

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION MARCH 10, 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, Vice Chair  
Tom Oteri  
Monica Attridge  
Stanley Nicpon  
Dennis Webb  
Paul Kent

### City Staff Present:

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

Chair MacDonald called the meeting to order at 6:05 and introduced the Commission and City staff. She indicated there was one case on the agenda and that case will be heard.

### 1. **CONSIDERATION OF MEETING MINUTES: 1/13 & 1/27/09**

On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 5-0 (Commissioners Oteri and Kent abstained) approved the minutes of January 13, 2009.

On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 5-0 (Commissioners Attridge and Kent abstained)

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### **REGULAR AGENDA**

2. 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 Services and R1-6 Single Family Residential Districts. The request includes the following:

**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.

**THIS PLANNED AREA DEVELOPMENT OVERLAY WAS CONTINUED FROM THE JANUARY 13, 2009 HEARING**

Staff Report: [DRCr\\_Educationandartscenter\\_031009.pdf](#)

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

Eric Emmert addressed the Commission with a brief history of what transpired at the previous hearing with the approval of the Zoning Map Amendment and Use Permits. The height of the buildings was a concern with the neighborhood and the Commission, and we have responded to that issue. There were also concerns regarding traffic and those will also be addressed. As far as neighborhood outreach goes, we had a meeting on February 3rd at the City with staff and members of the neighborhood. We heard three things at that meeting from the neighbors: that the proposed setbacks had merit, that the height should be pushed as close to Price and Southern as possible and height should be stepped back. We have tried to the best of our ability to respond to those requests. We asked that core team from the neighborhood for a rendering of what they would find amenable and were denied a rendering and told that they didn't have one. Another neighborhood meeting was held at the library on February 23<sup>rd</sup>.

Joe Salvatore presented an overview of the project and what changes have taken place since the previous meeting. His presentation included landscape buffer issues, the traffic study, neighborhood outreach, height reductions, the revised PAD and revised neighborhood views resulting from the change in the heights of the buildings.

Mr. Salvatore presented the landscape plan for the perimeter of the site which included the types and sizes of the trees to be planted. His presentation included site distances as they relate from the top of the buildings to the residences and how it is affected by the screening of the landscaping. He indicated that the traffic study is complete and has been accepted by the City of Tempe's Traffic Engineering Department. The summary portion of the report states that the analysis of the traffic generated by this development and the distribution of traffic on the major streets in the vicinity show that the intersection of Southern Avenue and Country Club Way, as well as Price Road and Southern Avenue, will not significantly impacted by the traffic generated by this project. No intersection improvements will be needed for the projected traffic.

Mr. Salvatore indicated they have brought the height of the buildings down. We have taken a floor off the Southern Avenue building and are taking it building down to a 60' height. We have done our best to stair step that building from the west property line, away from the neighbors. We are also taken a floor off and stair stepped the Price Road building away from the neighbors to the north. We have dropped the parking structure down one full floor below grade.

Mr. Emmert indicated that the three issues the neighborhood brought forth have all been addressed.

Chair MacDonald opened the hearing for public input.

Eight representatives from the neighborhood adjacent to the site spoke with concerns regarding height, traffic and landscaping.

Chair MacDonald closed the hearing for public input.

Jeff Sawner addressed the Commission. Mr. Sawner addressed concerns the neighbors had regarding parking. He indicated the project is parked according to the Code. He also indicated that the traffic study is for all three phases of this project but before phases two and three are done, additional traffic studies will be completed. The design has not been done but by Condition of Approval, we are required to have public meetings prior to phases two and three and we want to work with the neighborhood during the design process.

Commissioner Kent asked about the percentage of the occupancy that the school will house in these buildings.

Mr. Sawner indicated that the site is the new home for Educational Options. It will also be a site for a private school, Blue Ridge International Academies, which is a place where students can go to be tutored or proctored for a test. There will be offices for our non-profit charter school and of course the charter school itself. If we have space available for other tenants, we're hoping to bring someone in with a similar education background/business.

Mr. Emmert commented that the neighborhood has been through a lot and they are very in tune with what is happening around them and they are very organized. We understand change is difficult but will happen on this site at some point in time. Educational Options has no intention of flipping this site.

Commissioner Oteri questioned whether they had a map for the addresses of the signatures they have collected.

Mr. Emmert indicated they did not have an opportunity to put one together.

Commissioner Attridge questioned whether the zoning change had gone to City Council for approval.

Ms. Kaminski indicated that they were waiting for the PAD so they could go before Council at the same time.

Commissioner DiDomenico addressed concerns regarding speculative development and zoning changes. He indicated that our process encourages property owners to bring their developments forward and a zoning change is not always granted but that is what this process is for. This zoning change was in line with the City's 2030 plan. I do not like voting on a PAD without the design element being more fully developed and am hard pressed on supporting taking the PAD process forward. I believe ultimately I could support the final product, but there is still a piece missing that was missing in January.

Commissioner Attridge indicated she appreciated EdOptions for working with the neighbors and believes this is a great use for this site and that EdOptions is a very reputable company and warned the neighbors they could end up with something they would like a lot less. 70' buildings were too high and appreciate the work that brought them down, but 60' is still too tall. Agreed with Commissioner DiDomenico and would have liked to have seen more design elements come through with the PAD. I cannot support the project.

Commissioner Webb commented that he appreciated the passion of the Shalimar Neighborhood. Agreed with the other Commissioners and felt that this use is probably very appropriate for this site but also does like approving something when he doesn't know what it is.

Commissioner Kent indicated that he is uncomfortable with the phase three aspect of the project but felt EdOptions is a very reputable company and a good addition to the neighborhood and would support it.

Commissioner Oteri commented that density is an issue that Tempe is forever going to be dealing with. Does not have a problem with the density but I also am not comfortable with the phase three aspect and cannot support it.

Commissioner Nicpon felt that there would be nothing that could be said or done to make the neighbors amenable to this project, change is very difficult. We've been told that they don't like the site, the buildings, the use, don't like the reduced height to 60', or the landscaping. I do like the project and don't need to see a design to approve the PAD because the renderings that we have been shown give a good idea of the direction the design will go. I do like the use. I do like Shalimar and think it's one of the few neighborhoods in Tempe where the neighbors can come together. I will support this project.

Chair MacDonald indicated that she favors this proposal and that the developer has done what we asked for. Their outreach efforts have been genuine. We will never get 100% approval from a neighborhood but we look for a good faith effort on the part of the developer/land owner to reach out and try to incorporate the ideas suggested by the neighborhood. They need an envelope to which they can design and if we don't give them the PAD, they could design all day long and keep coming back and this could be a never ending process. I am in favor of this proposal.

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 3-4 (Commissioners Attridge, DiDomenico, Oteri and Webb dissenting) recommend denial of the Planned Area Development Overlay.

### 3. ANNOUNCEMENTS

The hearing is adjourned at 8:27 p.m.

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



Lisa Collins, Deputy Development Services Manager