
MINUTES OF THE DEVELOPMENT REVIEW COMMISSION June 9, 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
Paul Kent, Vice Chair
Angie Thornton
Trevor Barger
Peggy Tinsley
Linda Spears
Jerry Langston, alt

Commission Absent:

David Lyon, alt
Dan Killoren, alt

City Staff Present:

Ryan Levesque, Dep. Com. Dev. Director
Diana Kaminski, Senior Planner
Karen Stovall, 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 05/26/2015, and Majestic Tempe would be on the Consent Agenda.

CONSENT AGENDA

1. Study Session minutes: 05/26/2015
2. Regular meeting minutes: 05/26/2015
5. Request for a Development Plan Review consisting of three new industrial warehouse office buildings and two Use Permit Standards, to reduce the front yard parking setback and to increase the building height for **MAJESTIC TEMPE (PL140304)**, located at 6116 South Ash Avenue. The applicant is John Perkins of Majestic Reality Co.

Commissioner Tinsley moved approval of the Study Session and Regular Meeting minutes of 05/26/2015 as amended.

Commissioner Barger seconded the motion of for approval of all minutes from 05/26/2015.

Motion passes 6-0 approved with Commissioner Langston in the abstained because he was not present at DRC on 05/26/2015.

Chair Webb states that there is one item PL140304 Majestic Tempe on the consent agenda. Chair Webb asked if there was any one who wanted to pull this item off the consent agenda to hear the case and no one spoke out. Chair Webb stated that the Commission unanimously passes the item without any testimony.

Commissioner Tinsley moved for approval for PL140304 Majestic Tempe.

Vice Chair Kent seconded the motion for approval of PL140304 Majestic Tempe.

The motion passes 7-0.

REGULAR MEETING AGENDA

8. Requests for an Amended Planned Area Development Overlay and a Development Plan Review consisting of a new mixed-use development containing 273 apartment units, 4,500 square feet of retail space, and 4,600 square feet of live-work space within a five-story, 69'-6" high building for **SOUTHBANK LOT 1 (PL150102)**, located at 1200 East Rio Salado Parkway. The applicant is Huellmantel & Affiliates.
9. Requests for an Amended Planned Area Development Overlay and a Development Plan Review consisting of a new mixed-use development containing 272 apartment units and 5,071 square feet of retail space within a six-story, 84'-5" high building for **SOUTHBANK LOT 6 (PL140463)**, located at 1190 East Vista del Lago Drive. The applicant is Huellmantel & Affiliates.

Chair Webb states that there are two items from the agenda, items number 8 & 9 (Southbank Lot 1 & 6) were requested to be continued to 06/23/2015.

Commissioner Tinsley moved to continue items 8 & 9, Southbank Lot 1 PL150102 and Southbank Lot 6 PL140463 to DRC 06/23/2015.

Commissioner Barger seconded the motion.

The motion passes 7-0.

3. Request for a Development Plan Review and Preliminary Subdivision Plat for a new single family subdivision consisting of 94 dwelling units for **RHYTHM (PL130327)**, located at 9330 South Priest Drive. The applicant is Chris Jones of Andersonbaron.

Staff Diana Kaminski presented PL130327 Rhythm. She stated that project is located south of Warner Road on the west side of Priest Road. It was zoned R1PAD to accommodate 94 detached units. This project is a section of the same project that is being proposed in Chandler. She described the locations of the portions for Tempe and Chandler on the overhead. She stated that she has had some input from the residents in the area, and they are supportive in the design of the project.

Chair Webb stated that they would like to hear the presentation from the applicant.

Vice Chair Kent wanted to know where in this process the applicant was with Chandler.

Ms. Kaminski replied that they are going to have a hearing with Chandler on June 17, 2015.

Vice Chair Kent asked if it is a slightly different process, in regards to zoning and design.

Ms. Kaminski said that she didn't know their process but believes they do it all at that hearing and doesn't know if the project moves on to Council.

Chair Web asked for the applicant to come up.

Andy Baron with Andy Andersonbaron, represents the applicant Mattamy Arizona LLC and is the landscape architect and planner on this project. He stated that the project has 94 units on the Tempe site and 281 units in the Chandler site. Mr. Baron used the overhead to explain and display the location and area's surroundings on the site. He expressed that the site has gas lines that runs through Knox Road at an angle. He states that the site of the gas line has to be preserved and the development cannot impact it in any fashion. He describe that there are open trails and passive open space planned in that area as wells as engaging active recreation elements on the edges. Mr. Baron explained that the city has an open CIP program on the canal line and the developer is providing public access

through the community that is not gated and is free movement. It meets the City's trail specifications in terms of lighting, pavement section, trail concrete access, landscape and other parameters it requires.

The primary access is off the Priest Road alignment. It has a full gate and movement entry.

The materials that are used in the design of the gate are tile and steel. The momentum is a low profile reverse lantana halo lid steel panel which will be behind to PUE on the Priest alignment at the Tempe entrance. There is another one located at the Chandler primary entrance.

Mr. Baron stated that the Chandler site has full access on the Lisa Lane. There will be a traffic signal located at Lisa Lane and there is an exit only and it serves as the emergency fire access, no resident access. There are several other types of products at the Chandler site, Alley way product, Condo site, and Loft product

These products complement the Casitas and Villas on the Tempe site.

Architecture stand point is to maintain the character of the three story product.

Chair Webb stated that he was disappointed that none of the elevations or plans of the Chandler site were included in the packet for the Commission to evaluate the whole project.

Mr. Baron stated that he is happy to go through that with him but stated that it was something that the applicant and developer didn't think of including because it was a Tempe product.

Chair Webb expressed that the Commission has more information from a year ago when they worked on the zoning for it.

Mr. Baron stated that Chandler does review zoning and design review at the same time. He explained that they have a PAD and PDP requests applied which goes to planning and zoning on June 17, 2015. Once it passes that Commission it will be sent to City Council for approval. The City Council adopts that at one hearing and then a second for a final.

Mr. Baron summarized the plan design of the Condo and Loft projects in the Chandler site.

Commission asked if there were any additional elevations for the Tempe site.

Mr. Baron replied the elevations that you see, is what is being offered to the public.

Chair Webb asked what the side setbacks are.

Mr. Baron expressed that he believes the setback are 3 foot on one side and 10 foot on the other side.

Mr. Baron explained briefly the design of the Villas. The Villas have the front doors on the street and parking on the street, alley ways, and driveways on the rear.

Mr. Baron discussed the amenity facility that is in the central part of the project near Lisa Lane.

Commission Thornton asked if there is gate at Lisa Lane.

Mr. Baron replied yes, there are vehicular gates and a fountain at the front entry at Lisa Lane.

Mr. Baron explained the elevations of the Tempe site. There are three elevations and the solar shading on the window, worked with staff with the colors schemes, front door color options, shading options, lighting that compliments the design of the product. There are three elevations with color schemes. He stated that the landscape design complements the character of the product.

Commissioner Kent asked how the phasing going to work between the Chandler and Tempe sites is. What is the phasing schedule of residential build and sale of the homes?

Mr. Baron introduced Jose Castillo to answer the questions.

Jose Castillo is the land developer of the project. He advised that they haven't set up the parameters of phase 1 and phase 2. Logically phase 1 would be along the gas line but still working with engineers on how that would work. They will phase the development with Tempe and Chandler together and try to keep them on the similar path through approvals. Overall, all three entries will be built in the first phase, all the masquerading will be done in a phase, all the walls will be done along the parameter. As far as sales for the houses they will put up a couple spec homes, then sell them and build them. There will be a model home park in Chandler. No pre-plotting in Tempe for the floor plans.

Chair Webb asked why there is only one elevation.

Mr. Castillo replied that the overall community wanted a uniform feel as opposed to several different themes.

Chair Webb asked if Mattamy Homes ever built a one elevation plan in Arizona.

Mr. Castillo replied not to date and said that this is the first one.

Chair Webb pointed out that in the packet there was no mention of any energy efficiencies.

Mr. Castillo advised that they are using energy star and will be a gas community. Also a 2x6 builder standard, typical glass windows and shading on the windows.

Chair Webb wanted to know the herz rating.

Mr. Castillo said that they don't have that information at this point.

Vice Chair Kent asked about how close the houses are to the street.

Mr. Baron replied that the footprints of the house have some variation. In Chandler, some of the driveways will be shorter. In Tempe, it will be more consistent because the houses are more traditional.

Vice Chair Kent asked how far the sidewalk would be from the first plan of the building.

Mr. Baron said in Tempe, they are allow to get in about 8 feet of the sidewalk and can bring the living forward and build the drive way to park a car on it without it hanging on to the sidewalk.

Vice Chair Kent asked how the house sits on the lot.

Mr. Baron advised 5 and 5 feet setback on the center of the lot. The front of the building is 10 feet to living and 6 feet on the casitas.

Commissioner Langston asked what would be the price range on the single family homes.

Mr. Castillo replied on the Tempe portion it would be in the low 3's (\$300,000.00).

Vice Chair Kent asked on the landscape plans, what is going to be deteriorated gravel and what is going to be turf.

Mr. Baron advised the turf will occur in usable areas and the entire gas easement is going to be turf from a recreation stand point. There will be rock (dg) along the Priest alignment entry area and will be fairly dense. There are small trees underneath the power lines. This is a retention base.

Vice Chair Kent asked if the landscape in the front of the homes is turf.

Mr. Baron replied that they haven't worked on that and that they are doing landscape packages. There will be canopy trees along the lot and it's up to the homeowner to put them in the backyard.

Commissioner Langston asked; what is the function of the Earnhardt dealership right behind the property that will be built there (repair?).

Mr. Baron stated that it's the service station in that area but is unsure precisely what work is done in that exact area where the homes will be. There is an 8 foot wall on that edge and a landscape setback because of the trail that is there. There will be a lot of canopy trees based on the City of Tempe landscaping requirements.

Commissioner Langston asked if the applicant heard from the dealership when they made their application in Chandler.

Mr. Castillo said that they have been in contact with the dealership for many weeks now and the developer's Vice President contacted the dealership and they did not have any issues with the project.

Mr. Baron displayed a plan showing the lots next to the dealership, he wanted to point out the amount of landscape between the dealership and the project which is a large amount from a visual standpoint but did he did not have any information pertaining to the amount of noise.

Commissioner Spears asked if there will be walls separating the lots outside and back.

Mr. Baron replied on this product, yes.

Commissioner Spears asked where about the locations of the wall in front of the property.

Mr. Bargon said that the side yard return wall is behind the living entry space. Mr. Bargon said that he doesn't have information for where the utilities will go and that it may be on a case by case basis when each house is built.

Commissioner Spears asked if there would be fences that line between properties.

Chair Webb asked are you going to pair up driveways.

Mr. Castillo replied that it would depend on a case by case due to what is asked from the civil point of view if they ask for a driveway cut.

Chair Webb asked if there are five colors for the front doors, are they pre-plotted or does the buyer get to select the color.

Mr. Castillo replied that it's a buyer's selection, three options per color scheme per door.

Chair Web asked if the applicant would introduce more colors into the color schemes because there isn't much variety for one elevation.

Mr. Castillo said that the thought process was based on the request of the community to be more uniformed. He also stated that the community has not had any issues with elevations of the product that was presented to them.

Commissioner Tinsley asked if the applicant was asked by the community any concerns about the name of the project.

Mr. Castillo replied that he did not know.

Commissioner Tinsley asked do they know why they are calling it Rhythm.

Mr. Castillo said that the idea was that uniformly that it had a specific "Rhythm" to overall area and to development itself.

Chair Webb expressed that he couldn't find any information on the materials for the driveways and individual home.

Mr. Castillo explained the project will be concrete.

Chair Webb asked if they would have pavers

Mr. Castillo said no that he had not thought about that and the building part put that option out and he stated that he didn't hear them offer any pavers. Usually, it would be a standard if they were going to use pavers.

Chair Webb asked Mr. Castillo if he would be ok to use the option of having pavers as a stipulation

Mr. Castillo said that would be fine.

Chair Webb asked what the standard features in the home were.

Mr. Castillo replied that he does not know the standard features in the home. He said that no one knows at this point because no one has specified the interior details of the house yet.

Commissioner Barger asked is the overhang of the eaves are large.

Mr. Castillo explained that they appear to be about 12 inches.

Commissioner Barger asked if the applicant would be willing to have wider eaves on the projects.

Mr. Castillo replied yes, they would consider it.

Commissioner Barger asked if the applicant would consider a 24 inch eave.

Mr. Castillo advised that they may not be able to do that due to the fire code because it's getting close to the property line.

Commissioner Barger suggested for the applicant to put on a fire rated eave

Mr. Castillo replied that they probably could do it in the front, but on the sides it may be prohibited.

Commissioner Barger asked what if they added a stipulation that eaves could be between 18 to 24 inches wide and that the builder could work with staff to accommodate.

Commissioner Barger asked if the scoring is intentional or part of the elevations.

Mr. Baron advised that it's actually a metal screen that goes in and that it's an architectural detail.

Commissioner Barger asked if the windows that aren't surrounded by thicker material, are they recessed into the stucco or are they at the face of the stucco.

Mr. Castillo replied that they are at the face of the stucco.

Commissioner Barger asked if the applicant would be willing to stipulate reassessing the windows that aren't automatically recessed by the materials.

Mr. Castillo advised that the windows already have a screens around them. The architecture team prefers to not reassess.

Commissioner Barger refers to plan 1 and plan 2, is the area is big in the production walk way.

Mr. Castillo advised yes, it is a narrow space and they have to be aware of the plant material that goes in there that can create some softness between the hard edges.

Commissioner Barger asked if they would be willing to consider a stipulation for walk way that could not cross back across the front yard

Mr. Castillo and Mr. Baron agreed that it's is reasonable to consider that stipulation.

Commissioner Barger referred to the site grading, is there any way to soften the grading in the areas and how deep below to the adjacent streets.

Mr. Castillo stated the retention areas are already squeezed as far as they can be for the site area. It would be really difficult to try and change the layout of those basins as they sit currently on the plan from an engineering point of view. They are really limited because of the gas line. The basins are between 3 and 4 feet below street.

Commissioner Barger asked if they would be willing to accept a stipulation that the basin could not exceed below 4 feet.

Mr. Castillo said that he would have to confirm with engineering first because he did not have the grading plan with him so he is unable to confirm right now.

Commissioner Barger referred to the walk along the southern boundary of the Tempe portion. The walk way doesn't seem to continue across the cul-de-sac to reach Priest.

Mr. Castillo confirmed that there is a connection there that does reach to Priest.

Commissioner Barger referred to the walls along Priest, why are the walls taller at the gates.

Mr. Castillo advised that this is something that staff brought up and it was changed on the construction documents. They did bring the height of the wall down to be in scale with the rest of the walls at 7 feet.

Mr. Baron confirmed that the basins are currently sitting at 4 foot.

Commissioner Barger refers to the landscape plan; there is a road way over the gas line on exhibit 31.

Mr. Castillo said that Tempe fire required a secondary access point through that space so that there is another route through that location.

Commissioner Barger asked if there is anywhere in that area to provide a sidewalk connection.

Mr. Baron agreed yes they can do that.

Chair Webb asked if the applicant considered this a high quality home.

Mr. Baron replied that they would consider all their products as high quality.

Commissioner Spears asked on the side of selling of the homes, how customers who want the same options on their homes but can't be built next to each other be helped.

Mr. Castillo advised that the customer would be directed on the lot that would allow their choices and options and that parameters would be set for the sale team on certain situations to avoid those conflicts.

Chair Webb expressed his concerns that the developer would need to pre-plot this development.

Mr. Castillo accepted that concern and advised Chair Webb that if that is what he wants then they could pre-plot.

Commissioner Langston asked how to avoid having the same product next door or across the street from each other.

Mr. Castillo advised if elevations is the real concern here then he is willing to work with staff to create another elevation.

Commissioner Barger referred to the landscape plan and asked if the applicant would consider the stipulation that some of the alter area be continuous with the side walk to provide access.

Mr. Baron advised that it is reasonable.

Commissioner Barger asked staff if there is a "mechanism" to enforce conditions on building similar house with the same options next door or across the street from each other.

Staff Diana Kaminski stated that in the staff report in general condition number two states that the CC&R's require that no two houses should be painted the same next to each other.

Commissioner Barger asked if this could be enforced by the city not the CC&Rs.

Ms. Kaminski advised that Building Safety may review that thru a pre-pot plan

Mr. Castillo advised that they would come in with a pre plot plan but would have to be conditioned as part of this request.

No public comments.

Chair Webb opened up for discussion.

Commissioner Barger expressed that he like the idea of bringing contemporary architecture to single family homes but is concerned with elevations to plans and colors. He appreciate that the applicant is willing to work through some stipulations with the commission.

Chair Webb expressed that he agrees and appreciates that the builder is willing to move forward with this project but his concern is lack of diversity in the neighborhood. He would like to have the applicant come back in a month to make the suggested changes adding another elevation, looking at color differences, and reviewing pre-plots. He is hoping after that review then to be excited about moving this project forward.

Commissioner Spears agrees with Chair Webb and is not comfortable with the project. There are too many variables that are being asked to leave with staff.

Vice Chair Kent concurs with Chair Webb and Commissioner Spears, there is a lot of detail here that doesn't have good answers. He likes the project in general, the diversity of the project on the Chandler side with the Tempe side. He would rather see everything in the project tied together and all issues addressed.

Commissioner Langston agreed with the entire commission and asked if they could come back in two weeks instead of a month.

Chair Webb said no.

Commissioner Tinsley moved to continue PL130327, one is the PLAT and one is the PAD, continues to July 14, 2015 and would like to have the Architect attend the meeting.

Commissioner Thornton seconds the motion.

Motion approved 7-0.

Applicant to repeat all the conditions and stipulation discussed:

Additional elevations for Tempe

Pre-plot plan

Color Scheme Review

Eaves and Turf connections

Wall changes

Answer questions on standard options

Energy efficiencies exhibit

Use of the north side of the Earnhardt side

Have the Architect here

Paved driveways

Multi use path continuing to Priest

Sidewalk at the fire crossing at 55th place

Sidewalk to the front door not the front yard

4. Hold a public hearing for an appeal of the decision by the Hearing Officer to approve Use Permit ZUP15014 to allow a new 65-foot high (to top of fronds) monopalm and equipment shelter for **COUNTRYSIDE CELL TOWER (PL140480)**, located at 1730 East Warner Road. The appellant is Jim Schantel.

Chair Webb called up Countryside Cell Tower PL14480

Staff Karen Stovall presented that this is an appeal of a decision of the Hearing Officer made on April 21, 2015 of a Use Permit to allow a 65 foot high monopalm for Countryside Cell Tower the site within the existing shopping center at the NW corner of McClintock Drive and Warner Road. The monopalm will be located along the north property line and approximately 100 feet west of McClintock Drive.

Appellant James Schantel, Tempe, is assigning Ron Starling to complete the presentation.

Ron Starling, Tempe, is a property owner within the 1000 foot notification for this project. Mr. Starling states that this is the 3rd hearing regarding this cell phone tower including several emails that have been submitted and many neighbors are here to speak about the cell tower. Mr. Starling noted the first hearing that the applicant changed the height of the cell phone tower from 75 feet to 65 feet with a very large trunk with many receivers in it. The neighborhood was very concerned with that and had many questions. The first hearing was continued on. At the second hearing all the neighbors came back to oppose to the request of the monopalm. When the hearing moved to approve it the neighbors gathered the funds together to appeal the approval. Mr. Starling expressed that the

shopping center is vacant. He stated that the applicant claims that the "cell phone people" have requested him to put up the cell phone tower and that he needs the approval to put up the cell phone tower to be able to talk to the "cell phone people". Mr. Starling expressed that during the Hearing Officer hearing that the other requests to put up monopalm were represented by those cell phone companies and they selected locations that were noncontroversial. Mr. Starling stated that Warner and McClintock already has two cell phone towers. He and the neighbors have not found a single intersection in Tempe that has 3 out 4 corners that have a cell phone tower on it. If this cell phone tower is approve 3 out 4 corners of Warner and McClintock will have cell phone tower on it. This one will be the one closest to the neighborhood and will be the tallest. Mr. Starling expressed that he and his neighbors are very proud of their neighborhood. Mr. Starling explained that another detail of the cell phone tower that is bothersome is the location of the cell phone tower. He stated that it is located right about 4 to 5 feet of property line. The adjacent property of the cell phone tower is a church. The church has no intention of selling or developing the property at this point. It's a vacant lot. He feels that the person putting up the cell phone tower should have the obligation to locate it in a manor where if additional landscaping is going to be required to hide that cell phone tower or at least provide things around it that will block the view if it's on their property. At this point the applicant is depending on the church or the homeowner to hide the view because they don't own any property between the cell phone tower and his property. Mr. Starling explained the location of the cell phone tower by picture of the trees, fence, and area on the overhead. The picture showed the lack of landscaping to hide the cell phone tower. Mr. Starling explained that the applicant's pictures gave a bad representation of the location of the cell phone tower. He stated that he and his neighbors offered to the applicant to move the cell phone tower to the other side of the shopping center where more trees are located and they would no longer object. He stated that the city wouldn't approve it. Mr. Starling displayed a picture on the overhead showing his house, church property, and the surrounding area. He said there is nothing that will ever be put up to block the view of the cell phone tower because the applicant does not own the property. Mr. Starling spoke about a well that the city had installed for a period of time. The well was located 85 feet away from where the cell tower will be. Mr. Starling displayed a picture on the overhead to show the well and the cell tower where the same height even though it was farther away.

Mr. Starling emphasized the visual negative impact that this cell phone tower will have in this neighborhood.

Mr. Starling explained that this monopalm will be big enough to carry 3 vendors and will be large enough for a person to fit inside it. Mr. Starling pointed out that no vendor has come in support of this monopalm.

Applicant, Eric Hoffman, RF Engineer, he has over 20 years' experience. Now he is on his own as a private company for up to 8 to 9 years. Mr. Hoffman explained that the pole is 36 inches and has been detailed to the city requirements. He assured that nobody climbs inside them. There are two antennas that go into the lower side of the pole and the upper one that goes to the outside of the pole. There are approximately 81 fronds that will cover the top of the tree. This is not a speculative tower. Mr. Hoffman says that Verizon came to the property owner and asked to have a tower put on his property. Then the owner called him to put up the tower. He builds towers with leases not speculation towers. His conditions included that he cannot pick up a signed lease from a carrier without a building permit. He is required to build multi carrier towers. It's a stipulation in the code. He stated there are two other towers in the area with their own carriers. He also explained that this area is going to need to carry additional carriers. Mr. Hoffman expressed that he has been working with the city for 6 months changing and updating his plans. He claimed to have agreed to all conditions and stipulations for everything that has been asked for. He said that the Hearing Officer was in favor of this monopalm because neither the church nor the shopping center was up to code for landscaping. The Hearing Officer said that the neighbors could address and ask the church to bring their property up to code. Mr. Hoffman advised that he would be willing to help bring the landscaping up to code with trees and plants. Regarding the sale of the property, he is not concerned with that because he is not the owner of the property (shopping center). The cell phone tower is not part of the sale of the property. Mr. Hoffman said that Verizon requires building a shelter inside that retention wall and they require 900 feet of lease area.

Mr. Hoffman addressed the complaint that his drawings are not up to scale. He said that they are up to scale. His photos and drawings where completed by a nationally licensed engineering firm, Kimberly Horn. His drawings were surveyed, leaser shot, visited walk, and there is nothing that is not to scale. The closest point from the tower to the back where the 3 palm trees are which is the back wall to the property line is the shortest point to any house is 490 feet and that is a surveyed measurement. He stated that the well was 10 feet from his site not 85 feet. Mr. Hoffman displayed pictures on the overhead to further discuss and explain his monopalm. Mr. Hoffman explained how the

Hearing Officer expressed that she did her research on the monopalm's proposed location and real estate findings. He said that she expressed that she didn't find any research or findings that this monopalm would affect real estate values or issues.

Commissioner Thornton asked Mr. Hoffman if he owned that little piece of land. Mr. Hoffman replied no. It's owned by the shopping center owner.

Commissioner Thornton asked if the lease would be between Verizon.

Mr. Hoffman explained that the lease would be between him and the owner of the property and another lease between Verizon and himself. Verizon would sub lease part of the land and space on the antenna.

Commissioner Thornton asked if he has two other users lined up.

Mr. Hoffman replied no. He explained that when these poles are built, they are built with an "anchored tenant" then other carriers will have an interest in it.

Commissioner Barger asked does this tower have taller fronds sections

Mr. Hoffman replied yes. This tower will only be 62 feet. The fronds for this pole will be welded on to the monopalm. He wasn't sure how many fronds will be at the top of the monopalm but it will be built to scale and will not go over the conditions that have been set for him.

Commissioner Barger asked if there is a property manager. Who manages and maintains the fronds.

Mr. Hoffman stated that the owner of the lease has that responsibility. He stated that there is management property out there that can inspect and repair the monopalm. The carriers have technicians out there every 3 months and they are very particular about their equipment and they would report anything that would need attention.

Mr. Hoffman explained that there are no ladders out there and that the technicians use cranes or strap-ons to climb the poles.

Commissioner Barger asked if there was a better way to disguise these poles.

Mr. Hoffman explained that radio frequencies have to be sent to particular height. There is no technology available to make the equipment for the cell tower smaller at this time.

Commissioner Barger stated that the neighbors would accept the tower if it was between Warner and the buildings.

Mr. Hoffman replied that he doesn't own that property by the bank or the 711. So, he doesn't have access to that property and he still needs 900 feet of area.

Commissioner Barger asked if he would consider a stipulation that this is the complete built out of this tower and there no other enlargements of this tower.

Mr. Hoffman replied that he had no issue with that as long as he can have the area that is already requested.

Vice Chair Kent asked if Verizon has equipment on that corner now.

Mr. Hoffman replied no.

Vice Chair Kent asked where the closest Verizon is.

Mr. Hoffman answered there are a few of them about $\frac{3}{4}$ of a miles.

Mr. Hoffman advised the Commission that he does have a letter of commitment from Verizon but not a signed contract lease yet.

Commissioner Thornton asked how much does Mr. Hoffman make at building cell towers.

Mr. Hoffman advised that he gets a brokers fee and he states that he doesn't make hundreds of thousands of dollars. He gets back enough money to pay for his expenses and whatever the amount is when the tower is leased and sold. Mr. Hoffman said that this tower will have a reduction in value because of the other two towers in the area.

Commissioner Thornton asked if he can sell his lease of the tower.

Mr. Hoffman replied yes, there are national companies that buy already built towers.

Commissioner Thornton asked if he would be willing to come up with a landscaping plan.

Mr. Hoffman said that he believes that the City has already given him a landscaping plan that he already agreed to but he is willing to look into it further.

Staff, Karen Stovall, explained that they have pulled up the plans and contacted code compliance to address the lack of landscaping of many of the properties along the McClintock in this area.

Commissioner Thornton asked why doesn't the City of have rules for multi carriers.

Staff, Ryan Levesque advised that they always ask if there is collectability for those requests and in most case they encourage collocate. One of the requirements in the code allows for administrative faster process of a collocation to a lesser height that is allowed at a certain facility.

Vice Chair Kent asked if the infrastructure of the tower can't handle it then can they not collocate.

Mr. Hoffman expressed that this is the concern with the existing poles because there is no way to collocate because there is not enough height and the structure of the pole is not supportive.

Open up to the public

Judy Tapscott, Tempe, is not a member of Warner Estates. She lives in the neighboring community. She states that she is the Chair of her Neighborhood Association and they have been making many neighborhood improvements in her community over the years. The latest improvements focus on the right of ways of Warner and McClintock. They have been improving the landscaping, exterior walls, and the park within the community. She is here to support the appeal of the cell tower. She believes it does not fit the community's look and feel. Her concern is that it jets far and above where the two cell towers exist. She urges the Commission to uphold the appeal and reject the monopalm installation.

Commissioner Barger asked her if there is a monopalm on the corner of her neighborhood.

Ms. Tapscott replied yes but no one complained about it. She stated that Warner Estates has taken the lead on this and she is in support. She says that this monopalm does not support the Character of the Area.

Vice Chair Kent asked her if she is the head of her Neighborhood Association.

Ms. Tapscott replied yes.

Vice Chair Kent asked if her comments tonight are on her association or her own opinions.

Ms. Tapscott replied her comments are her's, personally, but that she has spoken to her neighbors in the recent past at social events and she has heard that not many people are in favor.

Marty Starling, Tempe, married to Ron Starling. She stated a comparison between her picture and the applicant's picture on the overhead that there is significant difference based on the advantage point of where the picture was taken. She advised that when talking about landscaping it would be along the wall of her house not near the tree and if they do plant a tree it could be almost 30 years until it matures to height. Ms. Starling states that this is not in keeping within the surrounding buildings. She stated that she doesn't see any consideration of the distance from how far from the setback is of the property line.

Suzan Schantel, Tempe, stated that she shares all the same concerns about the setbacks and 900 feet area. Her main concern is that they will not be able to camouflage the pole. It's too close to Warner and McClintock.

James Schantel, Tempe, expressed that his concern is about a program called Character Area 8. A program set forth by the City of Tempe, to keep the character of the neighborhood as it should be and to make sure to up hold property value and all the things it's supposed to do. He explained per the information provided by the Character Area plan is to convey the vision that would create a positive change in the neighborhood. It is his opinion that this cell tower is not a positive change. Mr. Schantel pointed out on his picture on the overhead the location of the monopalm. His concern is the 900 foot area and if there is going to limit delivery trucks as well as limit the secondary accesses for fire trucks.

Deborah Houk, Tempe, has lived in her Tempe home for 29 years and is here to support her neighbors. She would like to clarify a few things that have been brought up today. She would like to express her concern about compatibility. She stated that this monopalm is not compatible. It is 15 feet higher than every monopalm around. Ms. Houk expressed that there is potential for 9 carriers between Warner and McClintock and Elliot and Rural. She stated that Verizon is located at Rural and Elliot and the monopalm is shorter but knows that Verizon has a plan to make it taller. She found out about another hearing for another monopalm at Warner and Rural at St. James Church at this meeting.

Greg Medley, Tempe, he lives at Warner Estates and is the Chairman of the neighborhood group and he is speaking on the behalf of his group. He can advise that the whole neighborhood is pretty much in opposition to this even though Jim put up the money to appeal this. The neighborhood voted unanimously to reimburse him for that fee. Mr. Medley expressed that he has attended many of the Character Area meetings and thinks it's a great program to protect these groups that have unique character within the City.

Commissioner Barger asked Mr. Medley's opinion on how to place and disguise these poles.

Mr. Medley stated that it would be hard to do a pine tree but he stated that at first he heard it was going to be a giant pencil and he is not sure how that would blend in with anything.

Commissioner Barger asked Mr. Medley, what makes the monopalm across the street not stand out.

Mr. Medley stated that it is at Bashas and near the trees. He said that he didn't notice it until this process started and he thinks it's a 50 foot tower. Mr. Medley said he thinks that a landscape plan was not covered well. He thinks there is no space for a landscape plan because it is so close to the property line and they don't own that land on the other side unless the city is going to force the church to put in 70 foot palm trees all around; he doesn't know how this can be disguised.

Art Sandell, Tempe, has been a real estate agent for over 40 years. Mr. Sandell is concerned if there will be an economic impact to potential sellers of the neighborhood and what will buyers look at? Mr. Sandell explains that most buyer will look for houses on the internet and then tell their agents to take them to go see those houses when those potential sellers see that 65 foot pole out there they won't be interested. This is getting the same type of response from buyer just like power lines, vacant land, and it's extremely negative to the buyer. Mr. Sandell explains that he would advise his seller that if a buyer sees that there is a greater chance that they will get a much lower offer for that property. Mr. Sandell expressed that he thinks it's a better idea to put these towers on commercial property.

Vice Chair Kent wanted to know if Mr. Sandell thinks that the vacant land is detrimental.

Mr. Sandell said yes, it doesn't make a difference what the City has it zoned because things can change and then have a significant impact on the value of your property.

Chair Webb wanted to know how much the value would decrease of the property there would be with the monopole there.

Mr. Sandell expressed that he has seen the statistics there down by 20%.

Camila Alarcon, applicant's attorney, stated that she thinks her client presented a good case for the monopole and she is here if the Commission has any additional questions. She wanted to remind everyone that this Use Permit was approved by staff and Hearing Officer. The criteria for a zoned commercial has been met and this is a stealth application, her client has bent over backwards to mitigate the impact that it would have on the neighborhood, the separation from the property line is 494 feet, and this is in an existing commercial area.

Closed public comments.

Chair Webb asked the Appellant if he would like to highlight what he has heard and make any other statement.

Mr. Starling stated that he is a registered land surveyor and a civil engineer and structural engineer. He explained that the spacing on the wall is a total of 84 feet farther away from his property. He asked the Commission if it was ok to ask to see the letter of intent from Verizon. Mr. Starling again compared pictures to explain that the cell tower is taller than the trees in the applicant's picture. Mr. Starling suggested that the City should start enforcing multiple carrier cell towers. The city should demo one single carrier tower and have the other tower be a multiple carrier tower. Mr. Starling expressed that he feels that this is just a bad location and realized that Mr. Hoffman is just a middleman.

Commissioner Barger expressed that he thinks that the cell tower was wrongly decided that it would not contribute to the degradation of the neighborhood or the down grading of property values and that it is not compatible with the surrounding structures.

Commissioner Barger has a better understand of it would take to make this more compatible like the other two monopalm nearby. As for value, CB doesn't have or see evidence that these monopalm have degraded the value more than similar like structures.

Mr. Hoffman expressed again his rebuttal and his argument about how the appellant is incorrect about the space of the monopalm to the property line to his house and how he can't change the height below of 65 feet because it's a requirement of the carrier. As well as Mr. Hoffman stated that he is open to any landscaping that the City wants and he is very willing to work with anything that is reasonable.

Commissioner Tinsley asked Mr. Hoffman, how close Verizon requires the cell towers to be from each other.

Mr. Hoffman answered it depends on the traffic that carries from each other.

Commissioner Tinsley asked Mr. Hoffman, could he put the cell tower at Discovery Park that is a mile west of the site.

Mr. Hoffman answered no, that's way too far.

Commissioner Thornton asked Mr. Hoffman if he has a letter of intent from Verizon.

Mr. Hoffman answered yes and put it up on the overhead.

Vice Chair Kent asked why the monopalm can't go in the front of the property with the other palm trees.

Mr. Hoffman explained because the main issue is that the monopalm is required to have 900 feet of lease area. There will need to be access to the monopalm for the people that come to install and uninstall equipment and maintain the pole.

Vice Chair Kent asked if the neighborhood wasn't there where would be the best place for this pole.

Mr. Hoffman replied that the current site is still the best site. The tower is there to support the residents in Warner, the mobile traffic and the existing infrastructure of Verizon.

Commissioner Thornton asked what if more carriers don't come to use the monopalm.

Mr. Hoffman replied that first of all he wouldn't even build it if he didn't have a sign lease. He has to be committed to build it and he will meet the requirements. He is sure that other carriers will come after it's built. He stated that the other carriers will come to either him or the City to ask to use the monopalm.

Opened up for discussion-

Commissioner Barger asked staff, he wanted to know the existing height for those structures.

Ms. Stovall replied the church site is zone RO and the max building height is 30 feet and to the north is AG and that is 30 feet as well. The commercial site is zoned at TCC1 and is 30 feet in height.

Commission Langston advised that Commission and the City ask the public for their input by conducting surveys. This neighborhood has made it very clear in three different hearings that they don't want this and they are the ones that have to look at it. From his understanding, the Use Permit process is specifically for this purpose; so people can voice what is going to happen in their neighborhood.

Commissioner Spears advised that she appreciates the neighbors' concern and their specific duty is to determine if there was an error made in the issuing of the approval in the use permit. She is unclear what is more detrimental, the vacant lot or the cell tower. She is aware that everyone relies on their cell phone and wireless products but people don't want to do what it takes to provide those services.

Ms. Stovall stated that she wanted to make clear that the letter is dated April 14, 2015, which is before the Hearing Office and one of the stipulations for approval is that the antenna shall be no higher than 60 feet. The letter states that Verizon is requiring a minimum antenna center of 60 feet which would place maximum height of the antennas higher than 60 feet.

Mr. Hoffman said yes, that he does understand and did address it with Verizon and they are ok with it too.

Commissioner Thornton stated that the Commission did all vote on the Character Area and it was discussed in great length. It is currently going on in the City and it's a wonderful thing. The residents have to buy into this too. She

believes that this cell tower is an eye sore and she believes as a City that there should be approved criteria for monopalm. Commissioner Thornton is against the cell tower.

Commissioner Barger stated that Use Permit has certain criteria which gives the owner specific rights. He is not convinced that the Hearing Officer made an inappropriate judgement to something that would degrade the value of the property or the neighborhood. He stated that he values this challenge because there is a great demand for these monopalms. As for compatibility, the other monopalms have far more landscape that surrounds them and they are better insulated with that landscape in that setting. He feels challenged to condition landscaping because the zoning code requires for landscape to grow in. Commissioner Barger is impressed that the community is willing to have the monopalm installed in other suggested locations.

Chair Webb stated that Use Permit has 5 different elements for approval. It's clear that numbers 1, 2, and 5 don't have anything to do with this case. Assuming number 3 and 4 do apply to this case. Chair Webb stated that he doesn't buy it that the monopalm will decrease the value of the properties in that neighborhood by \$100,000.00 and he doesn't think it will down grade the properties either. Chair Webb stated that there is grey area for compatibility. In this case, the residents have determined that this monopalm is not compatible and believes that the Commission should reinforce that.

Commissioner Barger stated that in defense of the Hearing Officer that these issues aren't easy to handle and would like to compliment the staff on being able to individually try and to weigh these criteria's. He does not envy their job trying to decide these same factors.

Vice Chair Kent agrees that the degradation of the neighborhood doesn't hold water but from compatibility stand point he would say maybe because there are some similar structures in the area but he is also sued that most of the monopalms are in areas that people won't be looking. He believes that we do have to understand our technology needs. He agrees that there is a need to change in the code for antennas.

Vice Chair Kent moved for approval of the Appeal PL140480 in the effect for overturning the Hearing Officer decision.

Commissioner Langston seconded the motion.

The Appeal PL140480 is upheld carried 6-1 with Commissioner Tinsley in the opposition.

6. Request for a Development Plan Review, a Use Permit to allow a car wash and a Use Permit to allow more parking than the allowed maximum parking for **SUPERSTAR EXPRESS CARWASH (PL150067)**, located at 1325 West Warner Road. The applicant is John Reddell of John Reddell Architects

Staff, Diana Kaminski presented Superstar Express Carwash PL150067, this request for 2 Use Permits, one to allow car wash in the general industrial district, to allow parking in the excess of the allowed maximum space of 125% and the Development Plan Review for site plan, building elevations, and landscape plan. The site adjacent to this is an approved Express Lube from last year and is located on the south side of Warner Road. Ms. Kaminski displayed the project's exact location from a map on the overhead. Ms. Kaminski explained that she has had many conversations with the applicant in regards to color and materials through the process. The only item they couldn't agree on was that Ms. Kaminski suggested that the applicant keep the use of the natural stone slate for their tower element and some of their accent pieces. They want to use a step stone instead. The stipulation referencing the materials does not include either the step stone or the slate because she couldn't read it on the drawing. The stipulation item #12 would be modified to include either of those two materials or to match the existing site.

Commissioner Barger asked if the other building has natural slate.

Ms. Kaminski replied the Express Oil Lube doesn't have any stone on it. It has a split face CMU and different colored masonry material.

Applicant, John Reddell, with John Reddell architects in Scottsdale, stated that they have worked with staff on everything and are in agreement expect about the stone. The slate stone that Ms. Kaminski recommended is a 16x16 slate stone with a smooth surface. There is a retail center across the street that has the slate on it and it does have the step stone on it. He prefers the step stone. It has more texture on it to use on the identification areas of the columns of the front tower area and the tall architectural feature. He is requesting from the board to use the step stone instead of the slate.

Commissioner Barger is concerned about the history in Tempe of carwashes behaving badly. He wants to know from the owner what they will be using for advertisement. Can they rely on their regular business or do they need to be grabbing additional attention.

Owner, Reza Amirrezvani, said that they have 10 locations in the valley. They run very reputable business. Some locations use flags and other locations don't because the City does not allow them too. This will be a first class location and they won't use flags to promote the business. The reason they are using the tower component is to grab the attention and signage will go there. Mr. Amirrezvani used plans on the overhead to display the area in question.

Commissioner Barger asked Mr. Amirrezvani as the owner, if he will only use signage approved by City Code.

Mr. Amirrezvani said exactly.

Chair Webb asked Mr. Amirrezvani, where are the nearest locations to this carwash.

Mr. Amirrezvani explained that this is going to be an express carwash and there is nothing close by other than on Kyrene and Chandler Blvd.

Chair Webb discussed all the neighboring carwashes and the differences between the products.

Mr. Amirrezvani explained that the concept of his carwash is very fast, quick services. A third of the business is through monthly plans. The customer will have an RFD tag which is prepaid monthly by charging a credit card. It's a 3 minute carwash. The lowest plan is \$15.99/month and wash your car as much as you want.

Vice Chair Kent wanted to know does the project need more parking.

Mr. Amirrezvani expressed that it is not for parking but it's for a self-vacuum area so, people can stop to vacuum their cars and leave.

Commissioner Langston asked if there will there be people there to drive cars.

Mr. Amirrezvani explained no, no one will drive the cars. The employees will only direct the customer into the wash.

Commissioner Barger is concerned about the landscaping opportunities in front.

Mr. Amirrezvani said that they plan to keep the landscaping beautiful.

Commissioner Langston wanted to know if Mr. Amirrezvani plans to continue to own all his locations or will be franchising them.

Mr. Amirrezvani said that he will continue owning them.

Vice Chair Kent asked is the water reclaimed.

Mr. Amirrezvani explained the majority of the water is reclaimed. It goes thru oil receptor and pumped back, cleaned and used back on the car. The last process, the rinse is fresh water, they can use reclaimed water and the final rinse is reverse osmosis water. The osmosis water keeps the car from getting water spots. The reverse osmosis water is reuse.

Chair Webb opens and closes for the public.

Commissioner Tinsley moves for Superstar Express Carwash PL150067 including ZUP15050, ZUP15051 and DPR15103 including the stacked stoned as proposed by the applicant.

Commissioner Thornton seconded the motion.

Open for discussion-

Vice Chair Kent expressed his concern is more about what they approved next door and what they are approving now. This project looks pretty in the picture but once it gets in business are there flags all over the place.

Chair Webb stated the next door neighbor opened up a couple weeks ago and it looks like a disaster. He will not be voting for the project because there are 3 carwashes within a mile from this site. The area is a very nice area. He thinks that it's not compatible for the area and he would like to see a restaurant there instead.

Commissioner Barger advised that it's a challenge for him to determine if this will be a true high end product because there are businesses there in that area that misrepresent themselves as high end product and he has very little respect for those who change the way they do business.

Motion is approved 6-1 with Chair Webb in the opposing.

7. Request for an Amended Planned Area Development and a Development Plan Review consisting of eighteen single-family attached townhomes for **TEMPE PARKVIEW TOWNHOMES (PL140392)**, located at 1937 East Don Carlos Drive. The applicant is Tana Nichols, Habitat for Humanity

Staff, Diana Kaminski presented Tempe Parkview Townhomes PL140392. The site is located on the south side of Don Carlos and it's an existing PAD that came in a few years ago for entitlements but was never developed. It's in a multifamily area over in the Apache Blvd area. Habitat for Humanity came into agreement with the City to build affordable housing in this location. They are requesting for an amendment to the PAD for this site. There is a new DPR and a Use Permit for tandem parking the driveway. The applicant is reviewed the conditions of approval and is in agreement with them. Ms. Kaminski did receive a phone call and email from the property owner across the street who is in support of this project.

Applicant, Tana Nichols, Director of Land Acquisitions and Development for Habitat for Humanity Central Arizona, was awarded the RFD last year and have signed a development agreement. They have designed 18 single family homes with three stories, two car garage on the ground floor, a powder room and a den. On the second floor will be the main living space, dining area, kitchen, and a second powder room. On the third floor there will be 3 bedrooms and a full bath. There will be open space area and they will maintain the HOA. They did get some architectural interest and variety through paint colors, pop outs, windows and additional windows per staff suggestion. Habitat for Humanity serves 30 – 60 % of area needing income which is the working poor. The customers go to them for help. They have to have two year credit history, decent credit all though Habitat does look at credit scores. The customers have to put in 100 sweat equity hours and then they are able to select a home after that they will have to put in an additional 300 sweat equity hours. The work is considered their down payment. When the house is done the customer has to come to escrow with \$2500.00 cash which is considered their closing cost. The customer signs a no interest mortgage as Habitat for Humanity is the mortgage holder.

Habitat for Humanity built their 1000th home in June and they are the number one lead builder in the State of Arizona considering all nonprofits and for profits. This project will be a Leed Silver Certified project.

Commissioner Spears the 20 year affordability, how will that be monitored.

Ms. Nichols stated that there are documents that are signed at closing and Habitat for Humanity has a servicing company that services all their loans. In the case of a resale, Habitat for Humanity has the first option to buy the house back and use for a renovation home and use it for another Habitat family.

Commissioner Spears asked if the homeowner is controlled if they want to sublease the home out.

Ms. Nichols explained it's in the closing documents that if they sublease the customer is in breach of their lease and they would move forward with the trustee sale to get the house back and sell it to another habitat family.

Commissioner Spears asked if there any restrictions on the number of occupants living in the individual units.

Ms. Nichols explained they don't over fill homes. There is a fine line with making cities happy by creating all the architectural features. They are applying for grants and don't want their board to tell them that the housing is over filled.

Commissioner Barger had more questions regarding financing.

Ms. Nichols explained that they would market the home at market value because they don't want to screw what's going on with the market in that community. The difference in what the cost is for building the house minus the market value is taken on a second loan and written off as a loss. If the homeowner leaves the home then Habitat will take the home back. Many families are so grateful for this process that the homes are well taken care of. The homeowners will not be able to sell the home for profit because Habitat holds all liens to the property and homeowners are not allowed to sublease homes or conduct home businesses.

Commissioner Barger asked for more information on the flat roof designs and the exposed beams on the top side over the second floor of the garages that seem to support the third floor.

Ms. Nichols explained that the townhouses will have an HOA. The HOA will receive escrow funds to take care of all the landscaping and the roof but not the exterior structure. Their attorneys have not completed the CC&Rs but she will have them consider those items.

Commissioner Barger referred to the north façade that it is all landscape but there is almost a blank wall condition to the street on both sides.

Ms. Nichols referred back to the landscape plans, the landscape has some decorative split face block inserted in the center section with CMU on the bottom and the top. The top of the block wall has caps on it. Ms. Nichols expressed that she has been in contact with a nonprofit organization who has requested a copy of a mural that they could submit to the City that could be used on one of the front walls.

Commissioner Barger said ok to the mural but was asking about the three story building behind the front wall.

Ms. Nichols stated that they added a door on the first two units and a covered patio that "L's" around. Also, thinking about privacy they were avoiding a lot of windows. They did add windows on the east and the west to allow some light into the kitchen and another smaller window. She was trying to keep in mind affordability when adding more items to the home.

Commissioner Barger asked Ms. Nichols if Habitat has a way to reinvest in the facade and structures as Apache

changes and grows.

Ms. Nichols replied that Habitat would seek out grants for improvements or updates.

Chair Webb opened and closed to public.

Open for discussion –

Commissioner Tinsley stated that she has been asking for affordable house “WooHoo!”

Vice Chair Kent expressed that this project looks better than most of the for-profits. This is good stuff.

Commissioner Spears thinks this is a very nice project and the additional renderings. She appreciates the commitment of the city land and that there needs to be quality development. This has a great affordability factor and is a great project.

Commissioner Barger said that he really likes the program and loves the landscaping around it and it forgives all the other things that he doesn't like in the façades. He is not thrilled with the facades and worries about the maintenance but he is glad that association will be taking care of the maintenance and also thinks that it is important to keep affordable housing in the area. He is in support of the project.

Commissioner Thornton said that she is very excited for the project.

Commissioner Tinsley moved to approve Tempe Parkview Townhomes PL140392 including PAD15005, DPR15052, and ZUP15047.

Vice Chair Kent seconded the motion.

Motion approved 7-0

Commissioner Barger asked about the new use along Warner (in reference to the neighboring business of Express Lube) that business is not being run as promised, do we have a way to follow up with that with the new business owners.

Ms. Kaminski stated that we could have code enforcement go out there and address it.

Chair Webb stated that there was a huge balloon type flowing around at the business maybe it was for the grand opening.

Ms. Kaminski stated that they are permitted for a certain period of time.

With no other announcements, the meeting was adjourned 10:30 p.m.

Prepared by: Sarah Adame, Administrative Assistant II

Reviewed by: Ryan Levesque, Deputy Community Development Director



Ryan Levesque