

Minutes of the Board of Adjustment STUDY SESSION July 27, 2022

Minutes of the Study Session of the Board of Adjustment, of the City of Tempe, which was held in Council Chambers
31 East Fifth Street, Tempe, Arizona

Present:

Staff:

Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Joanna Barry, Administrative Assistant II
Board Member Richard Watson	Jennifer Daniels, Administrative Assistant II
Board Member John 'Jack' Confer	
Board Member Rickey Lynn Gans	
Board Member Brett Siegal (Alternate)	
Board Member Robert Miller (Alternate)	

Meeting convened at 5:37 p.m. and was called to order by Chair Lyon.

Study Session & Formal Meeting Minutes from July 28, 2021 (postponed from June 22, 2022 meeting).

Study Session & Formal Meeting Minutes from June 22, 2022.

Chair Lyon stated that they were unable to vote on the Meeting Minutes from July 28, 2021 due to not having a quorum. Steve Abrahamson, Principal Planner, stated they could vote because they will not have a quorum since some of the prior members have since left the Board.

Chair Lyon asked if anyone had any corrections to be made at this time.

Board Member Siegal stated that on the June 22, 2022 Meeting Minutes his last name is spelled incorrectly.

Chair Lyon stated that on the Meeting Minutes for July 28, 2021 the first occurrence of the word "Tattoo" is missing an "O".

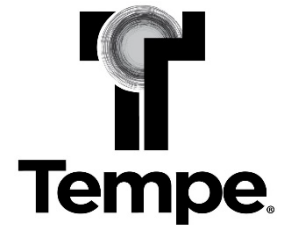
Chair Lyon asked if anyone had any questions on how they will proceed or questions for staff.

Board Member Miller asked if they had a quorum without his presence. Chair Lyon stated that they do. Board Member Miller stated that he will abstain from voting on the minutes due to not being in attendance of the previous meetings. He also advised that he may have to leave during the meeting at some point due to a prior engagement.

Chair Lyon asked if there was an agenda for next month that should be discussed.

Steve Abrahamson stated that the next meeting will possibly be September 28, 2022. It will be a residential variance.

Hearing adjourned at 5:42 p.m.



Minutes of the Board of Adjustment REGULAR MEETING July 27, 2022

Minutes of the Regular Meeting of the Board of Adjustment, of the City of Tempe, which was held in Council Chambers
31 East Fifth Street, Tempe, Arizona

Present:

Staff:

Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Karen Stovall, Senior Planner
Board Member Richard Watson	Joanna Barry, Administrative Assistant II
Board Member John 'Jack' Confer	Jennifer Daniels, Administrative Assistant II
Board Member Rickey Lynn Gans	Jeff Tamulevich, Community Development Director
Board Member Brett Siegal (Alternate)	Ryan Levesque, Community Development Director
Board Member Robert Miller (Alternate)	

Regular Meeting 6:01pm

1) **Voting of the Meeting Minutes**

Study Session & Formal Meeting Minutes from July 28, 2021 (postponed from June 22, 2022 meeting).

Study Session & Formal Meeting Minutes from June 22, 2022.

Motion by Vice Chair Frazey to approve July 28, 2021; second by Board Member Siegal. Motion passed on **3-0** vote.

Ayes: Chair Lyon, Vice Chair Frazey, and Board Member Confer

Nays: None

Abstain: Board Members Gans, Watson, Siegal

Absent: Raun Keagy and Whitney Baker

Motion by Board Member Watson to approve June 22, 2022; second by Board member Gans. Motion passed on **5-0** vote.

Ayes: Vice Chair Frazey, Board Members Confer, Gans, Watson, and Siegal

Nays: None

Abstain: Board Member Miller and Chair Lyon

Absent: Raun Keagy and Whitney Baker

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- 2) Request a Variance to increase the maximum building height from 35 feet to 55 feet for OMP Tempe Industrial Park, located at 1480 North McClintock Drover. The applicant is Berry Riddell, LLC. (PL220160)

Applicant Presentation:

Ms. Riddell is requesting a variance to increase the maximum building height to 55 feet for Class A industrial. The site is the former site of Big Surf. The request involves the development of 3 Class A industrial buildings, approximately 688,000 square feet of industrial space, and proposed at 55 feet in height. There are special circumstances or conditions applying to the property including its size, shape, topography, location or surroundings. The closest comparable project to this size is located about 14 miles away in Tempe, located at Elliot and I-10 freeway. That project was granted a variance to achieve additional height at 58 feet. The development standards for the GID zoning district including height have not been modified since 1978. The City of Tempe is working on a text amendment to increase the height in their zoning districts.

Board Member Gans inquired about the number of parking spaces available to employees, how traffic will be impacted and landscaping on the property. Chair Lyon advised Board Member Gans that they were only considering the variance at this time. The other design issues will be addressed by the Development Review Commission or City Staff. If it is approved the project moves forward all issues will be reviewed.

Vice Chair Frazey asked how tall the tower was at Big Surf prior. Ms. Riddell stated that she did not have specifics but if you look at the history of the staff reports there were multiple variances achieved to allow the additional height.

Board member Siegal asked Ms. Riddell to provide additional support with respect to the criteria #3 and how does this not constitute as a special privilege in consistent with the other industrial properties in that area versus something that is 14 miles away. Ms. Riddell specified that all the surrounding industrial buildings are much smaller in size and scale.

Staff Presentation:

Karen Stovall, Senior Planner, gave a brief staff presentation. Due to the minor differences in the grade and unfinished floor, the first building would be 53 feet 8 inches and the other two buildings would be 55 feet. As mentioned in the applicant's letter of explanation, the maximum height for industrial districts is not consistent with modern design standards. Staff is aware of this issue and the department intends to request that counsel initiate a text amendment to increase the maximum height possibly up to 65 feet. That process has not yet begun. A neighborhood meeting was not required. Planning received two phone calls. The first phone call wanted more information on the project. The second caller stated that he would like the city to encourage higher buildings along McClintock.

Chair Lyon asked if any Board Members had any questions for Ms. Stovall.

Board member Confer asked if there was a timeline on changing current code to allow building up to 55-60 feet. Mr. Ryan Levesque, Deputy Director – Community Development, stated that the department is in the process of developing code text amendments that went to the DRC last night but does not include the text amendment regarding the height. The process will possibly not be completed until early 2023.

Board Member Confer stated that we have requirements on building heights and that the letter of the law states that it may not be self-imposed.

Vice Chair Frazey stated that there was a comment in the applicant's narrative in regard to how the actual elevation is measured. It sounded like they were at a disadvantage to how Tempe measures height elevation. He asked if that something that will be looked at in this ordinance change. Ms. Stovall indicated that they do not plan on changing the definition of grade and building height. It is only to increase the maximum height.

Public Comment: NONE

Applicant Response:

Ms. Riddell referenced Board Member Confer's comment and noted that the property is zoned GID. She stated that in order to build industrial today they need the extra height.

Commission Discussion

Board Member Miller is in favor on this plan. He states that this is a good use for a site that is in need of a good use. Board Member Miller will be supporting this plan on DRC.

Board Member Watson asked if any of the Board Members remembered the plan that was approved last year for a height increase on a different building. Vice Chair Frazey stated that he believes it was the building referenced in the presentation 14 miles away.

Chair Lyon stated that the issue was similar but there was a grade issue involved and their site slopped up. Minus 6 feet to start with at the front door. Chair Lyon stated that the 55 feet they are asking for is very reasonable. Intent is to develop this land as industrial. Chair Lyon stated he will be supporting this variance.

Vice Chair Frazey will be supporting this variance for the same reason Board Member Miller commented on.

Motion by Board Member Watson to approve Request for Variance to increase the maximum building height from 35 feet to 55 feet for OMP Tempe Industrial Park, located at 1480 North McClintock Drovers; second by Board Member Siegal. Motion passed on **7-0** vote.

Ayes: Chair Lyon, Vice Chair Frazey, and Board Members Miller, Confer, Gans, Watson, and Siegal

Nays: None

Abstain: None

Absent: Raun Keagy and Whitney Baker

Staff Mr. Abrahamson stated that there is a potential Board of Adjustment meeting on Wednesday September 28, 2022. This will include a variance for a setback for a single-family home. A neighborhood meeting will be taking place August 15, 2022. There are no cases lined up for August.

Hearing adjourned at 6:41 p.m.

Prepared by: Jennifer Daniels, Administrative Assistant II
Reviewed by: Steve Abrahamson, Principal Planner