
Minutes
DEVELOPMENT REVIEW COMMISSION
NOVEMBER 27, 2007

The Development Review Commission Study Session was held on November 27, 2007, at Council Chambers, Garden Level, 31 East Fifth Street.

Present:

Vanessa MacDonald, Chair
Mike DiDomenico, Vice Chair
Stanley Nicpon
Tom Oteri
Mario Torregrossa
Dennis Webb
Heather Carnahan

Absent:

Monica Attridge
Peggy Tinsley

City Staff Present:

Steve Abrahamson, Planning & Zoning Coordinator
Diana Kaminski, Senior Planner
Kevin O'Melia, Senior Planner
Dawn Coomer, Light Rail
Jyme Sue McClaren, Light Rail
Heidi Graham, Senior Planner/Community Development Department

Study Session convened at 6:30 p.m.

- Presentation of Light Rail Station Area Planning by LRT Division.
- Item No. 2, DPR to be continued to 12/11/07 meeting; Item No. 3 to be continued to 12/11/07 meeting; and Item No. 4 to be heard.

Study Session adjourned at 7:00 p.m.

The Development Review Commission Public Hearing was held on November 27, 2007 at Council Chambers, Garden Level, 31 East Fifth Street.

*Modifications to any conditions or stipulations made by the Commission are indicated in bold and capitals.

Present:

Vanessa MacDonald, Chair
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Stanley Nicpon
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Dennis Webb
Heather Carnahan

Absent:

Monica Attridge
Peggy Tinsley

City Staff Present:

Steve Abrahamson, Planning & Zoning Coordinator
Diana Kaminski, Senior Planner
Kevin O'Melia, Senior Planner
Cathy Hollow,

Meeting convened at 7:00 p.m.

Item #1 – Minutes – Postponed

Consent Items – None

Item #2 **PL070312** **CAMPUS SUITES ON THE RAIL**
 ZON07011 (Ordinance No. 2007.77)
 PAD07026 Planned Area Development

ZON07011 – (Ordinance No. 2007.77) Zoning Map Amendment from CSS Commercial Shopping and Services and R-4 Multi-Family in the TOD to MU-4 TOD Mixed-Use High Density with a Planned Area Development (PAD).

PAD07026 – Planned Area Development to define the development standards: building height of 70'; building setbacks of 0' front, 10' side, 10' rear; 14% landscape area and 45% building lot coverage; 41 du/ac and 1084 parking spaces.

DPR07208 (CONTINUED TO DECEMBER 11, 2007 HEARING)

This case was presented by Diana Kaminski and represented by Paul Gilbert, Beus Gilbert.

Mr. Gilbert provided opening remarks requesting rezoning to MU-4 with a PAD; introduced the developer and explained the current condition of property with mobile homes and motel units, identifying 165 units that were dealt with. He stated they were aware of no opposition.

Skip Niemiec: Gives a brief overview of the design of the project using power point presentation, plan elevations and material samples.

Henry Morton, CEO of Campus Suites gives a brief overview of the security system.

DiDomenico: Is perforated metal the material used for the canopy? Any heat issues over the sidewalk using perforated metal rather than your typical canopy material.

Niemiec: Yes, it is perforated metal. We believe it will reflect heat better because of its aluminum color and because it is perforated, it is 50% solid and 50% open. A lot of what we go with has to do with weight. We are required to get an Encroachment Permit because this technically is in the right of way and the canopy has to be able to be removed, so weight is a definite issue.

Chair MacDonald calls to the public, with no one from the public wishing to speak, the Commissioner's are then asked if they have any questions or comments.

Nicpon: I like the design and think this is a very nice project.

DiDomenico: I like this design, I like the way it plays off the street and the light rail station. I like the use and the density and have no issues with the design.

Oteri: I like the design.

Webb: I like the design and am happy to see someone with this much experience building in Tempe.

Chair MacDonald: I would first like to thank you for your relocation efforts, I'm thrilled your ground floor uses are 100% retail and you clearly get the idea behind the TOD.

On a motion by Commissioner DiDomenico and seconded by Commissioner Webb, the Commission with a vote of 7-0 recommend approval of the Zoning Map Amendment and the Planned Area Development.

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 7-0 recommend continuance of the Development Plan Review to the hearing of December 11, 2007.

The recommended approval is based on the following:

General

1. A building permit shall be obtained and substantial construction commenced on or before **January 10, 2010 or the property shall revert to a previous zoning designation—subject to a formal public hearing.**
2. Prior to the effective date of this ordinance, the property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, or the zoning approval shall be null and void.
3. An Encroachment Permit must be obtained from the Engineering Department prior to submittal of construction documents for building permit. The limitations of this encroachment include;
 - a. a maximum projection of eight (8) feet for any upper level balconies or decorative architectural features of the building,
 - b. a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure, and
 - c. any other requirements described by the encroachment permit or the building code.
4. The Planned Area Development for **Campus Suites on the Rail** shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.
5. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.
6. The Subdivision Plat for **Campus Suites on the Rail** shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before **January 10, 2009**. Failure to record the plan within one year of City Council approval shall make the plan null and void.

3. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
4. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.

Building Elevations

5. The materials and colors presented are approved as presented:
 - a. Roof – Flat parapet roof and Standing Metal Seam painted Sherwin Williams SW2124 *Stone Cutter*
 - b. Metal gates at trash enclosure - painted to match adjacent stucco.
 - c. Primary building – Stucco field over CMU block walls and flashing sloped roof to parapet Sherwin Williams Superpaint, Satin SW2201 *Golden Gate* and SW2292 *Wild Rose* and SW2331 *Golden Buff*
 - d. Accent building colors - Trim/sill coping, column caps, flashing sloped roof to stone, Sherwin Williams Superpaint, Satin SW2173 *Shaker Red*
 - e. Trellis and railings for patio - exterior metal paint siliconized enamel semi-gloss Sherwin Williams SW2124 *Stone Cutter*
 - f. Accent building materials - Herringbone pattern synthetic brick and Lone Star Cultured Stone, *Ledgestone* style, *Apache* color
 - g. Window metal frames and mullions – Alkyd DTM Semi Gloss Sherwin Williams 6099 *Sand Dollar*
 - h. Window panes - clear glass
 - i. Window shutters - metal painted Sherwin Williams Superpaint, Satin, SW2229 *Audubon Green*
 - j. Doors & trim – All exterior doors Siliconized Alkyd Gloss Sherwin Williams SW2808 *Rockwood Dark Brown*

Provide main colors and materials with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by planning staff. Submit any additions or modifications for review during building plan check process. Planning inspection staff will field verify colors and materials during the construction phase.

6. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
7. Conceal roof drainage system within the interior of the building. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building.
8. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations so that the architecture is enhanced by these elements.
9. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
10. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved by the Development Review Commission.

Lighting

11. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations.

Landscape

12. The following plants are approved as proposed and specified:
 - a. *Cercidium 'Floridum'* Blue Palo Verde minimum 1 ½" caliper, 24" box
 - b. *Acacia Stenophylla* Shoestring Acacia minimum 2 ½" caliper, 24" box
 - c. *Cercidium 'Hybrid'* Desert Museum Palo Verde minimum 2" caliper, 24" box
 - d. *Agave Parryi*, Perry's Agave, 5 gallon
 - e. *Caesalpinia Pulcherrima* Red Bird of Paradise, 5 gallon
 - f. *Hesperaloe Parvifolia* Red Yucca, 1 gallon
 - g. *Muhlenbergia Emersleyi* 'El Toro' Bull Grass, 5 gallon
 - h. *Lantana Purple* Trailing Lantana, 1 gallon

- i. Dasyliirion Wheeleri, Desert Spoon, 5 gallon
- j. Eremophylla Valentine Bush, 5 gallon

Submit any additions or modifications for review during building plan check process. Planning inspection staff will field verify plants.

13. Irrigation notes:

- a. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
- b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
- c. Locate valve controller in a vandal resistant housing.
- d. Hardwire power source to controller (a receptacle connection is not allowed).
- e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.

14. Include requirement in site landscape work to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.

15. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Signage

16. Provide address sign on the building elevation facing the street to which the property is identified.

- a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 12" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 5) Adjust locations on building so sign is unobstructed by trees, vines, etc.
 - 6) Do not affix number or letter to elevation that might be mistaken for the address.
- b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.

Item #9. Announcements

Steve Abrahamson gives an update on The Sets. A team has been assembled that is comprised of employees from the Police Department; the Neighborhood Enhancement Division of the Community Development Department; the Planning Division which also includes employees from our Commercial Code Compliance section.

The team plans on several random inspections of the site which will include taking a sound meter out to measure decibel levels.

Oteri: Is anyone in that group certified as a sound expert? How will the data be analyzed?

Abrahamson: There is no one in the group that is certified. Short of going out and hiring by contract, we have put together the most knowledge people at a staff level that have dealt with noise complaints and the measurement of sound and noise.

Oteri: I assume the team will randomly go out, without notification and at different times of the evening?

Abrahamson: That is correct. We plan at least four visits and have a meeting planned prior to starting these inspections and wanted to ask for your input prior to beginning.

Chair MacDonald: I know we have criteria for our Use Permits, but is there a burden of proof and is it on the appealant to prove these conditions exist?

Abrahamson: We have not had a case like this before and we are in new territory. I am not entirely sure who the burden of proof is on and the City Attorney would probably be the best person to answer that question. We are investigating this from a very objective view point and are going into this with very open minds.

DiDomenico: The only thing I remember about the measurements was measuring both sound and vibration. Maybe it is not related to ambient sound but maybe it is the bass.

Chair MacDonald: I would just like to make sure that measurements are taken from in front of and around Mr. Bonaguidi's home, as well as the rest of the neighborhood in that area.

The next public hearing of the Development Review Commission is scheduled for Tuesday, December 11, 2007, located at City Council Chambers, 31 East 5th Street.

Prepared by: Lisa Lathrop, Administrative Assistant II
Reviewed by: Lisa Collins, Deputy Development Services Manager



Lisa Collins
Deputy Development Services Manager

LC/II
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