

Minutes of the Development Review Commission AUGUST 9, 2016

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

Present:

Chair Linda Spears
Vice Chair David Lyon
Commissioner Thomas Brown
Commissioner Andrew Johnson
Commissioner Scott Sumners
Commissioner Philip Amorosi
Alt. Commissioner Gerald Langston

City Staff Present:

Ryan Levesque, Deputy Community Development Director - Planning
Suparna Dasgupta, Principal Planner
Diana Kaminski, Senior Planner
Karen Stovall, Senior Planner
Obenia Kingsby, Planner I
Sarah Adame, Admin. Assistant II+
Cynthia Jarrad, Admin. Assistant

Absent:

Commissioner Angela Thornton
Alternate Commissioner Barbara Lloyd

Hearing convened at 6:00 p.m. and was called to order by Dep Com Dev Director Ryan Levesque

Election of Chair and Vice Chair

Nomination of Chair Linda Spears
Nomination of Vice Chair David Lyon

Motion: Motion made by Commissioner Langston to elect Commissioner Spears as Chair, and Commissioner Lyon as Vice Chair, seconded by Commissioner Brown.

Vote: Motion passes 7-0

Consideration of Meeting Minutes:

- 1) Study Session May 10, 2016
Study Session May 24, 2016
- 2) Regular Meeting May 10, 2016
Regular Meeting May 24, 2016

Motion: Motion made by Commissioner Brown to approve Study Session minutes for May 10, 2016 and seconded by Commissioner Langston.

Vote: Motion passes 4-0

Motion: Motion made by Commissioner Brown to approve Study Session minutes for May 24, 2016 and seconded by Commissioner Langston.

Vote: Motion passes 5-0

Motion: Motion made by Commissioner Brown to approve Regular Meeting Minutes for May 10, 2016 and seconded by Commissioner Langston.

Vote: Motion passes 4-0

Motion: Motion made by Commissioner Brown to approve Regular Meeting Minutes for May 24, 2016, and seconded by Commissioner Langston.

Vote: Motion passes 5-0

The following items were considered for Consent Agenda:

- 3) Request for a Development Plan Review consisting of a new three-level, 300,000 square-foot parking structure for **1515 PARKING GARAGE (PL160233)**, located at 1515 West 14th Street. The applicant is Gammage & Burnham P.L.C.

MOTION: Motion made by Commissioner Langston to approve a new three-level, 300,000 square-foot parking structure for **1515 PARKING GARAGE (PL160233)**, located at 1515 West 14th Street, with stipulation that number of parking spaces be modified from 1,364 spaces to 1,571. Seconded by Commissioner Johnson.

VOTE: Motion passes 7-0.

- 6) Request for a Development Plan Review of a new 5,848 square-foot convenient store and a Use Permit to exceed the Parking Maximum (125%) for **QUIKTRIP #400 (PL160060)**, located 2111 West University Drive. The applicant is Huellmantel & Affiliates.

MOTION: Motion made by Commissioner Sumners to approve a new 5,848 square-foot convenient store and a Use Permit to exceed the Parking Maximum (125%) for **QUIKTRIP #400 (PL160060)**, located 2111 West University Drive, with stipulation that the easternmost parking spot along University Dr adjacent to the air & water filling station shall be painted to indicate its use only by the air & water at the filling station. Seconded by Commissioner Brown.

VOTE: Motion passes 7-0

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

- 4) Request for a Development Plan Review for modifications to building elevations for 15 single family attached townhomes for **THE BLOCK ON ROOSEVELT (PL160246)**, located at 233 South Roosevelt Street. The applicant is Scott Garvin of Intent Development Advisors.

PRESENTATION BY STAFF:

Diana Kaminski, Senior Planner, provided a brief description of the case, explaining the changes that have been made since it was presented about a year ago. Changes include site plan, landscape plan, and building elevations. Ms. Kaminski explained that here has been a change of ownership, new owners are keeping the existing site plan and landscape plan, but changing the elevations. Since there are substantial modifications proposed from the previous approval, the applicant is coming before the commission for a Development Plan Review. Commissioner Sumners asked if there had been neighborhood meetings. Ms. Kaminski explained that a neighborhood meeting is not required for a Development Plan Review.

PRESENTATION BY APPLICANT: None

PUBLIC COMMENT:

Philip Yates, President of Riverside Neighborhood Association. He pointed out how the proposed project had a lot more color in the previous design, and stated that he had not received any mailings concerning these changes, and he thought he should have, being the President of the neighborhood association. He does not care for the changes and thinks the project looks like an upscale parking garage and would prefer more of a "brownstone" look to be consistent with the surrounding area. He asked if there were new owners and reiterated that this is an ill-advised change. The neighborhood association does not approve of this new look.

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Owner Ed Gorman with Modus Development and Scott Garvin of Intent Development Advisors, the architecture group on the project. They commented on how the design elevations were changed to be more up to date, and to support their vision of sustainability. They created more shade by boxing out some windows, creating overhangs, etc. They made design changes to improve the look from Roosevelt St. and Wilson St.

Commissioner Amorosi asked about the size of the patio, 54". Since a patio chair is about 30", he asked if the patio could be extended to 5 feet. Scott Garvin said that they could look into changing that.

Chair Linda Spears asked about whether the landscape plan had been changed from the previous. Scott Garvin stated there were no changes to the original landscape plans.

Commissioner Sumners asked about use of Trex in the design, Mr. Gorman explained that they used cable railing instead, in keeping with sustainability and Trex not holding up over time, due to the heat.

Commissioner Brown asked about landscaping, concerned about the lack of trees against the building, and not enough dirt to maintain vegetation this is planned for. He would like to see some softening between the street and the building. Mr. Gorman explained that they had not changed the landscape plan at all, so it remains as in the original. He then asked about trash in the enclosed garage. Mr. Garvin explained that there is active venting in the garage at all times.

Vice-Chair Lyon expressed that this is a welcome change, he's pleased with it, and he'll be in favor.

Commissioner Sumners commented that he was pleased to see the design change from Trex to cable railing, that he is pleased with the projected design, and will be supporting it.

Commissioner Johnson commented that he liked the 5 year approach for net zero energy performance, it was not on the project previously, and he hopes to see more of that. He stated he is in favor.

Commissioner Langston asked of staff if the landscape plan represented the original that was approved for the project, Ms. Kaminski affirmed that it was.

With no further comments, Chair Linda Spears requested that a motion be made.

MOTION: Vice-Chair Lyon moved for approval of a Development Plan Review for modifications to building elevations for 15 single family attached townhomes for **THE BLOCK ON ROOSEVELT (PL160246)**, located at 233 South Roosevelt Street. Commissioner Johnson seconded the motion.

VOTE: Motion passes 7-0.

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- 5) Request for a Development Plan Review of a new 2,851 square-foot restaurant and a Use Permit to allow a Drive-Thru Lane for **JACK IN THE BOX (PL160046)**, located at 1350 West Broadway Road. The applicant is Looker & Cappello Architects.

PRESENTATION BY STAFF:

Obenia Kingsby, Planner I, gave a brief description of the project including the site plan, elevations, and landscape plan, as well as a Use Permit to allow drive-thru. The site is approximately .85 acres, building height is 24 feet, 7.7% lot coverage and 20% landscape area. Staff recommends approval of the project subject to the conditions.

PRESENTATION BY THE APPLICANT:

Jeff Looker of Looker & Cappello Architects said he did not have a presentation, but knew there was an audience member who had concerns about the project, that he'd like to address those concerns as his presentation.

PUBLIC COMMENT:

Eric Kadel of Tempe stated that he works in the area and his concern is with the drive-thru being on the north side, how it will affect the flow of traffic at the intersection of Priest Drive and Broadway Road, with vehicles exiting on to Broadway Road from this development., Mr. Kadel is concerned about the existing traffic congestion because there is a bus stop located a –just north of this intersection and with the heavy traffic during the peak hours the traffic will back up even more. He stated he thought it would be safer to have the entrance on Priest and the exit on Broadway. He also stated he is not supportive of the drive-thru location in the interior of the lot.

Mr. Looker, the applicant, responded that they proposed two driveways, one on Priest on the far north end, and one on Broadway at the far east end of the site. The reason for this is they could not put the drive-thru between the building and the street because City of Tempe does not support a drive-thru fronting the street from a design review perspective. . Also, the applicant did not want to go on the north side because it brought the drive-thru too close to the residential area. The drive-through and the “stacked” cars waiting are all within the site. He stated this has been successful in other projects, such as the Taco Bell at Broadway & McClintock.

Vice-Chair Lyon expressed concern over the restaurant being so close to Broadway and would have liked to see the building further to the northeast, with the drive-thru lane passing around behind it. He stated concerns over pedestrian traffic, number of turns for vehicles, etc.

Mr. Looker explained the proximity to Broadway was because of visibility and also in keeping with Tempe’s design review and they also have significant landscaping buffering the street from the building and as well as the building and the residential areas..

Commissioner Langston asked for clarification as to how he would enter to the drive-thru area if he were westbound on Broadway Rd. Mr. Looker explained that he would turn right into the driveway, heading north, and then make a U-turn into the drive-thru.

Commissioner Summers expressed concern over the site being large and somewhat “crowded,” and the spill over from the drive-thru lane at night and/or at busy times. Mr. Looker explained that with the building fronting on Broadway Rd. at the south end of the site, rather than the north end, it actually accommodates double the queue. Mr. Looker further explained that for a drive-thru in a typical fast food restaurant, the queuing is designed for up to 10 vehicles and this one will accommodate a lot more than that. If the queuing is more than that, then the restaurant employees are not doing their jobs, this is a quick-service restaurant.

Vice Chair Lyon stated that he had been looking to see development at this site for quite some time, and was glad to see that Jack in the Box was interested in building there. He stated he was still a little nervous about the site and would be interested in what the rest of the Commission had to say.

Commissioner Brown stated that Mr. Looker had “packed” this Jack in the Box as tightly as it could be packed, but that the entrances being on opposite corners away from the intersection were practical. He is unconcerned with the tight turn and agreed with the parking being behind.

Commissioner Spears agreed that this design is more appropriate at this location. She stated there are several examples in Tempe where pedestrians cross drive-thru lanes and she has not heard of problems.

MOTION: Commissioner Langston motioned for approval of a new 2,851 square-foot restaurant and a Use Permit to allow a Drive-Thru Lane for JACK IN THE BOX (PL160046), located at 1350 West Broadway Road. Seconded by Commissioner Amorosi.

VOTE: Motion passes 7-0

- 7) Requests for a General Plan Projected Density Map Amendment from Medium to High Density (up to 25 du/ac) to High Density (up to 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 5-story mixed-use development containing 209 dwelling units and four (4) live-work units for **CRESCENT RIO (PL160153)**, located at 700 West 1st Street. The applicant is Earl, Curley & Lagarde, P.C.

PRESENTATION BY STAFF:

Obenia Kingsby, Planner I, provided a brief description of the project. The proposed building is 5 stories with 209 dwelling units, and 4 live/work units. Staff recommends approval of this project subject to conditions, which concern building height setbacks, lot coverage and landscape coverage. In answer to a question from Chair Spears, Mr. Kingsby stated that the number of units has been decreased by 147, from when the Commission heard this case previously. Mr. Kingsby also clarified for Commissioner Sumners that the Mixed Use classification is a result of the live/work units.

PRESENTATION BY APPLICANT:

Steven Earl of Earl, Curley & Lagarde, P.C., on behalf of owner Dominic Spagnola of Spagnola Investments, and also on behalf of Crescent Communities, to whom the property is being sold. He gave a brief history of the case including the previous submittal to the City which was subsequently withdrawn by the applicant due to concerns regarding height and density of the project that was proposed at the time. Mr. Earl described the key changes to this proposed project including decreasing the building height- and making the parking structure within and below the building. He pointed out the location of the property, fronting on Rio Salado, and how it is consistent with the General Plan and with neighboring properties. He presented drawings of the current look of the property, and the surrounding area. He stated that the prime level of concern with the project had come from Jennifer Spade, who lives at Regatta Point, to the east. Her condominium complex did not want to see an increase in height, or an increase in height specifically going west, and was opposed to the density as well, and made City Council aware of her concerns a year ago. Since then the applicant has the support of the residents of Regatta Point. They have decreased the density by about half; they have increased parking, gone from 7 stories down to 4 stories (only 5 stories in one quadrant), etc. He pointed out the similarities with neighboring properties Skywater and Broadstone, as well as contemporary and sustainable building materials and energy efficiency within the project. He also presented some of the amenities that are being provided as part of this development such as the pool, spa, club room, and reiterated this was a luxury development.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Johnson asked Mr. Earl about the connectivity between 1st Street and Rio Salado for pedestrians, bicyclists. Mr. Earl stated there are entrances from 1st Street into the project for vehicles, pedestrians, cyclists. The garage is gated, and visitors would be able to enter from Rio Salado, and park in the ungated area. Commissioner Johnson asked for clarification of whether non-resident pedestrians would have pass-through access. Mr. Phil Fosson with Davis Partnership Architects stated that the main building entrance is on Rio Salado for both vehicles and pedestrians. For vehicular access, the main entrance is off of Crescent Rio, which wraps around the east side and back to the parking structure. There is also a smaller, secondary entrance off of 1st.

Chair Spears commented that Skywater and Broadstone have access for pedestrians from Rio Salado to 1st St, but this project doesn't appear to have that, as the west sidewalk is gated. Scott McKee with Crescent Communities stated that there is going to be pedestrian access on the east side of the project, not on the west side.

Commissioner Brown stated that the building had nice aesthetics, but was concerned if adequate trash collection is being provided. The applicant responded that the refuse plan has been designed per the City's requirements and reviewed by the City.

Commissioner Brown asked a question about one of the units, or unit types, looking like a bedroom with no ventilation. He asked if it was code-compliant. Mr. Fosson explained the code requirements, and stated that those

units would be built according to code, with ventilation requirements met. Commissioner Brown stated that he appreciated the look of this project, and that it was a vast improvement.

Commissioner Sumners asked for clarification of what the building directly to the east of the project is, between it and Skywater. Mr. Fosson responded that it is a commercial building, about 20 feet tall, used as office space. Commissioner Sumners also asked that Mr. Fosson point out on the drawings, the connection point on the east side, connecting Rio Salado and 1st Street, which Mr. Fosson did.

Commissioner Amorosi inquired whether the applicant is designing the project to support solar panels on the roof. The applicant stated they are doing a feasibility study to consider it. Commissioner Amorosi recommended if the applicant would consider designing the infrastructure for those panels so that solar panels could be accommodated in the future. Mr. Fosson pointed out that the shade structures on top of the parking garage have been designed for solar panels, but they would consider adding the conduit, etc, as well. Commissioner Amorosi also asked if the applicant would consider a public art component on this project, especially with its proximity to Tempe Center for the Arts. He provided an example where Lennar Homes, builder of Skywater, contributed \$60,000 for public artwork with a project in the Apache Corridor. He stated that he would like to see something done by the applicants, to connect the Farmer Arts district, the Tempe Center for the Arts, and this project.

PUBLIC COMMENT:

Philip Yates, president of the Riverside Neighborhood Association, stated that a year ago this project had significant problems, and therefore was not approved. He stated that although the density has been significantly reduced, it is still too many units. He also stated that there has been no mention of what the unit's rental cost will be, only that they would be luxury units. He stated there is concern with the rental rates being too high, just across from where neighborhood residents are currently living. He would like to see that addressed.

DISCUSSION BY THE COMMISSION:

Mr. Earl stated that they basically cannot reduce density any more than they already have. He did not have an exact figure for rental cost, but could give rental ranges from other properties. He stated they should be \$1500 to \$1700 per month on average.

Commissioner Brown asked if those rents were comparable to Skywater as an example. Mr. Earl answered that they are a little higher. Commissioner Brown clarified that the finishes, materials etc, all warranted that, and Mr. Earl responded yes, that Crescent Communities builds at the top of the market. Commissioner Brown inquired if Skywater was at 100 percent occupied. Mr. Earl responded that that occupancy rate at Skywater is in the high 80% range.

Commissioner Langston stated that the developer and property owner appeared to have done everything they could to resolve any issues from City Council; they addressed the opposition from the neighborhood, that it was an attractive project and that he would be supporting it.

Vice-Chair Lyon stated that he agreed, and knew that there had been a lot of hard work involved in coming up with this design. It looks like the developer has made real strides to address all comments. He thought it was attractive, and he would be supporting it. He was concerned about the small property between this one and Skywater and what would happen with it in the future.

Commissioner Sumners said he would have liked to see the existing commercial property incorporated with this project. He commended the developer for listening to the neighborhoods, lowering the height and density, and most especially removing the podium design so the parking garage is not at street level.

Chair Spears commented that she thought the previous design was better and disappointed that City Council did not support the density proposed with the previous project. She much preferred the previous design.

MOTION: Commissioner Brown motioned for approval of a new 5-story mixed-use development containing 209 dwelling units and four (4) live-work units for CRESCENT RIO (PL160153), located at 700 West 1st Street. Seconded by Vice-Chair Lyon.

VOTE: Motion passes 7-0

Staff Announcements:

Suparna Dasgupta, Principal Planner, reminded the Commissioners that they may see some representatives of the City Attorney's office attending future meetings to assist staff and the commission, if needed.

Also, Cynthia Jarrad will be taking on the role being vacated by Sarah Adame, so Commissioners will see her in future meetings.

There being no further business the meeting adjourned at 7:33pm.

Prepared by: Cynthia Jarrad

Reviewed by: 

Suparna Dasgupta, Principal Planner, Community Development Planning