

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION AUGUST 23, 2011

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

### Commission Present:

Mike DiDomenico, Chair  
Monica Attridge  
Paul Kent  
Mario Torregrossa  
Nick Miner  
Jim Delton

### Commission Absent:

Dennis Webb, Vice Chair  
Tom Oteri  
Kolby Granville  
Peggy Tinsley

### City Staff Present:

Lisa Collins, Community Development Deputy Director  
Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Kevin O'Melia, Senior Planner  
Diana Kaminski, Senior Planner  
Joseph Nucci, Historic Preservation Officer

Chair DiDomenico called the meeting to order at 6:00, which included the introduction of the Commission and City staff. It had been determined at Study Session that Item Nos. 2, 3 and 4 would be placed on the Consent Agenda and Item Nos. 5 and 6 would be heard.

### 1. **CONSIDERATION OF MEETING MINUTES: 7/26/11**

On a motion by Commissioner Kent and seconded by Commissioner Attridge, the Commission with a vote of 4-0 (Commissioners Miner and Torregrossa abstained) approved the minutes of July 26, 2011.

### **CONSENT AGENDA**

On a motion by Commissioner Miner and seconded by Commissioner Kent, the Commission with a vote of 6-0 approved the consent agenda as recommended in the following staff reports.

2. Request for **HARRIS HOUSE (PL110191)** consisting of one (1) lot on approximately 0.16 acres, located at 823 S. Maple Avenue, Tempe, in the R-3, Multi-Family Residential Limited District. The request includes the following:

**HPO11004 (ORDINANCE NO. 2011.19)** – Historic Property Designation consisting of one (1) lot.

STAFF REPORT: [DRCr HarrisHouse\\_082311.pdf](#)

3. Request for **MCGINNIS HOUSE (PL110192)** consisting of one (1) lot on approximately 0.16 acres, located at 915 S. Maple Avenue, Tempe, in the R-3, Multi-Family Residential Limited District. The request includes the following:

**HPO11005 (ORDINANCE NO. 2011.18)** – Historic Property Designation consisting of one (1) lot.

STAFF REPORT: [DRCr\\_McGinnisHouseHD.pdf](#)

4. Request for **JONES STUDIO OFFICE (PL110207)** (Eddie Jones, property owner; Melissa Farling, applicant) consisting of a one-story office building, with approximately 6,354 s.f. on .36 net acres, located at 205 S. Wilson Street in the GID, General Industrial District. The request includes the following:

**PAD11005 (ORDINANCE NO.2011.29)** – Planned Area Development Overlay modifying the general development standards to reduce the required front yard setback from 25'-0" to 6'-0" and a reduced side yard setback from 6' to 0' along the south side and to reduce the required parking from 21 to 16.

**DPR11108** – Development Plan Review including site plan, building elevations and landscape.

STAFF REPORT: [DRCr\\_JonesStudio\\_082311.pdf](#)

---

## **REGULAR AGENDA**

5. Request for **SAN CAPELLA – MARK-TAYLOR DEVELOPMENT (PL110258)** (CNL Income FEC Tempe, LLC. property owner; Huellmantel & Affiliates, applicant) consisting of a new 384 unit multi-family residential development with two and three-story buildings, totaling up to 507,000 sf. in building area on approximately 19.5 acres, located at 1155 West Elliot Road in the GID, General Industrial District and within the Southwest Tempe Overlay District. The request includes the following:

**GEP11002 (RESOLUTION NO. 2011.81)** – General Plan Projected Land Use Map Amendment from "Commercial" to "Residential" on 19.5 acres.

**ZON11004 (ORDINANCE NO. 2011.39)** – Zoning Map Amendment from GID, General Industrial District to R-4, Multi-Family Residential General District on 19.5 acres.

**PAD11010 (ORDINANCE NO. 2011.39)** – Planned Area Development Overlay, modifying the general development standards, to reduce the required vehicle parking from 799 to 727 spaces and reduce the required bicycle parking from 282 to 76 spaces, all on 19.5 acres.

**DPR11124** – Development Plan Review including site plan, building elevations and landscape.

STAFF REPORT: [DRCr\\_SanCapella-MarkTaylor\\_082311.pdf](#)

This case was presented by Ryan Levesque and represented by Charles Huellmantel, Huellmantel & Affiliates (applicant).

Mr. Levesque made a brief presentation on the case with identification of one proposed modification to Condition No. 8, read into the record as follows:

8. Provide around the entire perimeter of the property, a minimum 6'-0" wrought iron fence with pickets and/or a masonry wall minimum 8'-0" in height. The western perimeter shall provide wrought iron fencing, as shown on the August 23, 2011 revised site plan, in order to provide natural surveillance along the adjacent public pathway. Each wrought iron segment shall consist of at least three (3) fencing sections. Design acceptance subject to Police review, through Planning staff.

Mr. Huellmantel stepped to the podium to address the Commission and answer questions.

Chair DiDomenico asked for clarification in regards to access and site visibility as it related to the running path.

Mr. Huellmantel indicated that as a result of comments from the Police Department, view panels have been placed into the wall that surrounds the site and were strategically placed in areas that would benefit from visual surveillance. Mr. Huellmantel also stated that there is a secure access point to the running path which is available for use by the residents but will require either a key fob or code for exit and re-entry.

Mr. Huellmantel stated it was his intention to address specific concerns regarding the location of this project and whether or not this is considered spot zoning, rather than reiterate the presentation Mr. Levesque had made. Mr. Huellmantel indicated that this site is a great location for this development and although there is no other residential use located nearby, the retail and industrial areas surrounding this site make this project a desirable addition to the area.

Chair DiDomenico called on staff to explain "spot zoning" and how a case such as this is reviewed and how the determination is made.

Ms. Collins stated that "spot zoning" is a judgment call and when a development such as this comes into an area, staff looks at the surrounding properties and first decides if there is a negative impact associated with the new development. When this case was reviewed, staff felt that the surrounding uses supported multi-family and since there is residential to the north of this site, it is not completely without residential in a nearby area.

Chair DiDomenico opened the hearing for public input, seeing no one interested in speaking, closed the hearing for public input.

On a motion by Commissioner Kent and seconded by Commissioner Attridge, the Commission with a vote of 5-1 (Commissioner Miner dissented) approved this Development Plan Review (which included a modification to Condition No. 8) and recommended approval of this General Plan and Zoning Map Amendments and Planned Area Development Overlay as recommended in the staff report.

---

6. Request for **THE DISTRICT (PL110169)** (Tara Waldier, RB Tempe LLC, Scott E. Baer, Baer's Den, and Charles and Elsa Fong, Spence Avenue Apartments, property owners; Nick Wood, Esq., Snell & Wilmer LLP, applicant) consisting of a five story, 639,589 s.f. 279 unit student housing complex with structured parking and ground floor retail plus a reconstructed one story 1,868 sf. Baer's Den bar, all on +/-5.616 acres (12 parcels, total), located at 941 East Apache Boulevard in the CSS, Commercial Shopping and Service District, the R-4, Multi-Family Residential General District and with 4 parcels with a PAD, Planned Area Development Overlay District and TOD, Transportation Overlay District. The request includes the following:

**ZON11003 – (Ordinance No. 2011.41)** Zoning Map Amendment from CSS, Commercial Shopping and Service to MU-4, Mixed-Use, High Density District on +/-3.427 acres (5 parcels) facing Apache, from CSS, Commercial Shopping and Service and R-4, Multi-Family Residential General to R-5, Multi-Family Residential High-Density District on +/-2.189 acres (7 parcels) facing Spence, and for insertion of +/-3.510 acres (8 parcels) into the TOD, Transportation Overlay District.

**PAD11006 – (Ordinance No. 2011.41)** Planned Area Development Overlay to establish development standards for density (in MU-4 District) and building height, building setbacks, building lot coverage and landscape lot coverage on +/-5.616 acres.

**DPR11120 –** Development Plan Review including site plan, building elevations and landscape plan for the reconstructed Baer's Den on 0.259 acres.

STAFF REPORT: [DRCr TheDistrict 082311.pdf](#)

This case was presented by Kevin O'Melia and represented by Nick Wood, Snell & Wilmer (applicant). Mr. O'Melia read three proposed modifications to the recommended Conditions of Approval to read as follows:

8. The maximum building height for the MU-4 District on +/-3.427 acres shall be ninety feet (90.0 ft.). The maximum building height for the R-5 District on +/-2.189 acres shall be ~~fifty-four feet (54.0 ft.)~~ **fifty-eight feet (58.0 ft.)**.
- 15 **At Within one-hundred twenty (120) days of** completion of construction of new Baer's Den, remove structures, foundations and concrete and asphalt flatwork including the old Baer's Den from the 5.616 acre site, except the Spence Avenue Apartments with site and landscape improvements associated with the apartments may remain at developer's option. Plant material that has acclimated on the interior of the site may remain at developer's option. Remove plant material that is in decline or has died on the interior of the site. Top dress the entire site (except the Spence Avenue Apartments, if these remain) with a minimum 1" thick layer of decomposed granite.
- 17 If the Spence Avenue Apartments are demolished during the construction of the new Baer's Den, construct the west drive aisle with connecting Apache and Spence driveways and install the west property line tree buffer. If the Spence Avenue Apartments are allowed to remain during and after the construction of the new Baer's Den, construct the west drive aisle and install the west property line tree buffer to the ~~northern boundary of the Spence Avenue Apartments~~ **southern boundary of the new Baer's Den** and terminate the drive aisle with a temporary 90.0 ft. diameter circular drive **(or other design as approved by the Fire and Solid Waste Departments)** suitable for fire and refuse truck turnaround.

Mr. Wood addressed the Commission and stated that they had met with representatives from ASU to get their input and concerns in regards to existing student housing and how they can address and alleviate concerns with this upcoming development.

Mr. Wood also gave a brief presentation. The presentation showed how the proposal conformed to the General Plan projected land use and density maps, and addressed building footprints, basic floor plan and parking garage layouts, proposed landscaping and available and required parking. Mr. Wood emphasized that the current request includes zoning and PAD for the entire site and the Development Plan Review for relocation of the Baer's Den.

Dawn Cartier from CivTech addressed the Commission in regards to the traffic study for this site. Ms. Cartier answered Commissioner's questions in regards to site access, trip generation and circulation.

Commissioner Attridge questioned Mr. O'Melia regarding the comparison of dwelling units versus number of beds per unit. Mr. O'Melia confirmed that there are 279 units total and 900 beds total.

Commissioner Delton questioned the applicant and staff as to the setback. Mr. O'Melia indicated that in the TOD minimum setbacks on the street are encouraged (refer to Zoning and Development Code Fig. 5-612(f)).

Ms. Collins also clarified that the requirements for minimum setbacks don't exist in the specific zoning classifications but do in the Transportation Overlay District and when pedestrian areas are provided on the street, these are the widths that the Ordinance sets out.

Mr. Wood explained that although the Development Plan Review for The District is not before the Commission at this time, the renderings for The District that are being shown are a very good representation of what will be coming forward for approval in the next few months. Mr. Wood explained that the Development Plan Review for the Baer's Den is requested so that it may be constructed out of the way of The District as the first phase of project.

Commissioner Attridge questioned Mr. Wood in regards to the contrast of the design of the Baer's Den and the design of the The District.

Mr. Wood indicated that it was important to the owner of the Baer's Den to maintain the same architectural feel and style of the original building and set it off from The District.

Chair DiDomenico opened the hearing to public input.

Bill Swank, part owner of the Four Points Sheraton, spoke in support of this case. He indicated that any concerns he had in regards to this case have been addressed by the applicant.

Chair DiDomenico closed the hearing to public input.

Chair DiDomenico called on Cathy Hollow of the City of Tempe Public Works Transportation Studies to follow up with the applicant's information in regards to the traffic study.

Ms. Hollow addressed the Commission and stated that staff initially had concern in regards to the project driveway on Spence, but there has been no one from the neighborhood that has come forward in regards to that driveway and CinTech's report satisfactorily addresses driveway and intersection traffic buildup. The intersection at Spence and Rural and the queing that could cause a backup in relationship to the hotel driveway has been studied and addressed. The applicant has taken a look at the driveway on Apache and the intersection of Apache and Rural and there is no indication that these will be an issue.

Commissioner Miner questioned Ms. Hollow if staff had any concerns with traffic turning south from Rural Road and going east on Apache Boulevard as he felt that the northwest corner of the property would be the area used most for ingress and egress and was concerned that District traffic could potentially cause a backup on Rural.

Ms. Hollow indicated that there is a double left from southbound Rural Road heading east on Apache Boulevard so that should alleviate that issue.

Chair DiDomenico stated he's in support of the case.

Commissioner Attridge, although in support of the case, does not feel The Baer's Den, as reconstructed, supports what ultimately the City is trying to do along Apache. She would also like to see information brought forward as to how this site will avoid the same issues that have occurred at The Vue (i.e. student vandalism during parties, etc.) and also felt the site may be overparked. She stated she would like to see the Development Plan Review for the Baer's Den voted upon separately from the Zoning Map Amendment and PAD for The District.

Commissioner Kent indicated he is in support of the case but has concerns relating to the Development Plan Review for The District that will be coming forward at a later time (i.e., alley on the side of the building, podium parking and entrance into the building). He also indicated that he believed there may be issue with the vine proposed on the west side of the garage facing the Four Points Sheraton and asked the landscape architect to carefully select this plant.

Commissioner Delton spoke to his concern in regards to the setback of buildings and their proximity to the street and does not want a claustrophobic street experience created by the massing of the building.

On a motion by Commissioner Attridge and seconded by Commissioner Kent with a vote of 5-1 (Commissioner Attridge dissented) approved the Development Plan Review for the Baer's Den as recommended in the staff report. The vote included approval of the modified Conditions 15 and 17.

On a motion by Commissioner Kent and seconded by Commissioner Attridge, the Commission with a vote of 5-1 (Commissioner Delton dissented) recommended approval for the Zoning Map Amendment and Planned Area Development Overlay as recommended in the staff report. The vote included approval of the modified Condition No. 8

---

## 7. ANNOUNCEMENTS

Chair DiDomenico asked staff to confirm the date for the next meeting. Ms. Collins indicated that there is one case for the September 13<sup>th</sup> meeting.

The hearing adjourned at 8:10 p.m.

Prepared by: Lisa Novia, Administrative Assistant II  
Reviewed by: Lisa Collins, Deputy Director Community Development Department



---

Lisa Collins, Deputy Director Community Development Department