
**Minutes of the
Development Review Commission
August 25, 2015**

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

Paul Kent – Chair
Trevor Barger- Vice Chair
Daniel Killoren- Alternate Commissioner
Thomas Brown- Commissioner
Linda Spears- Commissioner
David Lyon- Commissioner
Margaret Tinsley- Alternate Commissioner

City Staff Present:

Ryan Levesque, Dep. Comm. Dev. Director
Suparna Dasgupta, Principal Planner
Diana Kaminski, Senior Planner
Karen Stovall, Senior Planner
Sherri Lesser, Senior Planner
Sarah Adame, Comm. Dev. Admin Assistant II+

Absent:

Andrew Johnson- Commissioner
Angie Thornton- Commissioner
Gerald Langston- Alt. Commissioner

Guest Present: NONE

Number of Interested Citizens Present: 6

Hearing convened at 6:07 p.m. and was called to order by Paul Kent.

Consideration of Meeting Minutes: Postpone to next Regular Meeting

Consent Agenda: 1 Item

1. Request for a Code Text Amendment for **MEDICAL MARIJUANA (PL150267)**, consisting of changes within the Code that regulate the location and operation requirements for dispensaries and cultivation facilities in Tempe. The applicant is Bryan McLaren, Zoned Properties, Inc.

REQUEST FOR CONTINUENCE

MOTION: Commissioner Spears motioned to continue Medical Marijuana (PL150267) to September 8, 2015
Commissioner Lyon second the motion

VOTE: Approved 7-0

DECISION: Approved to continue request for a Code Text Amendment for Medical Marijuana (PL150267) to September 8, 2015.

THE BOARD DISCUSSED THE FOLLOWING CASE(S):

2. Request for Development Plan Review consisting of four single family detached homes for **19th STREET HOMES (PL150217)**, located at 647 W 19th Street. The applicant is Marcus Jacobson.

Presentation by Staff, Diana Kaminski

Presentation was presented by Power Point at the Dias
Presented location, zoning, reviewed previous application that did not move forward.
Reviewed details of current proposed project for this location
Reviewed landscaping procedures as there is no HOA for this location
Development of 4 single family homes and will be presented to the buyers as developed

No questions from Commission to Staff

Presentation from Applicant: Max Philips, Tempe and Marcus Jacobson, Tempe

Project is subdivided into 4 lots and building 4 single family homes
Great fit to the area; 1 mile from ASU; Tempe Town Lake; State Farm
Decided to build SFR due to high volume of Multifamily that is in current development

Questions from the Commission

Commissioner Lyon asked applicant to describe process for materials and color selections.
Applicant explained that colors were the first choice and they do realize that when the home sells that the buyer has liberty to change colors. They are open to any suggestion from the Commission regarding changes.

Commissioner Lyon stated that he would like to suggest adjustments to colors and asked applicant if they are open to the suggestions.

Applicant replied, yes, they are.

Chair Kent asked the applicant what are the price points that they are wanting to sell the homes at.
Applicant advised it depends on how they are going to finish it on the inside. They are going for more of an upgraded look, with white shaker cabinet with marble flooring in the bathrooms, custom marble showers, and more of a quality product. They hope to hit that \$350,000.00 mark.

Chair Kent asked what is the square footage

Applicant responded about 2,000 feet

Commissioner Brown confirmed that the vent louvers on one end of gabel and that there are trusses all the way across the booth.

Applicant agreed.

Commissioner Brown confirmed that on the street side there are little wrought iron decorative bits which could still be worked out with the ability having louver on both ends to improve that venting of the attic. He assumes that kind of adjustment will come during building permit time.

Applicants agree.

Public Comments: NONE

Discussion from Commission Members

Chair Kent expressed that he is very happy that someone is going to build single family homes in North Tempe and that it is a great addition in the area across from Clark Park. It's good to see other projects other than apartments and student housing for diversity. He would like to see a motion for the applicants to work with staff to review and modify the project, and tone down the colors of the project.

Commissioner Lyon expressed that he also likes the project. He likes that the applicant put care into the project and is adding finishes that applicant likes and it is good for the community. He thinks the floor plans work very nicely. His only one concern is the colors with the understanding that whoever buys the homes can change the colors. However,

he thinks a couple of the color schemes need a little toning down and that it could help with selling the product as well if they are safer colors.

MOTION: Commissioner Spears motioned for approval of 19th Street Homes (PL150217) with the recommendation that the applicant works with staff on the color pallet and to come up with something that is appropriate for the neighborhood.

Commissioner Brown interjected that he wants the applicant to understand that the Commission is not pressuring them if the staff and the market place feels it's a good color scheme. He doesn't think they should have to change it and that this is only a recommendation.

Commissioner Brown seconded the motion.

VOTE: Approved 7-0

DECISION: Request for Development Plan Review consisting of four single family detached homes for 19th STREET HOMES (PL150217), located at 647 West 19th Street is approved with one recommendation.

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3. Hold a public hearing for an **Appeal of the Hearing Officer** decision to approve a use permit to allow a wireless communication tower (monopalm) for **ST. JAMES EPISCOPAL CHURCH/T-MOBILE WIRELESS (PL150120)**, located at 975 East Warner Road. The appellant is Pepper Brydon et al.

Presentation from Staff, Sherri Lesser

Ms. Lesser described the case information, location, permit use, approval of permit by Hearing Officer and the purpose of the appeal of the approved permit by the Hearing Officer.

Question from the Commission:

Vice Chair Barger asked if the surrounding palms trees of the monopalms to be installed will be 65 feet in height. Ms. Lesser advised that there was a discussion at the Hearing Officer to at least install palm trees that are 45 feet in height. So, that there would be an expectation that they would grow in height eventually to blend in better.

Presentation from the Appellant, Pepper Brydon, Tempe

Pepper Brydon is a neighbor in the neighborhood of the cell phone tower.

She has distributed a letter to residents of the neighborhood.

She advised that she is representing several neighborhoods.

She advised that her appeal is based on 5 particular reasons.

She advised due to FCC regulations that she can only speak on reasons, #2, #3, #4, & #5

Chair Kent expressed to the Appellant that they have a copy of the letter which describe health concerns, unsightly towers, additional towers, inadequate signage, and additional safety. He asked her if those are the five reasons listed in the letter that was sent to residents that they have.

Appellant replied yes and advised Chair Kent that the Commission should have a letter that went to the residents to have a public forum on the impact in their neighborhoods.

Chair Kent advised the Appellant that in this hearing, there is no allowance to rebroadcasting any videos or footage without permission to use.

Appellant advised that she has permission from Elizabeth Tally who is working with 402 scientists across the world and 40 nations on this issue.

Chair Kent advised the Appellant that this meeting is on television and they can't broadcast something and then show it back out. However, the Appellant can tell the Commission about the videos.

Appellant expressed that it's a public video and is available on You Tube and the link was given.

Chair Kent apologized to the Appellant and explained again that they are unable to rebroadcast her videos at this meeting because the meeting is currently on television now.

Appellant began her presentation with Power Point

Appellant explained the reasons for this appeal and what she is allowed to talk about in a public meeting

Aesthetics

Completive and business issues that are effecting neighborhoods more and more to the tune of almost one application per month

Aesthetics affecting the skies

Presented signatures of about 30 residences from the neighborhoods in this area to represent those who thought this was an inappropriate location for this cell phone tower.

Future Tower options

Recognizes the possibility that an agency or an agreeing party will have the option to create more leasing or another cell phone licensing

Lack of adequate informed consent and signs

Sign on Rural Road was flatten during the time of the pending Hearing Officer hearing as well as during the time period of the appeal

Commissioner Spears advised that there was a neighborhood meeting that was held on May 14, 2015 and there were 2 neighbors that showed up. According to the minutes, the neighbors didn't have any issues with the cell tower and they are church members too. Commissioner Spears asked the applicant if she was aware of the public meeting. Appellant replied that she was aware of the public meeting and she was aware that the deliberation between the church and some of the residents was about putting trees in but the cell phone tower never came up during those meetings. She did not know about the main meeting and did not attend. Appellant stated that out of 25 homes that she visited only two didn't care about this issue.

Commissioner Spears asked the appellant again if she was aware of the public meeting held and that there was a posting for the original hearing with the Hearing Officer. Also, in terms of the public notice the appeal sign maybe down but there were signs included.

Staff, Ryan Leveque advised to the Commission that the request for the neighborhood meeting required the posting of the sign which is over what is required for city staff to do. There have been concerns in the past from previous applications for a cell tower, so staff asks the applicant to provide a neighborhood meeting to get input on this location. The applicants did agree to this request. He added that hearing signs go up and get knocked down occasionally. Staff makes their best efforts to keep the signs and maintained.

Safety

Appellant recited a letter from a resident to Commission in favor of the appeal.

The letter gave a suggestion on how the City of Tempe should address monopalms.

Creating an urban plan of how many towers are acceptable and what is the benefit in the long run.

Concern should raise awareness of this trend and create a study of cell towers plotting for profit.

Questions from the Commission:

Commissioner Brown asked the appellant if she owned a cell phone.

Applicant replied yes, and she protects herself by keeping it far away from her and she does turn it off including the Wi-Fi but a tower is permanent. She stated that this is how the neighbors felt too. You can't just turn off a tower. It's there 24hrs pulsating at you.

Commissioner Brown agrees with Appellant and states that the cell towers are all around Tempe and if this is a public health issue, he would like to know what the avenue is or who to contact to bring forward as a public health issue.

Commissioner Spears expressed that one of the reasons that the Commission is seeing so many cell towers is because everyone has a cell phone, uses wireless internet and the electronics that require transmissions. That's why the locations of the towers are where the heaviest uses are. As a body, yes, they have discussed those kinds of issues and not specifically as they relate to public health because she doesn't know if the city has an answer on that but certainly the reason why we have so many towers is because of the demand of usage.

Chair Kent advised that the Commission is in a quasi-judicial hearing; to look at the approval criteria used to approve the permit. Chair Kent asked appellant if she had any comments regarding the cell tower that would impact the listed approval criteria.

Appellant replied certainly compatibility and property values.

Presentation from the Applicant: Dave Ullrich, Tempe

Applicant advised that the video that she refers to is a good video however; it refers to an existing set of antennas that is on top of a building. The main point of the news piece was that if a person is standing directly in front of the antennas, it's an issue.

This is a tower and no one will be standing in front of it.

This tower will meet all FCC guidelines.

Regarding aesthetics, he has contracted with The Larson Camouflage Group out of Tucson for design of the tower.

He will be putting in very tall trees along the Warner frontage.

Regarding deterioration of property values, it's really unknown how much cell towers affect property values all professional have different opinions.

The applicant worked hard at finding a location for the cell tower – researched many different locations prior to this final choice. The applicant showed a map of the various locations that were considered as part of this project and also where the existing T-Mobile cell towers are in this particular neighborhood.

Did hold a neighborhood meeting

Invited people within 300 feet

Only one person in that meeting lived within that 300 feet – mildly opposed, but only wanted to know what it was they were talking about, what it was going to look like. When his questions were answered, then he was neutral about it.

A second resident who attended thought it just wasn't very attractive either but he was advised that there was one already on the NW corner of Rural and Elliot that is 1 mile north of this property. The resident didn't know that the cell tower was there.

Chair Kent interjected about the cell tower on Rural and Elliot, and asked if it is that the one in the parking lot, in the front of the

Applicant advised yes sir, it's the one behind the gas station and the Dairy Queen.

Chair Kent asked the applicant to explain what the other dots are representing on the map.

Applicant replied the other dots are existing towers in the area, some T-Mobile.

Chair Kent asked how many of the dots are co-located with other carriers. Are these dedicated for T-Mobile towers or are they multi-tenant towers

Applicant replied that he is not sure if he can answer that but he thinks that most of them are their own towers and this tower will only be maintained by T-Mobile and not presently going to be co-located upon.

Chair Kent asked if this tower will have the ability to have the maximum amount of antennas on this pole at construction or is there available space for future expansion.

Applicant replied a palm tree of this nature is called a pineapple and that would be the small ball down below the main set of fronds and could be available for what is called a small cell. A small cell has smaller antennas not quite as large as the ones they are proposing.

Chair Kent asked applicant to explain, why does the city needs more cell towers?

Applicant replied that the need is derived directly from the high demand for more data usage from their customers. This area is having a lot of dropped calls and difficulty of keeping the calls due to the lack of data available to them.

Commissioner Brown asked about the tower at Kyrene Middle School.
Applicant advised there is one at the Kyrene Middle School but that it's an AT&T site.

Commissioner Brown asked the applicant, is he proposing to put up a tower that is 1 ½ mile from another tower
Applicant replied yes, and then showed the map that illustrated all the current towers that are nearby as well.

Commissioner Brown asked when the cell towers will reach saturation.
Applicant replied when new devices require more power but he really couldn't answer the question.

Commissioner Brown asked if there is a concern for electromagnetic radiation
Applicant replied that there are towers at a lot of different grade level schools and they all meet FCC guidelines

Commissioner Brown asked if you get twice as far away does the energy dissipate by a sphere
Applicant replied yes the closest home to this tower is about 350 feet to the south and to the north it's about 600 feet, to west its about 550 feet, and to the east its about 725 feet. As for the news article, it was referring to the potential health risks if you are standing 10 to 15 feet away from the antenna.

Vice Chair Barger offered a condition; that this tower would be considered complete as approved.
Applicant advised that when doing a tower of this nature it is meant to be for one carrier. Cities usually want the towers to co-locate. T-Mobile is not building this with the intent of co-location specifically.
Vice Chair Barger advised applicant that the question is based on prior research that this has been done in the past for situations like this.
Applicant advised yes, he would be open to the stipulation upon approval.
Vice Chair Barger referred to the aesthetics of cell tower, advised that the cell industry has a difficult time accommodating the requests of Commission and the City.
Applicant replied that the signal has to have "eye to eye" with the phone and it doesn't go through buildings very well. Even the Eucalyptus trees could have an effect on the cell phone's reception signal and it doesn't travel underground either.

Vice Chair Barger asked if a designer was hired the design of the tower or was one picked from a catalog.
Applicant replied no, they have been working with Larson Camouflage a lot and they do have the best designs out there.

Commissioner Tinsley asked if this location was selected after searching several others potential sites.
Applicant answered yes

Commissioner Tinsley asked, if they were to move the cell tower 2 miles in any direction that wouldn't do the job that you want the tower to do, is that correct?
Applicant answered yes, that is correct.

Commissioner Tinsley confirmed that he is limited by the property that is available and by the reaction of the neighbors that want their cell phones but they don't want the tower.
Applicant replied that the issue with moving 1 mile in either direction is that they already have a tower in those directions.

Commissioner Tinsley asked has there been any industry discussion about co-location to reduce the number of towers
Applicant replied, I am sure there has and they do when looking at properties that they could co-locate on to.

Commissioner Killoren asked the purpose for allowing you to construct a cell phone tower on their property
Applicant advised that the church would be compensated. He doesn't know what that compensation is. It's enough money to do something with but not going to make the church run. It's not that kind of money but a little bit of money to do extra programs or do a couple of special projects around the church.

Commissioner Killoren asked if it's fair to say it's a consistent revenue stream and that the property owner is not required to do service operation or maintenance of the facility

Applicant advised that T-Mobile would own and maintain the tower and a technician would come once a month for check on service and maintenance issues; the main reason they end up building at schools was because they have the space.

Commissioner Brown asked how many fronds are there if this goes forward. He wants it to look better than the one that is 1 mile north.

Applicant replied that the amount of fronds depends on what the city has asked for and they do what the city asks for.

Chair Kent confirmed that the applicant will build what is in the plans and with that number of fronds.

Applicant replied yes.

Chair Kent expressed that they would like to have more co-locating instead of having to determine where the pole should be put up. He thinks this is definitely an issue and needs to be dealt with in a better way.

Public Comments: 3

Rose Jeffery, resident who is in favor of the appeal because of aesthetic issues.

Kim Gillespie, resident/member of the church who is in opposition of the appeal and expressed that the church has worked extensively with the applicant including the aesthetic issues.

Randon Maughan, resident/member of the church who is in opposition of the appeal and expressed that he does not have any concerns about the location and aesthetics with the proposed project.

Discussion from Appellant regarding responses:

Ms. Brydon expressed that every speaker that came up to speak mentioned a FCC regulation rule of 1996 that does not allow the public to speak very strongly about the most impelling issues.

Request the Commission to remember the location, the plotting of cell towers, preschool, the church, the population, and the neighbors. There are quite a few neighbors in the area.

Ms. Brydon stated that she researched that very Verizon cell tower that goes up and T-Mobile needs at least 10 to 20 more towers in regards to the shortness of the waves and that T-Mobile is applying for more bandwidth frequency at lower levels.

Discussion from Commission Members

Vice Chair Barger expressed that he has own personal concerns about what people have stated about electricity and transmissions but this is the world that we living in. Before the Commission today is not about whether the rules are correct but the question is about if the rules as they are stated are applied correctly to this site and location which is a much easier issue for the Commission to deal with even though there are much bigger questions out there which are not purview of this Commission. When reviewing the rules that go around the tower, it suggests that any property owner within the City has the right to install a tower if it meets set conditions and as such many have taken advantage of this already and there are likely to be more. He thinks staff and Council did look at ideas of what is appropriate and how it's appropriate but when looking at the particular rules on the topic of increasing vehicular and pedestrian traffic, nothing about the tower suggests that it would do that; the emissions arising from motor, dust, gas, noise, vibration, smoke, heat, and glare. There was a conversation of health and safety but no compelling evidence provided one way or another about those such that it is an absolute in the decision making in this tower or 1 mile away from any other tower is or isn't doing something unusual. He is not convinced on that topic, personally. Contributing to the degradation of the neighborhood, downgrading of the property values again like other cases when looking at property values for ones closer or further from towers, it's hard to see the difference on the property values based on that factor alone. Tonight's conversation hasn't provided any additional support for or against the property values near the towers other than personal preference further or closer. Compatibility with the surrounding structures and uses, this is the one that he struggles with. To be compatible with the surrounding structure and uses there is addition of the landscape to make it compatible. He thinks the cell industry is really struggling to find ways to make their structures compatible in non-industrial sites. He doesn't think they have succeeded at making that work but he does appreciate the modest attempt and compromise by adding additional landscape in the area. The last is the

adequate control of disruptive behavior, he doesn't find anything disruptive but people using cell phones. As a result Vice Chair Barager will not be supporting the appeal of the approved permit in this case.

Commissioner Brown expressed that he thinks the health issues are really interesting. It's not in the Commission's purview and it's an issue that needs a bigger solution. He commented on the enclosure, he can't tell what the material is or what the color is. Is it stucco, block, or precast? Is the gate Opaque? The meters look like they are attached with uni-struts. Aesthetically, this doesn't meet the most basic commercial building standards but he thinks it could be stipulated to bring it in but he sees a lack of information.

Staff, Ms. Lesser explained that on the letter of explanation, they do explain the enclosure is an 8 foot CMU stucco wall for the ground electronic ground security and that will be stucco and painted to match the existing structure. Commissioner Brown asked if he can assume that the top of the wall will be rounded similar to the existing structure which is significantly different.

Ms. Lesser advised that it can be added as a condition but yes that can be part of the criteria.

Commissioner Brown asked if he can condition that the exposed conduits be behind the wall or inside the wall.

Ms. Lesser advised that all conduits have to be concealed behind the wall.

Commissioner Brown asked if he can condition that the gate be Opaque as opposed to wrought iron which appears here in the plan, to minimize the appearance of the machinery and so forth in there.

Commissioner Spears agreed with Vice Chair Barager that there has not been evidence that shows degradation in any of the 5 criteria. She will not be supporting the appeal of the approved permit.

Commissioner Lyon expressed that he agrees with Commissioner Spear's comments with no more to add and he does not feel that there is any significant problem in these five areas.

Chair Kent commented that he thinks that the larger issue of co-locating or not co-locating and cell phone towers in general needs to be looked at in a more holistic way. Technology changes very quickly and it's one of those things that by the time we get around to it maybe technology will be looked at differently. The only concern he really has is the compatibility with existing structures. There are businesses in that surrounding area that have gone out of business and that the church is a nice piece of land whereas the applicant is going to put in large trees. He expresses that the Commission appreciates the citizen involvement in bringing these issues up and the appeals. He continued to say the Commission has to review, the how of the approval decision was made and if there were any mistakes or misinterpretations. Also, he expressed that he was surprised to learn that every school has these cell towers and is waiting for the future to see what happens about the health and safety aspects.

MOTION: Vice Chair Barager motioned to deny the appeal PL150120 and adding the following conditions:

All conduits must be fully concealed from all exterior views

All building material, color, finish, and design for wall and gate to match the existing site

The gate be an Opaque gate

The project as approved be considered complete with no other further expansions allowed based on FCC regulations

The quantity of palm fronds shall be as to create the appearance as shown on the exhibit A-3 of the application

*Commissioner Brown asked to add that the palm fronds effectively cover the antennas as shown in the plans.

*Commissioner Lyon asked as discussed earlier, that the condition for completeness be stated as, "the tower be considered a complete construction and cannot be expanded except by further review" as opposed to, "be completed".

Vice Chair Barager responded, "So amended"

Commissioner Killoren replied that he is not sure of the full definition of "complete is under FCC standards" or how the Commission impacts a federal agency and its standards.

Vice Chair Barger replied that his understanding from other briefings received in the industry that the FCC created a condition that allows for the automatic expansion of the antenna by 10 feet in all directions and additional carriers without additional review or approval by city bodies on a tower that already exists unless the tower was specifically designed to hide those sort of things or considered to be fully built out. He was trying to get a condition to state that the Commission fully agreed that this is a fully built out condition unless someone comes back for further review by the Commission and that there is no assumption that antenna can get larger, get further from the core, or that an antenna can be added automatically without going through a public hearing.

Staff, Ryan Leveque, advised that the administrative expansion is up to 20 feet so it could be 20 feet vertical or 20 feet in width. By identify this condition; the process would have to come back in form of a public hearing. You are correct.

Commissioner Spears second the motion

VOTE: 7-0

Appeal was denied to uphold the approved permit by the Hearing Officer with added stipulations by Development Review Commission.

DECISION: Public hearing for an Appeal of the Hearing Officer decision to approve a use permit to allow a wireless communication tower (monopalm) for **ST. JAMES EPISCOPAL CHURCH/T-MOBILE WIRELESS (PL150120)**, located at 975 East Warner Road was denied by the Development Review Commission.

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4. Request for a General Plan Projected Density Map Amendment from Medium - High Density (up to 25 du/ac) to High Density-Urban Core (more than 65 du/ac), a Zoning Map Amendment from GID to MU-4, a Planned Area Development Overlay, and a Development Plan Review for a new four-story mixed-use development containing 168 units and co-work office space for **BROADSTONE LAKESIDE (PL150188)**, located at 500 West 1st Street. The applicant is Charles Huellmantel, Huellmantel & Affiliates.

Presentation from Staff, Karen Stovall

Presentation by Power Point

Presented location, zoning, surrounding businesses, project details, and requests for approval

Question from the Commission

Vice Chair Barger advised regarding the General Plan (GP) conditions, the General Plan calls out density but does not give any instruction about height, volume, coverage, or any other element of that.

Ms. Stovall agreed.

Vice Chair Barger stated that all of those elements have to be handled by Zoning.

Ms. Stovall advised they are handled through the Zoning or the PAD Overlay

Vice Chair Barger asked if the property was given a GP designation of more than 65DU per acre, the density thus is the number of unit doors; that is the only control. In theory, nothing about size, shape, or volume, of the box itself and many times those things are related but the GP doesn't discuss anything but the quantity of doors.

Ms. Stovall agreed and for this particular request, it is not a land use amended it's only for the projected density.

Commission Killoren asked about the CivTech report that the Commission received on page 3, the assumption that the Transportation Overlay District would be amended at some future point to include potentially this parcel as a city share that assumption that it will be expanded.

Ms. Stovall advised that she is unable to answer that.

Mr. Leveque advised the TOD is set by the boundaries identified in the current TOD standards and there is an opt-in process if you're adjacent to a TOD property. In terms of potential expansion, it is being evaluating that in terms of the street car. These influences would be directly affected at this location.

Commission Killoren expressed that in the applicants report that the TOD would likely include this parcel that is not within the current planning of the City of Tempe or the projected expansion by the district by the street car.

Mr. Leveque replied that he is unable to confirm but that would not be the case.

Commission Killoren asked based on the staff's recommendation reduce to 45, would the parking then be sufficient to the 45 density recommendation

Ms. Stovall replied yes from 70 to 65.

Commissioner Killoren asked from the parking that the applicant has proposed would that be sufficient under the reduction of your recommendation, would they have enough parking

Ms. Stovall replied that staff is supporting the parking study that the applicant has provided and the number of parking spaces per bedrooms that they have provided. Regardless of the approval, if they use the ratio that supported by the parking analysis the project would work.

Commissioner Spears reviewed what Ms. Stovall advised that the number of spaces are based on the number of bedrooms and if in fact to achieve the density they need at 65 and they go to 4 bedroom units, is that not going to impact the parking.

Ms. Stovall advised that it would impact the parking if the applicant modified the number of bedrooms.

Commissioner Spears asked regarding the General Plan amendment, if the Commission approves the GP amendment to 65+ can they stipulation that the applicant can only build 70 units?

Ms. Stovall replied yes that they can stipulate that the maximum density is 70.

Commissioner Spears asked for if some reason that the project did not get built, what would happen to the underline zoning and with the overlay

Ms. Stovall said the zoning and the PAD could be taken through the reversion process to go back to general industrial district which is the existing district.

Commissioner Spears repeated if the Commission approved 65 units, that they can stipulate, can do no more than 70.

Ms. Stovall responded: correct, the applicant would be bound by the density requested in the PAD, yes.

Presentation from the Applicant, Charles Huellmantel, Huellmantel & Affiliates

Presentation of Broadstone Lakeside by Power Point

Presented location, site, and surrounding residences and projects

Reviewed project modification of materials and colors changes of the outside of the building

Materials that match the neighboring buildings in the area

Contemporary feel

The project has 2 fronts

1st Street and Wilson

Set back far north of the property to give a pedestrian character

The project is of a couple different buildings that surround a court yard

Why would 70 units make sense in this location?

Street Car

Downtown amenities

Downtown Jobs and Commerce

Light Rail

Tempe ZDC Definition of Density vs. Site Specific Considerations

Which of these have greater density 243 Bedrooms vs. 277 Bedrooms?

Project has proposed 168 units and that has 243 bedrooms

Project has selected 1-2 bedrooms – marketing to young professionals and empty nesters

Zoning amendment & Planned Area Development Conditions of Approval

Reviewed proposal of modification of stipulation number # 5, maximum density shall be no greater than 70 dwelling units per acre

Development happens

Lakeside drive already exist

Concept – amend General Plan?

Proximity to downtown

Proximity to public transportation

Unit mix

Changes in the code for any developer whether this project is built or not
Building in an urban setting
The set back is challenged to being close to the lot line and it's is safe to have building built together

Questions from the Commission

Commission Killoren asked how we get from 65 to 70 when the General Plan now calls for 25.
Applicant replied that General Plans frequently needs to be changed. In this case, the project that is few buildings away is a new project and approved before the GP changed. Many things have changed since the GP was planned such as the market has changed with the location of the Street Car, the new build of State Farm who is bringing in 12,000 jobs, and new office tower on Mill Ave and Rio Salado who will several thousand more jobs.

Commissioner Spears asked why there is a change in color
Applicant explained that it was due to taste and discussion about the version and the rendering are still a little bit orange in the first submittal. The orange doesn't feel very urban or Arizona and the darker color felt more appropriate and urban when discussed with other people.

Public Comments: 3

Sally Clements – Tempe resident of Regatta Point had questions regarding the access to this project, density of the project and traffic on 1st Street.

Jennifer Spade – Tempe resident of Regatta Point in opposition. The main concerns raised by Ms. Spade was regarding traffic and parking issues on Lakeside Drive as well as the fact that there are too many of the condos being rented out at Regatta Point right now since the downturn in the economy. This project will result in too many rental units in the area.

Laurie A. Mitchell – Tempe resident of Regatta Point in opposition due to the same concerns raised by Ms. Spade as well as the significant increase in rental properties that would result from this project.

Comments from the Applicant

Applicant expressed that he is also a Tempe resident and understands that change is hard.

Tempe Zoning Code doesn't differentiate between condos and apartments.

There may some students influence at these residents as well as other types of people.

There will be an onsite single management.

Described the parking and driveway plans and will continue to review the Lakeside drive for traffic.

Most of the parking is underground.

Chair Kent asked about the code in the General Plan and what was the last code adopted.

Mr. Leveque advised of the General Plan of the 2040, which was in May of 2014, before that there was a category that was greater than 25 dwelling square acre < 25 dwelling square acre and then the other category was up to 15 dwelling square acre or up to 10 dwelling square.

Chair Kent asked if previous to the new GP, if an applicant was going to build under the old GP 65/70 it wouldn't be an issue because it was about 25, correct.

Mr. Leveque advised in the case of this location this area is designated as up to 25 so the other category would have been greater than 25 dwelling square acre whether it was a 30 unit project or a 70 unit project in the GP of 2030
Chair Kent agreed.

Chair Kent clarified the citizen concern regarding "for sale" versus "for rent" of the condos. It was clarified by the applicant and staff that the code does not prohibit or limits them to either sell or rent.

Chairman Kent also clarified the parking issues raised by the residents in the public hearing.

Commissioner Killoren asked the applicant to talk about to co working space.

Applicant explained there are a few already being used by surrounding residences.

There is depth in the market for it

Open to people in neighborhood

Conference Center space

Computer/Printers/Modem space
Work space

Discussion from Commission Members

Commissioner Spears clarified on attachment 43 and 44 regarding the public meeting; she does not live next door. She shares office space in the unit and does not have a financial interest in the property or surrounding area. Her interest comes from working with APS when they were doing improvements to the substation on the corner of Farmer and 1st Street. She addressed that she gave several comments to Alliance about an urban feel, appropriate colors, designs, a pedestrian aspect, and the drawings that were presented at the public meeting are different than what they are at this hearing. Alliance did listen to the concerns and comments about being an urban environment. She appreciates it.

Vice Chair Barger expressed that he liked the design. He understands the concerns of potential traffic getting worse. Regarding the questions of owners vs. renters, he understands that being challenging. He likes that the building is designed to more engage the community as a whole and the public on 1st Street rather than providing amenities within the building that does not allow that interaction between the general public and the residents. He is not concerned with the number of units. He thinks along the lakeside the expense of the lake was intentionally to encourage density along the lake a vitality of people coming and going using the lake. This project supports that use in the area. He will support this project and amendment to the condition that limits the density to 65 dwelling units/acre to either a bed count or to the 70 dwelling units/acre and will support the change to the GP to allow this project to move forward.

Commissioner Tinsley expressed that she agrees with the points made by Vice Chair Barger. She thinks that the discussion of more of less densely populated units is better than fewer more densely populated units. There hasn't been a distinguished point in the past between rental and sale. A good manager makes up for a lot. She will support this project.

Commissioner Brown asked the applicant if he has a safety plan and if he is working with ASU and the Good Neighbor program.

Applicant responded that the Good Neighbor program with ASU has been controversial. However, he explained that they have worked with the police department on CPTED (Crime Prevention through Environmental Design) issues in designing the proposed project and resolved a few crime thief issues and crime free housing issues.

Commissioner Brown repeated and asked the owner if he has a zero tolerance policy and the ability to move people out if they are disruptive.

Owner and Property Manager, Ian Swiergol, confirmed that they have focus on a lot of security and there are provisions in the management agreements / leases with those residents to evict them in the event of bad behaviors.

Commissioner Killoren expressed concern regarding changing the GP designation when the GP was just recently approved by the general public and land use density change does not meet the intent of the GP. He expressed concern that there is not enough justification to either the request for change in the GP as well as the reduced parking requirement, knowing that there is a growing student population being in close proximity to ASU. He has a hard time believing that the city does not take into account ASU or the growing density of the community, setting parking ratios and requirements. He would have liked to see the applicant providing more justification to the residents to understand why these changes are being made when the residents of Tempe adopted these documents less than a year ago. . From a multiple use standpoint, Commissioner Killoren believes that a co-work space is an amenity that is primarily for the use of the residence of the project and does not justify the multiple use designation and zoning designation of the city. The Commissioner is having a hard time understanding how making exceptions to the policy results in a better project for our residences.

Commissioner Spears responded directly to Commissioner Killoren and stated that in last Commission meeting she asked why the City continues to approve this kind of density and type of density also. The density discussion will continue as well as the discussion of apartments and condos and is also going to be discussed by City Council at the retreat.

Commissioner Lyon expressed that he disagrees with the density concerns raised by Commissioner Killoren and that with the State farm project there is more housing needed and the density requested is appropriate. He understands that the plan was developed a more static development for downtown Tempe.

Chair Kent expressed that he likes the density and the fact that traffic is on Lakeside and the pedestrian and bike traffic is on 1st Street. It's a good looking project. The issue is that it's a less dense project than the GP has defined. He is comfortable with the GP amendment.

MOTION: Vice Chair Barger motioned to approve Broadstone Lakeside (PL150188) with the amendment to stipulation number #9 with the maximum density shall be no greater than 70 units and move for the approval of the General Plan amendment as well as the zoning and the PAD.

Commissioner Lyon seconded the motions

VOTE: 6-1 with Killoren in the opposition

DECISION: General Plan Projected Density Map Amendment from Medium - High Density (up to 25 du/ac) to High Density-Urban Core (more than 65 du/ac), a Zoning Map Amendment from GID to MU-4, a Planned Area Development Overlay, and a Development Plan Review for a new four-story mixed-use development containing 168 units and co-work office space for **BROADSTONE LAKESIDE (PL150188)**, located at 500 West 1st Street was approved with the amendment to stipulation number #9 with the max density that shall be no greater than 70 units and moved for the approval of the General Plan amendment, the zoning amendment and the PAD.

Mr. Levesque advised that there are only 2 items for the September 22, 2015 meeting.

There being no further business the meeting adjourned at 9:00 pm.

Prepared by: Sarah Adame
Reviewed by: Suparna Dasgupta



Suparna Dasgupta, Principal Planner, Community Development Planning