

**Minutes
DEVELOPMENT REVIEW COMMISSION
OCTOBER 9, 2007**

The Development Review Commission Study Session was held on October 9, 2007, at Council Chambers, Garden Level, 31 East Fifth Street.

Present:

Vanessa MacDonald, Chair
Mike DiDomenico, Vice Chair
Stanley Nicpon
Monica Attridge
Heather Carnahan
Dennis Webb

Absent:

Mario Torregrossa
Tom Oteri
Peggy Tinsley

City Staff Present:

Lisa Collins, Deputy Development Services Manager
Steve Abrahamson, Planning & Zoning Coordinator
Kevin O'Melia, Senior Planner
Diana Kaminski, Senior Planner
Sherri Lesser, Senior Planner
Lisa Lathrop, Administrative Assistant

Study Session convened at 6:30 p.m.

- Item Nos. 2, 3, 7 and 8 are being recommended to be placed on the Consent Agenda; Item Nos. 4, 5, and 6 are to be heard; and Childsplay and The Sets were pulled from this agenda.

Study Session adjourned at 6:55 p.m.

The Development Review Commission Public Hearing was held on October 9, 2007 at Council Chambers, Garden Level, 31 East Fifth Street.

Present:

Vanessa MacDonald, Chair
Mike DiDomenico, Vice Chair
Stanley Nicpon
Monica Attridge
Heather Carnahan
Dennis Webb

Absent:

Mario Torregrossa
Tom Oteri
Peggy Tinsley

City Staff Present:

Lisa Collins, Deputy Development Services Manager
Steve Abrahamson, Planning & Zoning Coordinator
Kevin O'Melia, Senior Planner
Diana Kaminski, Senior Planner
Sherri Lesser, Senior Planner
Lisa Lathrop, Administrative Assistant
Mark Vinson, City Architect
Shelley Seyler, Traffic Engineer
Cathy Hollow, Senior Civil Engineer
Mark Weber, Principal Civil Engineer

Meeting convened at 7:00 p.m.

Item #1 – Minutes

On a motion by Commissioner Attridge and seconded by Commissioner Carnahan, the Commission with a vote of 6-0 approved the minutes of the September 25, 2007 hearing.

Consent Items

Chair MacDonald, stated that certain items could be handled in the consent fashion if they were properly represented and if there were no objections.

On a motion by Commissioner Nicpon and seconded by Commissioner Carnahan, the Commission with a vote of 6-0, approved the Consent Agenda as follows:

Item #2	PL070380	RCI SYSTEMS BUILDING ADDITION
	DPR07184	(Development Plan Review)
		1220 West Geneva Drive
		GID, General Industrial District

DPR07184 – Development Plan Review including building elevations, site plan and landscape plan.

The request includes the following:

General

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **October 09, 2008** or the Development Plan approval will expire.

Site Plan

2. At existing disabled accessible parking, it is acceptable to leave depressed curb / sidewalk access as constructed following the 2004 Design Review approval.
3. Remove existing slatted chain link fence on-site at east and north property lines. Replace existing fence with steel vertical picket fence at minimum 6'-0" height from grade. Limit horizontal rails to one top and one bottom to inhibit climbing. Provide maximum 0'-4" clearance between pickets. Minimum extent of fence as follows: from Northeast corner of addition, across swale north to north property line; east along north property line east to northeast property corner; and south along east property line to northeast corner of secure yard.
4. Enclose service yard east of the addition with wall of minimum 8'-0" high masonry. Where materials are stored in the yard, increase the height of the masonry wall as needed to match the height of the stored items, up to a maximum of 10'-0". A steel vertical picket cap on top of the service yard masonry wall is acceptable as long as the masonry itself without the cap is minimum 8'-0" high. Exceptions to the 8'-0" service yard masonry wall at the perimeter of the yard are allowed as follows:
 - a) At north side of service yard (facing retention basin) provide minimum 8'-0" high masonry or provide minimum 6'-0" high steel vertical picket fence.
 - b) At south service yard drive gate provide minimum 6'-0" high steel vertical picket roll gate. Equip this gate with a "Knox" key switch for emergency ingress.
 - c) Opposite the roll gate, on the north side of the service yard, provide a steel vertical picket access gate from the secure yard to the retention basin. Size this gate for maintenance vehicle access to the retention basin.
5. Enclose exit way between the existing building and the addition. It is acceptable to provide a yard fence with the general configuration of the existing steel vertical picket fence (with top picket turnouts and masonry base) found at the southwest corner of the existing building. Provide the following design modifications to provide more effective access control:
 - a. maximum 0'-4" clearance between pickets
 - b. minimum 6'-0" steel vertical picket fence height above top of masonry base wall.
 - c. at yard exit gate, design gate and provide hardware so gate may be opened from the exit side while the design precludes unauthorized triggering of the mechanism from the public side. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
6. Provide a minimum 10'-0" wide landscaped island on the east of the roll gate, where one side of the gate/fence has a minimum 7'-0" wide by full length of parking space landscape area.
7. Locate additional electrical service entrance section inside the building, in a flush fitting alcove at the surface of the building or inside the enclosed service yard.
8. Upgrade of existing asphaltic concrete paving to concrete or clay unit paving at driveway aprons from back of sidewalk bypass to 20'-0" on site is recommended but is not required.
9. Place exterior, freestanding reduced pressure and double check backflow assemblies, whether installed with this construction phase or pre-existing this phase, 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.
10. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the building.

Floor Plans

11. Reduce depth of alcove at north elevation to 8" so the recess cannot be used as a place of concealment.

Building Elevations

12. Provide painted stucco finish on masonry field and accent band similar to existing building. Revise notes that indicate the building exterior finish is paint direct applied to masonry.

13. 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. During construction, Planning inspection staff will field verify colors and materials.
14. Provide roof access that is fully concealed on four sides, including full concealment of external ladder from lower to upper roofs. If external ladder cannot be concealed, or if parapet opening at top of ladder exposes roof-mount mechanical equipment, replace external ladder with roof scuttles to each separate roof.
15. Indicate design of exposed roof drainage system, including metal components that are painted to match the adjacent exterior plaster field and accent colors. Match design of roof drainage system of existing building to that of the addition.
16. 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 exposed elements.
17. 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.

Landscape

18. Salvage four existing mesquites (State of Arizona "protected" tree) in way of building addition and service yard. Transplant the mesquites elsewhere on site and re-use in the site landscape.
19. Remove dead Australian Bottle tree in frontage. Place trees in frontage so at least one tree is provided for every 30'-0" of frontage.
20. Irrigation notes:
 - a. Provide an irrigation plan that clearly indicates existing elements and additions.
 - b. For irrigation extension, provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC 1/2" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than 1/2" (if any). Provide details of water distribution system.
 - c. Locate valve controller in a vandal resistant housing. Hardwire power source to controller (a receptacle connection is not allowed).
 - d. Repair existing irrigation system on site or in the adjacent Geneva Drive right of way where damaged by work of this project. Provide temporary irrigation to existing landscape on site or in public right of way adjacent to site for period of time that irrigation system is out of repair. Design irrigation so existing plants on site or in frontage is irrigated as part of the reconfigured system at the conclusion of this construction.
21. 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.
22. Treat swale at northern edge of property line with landscape to prevent erosion. Rock groundcover is acceptable if pieces are less than 2" diameter. If the pieces are larger (up to 12" diameter), embed the pieces 2/3 into a concrete substrate so they cannot be removed by hand and used for criminal activity.
23. Match existing rose color decomposed granite used on site.

Signage

24. Provide details of major building address signs for review during building plan check process. Each major address sign consists of an illuminated, 12" high, metal, reverse pan channel, individually mounted set of address numbers that are attached to the building elevation. The street name and direction are not part of the address sign. Do not affix a number or letter to the building that might be mistaken for the address assigned to the building. Maintain minimum 50 percent contrast between address number and the background to which it is attached. Locations of major address signs indicated on elevations as indicated in the submittal are acceptable. Consider modification of height of address signs to avoid visual conflicts from entrance canopies and tree foliage. In addition to the major address signs, provide the following:
 - a. 6" high vinyl (or similar) address number set on the glass directly above each business entrance.
 - b. 1" address number set at meter in accordance with electrical code and utility company standards.

Item #3 **PL060686** **PENTECOST INTERNATIONAL WORSHIP CENTER**
 DPR07191 (Development Plan Review)
 807 South George Drive
 CSS, Commercial Shopping and Services District

DPR07191 – Development Plan Review including building elevations, site plan and landscape plan for a one-story worship and classroom building.

The request includes the following:

General

1. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of permits.
2. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **October 9, 2008** or Development Plan approval will expire.
3. Obtain an administrative approval of shared parking analysis prior to issuance of building permits.

Site Plan

4. Provide 8'-0" wide public sidewalk along University Drive and a 6'-0" wide sidewalk along George Drive as required by Traffic Engineering Design Criteria and Standard Details.
5. Provide an ornamental iron fence and gate along the south side of courtyard; finals details to be approved during Planning Plan Check.
6. Provide upgraded paving at each driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.
7. 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.
8. 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

9. 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.
10. Provide secure roof access from the interior of the building. Do not expose roof access to public view.
11. 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.
12. 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.
13. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.
14. 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

15. Illuminate building entrances and underside of open stair landings from dusk to dawn to assist with visual surveillance at these locations (review the lighting section & see what items in your case are not covered).

Landscape

16. Irrigation notes:
- Enclose backflow prevention device in a lockable, pre-manufactured cage.
 - Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC 1/2" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than 1/2" (if any). Provide details of water distribution system.
 - Locate valve controller in a vandal resistant housing.
 - Hardwire power source to controller (a receptacle connection is not allowed).
 - Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
 - Repair existing irrigation system (on site or in the adjacent public right of ways) where damaged by work of this project. Provide temporary irrigation to existing landscape (on site or in these frontages) for period of time that irrigation system is out of repair. Design irrigation so (existing plants on site or in frontages) is irrigated as part of the reconfigured system at the conclusion of this construction.
17. 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.
18. 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

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

Item #7	PL070371	APACHE ASL TRAILS
	GEP07007	(General Map Amendment)
	ZON07010	(Zoning Map Amendment)
	PAD07025	2428 East Apache Boulevard
		CSS, Commercial Shopping & Services District and the TOD, Transportation Overlay District

GEP07007 – (Ordinance No. 2007.86) General Plan 2030 Density Map Amendment from Medium Density (up to 15 du/ac) to High Density (greater than 25 du/ac).

ZON07010 – (Ordinance No. 2007.73) Zoning Map Amendment from Commercial Shopping and Services (CSS) to Mixed-Use High Density (MU-4).

PAD07025 – Planned Area Development (PAD) Overlay for development standards and a density of 60 du/ac, consisting of 135 residential units and 13,000 s.f. of retail, restaurant and office uses within 3-6 floors of mixed-use buildings.

The request includes the following:

1. A building permit shall be obtained and substantial construction commenced on or before **November 8, 2009** 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 Apache ASL Trails 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. A Condominium Plat (Horizontal Regime) is required for this development and shall be recorded prior to an occupancy permit.
7. The Subdivision Plat and Condominium Plat for Apache ASL Trails 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 **November 8, 2008**. Failure to record the plan within one year of City Council approval shall make the plan null and void.
8. Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
9. Provide upgraded paving at each driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.

Item #6 **PL070353** **FARMER ARTS DISTRICT**
GEP07005 (General Plan Amendment)
ZON07008 (Zoning Map Amendment)
PAD07020 (Planned Area Development Overlay)
PAD07024 (Planned Area Development Overlay)
280 West University Drive
GID, General Industrial District and TOD, Transportation Overlay District

GEP07005 – (Resolution No. 2007.82) – General Plan Projected Residential Density Map Amendment from Medium-High Density (up to 25 du/ac) to High Density (greater than 25 du/ac).

ZON07008 – (Ordinance No. 2007.68) Zoning Map Amendment from GID, General Industrial District and TOD to MU-4, Mixed-Use High Density District and TOD.

PAD07020 – Planned Area Development Overlay for Farmer Arts District, Parcel 1 to establish development standards for five (5) buildings consisting of a public library, commercial and mixed-use with live/work up to seven (7) floors, on +/- 4.82 acres.

PAD07024 – Planned Area Development Overlay for Farmer Arts District, Parcel 2 to establish development standards for four (4) buildings consisting of commercial and mixed-use with live/work up to five floors all in a building area of approximately +/- 3.51 acres.

Karen Gittiss: I would like to see more improvements to the roof and more design to the front. I am pleased about the trees. I am disappointed in the asphalt shingle roofing material. Since 50 parking spaces are being added and the church sells those spaces to students, and that has a negative impact on the neighborhood in regards to vehicular and pedestrian traffic, I would as that this approval be conditioned on that use not being allowed. I would as that a stipulation be placed in the Conditions of Approval that parking spaces not be sold.

Commissioner Attridge: How is it that they can use the parking lot in that manner?

Kaminski: It was determined that since they are non-profit that this use does not require a use permit.

Barduson: Just to clarify, there are 28 spaces that have been added, totaling 165.

DiDomenico: Can you tell me about the use and what happens inside this building? Are there movable walls inside so it can be broken up into smaller spaces, or is it used in its long, narrow configuration?

Barduson: The Hudson Lane elevation is broken into three sections; the first section on the west is the office component, the next section is used for adult ministry classrooms with movable partitions as well as stationary ones. The next section would be the youth area and the final section is the children's area.

DiDomenico: The obvious way to reduce the massing on the Hudson elevation is to break this building up into pieces, to have a breezeway that falls at some natural dividing point, to have a split in the roof. Why not break it up that way?

Barduson: We did have a plan similar to that. One of the reasons we didn't go that direction, is there a central restroom facility and we wanted easy access to that. Secondly, they wanted to hold onto that multigenerational component of the church and have a main shaded porch area for all to gather and then the different groups could disperse to their areas. We're trying to break it up in other ways, not so much structurally. We're being conscious of the amount of money it takes to build a building of this size and make it as cost-effective as possible. I think at the human scale it is much more broken up, the aerial shot is a little deceiving.

Chair MacDonald: I appreciate the efforts that you have made to this point; saving the existing trees, setting the building farther back from Hudson Lane and the coordination with the neighbor to the west. I still think your plan falls short in that gigantic roof and in the roofing materials. You are building in 2007 and there is a range of materials available that are new, innovative and exciting. I would think you wouldn't want to link your newer building to the older, smaller buildings already on the site and ultimately the older buildings would be brought up to date with the new building. When you walk us through the four uses in that building, I think it can be reflected somehow in the roofline. Possibly there could be some differences in the roof height. I think if it could be broken up somehow, I wouldn't mind the shingles; but as it stands now, it's just this endless roof line. Although I like the other efforts, I am still hung up on this issue.

Webb: I echo Chair MacDonald. I think you have a great opportunity here and a great piece of property. Under this current configuration, I cannot support this project.

Chair MacDonald gives notice to the applicant that they may ask for a continuance due to the Commission being short one commissioner.

The applicant accepts and agrees to continue this item.

DiDomenico: Just want to make one comment. From my perspective, it would be bad public policy for us to take parking spaces and tell people not to use them in an area where we have a lack of parking. Students have cars they need to park and if they are not there, they will be in the neighborhoods. As just one commissioner, I will not be adding those stipulations.

On a motion by Commissioner Nicpon and seconded by Commissioner Attridge, the Commission with a vote of 6-0 continued this case at the request of the applicant to the November 13, 2007 hearing due to the shortage of one Commissioner.

Item #5 **PL070166** **RESIDENCES AT THE ARTSPARK**
GEP07004 (General Plan Amendment)
ZON07009 (Zoning Map Amendment)
PAD07022 (Planned Area Development Overlay)
ZUP07115 (Use Permit)

GEP07004 (Resolution No. 2007.71) General Plan Projected Residential Density Map Amendment from Medium-High Density (up to 25 du/ac) to High Density (greater than 25 du/ac).

ZON07009 – (Ordinance No. 2007.66) Zoning Map Amendment from GID, General Industrial District and RSOD, Rio Salado Overlay District to MU-4, Mixed-Use High Density District and RSOD, Rio Salado Overlay District.

PAD07022 – Planned Area Development Overlay to establish development standards for the four buildings on +/- 5.215 acres.

ZUP07115 – Use Permit to allow tandem parking.

This case was presented by Kevin O'Melia, City staff and represented by Paul Gilbert of Beus Gilbert and Ross Robb of Zacher Homes, the applicant.

Gilbert: It's my understanding that you had two questions, I would like to begin by addressing those two questions. With regard to the tandem spaces, we are providing 165 tandem spaces. Secondly, I would like to speak to the height issue. We have agreed to Stipulation No. 1. We have spent a lot of preparatory time on this project, working with staff and the neighborhood. We have had neighborhood meetings. In addition, we have had a team out working with the neighborhood, answering their questions and to our knowledge, know of any neighborhood opposition. We have submitted our traffic study to the City and we know of no problem that the City has with that study.

Chair MacDonald: Can you elaborate on how you arrived at the building height? And what about lot coverage? You're only building on 53% of it?

Gilbert: We wanted to have a quality project and we also have to have a project that makes sense from an economical standpoint. At one time, we were much higher than what we are proposing now. One of the reasons we're going with this height is the view corridor. By going higher, we can preserve that open space and the view corridor and we believe that is a better solution than lower, squattier buildings and a higher percentage of lot coverage.

Chair MacDonald: The City has quite an investment in the Arts Center and a large part of that investment is a roof that has been designed to be an iconic structure on the bank of the Town Lake. In driving on the 202 looking at the Arts Center, I'm trying to envision two buildings rising up from behind the center and I can't help but think that the iconic roofline, or parts of it, will just go away.

Gilbert: Even if we limited the project to four or five stories, you would still have some of the same concerns. If we had more buildings and larger lot coverage, we would be blocking the view of the Arts Center even more from the neighborhood that is behind it. Furthermore, our arts walk is a tremendous benefit to the Arts Center. We also have a display of very iconic buildings that are surrounded by other buildings of substantial size, most famous one is the Sydney Opera House (referring to exhibit). Furthermore, the property is zoned industrial and we are changing that to a residential use, which is much more compatible with the Arts Center.

Nicpon: I think the project sits better at 16 stories, why did you give up the two stories?

Gilbert: We agree 16 stories is better but if Phoenix and Sky Harbor felt it was that important, then we decided to go along.

Nicpon: The Art Walk is a terrific amenity and a great use of space but since I don't live there, where would I park?

Gilbert: There will be some parking on 1st Street but many of the people who use that Art Walk can get there from their existing buildings.

O'Melia: This Art Walk is part of a "regional" walking system that will connect into the pedestrian bridge, which is being proposed on the west bladder; which we saw a presentation on a couple of months ago. We are also connecting onto Papago Park and North Tempe.

Attridge: What percentage of the total parking will the tandem spaces make up?

Mike Rumpletin: 13-1/2% of the total parking, which is 1,222 spaces.

Attridge: In regards to the petition, were the people who signed it presented with the petition, with renderings, did they know the height of the building?

Gilbert: Every person that was given the petition to sign, was given a copy of the renderings and the height was discussed.

O'Melia: I would like to read into the record a modification to final sentence of Condition No. 1: "An exception to this condition will be allowed for the northeast tower only, provided it does not exceed 185', if the following occurs."

O'Melia: 185' equates to 16 stories plus a mechanical penthouse. That is what is currently in the presentation exhibits for the northeast tower.

DiDomenico: I thought you had given up the fight for the 16 stories?

Gilbert: If the door is open for us, we would come back and ask for that.

Chair MacDonald opens the hearing to public input.

Joe Sega: I am a property owner at the 525 project next door and I am concerned about density and height of this project and in comparison to The Edgewater project, is it the same height, higher or lower? I think from a parking perspective, I would have a real concern if I lived along 1st Street or Rio Salado Parkway. I also have a concern in regards to airport safety.

Gilbert: In regards to parking, we are providing 124 visitor spaces and we are providing spaces in excess of the code. We have sign off from the FAA at 19 and 16 stories, we don't have it for the 14 stories but we do have it for the higher height.

Ross Robb: Our residential buildings are slightly lower than the Hayden Ferry Lakeside building and probably about the same size as their residential buildings.

Chair MacDonald closes the public portion of the hearing.

Nicpon: Building a 16 story building on a smaller footprint is the architectural thing to do. 16 stories is more aesthetically pleasing and I personally hope you go for the 16 stories. I don't think this will detract from the Arts Center, I think it will enhance it.

DiDomenico: Is staff in strong support of this project?

O'Melia: The modification to the design I have seen since the original proposal has had major improvements made to it. I like the form and massing and yes I do recommend approval.

DiDomenico: In approving what we have here tonight with the modified stipulations, is there anything that would prevent us from taking a second look at height?

O'Melia: What is being recommended tonight in the PAD would be the maximum height.

Collins: What you are approving is the maximum height. If the design comes in and there are issues with height relating to massing and design, you can address those when the building elevations come through at the time of the development plan review.

On a motion by Vice Chair DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 5-1 (Chair MacDonald opposed) recommend approval of the General Plan Amendment, Zoning Amendment, Planned Area Development Overlay and approved the Use Permit with the following conditions:

1. Do not exceed building height of 167'-0" from ground level or 1320 ft. above mean sea level, whichever is less, in order to accommodate finding of the City of Phoenix Aviation Department that this is the maximum building height in this location that is consistent with airport economic development, capacity and safe flight procedure. This condition includes the height of mechanical penthouses and other above roof items that are normally allowed as exceptions to building height in ZDC Sec. 4-205 (A). This condition includes these items as part of the height of the building. An exception to this condition will be allowed for the northeast tower only, provided it does not exceed 185'-0", if the following occurs:
 - a) The Federal Aviation Administration agrees in writing to the height coordinates presented.
 - b) The City of Phoenix Aviation Department agrees in writing to a certain overall height greater than 167'-0" for the northeast tower, based on an acceptable One Engine Inoperative departure slope.
2. Provide agreement between Regatta Pointe Homeowners Association and Zacher Homes for shared maintenance of Lakeside Drive including, but not limited to, paving and associated landscape and irrigation. Execute this agreement and record agreement with the Maricopa County Recorder's office prior to approval of the Development Plan for Residences at the Artspark.
3. Prior to the effective date of Resolution No. 2007.71 and Ordinance No. 2007.66, 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 General Plan Projected Density Map Amendment and the Zoning Map Amendment shall be null and void.
4. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements, including:
 - a. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains.
 - (4) Roadway improvements including streetlights, curb, gutter, bike path, sidewalk, bus shelter, and related amenities.
 - b. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees.
 - (2) Water and/or sewer participation charges.
 - (3) Inspection and testing fees.
 - c. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
 - d. All street dedications shall be made within six (6) months of Council approval.
 - e. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
 - f. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this redevelopment in accordance with the Code of the City of Tempe - Section 25.120.
5. Obtain a Development Plan approval for building elevations, site and landscape plan for the Residences at the Artspark from the Development Review Commission.
6. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
7. A building permit shall be obtained and substantial construction commenced by on or before October 9, 2009, or the zoning shall revert to that in place at the time of application, subject to a public hearing.
8. The Planned Area Development for Residences at the Artspark 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.

9. Provide the following prior to issuance of a building permit:
 - a. Provide an encroachment permit from the Public Works Department for projections over the public right of way.
 - b. Provide a Final Subdivision Plat. The Subdivision Plat requires separate process review through City Council followed by recordation at the Maricopa County Recorder's Office.
 - c. Provide cross access and cross drainage agreements between the Artspark and the City park tract.
10. Provide a Condominium Plat (Horizontal Regime Subdivision) prior to Certificate of Occupancy. The Condominium Plat requires separate process review through City Council followed by recordation at the Maricopa County Recorder's Office.
11. Provide a Codes, Covenants and Restrictions Agreement for the condominiums prior to Certificate of Occupancy. The CC&R's require Development Services and City Attorney's Office review and approval by the Development Services Director and the City Attorney, followed by recordation at the Maricopa County Recorder's Office.

ZUP07115

CONDITION OF APPROVAL:

12. Tandem parking limitations:
 - a) A tandem space may exit to a drive aisle through no more than one other parking space.
 - b) Residents of a single condominium control the tandem space and the parking space that blocks the tandem space; the tandem space and the blocking space may not be split between two condominiums.
 - c) Live/work units may not have tandem parking spaces.
 - d) Guest parking spaces may not be placed in a tandem configuration.

Item #6 **PL070338** **RESIDENCE INN/CITY HALL PARKING GARAGE**
 DPR07173 (Development Plan Review)
 117 East 5th Street
 GID, General Industrial District and the RSOD, Rio Salado Overlay District

DPR07173 – Development Plan Review including building elevations, site plan and landscape plan.

This case was presented by Kevin O'Melia and represented by Mark Weber of the City of Tempe and Rick Harper of Stantec.

Weber: This is a city project and a five story parking garage we are doing in conjunction with the Residence Inn project on the old Bandersnatch property. The garage will house approximately 420 parking spaces and two-story, 12,000 s.f. office/retail on the frontage of 5th Street.

Nicpon: Before the applicant continues, this item was slated for the Consent Agenda and since I was the one who had questions, rather than have them go through an entire presentation on what I think is a great parking garage, possibly we could address those questions and go from there? First thing, I am concerned about the second story retail. Secondly, I think the retail needs to wrap around the west side of the building. Thirdly, what is the connection between this building and City Hall? Lastly, you're going to shut-off First Street.

Weber: To your question about second story retail, only the first story is retail. The second story is slated for offices. As far as the wrap around on the west side, the Planning Division shared your concern; but in trying to get our spaces that we needed in the footprint and the height of the parking garage, we could do it. As far as the connection between that property and City Hall, there is going to be a linear park.

Mark Vinson (City Architect): 6th Street is already closed to through traffic, but this park would not preclude a possible opening in the future.

Nicpon: Thank you for answering all of my questions.

On a motion by Commissioner Nicpon and seconded by Vice Chair DiDomenico, the Commission with a vote of 6-0 approved this Development Plan Review with the following conditions:

General

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by **October 09, 2008** or the Development Plan approval will expire.

Site Plan

2. Provide an overall site plan that includes the Park tract, the City Garage with Retail / Office block, the Residence Inn, the Arts Center and adjacent on-street parking in front of each of these parcels.
3. Provide a comprehensive vehicle and bicycle parking calculation for the interrelated parcels.
 - a. Of the 218 vehicles for the Residence Inn, indicate amount reserved for the hotel and hotel retail in the garage and the amount assigned to the hotel through on-street parking adjacent to the hotel on 5th Street and Forest Avenue.
 - b. Of the 62 parking spaces for the Performing Arts Center (by Variance: refer to SIP 89.30) indicate amount reserved for the Arts Center in the garage and the amount assigned to the Arts Center through on-street parking adjacent to the hotel on Forest Avenue and 6th Street.
 - c. Indicate the amount of reconfigured surface parking on the north of the Arts Center property. Identify if this parking will be included in the Arts Center, the garage retail / office or the hotel parking quantity.
 - d. Indicate the amount of parking required for the garage retail / office block, including the amount of this parking that will be in the garage and on the surface south of the hotel as well as the amount assigned to the garage retail / office block through on-street parking adjacent to the garage on 5th Street.
 - e. Determine the amount of remaining parking in the garage and of this quantity, what is assigned to the City Hall complex and what is assigned for public use.
 - f. For bicycle parking, indicate the amount of parking assigned to each parcel, indicate the locations of the parking spaces and identify existing parking spaces to remain.
 - g. Update the Building Safety Division parking files for the interrelated parcels.
4. Vehicle paving:
 - e) Provide upgraded paving at the garage (5th Street) and the reconfigured Performing Arts Center (Forest Avenue) driveway aprons consisting of unit paving. Match unit paving to the downtown brick sidewalk standard. Use of an alternate unit paving in the driveway may be considered, subject to Planning Division approval. In either case, extend unit paving in the driveway from the back of the accessible public sidewalk bypass to minimum 20'-0" on site and from curb to curb.
 - f) Clearly define fire lane through garage and on north site of Tempe Performing Arts site with a distinctive paving pattern.
5. Place exterior, freestanding reduced pressure and double check backflow assemblies if located on contiguous lot in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If exterior backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry screen wall following the requirements of Standard Detail T-214. Disregard this condition if the assemblies are located inside the garage structure.
6. Finish exterior utility equipment boxes such as the transformer in a neutral color (subject to utility provider approval) that compliments the coloring of the building. Place electrical service entrance and related equipment inside the garage structure.
7. Site walls and gates:
 - a. At Forest Avenue masonry screen wall for reconfigured Performing Arts Center surface parking, finish the screen wall with a sandstone veneer or exterior plaster that matches the adjacent hotel elevations. Disregard this condition if the existing exposed masonry screen wall is allowed to remain in place.
 - b. Refuse enclosure:
 1. At gates, design panels with steel frames and perforated screen that inhibit climb over but allow visual surveillance through gates when up close. Match perforated screen to the material used in the garage windows.
 2. At masonry walls, match facing masonry of the garage.

Floor Plans

8. To facilitate protection of hotel patrons, retail / office users and the public, provide full vehicular and pedestrian access control to the garage. Locate the line of control at the arm gate location indicated on the ground floor plan. Do not provide access control across the fire lane that passes under the garage. Provide details of steel mesh partitions and gate control.

9. Provide a glazed, air conditioned elevator vestibule at the ground floor of the garage adjacent to the hotel lobby entrance.
10. At southwest stair ground level exit, move exit from west elevation to south elevation to coordinate with landscape plan. Provide pathway from this exit to the public right of way on 6th Street.
11. At southeast stair second, third, fourth and fifth levels, do not provide an exit-way through a parking space; delete the adjacent parking space.
12. At northwest stair fourth level, do the following:
 - a) The stair core is out of position on the fourth level plan with respect to this stair on the third and fifth levels. Specifically, the stair on the fourth level is indicated partially north of grid line 3. Correct this inconsistency on the fourth level and remove one parking space south of this stair to accommodate the change.
 - b) Provide access control for the area north of this stair enclosure similar to as indicated on the third and fifth levels.
13. At south parking row second, third and fourth levels, delete narrow parking space in this row; only nine parking spaces fit in this row.
14. At north parking row fourth level, provide row configuration similar to the third level that respects placement of structural columns. Delete one parking space from this row on the fourth level to accommodate the columns.
15. Shade canopies for parking areas:
 - a. Provide canopy clearance to allow disabled van parking on demand.
 - b. Design to be attractive when viewed from above. Provide maximum 75% light reflectance value for canopy fabric and frame.
 - c. Detail canopy lighting so light source is fully cut off on all sides.
 - d. Conceal lighting conduit to greatest extent possible in the folds of the canopy frame and finish conduit to match surroundings.
16. Exit Security:
 - a. Provide visual surveillance by means of fire-rated glazing assemblies from garage stair towers into adjacent parking levels.
 - b. Remove visually concealed spaces from within 21'-0" of an elevator or stair exit. In instances where an elevator or stair exit is within 21'-0" of an alcove, corner or other potential hiding place, position a refracting mirror to allow someone in the exit doorway to observe in the mirror the area around the corner or within the alcove that is adjacent to the doorway.
17. Garage Security:
 - a. Minimize interior partitions or convert these to semi-opaque screens to inhibit hiding behind these features.
 - b. Paint interior wall and overhead surfaces in garage floor levels with a highly reflective white color, minimum LRV of 75 percent.

Building Elevations

18. Provide an east elevation of the garage for the portion that is south of the hotel. Relate this elevation architecturally to the other elevations of the garage.
19. Provide row of repetitive openings at first level on south and west elevations. These openings may be smaller than the repetitive openings above at the second, third and fourth levels of the garage.
20. At the north, west and south elevations, provide pre-cast concrete pilasters between garage paired openings at the fourth level openings on the north elevation and the second, third and fourth level openings on the west and south elevations.
21. At flying spandrel at northwest corner of garage, widen the supporting column in the east-west dimension the match the width of the masonry pilasters between the storefronts.

22. At the northeast corner of the north elevation on the Fifth level, provide a tall wall from grid line "D" to the hotel to inhibit view from the garage deck to the police facility on the north of 5th Street. Match the height of this wall extension to the height of the stair towers.
23. Provide communication antenna yard walls that are 8'-0" high, following the previously approved Variance (BA940011). Provide detail of the complete enclosure, including access control from garage users.
24. Provide secure retail / office roof access from the interior of the building. Do not expose roof access to public view.
25. Locate electrical service entrance sections inside the garage structure or in a fully enclosed service yard.
26. Provide main colors and materials (except the interior of the garage) with a light reflectance value of 75 percent or less. Specific colors and materials exhibited on the materials sample board are approved by Planning Division. Submit any additions or modifications for review during building plan check process. During construction, planning inspection staff will field verify colors and materials.
27. Avoid upper/lower divided glazing panels in exterior windows at the ground floor, particularly where lower glass panes of a divided pane glass curtain-wall system can be reached and broken for unauthorized entry. If this mullion pattern is desired for aesthetic concerns, laminated or other high strength glazing may be considered in the lower glass panes.
28. Conceal roof drainage system, piping and electrical conduit within the interior of the building. Minimize visible, external features, such as roof overflows, and incorporate these and other required exterior projections (Fire Department Connection, security cameras, alarm klaxons, etc.) into the design of the elevations so these elements enhance the building architecture.

Landscape

29. Provide landscape construction documents that includes individual identification of plants at massed groundcover areas. Provide details of water and green towers as part of landscape submittal.
30. Replace Bradford Pears--whether missing prior to beginning of this work, or damaged or destroyed during this construction--at eastern edge of City Hall podium adjacent to project.
31. Install 'Heritage' Live Oak at each of the tree grates at the 5th Street frontage in front of the garage. Retain existing lone specimen in place if possible. Provide trees of 48" box size at installation, and select standard (single trunk) specimens of uniform size.
32. Provide a landscape plan of the proposed green roof for the retail / office block. Limited use of rock landscape at this roof is acceptable, such as a "sized" (matching size) river run or fissured rock ballast, however a minimum of 75 percent vegetative plant groundcover in containers over the roof is required at maturity. Do not make the green roof accessible to the public.
33. Irrigation notes:
 - a. Provide separate irrigation plans for the garage, the park and provide a modified existing irrigation plan for the Performing Arts Center. The park irrigation system may be an extension of the existing park system around the City Hall. Completely indicate by detail, schedule and plan the material and assembly of the water distribution systems.
 - b. Provide park 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 irrigation system within garage structure in conformance with plumbing standards.
 - c. Extend irrigation system to plants in the adjacent public right of way. Repair and maintain any existing through system irrigation main in the public right of way that belongs to the city.
 - d. Locate valve controllers in vandal resistant housings.
 - e. Hardwire power source to controller (no receptacle).
 - f. Controller valve wire conduit may be exposed if the controller is mounted inside in a service room. For exterior installation that is exposed to the public, conceal the power conduit and valve wire conduit to the controller within a pedestal or in the wall on which the controller is mounted.

34. Include requirement in landscape work to de-compact soil in public right of way or contiguous lot planting areas and remove construction debris from planting areas prior to landscape and irrigation installation.
35. Generally top dress at grade landscape areas, except under tree grates, with compacted decomposed granite. Indicate granite size, quality (minus, screen or sized) and color in the landscape legend. Provide a color that compliments the building. Install compacted decomposed granite to a 2" uniform thickness.

Signage

36. Provide details of major building address signs for review during building plan check process. Address signs do not need a sign permit unless they are halo illuminated. Each major address sign consists of an illuminated, 12" high, metal, reverse pan channel, individually mounted set of address numbers that are attached to the building elevation. The street name and direction are not part of the address sign. Do not affix a number or letter to the garage that might be mistaken for the address assigned to the garage. Maintain minimum 50 percent contrast between address number and the background to which it is attached. Provide at least two major address signs on the garage, including one on the north near the northeast corner (over the 5th Street garage entrance) and one on the west elevation near the southwest corner. Do not place an address sign on the east or south elevations facing streets on which the garage is not addressed. Consider modification of height of address signs to avoid visual conflicts from entrance canopies and tree foliage. In addition to the major address signs, provide the following:
 - a) 6" high vinyl (or similar) address number set on the glass directly above each business entrance.
 - b) 1" address number set at meter in accordance with electrical code and utility company standards.

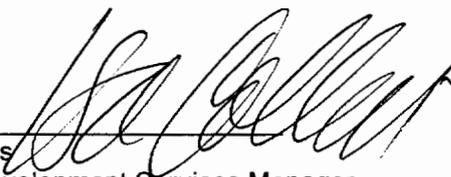
Item #9. Announcements

None

Meeting adjourned at 9:00 p.m.

The next public hearing of the Development Review Commission is scheduled for Tuesday, October 23, 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
11/06/2007 1:35 PM