

MINUTES OF THE DEVELOPMENT REVIEW COMMISSION DECEMBER 9, 2008

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 E. 5th Street, Tempe, AZ 85281
6:00 PM (5:30 Study Session)

Commission Present:

Vanessa MacDonald, Chair
Stanley Nicpon, Acting Vice Chair
Monica Attridge
Dennis Webb
Heather Swanson
Mario Torregrossa
Paul Kent

City Staff Present:

Lisa Collins, Deputy Development Services Manager
Steve Abrahamson, Planning & Zoning Coordinator
Diana Kaminski, Senior Planner
Derek Partridge, Planner I

Chair MacDonald called the meeting to order at 6:00 p.m., which included the introduction of Commission and City staff.

1. **CONSIDERATION OF MEETING MINUTES: 10/28 & 11/18/08**

On a motion by Commissioner Nicpon and seconded by Commissioner Attridge, the Commission with a vote of 4-0 (Webb, Swanson and Torregrossa abstained) approved the minutes from the October 28, 2008 hearing.

On a motion by Commissioner Webb and seconded by Commissioner Attridge, the Commission with a vote of 4-0 (Nicpon, Swanson, Torregrossa and Kent abstained/Lisa Collins voted in the absence of an eligible Commissioner) approved the minutes from the November 18, 2008 hearing.

CONSENT AGENDA

Item Nos. 2, 4 and 5 were placed on the Consent Agenda during the Study Session. Chair MacDonald called to the audience and seeing no requests to have those items pulled from Consent, called for the question:

On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 7-0 approved the Consent Agenda as follows:

2. Request for **2150 SOUTHERN CAMPUS MASTERPLAN (formerly Tempe Education and Arts Center) (PL080282)** (Thomas Sawner, Educational Options, property owner; William Sawner, applicant) consisting of a phased mixed-use development with a charter school, a private school, assembly space for performances, recreational uses, commercial and residential uses initially located within six existing structures and eventually built into five new structures with building heights of 48 to 70 feet tall. Completed development will consist of approximately 191,564 s.f., on 8.78 net acres, located at 2150 E. Southern Avenue in the R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential districts. The request includes the following:

ZON08011 – (Ordinance No 2008.66) Zoning Map Amendment from R/O Residential Office, CSS Commercial Shopping and Service and R1-6 Single Family Residential districts to MU-2, Mixed-Use, Medium Density District.

PAD08019 – Planned Area Development Overlay to define setbacks: zero-foot front and street side, twenty-foot side and rear, with an actual building location 85 feet from the rear; building height to be 48 feet at rear of lot and 70 feet at front of lot; maximum lot coverage 40% and minimum landscape area 15%; maximum density not to exceed 9 dwelling units per acre, with a maximum of 79 residences.

ZUP08156 – Use Permit to allow a charter school and private school in the Mixed-Use Medium Density District.

ZUP08169 – Use Permit to allow a live entertainment in the Mixed-Use Medium Density District.

STAFF REPORT: [DRCr Educationandartscenter 120908.pdf](#)

THIS CASE WAS CONTINUED TO THE JANUARY 13, 2009 HEARING

4. Request for **FOUNTAINHEAD OFFICE PLAZA (PL080359)** (Jay Fisher, Park Corners, LLC, property owner; Adam Valente, Davis, applicant) consisting of two new office buildings up to 153 feet high within 400,700 s.f. and a shared parking garage on 11.87 net acres, located at 1625 W. Fountainhead Parkway in the GID General Industrial District. The request includes the following:

DPR08237 – Development Plan Review including site plan, building elevations, and landscape plan

STAFF REPORT: [DRCr FountainheadOfficePlaza120908.pdf](#)

THIS CASE WAS CONTINUED TO THE DECEMBER 23, 2008 HEARING

5. Request for **FISHER TOOLS (PL080360)** (Greg Fisher, Fisher Tools, property owner; Brian Moore, BCMA Architecture, applicant) consisting of a new 14,691 s.f. office and warehouse building as a third phase to an existing development with two buildings of 8,934 s.f. and 8,241 s.f., for a total of 31,866 s.f., on 4.22 net acres, located at 1990 E. Third Street in the GID General Industrial District. The request includes the following:

DPR08240 – Development Plan Review including site plan, building elevations, and landscape plan.

STAFF REPORT: [DRCr FisherTools 120908.pdf](#)

THIS CASE WAS APPROVED AS RECOMMENDED IN THE STAFF REPORT

REGULAR AGENDA

3. Appeal of the September 16, 2008 Hearing Officer's decision to deny the request by the **COLEMAN RESIDENCE (PL080305)** (Steven Coleman, applicant/property owner) located at 5426 South College Avenue in the R1-6, Single Family Residential District. The request includes the following:

UPA08007 – (ZUP08132) Use permit to allow an accessory building.

THIS CASE WAS CONTINUED FROM THE NOVEMBER 18, 2008 HEARING

STAFF REPORT: [DRCr_ColemanResidenceAppeal_120908.pdf](#)

This case was presented by Derek Partridge and represented by Steven Coleman, applicant.

Mr. Coleman made a brief presentation regarding the purpose of the shed and how it came to be built. Mr. Coleman stated he designed and built the shed himself and was unaware of the height restriction and did not become aware of the issue until four years later. Mr. Coleman held a neighborhood meeting and received 14 signatures, with no complaints.

Mr. Coleman answered questions from Commissioners regarding the painting of the building, how it is secured to the foundation and how portable it is.

Chair MacDonald questioned staff as to whether or not a building permit would be required if the appeal was upheld. Mr. Partridge indicated it would be.

The hearing is opened for public comment.

One citizen spoke in support of the appeal.

Chair MacDonald closed the hearing to public comment and called Mr. Coleman back to the podium.

Mr. Coleman stated he would be willing to comply with any terms of a building permit or conditions the Commission would place on an approval of the appeal.

Commissioner Nicpon: Due to the location of the house, I support the appeal.

Commissioner Webb: I can't support the appeal.

Commissioner Attridge: My position hasn't changed, I can't support the appeal.

Commissioner Torregrossa: As long as the neighbors don't have an issue and he's willing to abide by any and all conditions, I will support the appeal.

Commissioner Kent: The structure is well built but out of scale so I cannot support the appeal.

Commissioner Swanson: Is it possible that if a new neighbor moves in that they could speak against the Use Permit?

Lisa Collins: There is a revocation process for Use Permits but there would need to be grounds and it would go back to a board or commission to determine if it is revocable. Typically revocation of a Use Permit is more use based; this Use Permit is for a structure, so it's a little unique.

Chair MacDonald: My opinion hasn't changed, I don't think it's compatible and I will not support the appeal.

A motion by Commissioner Nicpon and seconded by Commissioner Torregrossa was made to approve the appeal and over turn the Hearing Officer's denial, the Commission with a vote of 4-3 denied the appeal and upheld the Hearing Officer's denial of the Use Permit (Commissioners MacDonald, Webb, Kent and Attridge opposed).

6. ANNOUNCEMENTS - NONE

The hearing is adjourned at 6:53 p.m.

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

A handwritten signature in black ink, appearing to read "Lisa Collins". The signature is written in a cursive, flowing style.

Lisa Collins
Deputy Development Services Manager