

Minutes of the Development Review Commission REGULAR MEETING October 25, 2022

Minutes of the Regular Meeting of the Development Review Commission, of the City of Tempe, was held in Council Chambers
31 East Fifth Street, Tempe, Arizona

Present:

Chair Michael DiDomenico
Vice Chair Andrew Johnson
Commissioner Don Cassano
Commissioner Barbara Lloyd
Commissioner Michelle Schwartz
Commissioner Linda Spears
Commissioner Joe Forte

City Staff Present:

Jeff Tamulevich, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Diana Kaminski, Senior Planner
Lee Jimenez, Senior Planner
Karen Stovall, Senior Planner
Obenia Kingsby II, Planner II
Lily Drosos, Planner I
Sydney Dietering, Planning Technician
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Rhiannon Corbett
Alt Commissioner Charles Redman (present in audience)
Alt Commissioner Robert Miller

Hearing convened at 6:00 p.m. and was called to order by Chair DiDomenico

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session 09/13/22
- 2) Development Review Commission – Regular Meeting 09/13/22

Motion: Motion made by Commissioner Cassano to approve Regular Meeting minutes and Study Session Meeting minutes for September 13, 2022 and seconded by Commissioner Spears.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Cassano, Schwartz, Lloyd, and Spears.

Nays: None

Abstain: Commissioner Forte

Absent: None

Vote: Motion passes 6-0

The following items were removed from Agenda:

- ~~9. Request a Use Permit to allow massage therapy for the YW RELAXATION, located at 5000 South Arizona Mills Circle, #108. The applicant is Fan Yang. (PL220261)~~

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- ~~13. Request a Zoning Map Amendment from AG to R1-15, and a Preliminary Subdivision Plat for **THE CALIENDO RESIDENCE**, located at 1100 East Knox Road. The applicant for the Zoning Map Amendment is Burch & Cracchiolo, P.A., and the applicant for the Preliminary Subdivision Plat is Gilbert Land Surveying, P.L.C. (PL220039) Postponed to November 8, 2022 DRC Meeting~~
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The following items were considered for **Consent Agenda**:

- 3) Request a Development Plan Review for a new three-story attached single-family development with seven dwelling units for **5th STREET TOWNHOMES**, located at 599 West 5th Street. The applicant is MoD a+d. (PL220210)
- 4) Request a Use Permit for a second story addition to a single-family residence for **LIVINGSTON/SPEAR REMODEL AND ADDITION**, located at 1015 South Farmer Avenue. The applicant is Brad Lundstrom. (PL220187)
- 5) Request a Use Permit to allow the required parking within the street side setback for the **BUTTE RESIDENCE**, located at 1006 South Butte Avenue. The applicant is Riley Neal. (PL220191)
- 6) Request a Use Permit to allow a second-hand store for **ATHORIA GAMES**, located at 3136 South McClintock Drive. The applicant is Athoria Games. (PL220198)
- 7) Request a Use Permit to allow a drive-through restaurant for **FERRIS 808 REMODEL**, located at 833 West Broadway Road. The applicant is James M Day & Associates. (PL220202)
- 8) Request a Use Permit to allow temporary outdoor vending (food trucks and retail sales) for **CULDESAC - LITTLE CHOLLA MARKET**, located at 2025 East Apache Boulevard. The applicant is Gammage & Burnham PLC. (PL220237)
- 10) Request a Use Permit to allow massage therapy for **UNRAVEL EDUCATION AND WELLNESS CENTER**, located at 2135 East Southern Avenue. The applicant is Michael Shuey. (PL220264)
- 11) Request a Use Permit to allow a K-8 private school for **VALLEY CHRISTIANS SCHOOLS**, located at 6101 South River Drive. The applicant is Dan Kuiper. (PL220265)
- 16) Request a zoning map amendment from AG, Agricultural Zoning District to AG(H), Agricultural with a Historic Overlay Property Designation, for **GUADALUPE CEMETERY**, located at 4649 South Beck Avenue, to facilitate the designation of Guadalupe Cemetery in the Tempe Historic Property Register. The applicant is the Town of Guadalupe. (PL220196)

Motion: Motion made by Vice Chair Johnson to approve the Consent Agenda and seconded by Commissioner Spears.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Cassano, Schwartz, Lloyd, Spears, and Forte.

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

The following items were considered for **Public Hearing**:

- 17) Request a Use Permit to allow residential in the CSS zoning district and a Development Plan Review for a new two/three story multi-family development consisting of 12 dwelling units and commercial area for **APACHE RIVER APARTMENTS**, located at 1292 South River Drive. The applicant is Moderna Architects. (PL220030)

PRESENTATION BY APPLICANT:

Mr. Mike Marsh, Moderna Architects, gave an overview of the requests for a Use Permit and a Development Plan Review. The property is bordered to the east by River Drive, the north to Lemon Street, and Apache Drive to the south. There are two zones within the property; R-4 against Lemon Street and CSS to the south at Apache Drive and along River Drive. The proposed design is for three sets of buildings: two buildings along Apache Drive and River Drive, which are both in the CSS zoning district, and a third along Lemon Street in the R-4 residential zoning district. Mr. Marsh proceeded to go over the design, elevation, and parking for each of the three buildings.

Chair DiDomenico noted that his issue with this project is not about the design or look of it. His concern is that it is a blended site, and the General Plan calls for about 2/3 of the site originally to be CSS zoning, with about 1/3 of that for multi-family. This proposed project would make it all multi-family, with 1,744 SF of retail space. This is far off in ratio to what the original intent was for these parcels. He asked Mr. Marsh if there are challenges on this site to doing more commercial. Mr. Marsh stated there are some challenges with the parking. They have tried to keep it lower in scale with Lemon Street being behind them. They are by the Transportation District, but not close enough to get any credits for being at a station area. They did the math with commercial parking requirements versus residential but realized they could not get that much more commercial parking on the site.

Chair DiDomenico asked the applicant what type of commercial use they expect to be in that 1,744 SF space. Mr. Marsh advised that it would be retail, possibly a small-scale restaurant.

Commissioner Lloyd stated she is concerned about the viability of leasing retail at this location. She asked what finishes the developer is willing to bring the retail in order to get a likely tenant instead of the space staying vacant, and what type of Plan B do they have in place in case it does stay vacant. Mr. Marsh stated that keeping it a flexible open space that can accommodate retail, a sandwich shop, or something of that nature will make it adaptable. He noted that for now the space planned to be a shell, but it could be fit out accordingly as the developer wants quality tenants in there.

Commissioner Spears stated she is not impressed with the underutilization of the project, and that it could use a deeper density. She does not support losing commercial space for retail space. The site is a ¼ mile from the transit line, so she does not believe parking is a reason for having less density. Mr. Marsh stated they would like to have more density in there, however the challenges they ran into were with the zoning district regulations.

PRESENTATION BY STAFF:

Mr. Obenia Kingsby II, Planner II, addressed some of the Commission's concerns. There were some limitations for the site regarding the two different zoning types. Regarding the commercial use, without knowing what type of use would be going in, there was no way to calculate the parking.

Commissioner Cassano asked where the commercial parking would be located and was advised they could park anywhere in the site. Commissioner Cassano stated that if he was a tenant, he would have concerns about not having a designated space close to his residence. Mr. Kingsby noted that he believes the applicant would be amenable to designated spaces, if required.

Commissioner Lloyd asked if retail was required on this site. Mr. Kingsby noted that due to the CSS zoning, and if the Use Permit portion of the request is approved, it would not be required. However, the applicant wanted to include it in the project.

APPLICANT RESPONSE:

Mr. Marsh stated they are open to increasing the density of the apartments, however the challenge is with the zoning district and the limits that they put on the design.

Chair DiDomenico stated that this item could be voted on tonight or, with the support of the Commission, be continued so that Mr. Marsh could consult with his client to see if they would like to change any aspect of the design or their application before the Commission. Mr. Marsh stated he would be amenable to a continuance.

Ms. Suparna Dasgupta, Principal Planner, stated that it would be helpful for staff to get an idea of exactly what the Commission is looking for since this application has current zoning, and the rezoning process, such as a PAD, is a lot different. Chair DiDomenico stated he just wants to give the applicant an opportunity to take another look at this project. They may very well decide to select a new date and go forward as is. He noted that some of the concerns were about the commercial aspect and its viability and the amount of it, plus other Commission members noted this site needs more density, especially with the transit options available.

DISCUSSION BY COMMISSION: NONE

PUBLIC COMMENT: NONE

Motion: Motion made by Commissioner Spears to continue PL220030 to a date not specified and seconded by Commissioner Cassano.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Cassano, Schwartz, Lloyd, Spears, and Forte.

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

- 18) Request a General Plan Projected Land Use Map Amendment from “Public Open Space” to “Mixed Use” for approximately 1.66 acres; a General Plan Projected Density Map Amendment from no density to “High Density” (up to 65 du/ac) for approximately 1.66 acres; a General Plan Projected Density Map Amendment from “Medium to High Density” (up to 25 du/ac) to “High Density” for approximately 3.39 acres; a Zoning Map Amendment from GID RSOD to MU-4 RSOD for approximately 5.04 acres; a Planned Area Development Overlay to establish development standards; and a Development Plan Review for a new seven-story, mixed-use development consisting of 319 dwelling units and commercial use on 5.04 acres for **MODERA RIO SALADO**, located at 835 West Rio Salado Parkway. The applicant is Berry Riddell, LLC. (PL220082)

PRESENTATION BY APPLICANT:

Ms. Wendy Riddell, Berry Riddell, LLC, gave a brief introduction of the request. The site was the subject of a development agreement about 1½ years ago between the City of Tempe and Hardy Rio. The purchase price of this property will be transmitted by the City of Tempe to the Tempe Coalition for Affordable and Workforce Housing once land use entitlements are approved. The overall size of this property is five acres. It is currently zoned GID RSOD with a request for MU-4 PAD RSOD. They are looking at 319 residential units and 3,428 SF of commercial space along Hardy Drive / Rio Salado Parkway, that can possibly be a restaurant site. This will also help complete the 14-foot transit easement along Rio Salado Parkway for future streetcar expansion.

Commissioner Lloyd ask Ms. Riddell to clarify the background behind the elimination of the public space for members of the public that may be watching. Ms. Riddell noted that on the postings for the project, it did make it look like there was green, open spaces that they were eliminating. She does not know why it ended up green on the map, but it is actually Rio Salado parkway, not open space. Commissioner Lloyd asked if that becomes part of the site with the right-of-way. Ms. Riddell stated that it will be dedicated as a 14-foot transit easement to the City of Tempe. Commissioner Lloyd asked how the proposed 3,500 SF restaurant on the corner will be activated into that corner so it will be more a part of the overall Rio Salado Parkway, and not so imbedded into the development. Ms. Riddell advised that the reason it is established at that corner is so that it has some street presence, and it can be accessed by both Rio Salado Parkway and Hardy Drive. She advised that it will be required to be shelled out and ready, and that they have already had some promising conversations about it.

Chair DiDomenico stated that in order to make the restaurant neighborhood friendly, instead of just resident friendly, they need to address bike parking, ride share, pickup/drop-off, to make it friendly for people who are coming onto the site without bringing a car.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, advised that a neighborhood meeting was required and was held virtually on May 16, 2022. The meeting was attended by eight (8) individuals and the discussion included landscape design, if affordable housing would be included in the project, if they knew the identity of the commercial tenant, traffic control for 1st and Hardy, the IDEA campus on the north side of Rio Salado Parkway, and the streetcar.

They did receive input from the City of Phoenix Water Services Department requesting a condition of approval requiring the City of Phoenix to approve any application involving work that may impact the 25-foot-wide easement running across the north end of the site. It was determined by staff that the applicant is already legally obligated to have the City of Phoenix approve any work that may impact the easement, so the stipulation that was proposed would not be necessary.

Staff also received a letter from City of Phoenix Aviation Department stating that they believe the development would violate an Intergovernmental Agreement between Phoenix and Tempe. Staff has determined that the project would not violate the agreement, however they are recommending several conditions to address the development's proximity to Sky Harbor Airport. Ms. Stovall proceed to go over these conditions with the Commission. She advised the Commission that the applicant is in agreement with all of the Conditions of Approval.

PUBLIC COMMENT:

Chair DiDomenico read a public comment from Jay DeWitt:

"As an airport sponsor, Sky Harbor Airport is obligated to try to ensure developments around the airport is compatible with airport noise. The IGA between Tempe and Phoenix prohibits residential in the 65 DNL. Therefore, we object to the requested action."

APPLICANT RESPONSE:

Ms. Riddell noted that they disagree with the public comment, and that the Mayor has come out and had been clear about Tempe's position. They agree with Tempe's position on the IGA that multi-family is permitted. Chair DiDomenico asked if the applicant is in agreement with all of the Conditions of Approval that are listed in the published report and Ms. Riddell advised that they were.

Motion: Motion made by Commissioner Lloyd to approve PL220082 and seconded by Vice Chair Johnson.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Cassano, Schwartz, Lloyd, Spears, and Forte.

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

- 19) Request a Zoning Map Amendment from GID, General Industrial to MU-4 Mixed-Use High Density, with a Planned Area Development Overlay and Development Plan Review consisting of 308 dwelling units including four live-work units and 3,069 s.f. of commercial use for **PERRY & RIO SALADO**, located at 1891 East Rio Salado Parkway. The applicant is Gammage & Burnham, PLC. **(PL220181)**

PRESENTATION BY APPLICANT:

Ms. Manjula Vaz, Gammage & Burnham PLC, gave a brief overview of the project. They are requesting a Zoning Map Amendment, Planned Area Development Overlay, and a Development Plan Review. The project is in the Smith Innovation Hub, so they have spent a lot of time working with staff to make sure they are in compliance with those guidelines.

Mr. Brit Perkins, EDI International, proceeded to go over the design of the project. In keeping with the Smith Innovation Hub, it has an industrial/rustic design. There is a rough brick veneer around the base of the project, with retail and public uses. There are live-work units along Rio Salado Parkway. The building is stepped back along the center of the project, facing Rio Salado Parkway. This is to give some relief to the height of the building, with a resident plaza overlooking Rio Salado Parkway. He then went over other design and façade elements of the building.

PRESENTATION BY STAFF:

Ms. Diana Kaminski, Senior Planner, noted that staff received an email from the property owner to the south, off 3rd Street, who was concerned about the parking calculations. Ms. Kaminski advised that they are meeting the parking standards for code. There is a Condition of Approval for the upper amenity deck for enhanced landscape as a buffer adjacent to the street. A neighborhood meeting was required and was held virtually at 6:00 p.m. on September 20, 2022. Two members of the public attended, along with three members from staff. One attendee stated support for the project verbally, and the other expressed concern about parking conditions. That was not the same person who provided the previously mentioned email. Ms. Kaminski advised the Commission that Jill Buschbacher, Economic Development Program Manager, was present in case they had any questions for her regarding the letter they had provided.

PUBLIC COMMENT:

Mr. Philip Yates, Riverside Neighborhood Association President, stated he is concerned because Rio Salado Parkway is becoming too dense. There are concerns by the neighbors about parking and driving through this area.

APPLICANT RESPONSE:

Ms. Vaz stated that they will have 440 parking spaces for 308 apartments, so they feel that is a healthy parking number.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Chair DiDomenico noted that the projects that are being built along Rio Salado Parkway on the north side of the lake does create a traffic stress on Rio Salado both east and west. He stated that parking is less of a concern, but he looks forward to more mass transit along that route.

Commissioner Lloyd stated for the record that as more developments come through, she would like there to be more attention put on making Rio Salado Parkway more bicycle friendly i.e., protected bike lanes.

Motion: Motion made by Vice Chair Johnson to approve PL220181 and seconded by Commissioner Schwartz.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Cassano, Schwartz, Lloyd, Spears, and Forte.

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

Staff Announcements:

Ms. Dasgupta noted there will be a Legoland visioning process on October 26th for the General Plan 2050. She also advised the Commission of the items on the next DRC meeting to be held November 8th.

There being no further business the meeting adjourned at 7:00 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Suparna Dasgupta, Principal Planner

