

Minutes of the Development Review Commission April 23, 2019

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 David Lyon
Vice Chair Michael DiDomenico
Commissioner Scott Sumners
Commissioner Thomas Brown
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Andrew Johnson
Alternate Commissioner Michelle Schwartz (in audience)

City Staff Present:

Chad Weaver, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Karen Stovall, Senior Planner
Blake Schimke, Planner I
Joanna Barry, Administrative Assistant II

Absent:

Alternate Commissioner Angela Thornton
Alternate Commissioner Barbara Lloyd

Hearing convened at 6:10 p.m. and was called to order by Chair Lyon

Consideration of Meeting Minutes:

- 1) Study Session and Regular Meeting – February 12, 2019

Motion: Motion made by Vice Chair DiDomenico to approve Regular Meeting minutes and Study Session Meeting minutes for February 12, 2019 with specified edits and corrections. Seconded by Commissioner Cassano.

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Cassano, Johnson, Amorosi and Brown

Nays: None

Abstain: Commissioner Sumners

Absent: None

Vote: Motion passes 6-0

The following items were considered for **Consent Agenda**:

- 2) Request a Development Plan Review for a new 7,693 square-foot building for **ASCEND CHURCH**, located at 1585 East Guadalupe Road. The applicant is Associated Architects. **(PL180315)**
- 3) Request a Development Plan Review for a new 117,673 square-foot office and warehouse building for **PRIEST/GREENTREE BUSINESS CENTER**, located at 1315 West Greentree Drive. The applicant is Butler Design Group. **(PL190009)**
- 4) Request a Use Permit to allow an amusement business for **B3 PERFORMANCE**, located at 1610 West 12th Place. The applicant is Bowl 300, LLC. **(PL190056)**

- 5) Request a Use Permit to allow an outdoor dog run associated with an existing animal kennel for **TEMPE DOGS 24/7**, located at 937 East Broadway Road, Suite 7. The applicant is Grant L. Olds Architects. **(PL190057)**

Motion: Motion made by Vice Chair DiDomenico to approve **Consent Agenda**. Seconded by Commissioner Cassano.

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Cassano, Sumners, Johnson, Amorosi and Brown

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

Agenda #7 - THE GRAND AT PAPAGO PARK CENTER (PL180199) was moved up on the agenda to be heard before Agenda #6 - 13TH STREET RESIDENCE (PL190060).

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

- 7) Request an Amended Planned Area Development Overlay for modified building heights and reduced parking requirements for residential uses and a Development Plan Review including a landscape plan for **THE GRAND AT PAPAGO PARK CENTER**, located at 1151 West Washington Street. The applicant is Papago Park Center **(PL180199)**

Commissioner Johnson recused himself from this agenda item. Commissioner Schwartz replaced him for this agenda item only.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, gave an overview of the project. The applicant has requested to modify the PAD previously approved building height for eight buildings and parking structures, and to allow an alternative parking ratio for the multi-family developments within the PAD. The two buildings approved for multi-family are buildings G and F. The PAD allows for 850 dwellings and applicant is not requesting modifications to the number dwelling units. The applicant is requesting approval of a Development Plan Review to modify the previously approved landscape plan for building G to eliminate 40 vehicles at those parking spaces. That DPR can only be approved if the requested alternative parking ratio is approved for the PAD. Staff has recommended a condition that limits the maximum height of building P2 to 27 feet from grade. Regarding the alternative parking ratio for multi-family, the applicant provided a parking study to justify a parking ratio of 1.5 spaces per dwelling unit resulting in 123 fewer parking spaces. Staff is recommending approval of the amended PAD and DPR subject to the conditions listed in the staff report. Commissioner Brown asked if the multi-family residents would use an adjacent office building parking structure. Ms. Stovall stated that if that occurred it would be up to the property owner to address as they own the entire development.

PRESENTATION BY APPLICANT:

Ms. Manjula Vaz, Gammage & Burnham, on behalf of Papago Park Center and The Grand briefly introduced herself and stated they were agreeable to most of the staff conditions, except the conditions on the parking garage. She turned the presentation over to Mr. Mitch Rosen, SRP & Papago Park Center. Mr. Rosen addressed the question about residents possibly using the parking garages due to reduction in parking spaces. He indicated that the parking structures are gated, and a swipe card is needed to get into them. Mr. Rosen requested that Condition No. 3 regarding the height of building P2 be removed. Their role is to create a framework that controls and encourages good development and he believes that Condition No. 3 undermines this. They have the ability to build up to an eight-story building at that site however the way that the stipulation is written it stops them from being able to build more than four stories for the parking structure. He stated this parking structure is perpendicular to Washington. They started this major PAD process a year ago and are \$100,000 into it. If they are not able to get the height in this

PAD they will have to go through a major PAD Amendment. He indicated that if this PAD was approved the Development Review Commission will see the building and the parking structure through the Design Review Process and will have an opportunity to make comments. Vice Chair DiDomenico asked Mr. Rosen what he believes is an acceptable height. Mr. Jeff Martin, Kendle Design Group, came to the podium to state that the height including the full buildout would be seven levels at 57 feet.

PUBLIC COMMENT: NONE

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Chair Lyons asked staff what the reasoning was for the 27-foot limit. Ms. Stovall stated that the 27 feet is taking into consideration if the site were still zoned GID which was the previous zone listed on the property and what the applicant was previously entitled to prior to the PAD and rezoning that took place in 2013. If approved at the applicant's requested seven-story height, the project would come before the DRC at the Design Review Phase, however the height will not be limited. Commissioner Brown asked if it would take about one month for a major PAD Amendment. Ms. Stovall stated it would take about 4-6 months as they would have to go through the whole process again. Commissioner Cassano asked if there was a way to put into the condition a limit of seven stories and increase the garage level accordingly. Mr. Levesque stated this could be done by adding another condition. Commissioners discussed this item. Commissioner Sumners stated that the market factors would dictate how much parking is needed. Vice Chair DiDomenico agreed with his statement and is in support of removing that stipulation. Ms. Dasgupta clarified that staff is mainly concerned about the visual aspect of the garage as it faces Washington and the gateway into the City. She also noticed a clarifying note in the PAD that is different from what the applicant stated, and this would need to be corrected prior to report going to Council. The PAD shows the range from 16 feet to 67 feet and staff wanted to confirm that it is actually 57 feet, not 67 feet. Mr. Martin confirmed that it should be 57 feet. Commissioner Sumners asked the applicant if they could support tying the height of the parking structure to the height of the building. The applicant stated they would not be supportive of it however they would accept it if it was imposed on them.

Motion: Motion made by Commissioner Sumners to approve **PL180199** with the amendment of Condition No. 3 to limit the height to 57 feet and seconded by Commissioner Cassano.

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Cassano, Sumners, Amorosi, Schwartz and Brown

Nays: None

Abstain: Commissioner Johnson

Absent: None

Vote: Motion passes 7-0

- 6) Request a Use Permit to allow a second story for a single-family residence rebuild for the **13TH STREET RESIDENCE**, located at 25 East 13th Street. The applicant is Gammage & Burnham P.L.C. (**PL190060**)

PRESENTATION BY STAFF:

Mr. Blake Schimke, Planner I, gave an overview of the project. This property is historically significant and is a contributing property within the University Park Historic District. The proposed new property would be 9,826 square feet spread over two floors. Mr. Schimke showed the Commission the site plans for this project. Staff supports the request subject to conditions of approval provided in the staff report.

PRESENTATION BY APPLICANT:

Ms. Manjula Vaz, Gammage & Burnham, gave an overview of the project. She indicated that although the property is in a historic neighborhood it does not have historic designation. Ms. Vaz clarified that their request is just for a two-story addition. She stated that 13th Street is a very diverse area with several contemporary houses, others more ski chalet, two-story houses. She went over the deficiencies of the current house. She noted the applicant will sign a covenant stating the house will not be rented. This restriction is binding on successors.

PUBLIC COMMENT:

A comment form was submitted by Christine Kimball on behalf of Jason Kimball asking for the Commission to watch a video on youtube.com regarding this property. Chair Lyons stated this was not something that could be done at this meeting.

Mr. Philip Yates, Tempe resident, does not feel the elimination of this house would be good for the area and it would be a shame to see the house change. Vice Chair DiDomenico reminded everyone that the request was for a two-story addition on a single-family residence. He asked Mr. Yates to share how he would react to a second story. Mr. Yates stated that second stories in the area have had a bad affect on the neighborhood as a lot of students would move in and rent by the room and they end up being more of a fraternity house.

Chair Lyons read a comment card into the record:

Stanley and Linda Williams, Tempe resident wrote "re: Beus property building – are utilities behind house to be buried and if so will it affect he historical designation of neighbor houses – or Historical District?"

Christine Kimball, Tempe resident, stated the property is iconic and historically significant to neighborhood. Requests denial of Use Permit as it is not a complement or compatible with existing homes.

Chair Lyons read a comment card into the record:

Joan Bahamonde, Tempe resident, wrote: "I ask that this commission DENY this Use Permit. This "house" will already fill the once lovely lot now devoid of trees and vegetation and is too large and does not match the character of this HISTORIC neighborhood. I also find the support representatives of Arizona State to be disingenuous, considering the applicant's recent "donation*" to ASU. In addition, I fully support the comments of Ms. Karyn Gitlis, presenting here tonight" "\$10 million donation"

Karyn Gitlis, Tempe resident, stated that the home is historically significant and retains a high level of integrity. It is a contributing property within the National Register listed in the University Park Historic District. It is likely eligible for listing in the National Register and Tempe Historic Register. At this time, it is not classified Historic Eligible or listed in the Tempe Historic Register therefore not subject to the Historic Preservation Review. Ms. Gitlis stated the house is salvageable and should remain part of this historic district. She feels that proposed home is incompatible with anything in the area.

Neil Guliano, Tempe resident, stated he lives adjacent to the subject property. His house replaced a 928 square foot bungalow in 1990. His house is now two-story in the front and back and is over 4,600 square feet. He feels his house fits in since the previous house was very small but was on a large lot. He said he is relieved that the applicant's house was not sold and turned into two separate lots with 4,600 square foot homes on them. He is grateful that the property is going to remain a single-family home, albeit large.

Paul Gilbert, Resident of Paradise Valley, submitted a comment card stating that he would speak only if necessary.

COMMENTS BY APPLICANT:

Ms. Vaz addressed the utility question from the public and indicated that they have had conversations with APS about burying the pole in the back of the house. She reiterated what Vice Chair DiDomenico stated about how the request is only for a Use Permit for a second-story addition and believes the height is compatible with the neighborhood. Commissioner Cassano asked if any thought was given to rehabilitating this home. Ms. Vaz stated that the home had been on the market for over a year, the house has not been maintained, and all the structural issues make it hard to keep the house together. She stated that the applicant spoke with the previous owner and told her what they planned to do. Commissioner Johnson requested clarification on the lot coverage as there seems to be only 1% of allowable lot coverage left. He asked if the Use Permit was not approved could the house go out an additional 1% and Ms. Vaz confirmed that it could.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Cassano asked staff that if the applicant had come forward with an application for a one-story house would the Development Review Commission be reviewing it today. Ms. Dasgupta said that it would not be subject to Commission review. Mr. Schimke stated that staff does not have design purview over single-family residential properties and the only reason it is before the Commission is because the applicant is seeking a Use Permit for a second story addition. Commissioner Amorosi stated that he is not thrilled with the design of the home however that is not in his purview. He would support this new house. Chair Lyon indicated that he could not support this. He does not feel that the scale of height and size of the second story fits in with the neighborhood. Commissioner Johnson agreed with Chair Lyon and does not feel that the home will be compatible with the neighborhood and cannot support it. Commissioner Cassano does not like the two-story home and would prefer a single-story home be built. Commissioner Sumners does not have an issue with the proposed structure. He stated this is not a design review of the project, it is for a Use Permit, therefore the Commission does not have design purview for this.

Motion: Motion made by Vice Chair DiDomenico to approve **PL190060** with conditions of approval outlined in staff report. Seconded by Commissioner Amorosi.

Ayes: Vice Chair DiDomenico, Commissioners Sumners, Amorosi and Brown

Nays: Chair Lyon and Commissioners Cassano and Johnson

Abstain: None

Absent: None

Vote: Motion passes 4-3

Staff Announcements:

Ms. Dasgupta advised the Commission of the nine items that will be on the May 14, 2019 agenda including the minutes. She reminded the Commission that the next meeting would start at 5:00 p.m. to accommodate a presentation on the Urban Core Masterplan and TOD Ordinance.

There being no further business the meeting adjourned at 7:39pm.

Prepared by: Joanna Barry

Reviewed by: Suparna Dasgupta



Suparna Dasgupta, Principal Planner