he will be able to provide more information as an effort to get the residents the help and information they need.

Chair Webb stated that he understands that the state relocation policy may not comply.

Mr. Macova stated yes, that is correct. At Tempe Travel Trailer Park, they are only daily, weekly, monthly rentals. There are a few permanent mobile home structures there that were allowed to establish themselves. There are no leases in the park. There may be about nine mobile homes that could qualify thru the state's program. Mr. Macova is unsure if the mobile home that has been there over 25 years would qualify for state relocation assistance.

Ms. Kamiski, advised that residents do need to have a clear title to qualify for state relocation assistance. Recreational vehicles don't apply.

Ms. Schube, stated that she thinks this project is of high quality, high density, mixed use and respectfully requested the approval on all three requests.

Chair Webb opened discussion from the commission.

Commissioner Spears expressed that she is not happy about being asked to approved a DPR when there was changes to the landscape plan, may or may not have certain amenities that are not reflected and doesn't feel comfortable supporting a DPR with those missing pieces. She is unsure that the mixed use intent is being met with the limited space being considered for retail when it is considered what amenities it could be used for the residents.

Commissioner Langston noted the empty retail spaces from other projects on Apache Blvd. He asked if there been any success in retail at the ground level on Apache Blvd.

Staff Ms. Kaminski stated a lot of it has to do with the function, the operation and marketing of the facility. The design for flex space with the requirements for different types of uses and a lot of spaces was designed by multifamily developers that left shell space which could be a very expensive tenant improvement for a potential tenant. There hasn't been much desire to build there. This applicant is coming in with the foresight as an amenity to get a tenant in there. She state that she cannot speak as to why we don't have tenants along the Apache Corridor.

Commissioner Barger expressed that he likes the design of the project as it sits along with the Griego. He doesn't have the same difficulty of the mix use portion but he does have the difficulty with there not having a way to do a multifamily zoning and he likes that they're trying to get amenities in to try to activate Apache with bodies and create active space and street front. As for the landscaping plans he would love to see, more landscape if they're not going to activate the hard space.

He would like to request, a condition that the resident could not complain about the noise of the trains since all the industrial uses rely on the trains. Require that this is a preexisting condition. Commissioner Barger recognizes the landowner's point of view; the residents don't meet the relocation requirements based on the existing rules that go along with the property. He is in support of the project and would like to figure out how to treat the existing condition as fairly as possible granted it wasn't living up to its requirements thus far knowing the owner would change hands for the proposal.

Commissioner Killoran would agree to Commissioner Barger remarks about the landowners whether or not they are in compliance with their use permit does create a situation. Overall the product is what we are looking for in this location. The voters did approve this type of developments in the General Plan. He does share the same concern about the mixed use in the retail commercial space but there are steps being taken to activate it where others had not succeeded in finding viable tenants to occupy those spaces.

Chair Webb spoke about how unfair it is that people get displaced. On the other hand there are rights between landowners and developers. He does feel for the people who will be displaced but it's a choice to rent there and stay there. The job of the commission is to figure out if the uses are good for the city and the zoning law is abiding by and if this will make a positive impact to the community. He agrees that this is an appropriate use of the property. It meets all the requirements.

Commissioner Langston stated that he agrees, it's not fair but his understanding of the mobile redeveloped funds that was approved by the state is that the mobile home owners pay into that fund to provide relocation funds for the point in time when it's no longer a mobile home park. Is that correct?

Ms. Kaminski replied, yes, that is part of the statutory requirements.

Chair Webb interjected, if the homeowners are going to qualify or not.

Commissioner Tinsley expressed that she agrees with both commissioner comments. However, this is a better project than what was brought for this location, the last time there was a meeting for this location there were a lot of residents present from Pony Acres. The questions among the residents were did they in fact have a clear title. She thinks that for this location there may be people that could have clear titles and may be eligible for the assistance Commissioner Tinsley also expressed that these residents at Tempe Travel Trailer Park have better structured trailers that may be able to drive away. However, they are not guaranteed that they would find rent as inexpensive as what they are paying now. She stated that this is a reasonable project in a reasonable location.

Ms. Kaminski recites the amended conditions: 1) the plan development condition #4 (General) the site plan and building design as submitted and presented is approved as part of the planned area of development and shall be lead silver certified 2) the 7th condition for the PAD, the property owners shall record a rail road noise deed restriction and tenant disclosure and waiver for protection of existing rail road uses.

Ms. Vaz requested to work with staff on a notice of protecting the rail road noise condition of notice and not necessary a cloud title or some type of word provision.

Ms. Kaminski expressed to try to reword it as the property owners shall provide tenant disclosure and waiver for protection of the existing rail road uses.

Commissioner Barger suggested that the applicant acknowledges the use and operation of the existing adjacent rail road which is considered vital to the surrounding properties.

Ms. Kaminski stated that this owner won't be the long term property owners; not to continue the requirement for notice to any future tenant.

Commissioner Barger stated that he is less worried about notice and more worried about it's an existing condition and it having the right of *excitant* over future complaints.

Commissioner Tinsley expressed that some language needs to acknowledge tenants are coming into a nuisance.

Ms. Kaminski expressed the nuisance is the existing rail road uses.

Commission board acknowledges that the rail road is the nuisance.

Mr. Cornelius expressed that they can "word smith" this if they can get the approval for it today.

Ms. Vaz stated a comparison with the Mark Taylor project with the rail road boundaries and suggests that they must have some rail road provisions. Ms. Vaz offers this information as a possible use for this project.

Commissioner Barger stated a condition with landscape along the Apache frontage would be hardscape if its activated or landscape (soft scape) if not activated.

Ms. Kaminski stated that condition #28 that the Plat pallet is approved as proposed as specified on the landscape plane with additional landscape incorporated where hardscape is not activated.

Chair Webb checked with applicant and they are ok with those stipulations.
Chair Webb called for a motion.

Commissioner Killoren moved to approve the three items, zoning map amendment, planned area development overlay, and the development plan review as presented with conditions from the staff report and those conditions that we just added

Commissioner Tinsley seconds the motion.

Chair Webb stated the motion moved by Commissioner Killoren and seconded by Commissioner Tinsley to approve PL140381 – approved by 6 - 0

With no other announcements, the meeting was adjourned 7:45 p.m.

Prepared by: Sarah Adame, Administrative Assistant II
Reviewed by: Larry Tom, Principal Planner



Larry Tom, Principal Planner