

MINUTES OF THE DEVELOPMENT REVIEW COMMISSION SEPTEMBER 9, 2008

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 E. 5th Street, Tempe, AZ 85281
6:30 PM (5:30 Study Session)

COMMISSION PRESENT:

Vanessa MacDonald, Chair
Mike DiDomenico, Vice Chair
Stanley Nicpon
Monica Attridge
Dennis Webb
Peggy Tinsley
Paul Kent

CITY STAFF PRESENT:

Steve Abrahamson, Planning & Zoning Coordinator
Ryan Levesque, Senior Planner
Kevin O'Melia, Senior Planner
Diana Kaminski, Senior Planner
Shelly Seyler, Traffic Engineer
Catherine Hollow, Senior Civil Engineer

Chair MacDonald called the meeting to order at 6:35 p.m., which included the introduction of the Commission and City staff.

1. **CONSIDERATION OF MEETING MINUTES: AUGUST 26, 2008**

On a motion by Commissioner Webb and seconded by Commissioner Tinsley, the Commission with a vote of 5-0 (Commissioners DiDomenico and Nicpon abstaining) approved the minutes of the August 26, 2008 hearing.

CONSENT AGENDA

Items Nos. 3 and 4 were placed on the Consent Agenda at the Study Session. Item No. 3 was recommended for approval and Item 4 was recommended for continuance to a date to be determined.

On a motion by Commissioner Nicpon and seconded by Commissioner DiDomenico, the Commission with a vote of 7-0 approved the Consent Agenda with all conditions as recommended by staff in the following reports:

3. Request for **THE RETREAT (PL080071)** (David Freeman, GNJ Properties LLC, Len Erie, Leonard J. II and Susan M. Erie Trust and the City of Tempe, property owners; Manjula Vaz, Gammage & Burnham, applicant) for a preliminary subdivision plat on 1.801 net acres located at 1000 East Apache Boulevard in the CSS, Commercial Shopping and Service District. The request includes the following:

SBD08026 – Preliminary Subdivision Plat to combine the property parcels into one lot.

STAFF REPORT: [DRCr_RetreatPrelimPlat_090908.pdf](#)

THIS CASE WAS APPROVED

- Request for **LAKES TOWNE CENTER SITE B PHASE I (PL080202)** (Debbie Vesco, Earnhardt Properties Limited Partnership, property owner / Brad Anderson, Kitchell Development Co., applicant) consisting of two single-story retail buildings of 86,230 s.f. and 4,000 s.f., totaling 90,230 s.f. on 6.81 net acres, located at 577 E. Baseline Road in the PCC-2 Planned Commercial Center General District. The request includes the following:

ZUP08111 – Use Permit for a 20% increase in building height from 40 to 48 feet for the Major 2 building.

DPR08143 – Development Plan Review including site plan, building elevations, and landscape plan.

THIS CASE WAS CONTINUED TO AN UNDETERMINED DATE

STAFF REPORT: [DRCr_LakesSiteBPhase1_90908_.pdf](#)

REGULAR AGENDA

- Request for **THE ELEMENT @ ASU (PL080041)** (JLB Tempe LLC, property owner; Angie Rawie, JLB Partners, applicant) consisting of a new 215 unit student housing complex with 10 live/work units, including an internal parking garage. The building consists of 4 stories within approximately 132,000 s.f. of total building area on 6.35 acres, located at 1949 East University Drive in the R-4(PAD) District. The request includes the following:

GEP08004 – (Resolution No. 2008.80) General Plan Land Use map amendment from “Residential” to “Mixed-Use”, a Projected Residential Density map amendment from “Medium to High Density” (up to 25 du/ac) to “High Density” (greater than 25 du/ac).

ZON08006 – (Ordinance No. 2008.46) Zoning Map Amendment from R-4(PAD), Multi-Family Residential General District to MU-4, Mixed-Use High Density District.

PAD08012 – Amended Planned Area Development Overlay to modify the development standards to allow for a building height increase from 46 feet to 60 feet; reduce front yard building setback from 20 feet to 5 feet; and a density increase from 25 units/acre to 35.4 units/acre.

DPR08161 – Revised Development Plan Review including site plan, building elevations, and landscape plan.

STAFF REPORT: [DRCr_Element@ASU_090908.pdf](#)

This case was presented by Ryan Levesque and represented by David Cisiewski. Chair MacDonald asked Mr. Cisiewski to briefly describe the differences between this design and the previously approved design. The most significant change is the re-design of the parking structure, which slightly increases density and height. We have also included live/work units along the street on University Drive.

Chair MacDonald opened the hearing to public input.

Three citizens spoke with questions regarding height and density, property values, crime in the area and how the developer might incorporate design to deter crime and asked what type of businesses were planned for the live/work space.

Cisiewski: Live/work space is open right now, hoping to attract small businesses such as IT and accounting type business; possibly graduate students. This is not designed to be strip retail. In terms of crime, the best deterrent is a high quality development. In terms of property values, we feel this high end project will only enhance the area.

Mike DiDomenico: Since concerns over height were mentioned, can you address the massing?

Cisiewski: Majority of the building is 47 feet in height, there are some architectural features that exceed that height. While we understand that it is higher than anything else in that area, we feel the benefit of screening the garage is certainly a fair trade off. Quality projects such as this encourage revitalization and with revitalization and bringing new people into the area, will help to deter crime.

Chair MacDonald closed the hearing to public input.

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 7-0 recommended approval of this General Plan Amendment, Zoning Map Amendment and Amended Planned Area Development Overlay and approved the Development Plan Review with all conditions as recommended in the staff reports, including the deletion of Condition No. 34 and a modification to Condition No. 33 to read as follows:

33. Provide a landscape design pattern at the street front that provides the following elements:
- Provide a minimum ~~8'-0"~~ 4'-0" landscape buffer at the street curb with ~~trees and shrubs complying with the minimum two (2) foot list~~, except at ~~transitioning~~ transit pad location and driveways.
 - Provide a minimum ~~8'-0" concrete~~ 6'-0" sidewalk ~~per Tempe standard details~~, which shall be clear of any obstructions including proposed bus shelter.
 - ~~Provide a landscape area with complementary trees and shrubs on the south side of 8'-0" sidewalk, which maximizes the potential shade along the walkway, except where pathways to live/work units occur.~~ Provide tree islands located intermittently as shown on plans, with planting area a minimum 4'-0" in width and varying in length, ensuring adequate growth. Plans shall include street benches as shown on plans.
 - ~~Do not place~~ Decorative paving materials within public right-of-way may be approved, subject to the property owner's signing of a "walkway maintenance agreement" with the City of Tempe.
 - Locate any sidewalk lighting and fire hydrants within the landscape areas and not on the sidewalk.

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5. This is the second hearing for **ELEMENTS ART CAMPUS PHASE (PL080239)** (Nancy Ryan, City of Tempe, property owner and applicant) consisting of a Major General Plan Amendment of approximately 41 acres of land located at 1102 West Rio Salado Parkway in the R1-6, Single Family Residential, MU-4, Mixed-Use High Density and GID, General Industrial Districts. The request includes the following:

GEP08003 – (Resolution No. 2008.72) General Plan Major Land Use Map Amendment to change: 4.5 acres from Public Recreational/Cultural to Mixed-Use, 2.57 acres from Public Recreational/Cultural to Industrial, 5.57 acres from Public Open Space to Industrial and 28 acres from Public Open Space to Commercial.

STAFF REPORT: [DRCr_Elementsartcampus_090908.pdf](#)

This case was presented by Diana Kaminski and represented by Nancy Ryan. Ms. Ryan made a brief presentation regarding the amendment of land use for arts related uses.

Chair MacDonald called to the public and seeing no one wishing to speak, closed the hearing to public input.

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 7-0 recommended approval of this General Plan Major Land Use Amendment with all conditions as recommended in the staff report.

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6. Request for **BASILINE RETAIL (PL080308)** (Steven C. Cooper, owner; Chris Fergis, Fergis & Harding, Inc., applicant) for a 10,000 s.f. retail and restaurant building on 1.593 net acres located at 2005 West Baseline Road in the CSS, Commercial Shopping and Service District, including the following:

DPR08178 – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr_2nd_Baseline_Retail_090908.pdf](#)

This case was presented by Kevin O'Melia and represented by Chris Fergis, architect. Mr. Fergis made a brief presentation regarding the proposed use for the site and traffic concerns.

Chair MacDonald opened the hearing for public input.

Scott McKoy from Earle, Curley and Lagarde, represented the Arizona Grand Resort, made a brief presentation regarding concerns in relationship to poor access to the site, the intended use of the site, and questions regarding the site plan.

Shelly Seyler, City of Tempe Traffic Engineer, is called forward and gave a brief history on this location.

Background: Traffic volume on Baseline in front of the site, given the proximity to the I-10 Freeway, is heavy. At present, Wendler Drive extends north from Baseline Road at a "T" signalized intersection. The architect is proposing a "right in, right out" access on Baseline which has written agreement from ADOT. The site frontage is within ADOT's jurisdiction because of the proximity of the southbound I-10 on-ramp entrance at Baseline. The resort representative indicated a shared access driveway south from the Baseline/Wendler signalized intersection would be superior to the separate driveway proposed by the architect.

Traffic Engineer' comments: traffic is heaviest at the pm peak hours. In response to a question about traffic impact on the intersection from Commissioner DiDomenico, the Traffic Engineer indicated there currently is difficulty clearing the intersection during the pm peak hours. The addition of a drive access south from the Wendler/Baseline intersection will degrade traffic flow at the signal. A shared access that would be partially on the Baseline Retail site and partially on the adjacent property may use a "left out" maneuver (toward Phoenix) but would still require "no left in" (from Tempe/Guadalupe). In response to a question about which site access concept is better for overall traffic volume from Commissioner Tinsley, the Traffic Engineer indicated that without analysis, the architect's proposal for a site access driveway that is separate from the intersection and is limited to "right in, right out" maneuvering is superior to a shared access from the signalized intersection. In response to a question about which drive is better for a restaurant use from Commissioner Webb, the Traffic Engineer indicated that this cannot be determined without a traffic analysis.

Fergis: Driveway is within ADOT control of access and we have a letter stating their approval. This case was approved over a year ago and we have met all of the conditions. I was not hired to design an adult establishment. We tried for the joint access with the Point at South Mountain previously with no response or support from them; we are open to working with the Arizona Grand Resort on joint access. We do not wish to hold up our approval but agree to continue the case if the Commission feels it would be best.

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 7-0 continued this case to the October 28, 2008 hearing.

7. ANNOUNCEMENTS - None

The hearing adjourned at 7:45 p.m.

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



Lisa Collins
Deputy Development Services Manager