

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION JANUARY 13, 2009

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  
Monica Attridge  
Stanley Nicpon  
Dennis Webb  
Heather Swanson  
Mario Torregrossa

### City Staff Present:

Lisa Collins, Deputy Development Services Manager  
Steve Abrahamson, Planning & Zoning Coordinator  
Kevin O'Melia, Senior Planner  
Diana Kaminski, Senior Planner  
Lisa Lathrop, Administrative Assistant II

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

### 1. **CONSIDERATION OF MEETING MINUTES: 12/23/08**

On a motion by Commissioner Webb and seconded by Commissioner Attridge, the Commission with a vote of 5-0 (Commissioner's Swanson and DiDomenico abstained) approved the minutes of the December 23, 2008 hearing.

### CONSENT AGENDA

Item Nos. 2, 3, 4 and 6 were placed on the Consent Agenda during the Study Session. Items 2, 3 & 4 were recommended for approval and Item 6 was recommended for continuance. 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 Nicpon and seconded by Commissioner DiDomenico, the Commission with a vote of 7-0 approved the Consent Agenda as recommended the following staff reports:

2. Request for **CITY OF TEMPE EMPLOYEE PARKING FACILITY (PL070484)** (City of Tempe owner; Kimberly J. Boyd, Premier Engineering Corporation, applicant), located at 1435 South Price Road in the GID, General Industrial District. The request includes the following:

**SBD08021** – A preliminary subdivision plat, consisting of one (1) lot on 3.03 net acres.

STAFF REPORT: [DRCr\\_COTEmployeeParkingFacility\\_011309.pdf](#)

**THIS CASE WAS APPROVED**

3. Request for **ELEMENTS ART CAMPUS – PHASE 2 (PL080239)** (City of Tempe, property owner; Blair C. Meggitt, Brady – Aulerich & Associates, Inc., applicant), located at 1202 West Rio Salado Parkway in the GID, General Industrial District, Mixed Use High Density, R1-6, Single Family Residential, and within a PAD and the Rio Salado Overlay District. The request includes the following:

**SBD08027** – A preliminary subdivision plat, consisting of six (6) lots and one (1) tract on 58.37 net acres.

STAFF REPORT: [DRCr ElementArtCampusPhase2\\_011309.pdf](#)

**THIS CASE WAS APPROVED**

4. Request for **RIVERSIDE OFFICE PLAZA PHASE III (PL080263)** (Richard J. Lund, HOF Biltmore Rio Salado II LLC and City of Tempe, property owners; Stephen C. Earl, Earl, Curley & Lagarde, P.C., applicant) for a three story office of +/- 84,686 s.f. building area on +/-4.18 net acres and a five story hotel of +/-77,500 s.f. building area on +/-2.77 net acres. The entire site is +/-6.97 net acres and is located at 1275 West Rio Salado Parkway. The site is within the General Industrial District, has a Planned Area Development Overlay and is within the Rio Salado Overlay District. The request includes the following:

**PAD08021 – (Ordinance No. 2008.73)** Amended Planned Area Development Overlay to allow a maximum 77'-0" tall hotel and a maximum 52'-0" tall office in the GID District.

**ZUP08174** – Use Permit to allow a hotel in the GID District.

**DPR08259** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr RiversideIII\\_011309.pdf](#)

**THIS CASE WAS APPROVED WITH MODIFIED CONDITIONS TO READ AS FOLLOWS:**

2. A building permit shall be obtained and substantial construction commenced on or before ~~February 19, 2012~~ **JANUARY 13, 2013** or the Amended Planned Area Development Overlay of the property may revert to that in place at the time of application, subject to a public hearing. **(MODIFIED BY THE COMMISSION)**
38. Landscape islands:
- Provide thornless Prosopis species of 24" box installation at parking islands, rather than 15 gallon.
  - At southeast corner of office, place one thornless Prosopis species in each of the two landscape islands. The Washingtonia robusa may remain in the northern of these two planters where the trunk protrudes through the canopy of the tree.
  - ~~Pull walkway away from the paving curb in two places – at the end parking space southwest of swimming pool and adjacent to the northeast office building corner – so a full length landscape island is created beside these parking spaces.~~ **PROVIDE PARKING LOT TREES AND LANDSCAPE AREAS IN FULFILLMENT OF "PERFORMANCE STANDARD BASED ON TREE CANOPY," ZDC 4-704(A)(2). (MODIFIED BY THE COMMISSION)**
6. 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 431,100 net s.f. and a shared parking garage on 11.87 net acres, located at 1625 West 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.

**THIS CASE WAS CONTINUED TO THE JANUARY 27, 2009 HEARING**

STAFF REPORT: [DRCr FountainheadOfficePlaza011309.pdf](#)

**REGULAR AGENDA**

7. Request for **CIRCLE K STORE (PL080389)** (Brad Anderson, Rural Baseline, LLC, property owner; David Cisiewski, MD Partners, LLC, applicant) consisting of a single-story 4,400 square foot convenience store with fuel service, on 1.61 net acres, located at 5240 S. Rural Road in the PCC-2 Planned Commercial Center General District. The request includes the following:

**DPR08269** – Development Plan Review including site plan, building elevations, and landscape plan.

**ZUP08181** – Use permit for retail convenience store with fuel sales.

STAFF REPORT: [DRCr\\_CircleK\\_011309.pdf](#)

This case is represented by David Cisiewski. Although no formal presentation was requested, the Commission did have a few specific questions regarding this case.

Commissioner Attridge asked whether the eight Aleppo Pine Trees scheduled for removal on Rural Road could be reconsidered and the trees kept for use on the new landscape plan.

Mr. Cisiewski indicated that the size and location of the trees create a significant visibility issue to this particular pad.

Charles Huellmantel, who spoke on behalf of Kitchell Development, indicated that trees along the south side of the site between the Lowes and the residential properties and trees along Rural Road south of the first driveway will be saved. The trees immediately in front of the development are the only ones that will go. The landscape plan indicates replacement trees in the frontage of the development.

Chair MacDonald called to the public and seeing no one, closed the hearing for public comment.

On a motion by Commissioner Nicpon and seconded by Commissioner Torregrossa, the Commission with a vote of 7-0 approved this Development Plan Review and Use Permit as recommended the staff report.

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5. 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\\_011309.pdf](#)

This case was presented by Diana Kaminski and represented by Eric Emmert, Jeff Sawner, Jason Comer and Joseph Salvatore.

Mr. Emmert gave a presentation on the outreach efforts of EdOptions to the neighborhood.

Mr. Sawner gave a history of EdOptions.

Chair MacDonald asked Mr. Sawner how many students would be served on a daily basis on campus.

Mr. Sawner indicated the first year they have been approved by the state for up to 200 students. Students would be attending in four-hour blocks. There would be no lunch service. EdOptions is approved for grades 9 through 12.

Joe Salvatore gave a brief presentation regarding the site, what is included in each phase of the project, as well as proposed building heights.

Commissioner Attridge questioned the applicant as to whether other heights had been considered because height seems to be the main concern of neighbors.

Mr. Salvatore indicated that several options had been explored but to create less building density, a greener environment within this facility and working with budget constraints, the height proposed is what is needed to make the program work.

Chair MacDonald questioned the setback of the buildings along Southern.

Mr. Sawner indicated that since the design of the buildings had not yet been done, that the setback is flexible and can be adjusted.

Chair MacDonald opened the hearing for public input.

Two cards from citizens not wishing to speak were read into the record; both opposed to the project.

Sixteen citizens spoke in opposition of the project, citing concerns regarding traffic (including traffic at current Baptist school), building height, residential component of the site and student demographics.

Chair MacDonald closed the public input portion of the hearing.

Mr. Emert indicated that letters went out in August to the adjacent property owners, phone calls followed to owners who had publicly listed phone numbers. Letters were then sent to neighbors within the 300' radius per the ZDC. We have met individually with homeowners and in groups.

Mr. Salvatore spoke to address concerns related to traffic. A traffic study has been done and submitted to the City of Tempe's Traffic Engineering Division. The study indicates that the infrastructure is there and capable of supporting the traffic expectations for this project. We are providing more parking spaces than required.

Mr. Emert spoke to traffic concerns and indicated that the second curb cut along Price Road would not be used.

Mr. Sawner addressed concerns regarding student demographics. EdOptions deals with 1200 schools across the country and in those schools, there are many types of students. The charter school portion of our business is a public school in the State of Arizona and there are certain regulations about who we accept as a student. The core students that we look for are academically achieving but are interested in a flexible schedule and not looking for a traditional 6-8 hour school day. There are differences between what EdOptions does and what will take place at the charter school.

Mr. Sawner also addressed the idea of staff living onsite. Mr. Sawner indicated that the Los Angeles Times published a report that the L.A. Unified School District had proposed spending several hundred million dollars to build apartments on school grounds for teacher housing.

Mr. Salvatore explained the 70' height, floor by floor.

Commissioner DiDomenico questioned not having a full traffic study.

Catherine Hollow from the City of Tempe Traffic Engineering Division indicated that the traffic study does look at trip generation through the final phase of this project. It looks at several years with traffic growth on Southern and on Price.

Ms. Kaminski added that the staff report summarized the traffic study, which covered all three phases of development to build out.

Commissioner DiDomenico commended residents for coming and sharing comments and concerns with the Commission. Supports three of the four, the Zoning Map Amendment and both of the Use Permits.

Commissioner Nicpon: I support all four applications.

Commissioner Webb: Change is inevitable but agreed with Commissioner DiDomenico regarding concerns over height and traffic.

Commissioner Attridge: Feels it's a good use and EdOptions has a great reputation. Until something mitigates the height and intensity, can only support the Use Permits.

Commissioner Torregrossa: Use is appropriate, concerned over the height.

Commissioner Swanson: Use and a 40' height would be compatible. Comfortable with the Use Permits, but not the request for the PAD.

Chair MacDonald: Agreed with Zoning Map Amendment and Use Permits. Suggested the applicant increase the hours of the Use Permit from 7:00 am to 10:00 pm so that guests to the site can have time to set-up and take down their event.

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 6-1 (Attridge opposed), recommended approval of the Zoning Map Amendment.

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 7-0 approved the Use Permit to allow a charter school.

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 7-0 approved the Use Permit to allow live entertainment with a modification to Condition No. 32 to read as follows:

32. Events are limited to ~~5pm-10pm weekdays, and 7am to 10pm~~ **7AM-10PM ON WEEKDAYS, WEEKENDS AND HOLIDAYS. (MODIFIED BY THE COMMISSION)**

On a motion by Commissioner Nicpon and seconded by Commissioner DiDomenico, the Commission with a vote of 6-1 (Torregrossa opposed) continued the Planned Area Development Overlay a date uncertain.

## 8. ANNOUNCEMENTS - NONE

The hearing is adjourned at 9:02 p.m.

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



Lisa Collins  
Deputy Development Services Manager