

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION OCTOBER 28, 2008

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:

Vanessa MacDonald, Chair  
Mike DiDomenico, Vice Chair  
Monica Attridge  
Stanley Nicpon  
Tom Oteri  
Peggy Tinsley  
Paul Kent

### City Staff Present:

Lisa Collins, Deputy Development Services Manager  
Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Kevin O'Melia, Senior Planner  
Shelly Seyler, Traffic Engineer  
Catherine Hollow, Senior Civil Engineer

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

### 1. **CONSIDERATION OF MEETING MINUTES: POSTPONED**

Item Nos. 2 and 3 were placed on the Consent Agenda at Study Session. Chair MacDonald called to the audience and seeing no requests to have the items pulled from Consent, called for the question.

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

2. 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. 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. The request includes the following:

**SBD08033** – Preliminary Subdivision Plat for one (1) lot.

STAFF REPORT: [DRCr\\_Element@ASUplat\\_102808.pdf](#)

3. Request for **AED OFFICE BUILDING (PL080165)** (Chris Sosnowski, property owner and applicant) consisting of a new one story office building within approximately 2,900 square feet of building on 0.25 acres, located at 603 West Southern Avenue in the R1-6, Single-Family Residential District. The request includes the following:

**GEP08005 – (Resolution No. 2008.93)** General Plan Projected Land Use Amendment from "Residential" to "Commercial".

**ZON08009 – (Ordinance No. 2008.61)** Zoning Map Amendment from (R1-6, Single-Family Residential District) to (CSS, Commercial Shopping and Services District).

**DPR08202** – Development Plan Review including site plan, building elevations, and landscape plan.

STAFF REPORT: [DRCr\\_AEDOfficeBldg\\_102808.pdf](#)

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### **REGULAR AGENDA**

6. Request for **BASELINE RETAIL (PL080308)** (Steven C. Cooper, owner; Chris Fergis, Fergis & Harding, Inc., applicant) for a 10,000 s.f. retail and restaurant building on +/- 1.59 net acres. The site is located at 2005 West Baseline Road in the CSS, Commercial Shopping and Service District. The request includes the following:

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

**THIS CASE WAS CONTINUED FROM THE SEPTEMBER 9, 2008 DEVELOPMENT REVIEW COMMISSION HEARING**

STAFF REPORT: [DRCr\\_2nd\\_Baseline\\_Retail\\_102808.pdf](#)

After a brief discussion within the Commission, it is decided that the case will not be heard and the recommendation by staff for the continuance will be upheld. Commissioner DiDomenico suggested that the applicant be given a limited time to speak. Michael Murray, the owner's legal representative, addressed the Commission and spoke to the issue of site access, as it was their understanding that was the only original reason for continuance.

DiDomenico: The continuance was requested so that access into the site could be resolved and staff would be able to report back to us with the details and we would have a chance to review that report and then make a decision. I also stated at the first hearing that I was not impressed with the design and if it remained the same, I would not be in favor of it.

On a motion by Commissioner DiDomenico and seconded by Commissioner Tinsley, the Commission with a vote of 7-0 approved the continuance to the November 18, 2008 hearing.

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4. Request for **APARTMENTS AT UNIVERSITY & LINDON (PL080241)** (Larry R. Norris, Charles H. Cook Christian Training School, owner; Charles Huellmantel, Huellmantel & Affiliates, applicant) for a 348 unit apartment community including 421,932 s.f. building area on +/-14.62 net acres. The site is located at 708 North Lindon Lane in the R-3, Multi-Family Residential Limited District and the R1-6, Single-Family Residential District. The request includes the following:

**ZON08008 -- (Ordinance No. 2008.57)** Zoning Map Amendment from R1-6, Single-Family Residential District to R-3R, Multi-Family Residential Restricted District on +/- 2.18 net acres adjacent to Lindon Lane.

**ZON08010 -- (Ordinance No. 2008.57)** Zoning Map Amendment from R-3, Multi-Family Residential Limited District to R-4, Multi-Family Residential General District on +/- 12.44 net acres.

**PAD08014 -- (Ordinance No. 2008.57)** Planned Area Development Overlay on +/- 14.62 net acres to modify development standards including a vehicle parking quantity reduction from 722 to 670 spaces, a maximum building height increase from 30'-0" to 40'-0" for building 'A' in the R-3R District, and a front yard setback reduction from 20'-0" to 10'-0" to allow a tall front yard fence in the R-3R District.

**DPR08191** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr\\_LindonLaneApartments\\_102808.pdf](#)

This case was presented by Kevin O'Melia and represented by Charles Huellmantel of Huellmantel and Affiliates. After a brief presentation by Mr. Huellmantel, Chair MacDonald opened the hearing to the public.

Four citizens spoke regarding this project with concerns regarding parking, height, density and traffic. All indicated they felt it was a quality project, but had concerns regarding the items mentioned. One citizen card was read into the record with similar concerns regarding the proposed parking reduction, the need for a traffic signal at Lindon Lane & University Drive, overall building height, wall height and that additional law enforcement be considered for the area.

Chair MacDonald closed the public portion of the hearing.

Mr. Huellmantel returns to address the public's concerns. This project is consistent with Tempe's General Plan and it seems that people feel this is a quality project. We agree about the signal at University and Lindon and are willing to pay for it. We feel the light at University and Lindon will encourage people to use University and stay off of 5<sup>th</sup> Street. We don't feel these residents will park on Lindon. The worst thing we can do is under-park our project, because we will lose tenants. We also looked at other Mark -Taylor communities to get a feel for what the real parking numbers should be. Over parking means less landscaping. We have looked at many other communities and have yet to find a deficiency in parking.

Commissioner Attridge: For a guest, is there any advantage to parking on the street and walking in?

Huellmantel: No, the exact opposite is true. It is much easier to drive up, enter and park on site.

Chair MacDonald calls on Shelly Seyler, City of Tempe Traffic Engineer, to address the Commission and specifically answer questions related to traffic.

Shelly Seyler spoke to permit parking and indicated that any resident may approach the City regarding permit parking in their neighborhood; however, permitted parking is normally to address parking on streets that homes are located on, not streets such as Lindon Lane. We have placed a condition in the report that states at the time of occupancy permits, the developer will provide the City funding for the light at University and Lindon. Based on the traffic study, this development would add approximately 2339 trips per day during peak hours.

DiDomenico: Can the sound wall on Priest be opened up to allow more traffic to enter and exit of the neighborhood side streets via Priest?

Seyler: Once streets are opened that have been closed off, it's not a positive experience for the residents to feel the impact of a change that they are currently not experiencing. We would have to enter into some process with the neighborhood and have some level of support to accomplish this.

Attridge: Can you give us an expectation of trips on 5<sup>th</sup> Street versus Lindon?

Seyler: I will defer that question to Paul Basha; I do not have that information.

Paul Basha reviewed traffic analysis study, including impact on neighboring intersections.

Huellmantel gave closing remarks.

Kevin O'Melia read revised Conditions of Approval into the record.

On a motion by Commissioner Nicpon and seconded by Commissioner Oteri, the Commission with a vote of 7-0 recommended approval of the two Zoning Map Amendments and Planned Area Development Overlay and approved the Development Plan Review as recommended in the staff report with the following modified conditions:

6. The 10'-0" front yard setback shall apply to an 8'-0" tall barrier fence. The building front yard setback shall be maintained at minimum 20'-0", except open structures attached to the buildings ~~(balconies or porches open on three sides)~~ may have a minimum setback of 15'-0". ~~Modify the GU 1 elevations so the balconies are open on three sides.~~

7. Incorporate ~~the 33 OF THE~~ 54 salvageable existing site trees, plus two additional site trees as noted, in the landscape plan. These trees are identified on the Existing Tree Inventory (sheets NP1.0 and NP1.1, dated 10/01/08) prepared by Donald Roger Campbell, landscape architect.
    - a. Retain ~~seven~~ **FIVE** existing "native/protected" and ~~arid-adapted~~ trees in place, **OR SALVAGE AND RELOCATE EXISTING TREES**, as follows: # 94 and # 109 (Arizona Willow), # 26 and # 132 (Mesquite), # 133 and # 135 (Texas Ebony) and # 134 (Palo Verde). The position of these trees appears to be compatible to the site plan as currently proposed. **IF TREES REMAIN IN PLACE, HAVE LAND SURVEYOR PINPOINT THE LOCATIONS AND PLANTING NATURAL GRADES OF THESE TREES.** Adjust the site, landscape and grading and drainage plans as needed to accommodate these trees.
    - b. Salvage and transplant the following **SIX "NATIVE/PROTECTED"** ~~twenty-five~~ trees on site: ~~# 103 (Pomegranate), # 59, 62 and # 63 (Mesquite), # 53 and # 60 (Texas Ebony), # 31, 65 and # 136 (Palo Verde) and # 14, 15, 16, 17, 18, 19, 21, 22, 80, 92, 95, 112, 113, 114, 115 and # 117 (Orange).~~ **Locate the Orange trees within the gated enclosure.**
    - c. Salvage and transplant the following twelve palms on site: # 20, 23, 28, 29, 30, 87, 93, 98, 99, 118, 123 and # 130 (Fan Palm)
    - d. **PROVIDE TWELVE CANOPY TREES OF 54" BOX OR MINIMUM 5" CALIPER SIZE AT INSTALLATION AS REPLACEMENTS FOR THE FOLLOWING EXISTING TREES** ~~Salvage and transplant twelve trees on site or replace these trees with the same or a different species of canopy tree at 54" box installation size. The trees to be relocated or replaced are as follows: # 11 (Australian Bottle), # 52 (Ash), # 72 (Aleppo Pine), # 75 (African Sumac), # 68 and # 81 (Evergreen Elm) and # 25, 49, 77, 78, 79, and # 83 (Eucalyptus).~~ Include at least three of these trees between building 'A' and Lindon Lane to reinforce the landscape buffer between this tall building and the neighborhood. **THE REPLACEMENT TREES ARE NOT REQUIRED TO MATCH THE SPECIES OF TREES BEING REPLACED.**
  33. **IF EXISTING TREES ARE PRESERVED IN PLACE ON SITE,** ~~Preserve existing trees in place where indicated by P.A.D. condition of approval.~~ Include requirement in site landscape work to water, maintain and generally provide husbandry for these trees. Protect trees and surrounding soil areas with temporary barricades from beginning of site demolition period until landscape operations are underway at conclusion of construction. During landscape operation, lightly prune and shape trees as necessary to fit trees with their new surroundings.
  34. Prune and salvage existing trees and palms, including at a minimum those indicated by P.A.D. condition of approval. Maintain these trees and palms in on-site nursery as indicated or in an off-site location, and transplant trees during construction period. Where a salvaged tree dies or shows probability of dying, replace with a canopy tree of minimum 54" box **OR 5" CALIPER SIZE AT installation-size** or palm of minimum 25'-0" brown trunk height.
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5. Request for **UNIVERSITY SQUARE (PL080280)** (Scott Turkington-Vice President, University Square Investors, L.L.C., owner; Stephen Anderson, Gammage and Burnham, P.L.C., applicant) for a 15 story, +/- 1,100,000 s.f. building featuring a 328 unit hotel and including a convention center, restaurant and retail space with on-site structured parking on +/- 3.18 net acres. The site is located at 110 East University Drive in the CC, City Center District with a P.A.D., Planned Area Development Overlay and within the T.O.D., Transportation Overlay District. The request includes the following:

**PAD08017 -- (Ordinance No. 2008.58)** Amended Planned Area Development Overlay to allow a maximum 300'-0" tall building with a revised site plan and volumetric configuration in the CC, City Center District and T.O.D., Transportation Overlay District.

**DPR08204 –** Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr\\_University\\_Square\\_102808.pdf](#)

This case was presented by Kevin O'Melia and represented by Stephen Anderson of Gammage & Burnham.

Mr. Anderson gave a brief overview regarding the differences between this proposal and the previous 2006 approval.

Scott Turkington gave brief information regarding the types of tenants they see in the retail spaces.

Commissioner Attridge questioned landscaping on south elevation near the motor court. Patrick Hayes discussed the landscaping plan.

Commissioner DiDomenico asked for a description of "motor court". Hayes described the motor court as a common area.

Anderson: There are no vehicular penetrations onto this site along 7<sup>th</sup> Street or University Drive. Forest and Myrtle are the only locations for vehicular access.

Anderson and Hayes discussed convention center space.

Commissioner Oteri questioned the signage onsite.

Anderson explained the signage will not be "dynamic" (moveable) and some signs may be reserved for public use; however, we are looking at dynamic signage for the conference center for whatever event is going on there at the time. The signage on this site is in ongoing discussions with Council and various City departments.

Oteri questioned Anderson regarding LEED Certification.

Anderson stated that they are designing towards Silver but unsure if they will pursue certification. Hayes elaborated on the process.

Commissioner Nicpon questioned whether there had been a resolution to the lessee problem?

Anderson: There has been no resolution for Dave's the Dog House. All other tenants have been relocated.

Nicpon: What is time frame for resolution?

Anderson: The lease runs through 2013.

Commissioner DiDomenico asked questions relating to project phasing, additional towers and street closures.

Anderson: We have intentionally designed site for possible future expansion; however, there are no plans at this time to do so. We have no construction plan in place but are aware that the impact construction will have on 7<sup>th</sup> Street is of much concern to the neighbors in the area.

Turkington: Have met with the church, the mosque and House of Tricks to show them the submittal and take them through it page by page. Questions mainly revolved around logistics of the construction.

DiDomenico: What will this site's use be before the site is developed?

Turkington: Northwest section has been given to the City for additional parking. We have also been contacted by other developer's in the area to use this site as a staging area. We are very sensitive to dust control, etc. Hoping to start digging in the third quarter of 2009, but until then we have made a portion available for parking.

Chair MacDonald opened the hearing to public input.

One citizen (Mr. Ibrahim) spoke in support of the project but brought up concerns regarding construction and the time of services at the mosque on Fridays. Mr. Ibrahim is also concerned about the impact traffic and parking will have on Friday services after construction is complete.

Commissioner Nicpon suggested working directly with the Downtown Community regarding his parking concerns.

David Charin from Dave's the Dog House, the last tenant remaining on the land, spoke in regards to the agreement with the developer.

Chair MacDonald closed the hearing to public input.

Shelly Seyler discussed the downtown traffic study.

Kevin O'Melia read the three modified Conditions of Approval into the record.

On a motion by Commissioner Tinsley and seconded by Commissioner DiDomenico, the Commission with a vote of 7-0 recommended approval of the Zoning Map Amendments and Planned Area Development Overlay and approved this Development Plan Review as recommended in the staff report, with the following modified Conditions of Approval:

2. The property owner(s) shall sign a waiver of rights and remedies **FORM. BY SIGNING THE FORM, OWNER(S) VOLUNTARILY WAIVE(S) ANY RIGHT TO CLAIM COMPENSATION FOR DIMINUTION IN PROPERTY VALUE UNDER** pursuant to A.R.S. §12-1134 that may now or in the future exist, **AS A RESULT OF THE CITY'S APPROVAL OF THE ABOVE-REFERENCED APPLICATION, INCLUDING ANY CONDITIONS, STIPULATIONS AND/OR MODIFICATIONS IMPOSED AS A CONDITION OF APPROVAL. THE SIGNED FORM** releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to the Development Services Department no later than January 12, 2009 or the Amended Planned Area Development Overlay approval shall be null and void.
3. The proposal as presented requires a vacant site.
  - a. **IF THE APPLICANT CHOOSES TO PROCEED WITH A PROJECT THAT INVOLVES BUILDING AROUND ANY EXISTING SITE STRUCTURES, THE APPLICANT ACKNOWLEDGES THAT IT WILL BE NECESSARY TO DEVELOP A REVISED SITE PLAN WITH SUPPORTING DRAWINGS AND PROCESS THESE DOCUMENTS THROUGH THE CITY'S STANDARD REVIEW PROCEDURES.** Obtain a demolition permit and remove the remaining building, landscape and site improvements of the University Arches after concluding the tenancy in the building to the satisfaction of all parties.
  - b. Coordinate with Cultural Resources (Liz Lagman 480-350-5163) the removal of the existing, artist designed bus stop shelter # 378 on University Drive and the re-installation of this bus shelter at a downtown location prior to demolition of the University Arches building. Pay cost of relocation and reinstallation of existing shelter.
19. Roofs:
  - a. At lower roof, **substitute a NON-REMOVEABLE MATERIAL IN LIEU OF paver system for rock at the** "ballasted" roof to remove the potential use of rock ballast for criminal activity. Design the **ROOF paver system** the material **SO IT** is not easily removable and is attractive when viewed from above.
  - b. At upper roof and parapets, consider design that incorporates telephone/communications antennae without disturbing the appearance of the building. If antennae are provided, incorporate secure equipment closets (minimum 200 s.f.) for each antennae provider within the building so the placement of tel/com equipment is not an afterthought.

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## 5. ANNOUNCEMENTS

The hearing is adjourned at 9:17 p.m.

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



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Lisa Collins  
Deputy Development Services Manager