

**Minutes of the
Development Review Commission
REGULAR MEETING
February 25, 2020**

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, was held in the Tempe History Museum, 809 E Southern Avenue, Tempe, AZ

Present:

Chair David Lyon
Vice Chair Michael DiDomenico
Commissioner Thomas Brown
Commissioner Don Cassano
Commissioner Philip Amorosi
Alt Commissioner Michelle Schwartz

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
Diana Kaminski, Senior Planner
Lee Jimenez, Senior Planner
Robbie Aaron, Planning Technician
Joanna Barry, Administrative Assistant II

Absent:

Commissioner Scott Sumners
Commissioner Andrew Johnson
Alt Commissioner Barbara Lloyd
Alt Commissioner Angela Taylor

Hearing convened at 6:08 p.m. and was called to order by Chair Lyon

Consideration of Meeting Minutes:

1. Development Review Commission – Study Session – January 14, 2020
2. Development Review Commission – Regular Meeting – January 14, 2020

Motion: Motion made by Commissioner Cassano to approve Study Session and Regular Meeting Minutes with corrections for January 14, 2020 and seconded by Commissioner Amorosi.

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

Nays: None

Abstain: None

Absent: Commissioners Johnson and Sumners

Vote: Motion passes 6-0

3. ~~Development Review Commission – Study Session – January 28, 2020~~ – postponed to March 24, 2020 DRC Meeting
 4. ~~Development Review Commission – Regular Meeting – January 28, 2020~~ – postponed to March 24, 2020 DRC Meeting
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The following items were considered for **Consent Agenda**:

5. Request a Preliminary Subdivision and Condominium Plat for **HUDSON LANE CONDOMINIUMS**, located at 55 West Hudson Lane. The applicant is David Timmons Architectural. (PL180192)
6. Request a Development Plan Review for a new **784 758** square-foot drive-through restaurant for **SALAD AND GO**, located at 1804 East Elliot Road. The applicant is RCAA Architects. (PL200009)

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7. Request a Use Permit to allow for the operation of a vocational school for **UNITEK EMT VOCATIONAL**, located at 1241 West Warner Road. The Applicant is Sean B. Lake of Pew & Lake, PLC. **(PL200008)**

Motion: Motion made by Vice Chair DiDomenico to approve the Consent Agenda and seconded by Commissioner Cassano

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

Nays: None

Abstain: None

Absent: Commissioners Johnson and Summers

Vote: Motion passes 6-0

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

8. Request for a Use Permit Standard to reduce the east side (building wall) setback from 10 feet to 8 feet and a Development Plan Review for a new 3-story attached single-family development consisting of 5 dwelling units for **UNIVERSITY LOFTS**, located at 800 West University Drive. The applicant is Tricor, LLC. **(PL190227)**

PRESENTATION BY APPLICANT:

Mr. Mitch Rotta, Tricor, advised that this project was brought before the Commission a year ago and received approval by a 6-1 vote. They purchased the property about two years ago with the intent of putting townhomes on it. The biggest change in this submittal than what was previously submitted is that after discussion with the city about other developments going into the area, they flipped the entire development as there was some concern with exiting the property. Everything else with the project remains as what was previously approved. There were no big adjustments with the floorplans, however going forward the plans will show a complete conversion to alternative building products when it comes to the exterior of the buildings. They will be using 8-inch thick R-30 insulation.

Chair Lyon asked Mr. Rotta to provide him with the name of the product again and was advised it was called HercuWall. Mr. Rotta's company also owns an HVAC company so they are also providing a ductless mini-split system inside the units and are also looking at tankless water heaters.

Commissioner Schwartz asked if with the change to the drive being further to the west would it be a right in/right out only. Mr. Rotta advised her that it would be, and the median would stop anyone from making a left-hand turn out of the development.

Commissioner Amorosi commended the developer for using more sustainable construction.

Chair Lyon agreed with Commissioner Amorosi's comment on the use of sustainable products. Chair Lyon mentioned that sometimes there are properties that sit vacant as they are hard to develop and when a solution does come before the Commission it seems like a "little too much". He is concerned this project is a little dense for where it is located. Mr. Rotta stated they tried to be as creative with the site as possible but with it being so small there are only a few things that can go on the site. They tried to find a creative way to balance the cost. Chair Lyon asked what Mr. Rotta's response would be if he suggested adding four units instead of five. Mr. Rotta stated that if he could financially make that work, he would open up the site however it would not be effective.

Commissioner Brown asked if these units were for sale and was advised that they were. Mr. Rotta advised they were currently looking into what the price point would be that would be market bearing right now. They are trying to stay around the \$400k price range. Commissioner Brown also agreed that this project is a little dense and asked if they studied what it would feel like between this 3-story site and the 2-story site behind it. Mr. Rotta advised they had looked at this and understand this is an infill site in an urban location so going upwards it the best way to get the number of units they want. They tried to move the windows in such a way as to not impede on the neighboring properties and shifting things aground so as not to decrease the exterior façade. Commissioner Brown asked if the zone between this project and the existing project is going to be gated off to prevent people from hanging out there. Mr. Rotta advised that it would not. He stated that this development will not be a gated community and that the west

side would be left open due to a new development going in on that side. Commissioner Brown reiterated his concern that there is no security/privacy between this project and the completed site next door. Mr. Rotta advised that they will gate the actual front patio but it is tough to get the whole property secure due to the lack of space. Commissioner Brown stated they could put in a pedestrian gate. Chair Lyon asked if this was a design change that Commissioner Brown would like to propose and stated there may be other design issues that make it necessary for that space to be open. Chair Lyon suggested asking staff about this.

PRESENTATION BY STAFF:

Mr. Obenia Kingsby II, Planner II, referenced conditions of approval, #19-21, that were added to be sure trees were placed in the zone as on the west side there may be some sewer lines so there might be some conflicts there. He requested that condition #2 be modified to reflect 2/7/20 as the correct date of the site plan.

Commissioner Brown reiterated that this would be an attractive spot for the homeless to make camp late at night that is a safety concern. He stated that a steel, wrought-iron fence could be a security measure to close off the front door for the back three units. Mr. Kingsby advised that this is something that they can evaluate if the applicant is amenable to that change. Staff would first like to check with police and fire to make sure there are no issues. Commissioner Brown asked if this could be looked at on the other side and was advised that it could. Commissioner Brown asked if the trees by the sidewalk would be viable in such a narrow spot. Mr. Kingsby advised that the trees may not grow as much as they normally would but would be viable. He stated that a tree on Lot 5 may have to be eliminated due to a sewer line and one to the south of it shifted down due to where the bicycle space is located.

Commissioner Schwartz asked how the fire department would service the units to the north as it does not look like there is room for a turnaround. Mr. Kingsby advised that the units in the back portion of the building would have fire sprinklers, therefore, fire trucks do not have to pull in to the driveway but can service from University Drive, in case of an emergency.

PUBLIC COMMENT: NONE

Mr. Philip Yates, Riverside Neighborhood Association Co-Chair, stated that the whole area does not sustain this kind of traffic and it is going to add more traffic in the area. He stated it is far too dense for this area and does not fit the character of the area. He also feels it is very dangerous with the homeless population and is not a very attractive development and they do not need those kinds of lots in the area. He feels it needs to be opposed. Chair Lyon asked Mr. Yates what he would like to see in that area. Mr. Yates advised he would like to see something that is not as dense and something that is more affordable. He stated this is an area that is threatened by big development, higher development, and more dense development. He does not see this as being something that the area actually wants to have or would benefit from.

Commissioner Amorosi addressed Mr. Yates and stated that the main access for this development is off of University Drive and there is not a secondary driveway proposed to the north that would affect local traffic on 7th Street. Given that information, is Mr. Yates still concerned. Mr. Yates stated it is bad as it is to drive on University so people will cut through neighborhoods, as a result.

RESPONSE FROM APPLICANT:

Mr. Rotta advised that they would not be opposed to finding something that might be able to support the north side and create less of an alleyway that is free and open, such as maybe a wrought iron fence or gate that can seal off those units pending fire and police review. Commissioner Brown stated that would be an improvement.

DISCUSSION BY THE COMMISSION:

Chair Lyon stated he would be fine to add a stipulation that applicant work with staff to find the appropriate solution regarding the gates.

Vice Chair DiDomenico stated that he would feel more comfortable if the condition came from Commissioner Brown so it could be articulated in a way he is comfortable with while having it loose enough so staff can work with other disciplines like traffic and police to make sure that does not create a problem.

Commissioner Amorosi agrees with Commissioner Brown on having some sort of gate there for safety.

Commissioner Brown stated he voted against this project in the past, but he is willing to support increased security even if he votes against the project today.

Vice Chair DiDomenico stated he is in support of the project and feels it is an improvement over the design that was previously approved by the majority of a prior Commission 2+ years ago. He likes the shifting of the driveway and the right turn in and out, he likes the look of the property and feels that if anything this protects the neighborhoods from an assemblage that would lead to an increase in density far beyond what this project is bringing. He stated that it was a vacant lot so something will be going there as Tempe is a popular location to develop in the valley. A self-contained, 5-unit for sale product is the least impactful and he will be in support of the project.

Chair Lyon agreed but stated he would have preferred four units but understands that is unrealistic.

Commissioner Brown stated it is a little dense and there is a lack of a ground plane so he would not enjoy living there. He stated that for \$400k you could buy a house in the middle of Tempe. He is not opposed to the concept of the project, but it is a little boxy and too dense.

Vice Chair DiDomenico agreed it was a little too dense but if it was reduced to four units then the price per unit would most likely go up by about \$75-80k, or 20%, plus the cost for whatever is done with the footprint if the unit is taken out.

Motion: Motion made by Vice Chair DiDomenico to approve PL190227 with an additional stipulation that applicant will be willing to work with the staff to add some security in the areas previously discussed and a date correction to the site plan read into the record and seconded by Commissioner Cassano.

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

Nays: Commissioner Brown

Abstain: None

Absent: Commissioners Johnson and Summers

Vote: Motion passes 5-1

9. Request a Planned Area Development Overlay to modify R-3 District development standards and a Development Plan Review for a new 3-story multi-family development consisting of 4 dwelling units for **430 W 7TH ST APARTMENTS**, located at 430 West 7th Street. The applicant is Synectic Design, Inc. (**PL190217**)

PRESENTATION BY APPLICANT:

Mr. Lance Baker, Synectic Design, stated this is an infill project on 7th Street in Tempe. He advised that currently this is a vacant lot and they are proposing four units that would be apartments for rent. These will be four-unit multi-family and constructed like townhomes. They have masonry demising walls, the units are very large compared to what is available in the area right now. All of the units have two-car garages, three bedrooms, three bathrooms, a living area on the second floor, and they all have back patios. They integrated a great degree of landscaping, especially on the south corner. They have three guest parking spaces that they are providing on the north side. Each of the units has a gated backyard behind them that forms a separation and there are also trees back there. Mr. Baker feels this project is a good fit for the site and that the density is very common with the surrounding area. It is in the medium density area per the 2040 General Plan. The site is located near a transit hub, Whole Foods, and a lot of other larger assemblages with higher density. Three sides of the property are surrounded by multi-family that are equal or much greater.

Vice Chair DiDomenico asked what is unique about the construction/design and if they have done anything like they just heard about from the previous applicant about new materials or sustainable building practices. Mr. Baker advised they were planning on using ductless HVAC. They will not be using HercuWall but are planning to make them as energy efficient as possible. They are utilizing a masonry demising wall. Vice Chair DiDomenico asked if they would be sprinklered and was advised that they would not be.

Commissioner Brown asked if the applicant met with any neighbors to see how they feel about the project. Mr. Baker advised they held a neighborhood meeting and so far have had nothing but unanimous support and even received some additional emails today in support of the project, especially that it is a smaller development.

Vice Chair DiDomenico asked if the unit that they back up against is a rental property and Mr. Baker advised that to his understanding all of those units are rentals. Vice Chair DiDomenico asked if the owner of the adjacent property attended the neighborhood meeting and Mr. Baker informed him that he was not sure of that.

Commissioner Amorosi stated that the applicant is asking for a PAD to say that the project fits, yet they are asking for five variances from the existing zoning. He asked the applicant how he justifies that. Mr. Baker stated that one is a minor height variance that he does not think is inconsistent with the surrounding area. Another one is regarding the density; they are at 3.6 which is close to the 4.0 and on a dwelling units per acre so they are in context with the surrounding properties. As for the other variances, they are making up for them with the intensification of landscaping, guest parking, usable garages, and backyards.

PRESENTATION BY STAFF:

Mr. Lee Jimenez, Senior Planner, advised that all deviations are within range and allowed through the PAD process. With exception to the side building setback reduction from 10' to 7', all are in range of what would be allowed with the Use Permit Standard which is 10% of the height and 20% for the other setbacks. The 7' on the side is just one foot more than you could get with a Use Permit Standard, which would be a reduction from 10' to 8'. Mr. Jimenez stated that the development is using a land use buffer from the adjacent single-family use site to the east. The buffer tree consists of live oak and Chinese elm is the designated street tree along 7th Street and Wilson Street as well as a landscape island adjacent to the guest/ADA parking. Mr. Jimenez advised the Commission that a neighborhood meeting was held on September 30, 2019 where three people attended, and no one objected. Since then the applicant has received three emails of support and up until tonight's hearing, he received two additional emails of support. As far as advertising through the city's process, Mr. Jimenez has not received any public input directly from anyone.

PUBLIC COMMENT: NONE

Mr. Philip Yates, Riverside NA Co-Chair, stated this is in his neighborhood and it is not something that they want. He advised he was never informed about a neighborhood meeting and wants to know why. He stated this project does not fit the area, is too dense, and will definitely cause problems within the neighborhood. When there are events downtown people are going to be using that area to get to 7th Street & Wilson. Vice Chair DiDomenico asked Mr. Yates to explain specifically how the addition of this project consisting of four 3-bedroom units would impact the traffic situation and parking in the neighborhood. Mr. Yates stated that if anyone in that complex were to have a party everyone would park in the area and there are no parking regulations.

Ms. Catherine Mancini, Riverside resident, echoed Mr. Yates' comments about the traffic issue. Currently if there is any event in the downtown, they are having to park their cars a half a mile away and walk to their places because most of the units in the area do not have two-car garages. She stated she was not sure why two-car garages are still being approved in this area or on University like the previous development when the city is boasting that they are going to be a transit only, walking, biking, scootering community in this area. She requests two-car garages not be approved in the downtown core. She does not think it is acceptable to have three stories in this area as there are single-family homes in the area and that when we give away PADs we give away the soul of the area. The developers should be required to build within the voter approved guidelines and laws.

Mr. Mark Eshelman requested his comment be read into the record: "I do not support this plan. Construction is already congesting my neighborhood. This lot was meant for one house".

RESPONSE FROM APPLICANT:

Mr. Baker advised that with regard to notification, they received their mailing list and Affidavit of Notification, so he does not know why Mr. Yates did not get notified unless it was an area boundary issue. He advised that there has been a sign on the site with his name and phone number but he has not heard anything. With regard to parking, he

does not feel it makes a good use of the lot to be a parking lot. He feels this is a good use for the site and it is zoned R-3 so three-stories is allowed in that zoning and per Tempe's General Plan it is a medium to high-density area.

DISCUSSION BY THE COMMISSION:

Vice Chair DiDomenico asked Mr. Jimenez to speak to the policy of notifications, how long the sign on the site has been up and how neighborhood associations are notified. Mr. Jimenez advised that the notification requirements for a neighborhood meeting are very similar to the hearing notifications with the exception that the applicant is in charge of notifying the property owners and entities. Postcards are sent to property owners within 600 feet of the property and an email is sent to any residential associations on the city approved list located within a quarter mile of the project site. Notifications are required to go out fifteen calendar days in advance of the neighborhood meeting. Vice Chair DiDomenico asked if the applicant or staff sends the email notification and was advised that for the neighborhood meeting it is the applicant that sends out the communication by either email or postcard if email is unavailable. He advised that all of that is documented in the public involvement plan. For the public hearings, staff notifies residents based on the same area criteria. Mr. Jimenez advised that the sign has been posted on the site since before September 15, 2019. Vice Chair DiDomenico asked if Mr. Yates is listed as the contact person for the Riverside neighborhood and Mr. Jimenez stated he believes so.

Commissioner Schwartz noted that on attachment #3 which is an aerial photo it does look like there are a lot of cars parked along Wilson Street. She asked Mr. Jimenez if the addition of four driveways into this development would further reduce parking. Mr. Jimenez advised that the street is not even wide enough for on-street parking and that each of the units has a two-car garage as well as enough length of driveway to provide additional guest parking if necessary. There are also three spaces at the rear which are accessible by the alley so in total the site is providing 19 spaces.

Commissioner Brown stated that because the units are wider than they are deep it is very nice architecturally. He believes the parking issue is a lot bigger than these four units.

Chair Lyon thinks it is a great project. This is a small, oddly proportioned property and something will eventually have to go there. This project is in line with the other developments that have been showing up in the area but is much better looking. He will be supporting the project.

Motion: Motion made by Commissioner Cassano to approve PL190217 and seconded by Vice Chair DiDomenico

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

Nays: Commissioner Amorosi

Abstain: None

Absent: Commissioners Johnson and Summers

Vote: Motion passes 5-1

Staff Announcements:

Ms. Suparna Dasgupta, Principal Planner, advised the Commission that the next meeting will be on March 24, 2020 in the Council Chambers. The agenda will be coming out shortly for that meeting.

There being no further business the meeting adjourned at 7:12 p.m.

Prepared by: Joanna Barry
Reviewed by: Suparna Dasgupta



Suparna Dasgupta, Principal Planner, Community Development, Planning