

MINUTES OF THE
DEVELOPMENT REVIEW COMMISSION
JANUARY 25, 2011

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 E. 5th Street, Tempe, AZ 85281
6:00 PM (5:30 Study Session)

Commission present:

Mike DiDomenico, Chair
Dennis Webb, Vice Chair
Stanley Nicpon
Tom Oteri
Paul Kent
Peggy Tinsley, Alternate
Mario Torregrossa, Alternate

Commission absent

Monica Attridge
Kolby Granville, Alternate

City staff present:

Lisa Collins, Deputy Director/Community Development Dept.
Ryan Levesque, Senior Planner
Lisa Novia, Administrative Asst. II

Chair DiDomenico called the meeting to order at 6:00 p.m., which included the introduction of the Commission and City staff. It was determined at the Study Session that Item No. 2 would be heard.

1. **CONSIDERATION OF MEETING MINUTES: 12/14/10 & 1/11/11**

On a motion by Vice Chair Webb and seconded by Commissioner Kent, the Commission with a vote of 4-1 (Commissioner Nicpon dissenting) approved the minutes of December 14, 2010.

On a motion by Commissioner Tinsley and seconded by Vice Chair Webb, the Commission with a vote of 6-0 approved the minutes of January 11, 2011.

REGULAR AGENDA

2. Request for **HAYDEN HARBOR AT TEMPE TOWN LAKE (PL070506)** (El Fenix, LLC & City of Tempe, property owners; Gammage & Burnham PLC, applicant) consisting of six (6) mixed-use towers ranging in height from 220 feet to 278 feet proposed for hotel, residential, restaurant and retail uses, one (1) 12-story office building located above an above-grade six (6) level parking garage totaling 213 feet in height, a (1) one-story office building, a below-grade parking garage, and surface parking. The proposal has a total gross floor building area of 2,059,580 square feet on approximately 13.6 net acres, located at 430 North Scottsdale Road. The request includes the following:

GEP10003 (Resolution No. 2011.06) – A General Plan Projected Land Use Map Amendment from “Open Space” to “Mixed-Use” and a Projected Residential Density Map Amendment from “No Density” to “High Density, greater than 25 units per acre”, all located on approximately 5.23 acres.

ZON08004 (Ordinance No. 2011.05) – Zoning Map Amendment from GID, General Industrial District to MU-4, Mixed-Use High Density District, located on 13.6 acres.

PAD08010 (Ordinance No. 2011.05) – Planned Area Development Overlay to establish general development standards, located on 13.6 acres.

STAFF REPORT: [DRCr_HaydenHarbor_012511.pdf](#)

This case was presented by Ryan Levesque and represented by Manjula Vaz, applicant.

After a brief presentation by Mr. Levesque which included a conceptual site plan and discussion regarding the General Map and Zoning amendments. Ms. Vaz then addressed the Commission.....

Commissioner Nicpon questioned how many levels of parking would be located underground and if the Gilbert Drive mitigator would address the concern raised at the neighborhood meeting in regards to the College Avenue traffic? Ms. Vaz indicated there would be three levels of underground parking and that they felt the Gilbert Drive mitigator would take care of those issues but once a design is brought forward, they would work with the North Tempe Neighborhood Association to see what, if any, traffic calming measures are necessary.

Chair DiDomenico questioned whether acquiring more right of way for the Gilbert Drive access will be necessary? Ms. Vas indicated that no additional land would be acquired but they have discussed with the City modifying the current alignment to make the road straighter and would absorb any cost for this work.

Chair DiDomenico also asked if the easements for the power lines and the area that Salt River Project needs to maintain those power lines had been taken into consideration. Ms. Vas indicated that they have been working with SRP.

Commissioner Kent asked if the Commission was given access to the traffic study that staff and the applicant have referenced. Mr. Levesque indicated that the applicant had provided a traffic study that has been reviewed by our Traffic Engineers and in the process make reviews and recommendations to staff to determine if there are any stipulations necessary as a result of this development proposal and traffic requirements for this area.

Commissioner Kent raised concerns regarding the volume of traffic that would be introduced into an area that is already quite congested.

Kathryn Heffernan addressed the Commission. Ms. Heffernan indicated that the traffic study is extremely technical and also conceptual at this point in time. The study is reflective of the maximum amount of development that could be completed on the site. The changes that are being suggested at the Gilbert and College intersection are for safety purposes and include striping and putting in definite turn lanes.

Vice Chair Webb asked what type of hotel is envisioned for this site. Ms. Vaz indicated they had hoped for something similar to a Starwood product and/or possibly a convention hotel. She also stated that the site would include office and retail services to serve the residents and businesses located on site.

Chair DiDomenico opened the hearing for public input.

Cliff Mattie, Attorney (Mariscal, Weeks, McIntyre & Friedlander), representing U-Haul and Audio Express spoke in regards to the legal protest that was filed on behalf of his clients. Mr. Mattie indicated that the issues affecting his clients relate to the intensity of the project, as well as the access that his clients have to and from the traffic signal at Playa del Norte.

Tom Toll son, Attorney for U-Haul, spoke on behalf of his client in regards to access to the Playa del Norte traffic signal. Mr. Toll son indicated that several years prior (approximately 2006) when curb cuts were removed from in front of U-Haul and Audio Express, driveway access was granted from Playa del Norte to these properties to allow for northbound and southbound entry and exit. Mr. Toll son, indicated with the use of a modified rendering, that a possible solution to this issue would be to move a 6000 vs. building west to allow the drive to remain from Playa del Norte to these properties.

Chair DiDomenico asked Mr. Tolleson if this had been proposed to El Fenix. Mr. Tolleson indicated that this specific site plan modification had not been suggested but that they have made a previous proposal in regards to a request for an easement.

Commissioner DiDomenico questioned if access to and from the rear of properties to Gilbert Drive would be beneficial. Mr. Tolleson indicated that the properties are addressed off Scottsdale Road and that access to and from Scottsdale Road is crucial to the operation and success of the businesses.

Nancy Hemy from Audio Express addressed the Commission in regards to the loss of access to that light and the detrimental effects that it has had in the past due to a fence being placed around the site. They are concerned that should that access be permanently removed, it will force closure of their business.

Chair DiDomenico closed the hearing to public input.

Ms. Vaz returned to the podium to address concerns raised by Mr. Mattice, Mr. Tolleson and Ms.?????. She indicated that the site was fenced for security reasons.

Chair DiDomenico questioned whether or not the fence could be moved so that the businesses could regain access to that light and if after development, what hardship would it be to the development to continue access to those two parcels.

Ms. Vaz indicated that perpetual easement is out of the question but that they would consider temporary access. She also stated that if there is a historical easement on the site, that the matter should be addressed in the correct venue. Ms. Vas also indicated that the fence was put up in July and the first time they were informed of an issue was December.

Chair DiDomenico stated that although he understand property rights and liability issues, etc., El Fenix is developing a large parcel of land and that it's necessary to find a solution that works for both parties.

Commissioner Nicpon stated that should permanent access not be allowed to those two parcels, businesses will close.

Ms. Heffernan returned to the podium and stated that the proposed location of the drive to both sites would not work due to the stacking of the outbound traffic from the site. If connection to those sites were to occur, it would have to happen further west on the site.

Chair DiDomenico stated that although he has no issue with the development itself, that it would be hard for the Commission to ignore the access issues to these other properties and would like to see the two sides work together to come to an agreement.

Ms. Vaz indicated again that they are happy to work with Mr. Mattice and Mr. Tolleson to negotiate temporary access but that permanent access is going to be a hard sell. Issues such as indemnification, insurance, liability and the participation in the cost of construction need to be addressed.

Commissioner Torregrossa asked staff if there is anything being proposed by the City to address the developments along Town Lake and the mass density and how it relates to traffic.

Mr. Levesque stated that Scottsdale/Rural Road is a mass transit location and although there are no proposed plans, the City will continue to work with the City of Scottsdale to further develop this corridor for mass transit.

Commissioner Nicpon is in support of the project but has issues with the lack of access to the smaller businesses that will struggle due to restriction of access to that signal.

Commissioners Webb and Oteri agreed with Commissioner Nicpon.

Commissioner Kent is concerned with the traffic that will add to an already congested area. He is comfortable with the zoning aspects of the case but wished to continue to PAD.

Commissioner Tinsley agreed with her fellow commissioners.

Commissioner DiDomenico commented that he would also like to see the PAD portion continued so that both parties could come to a resolution of the access issue and he would also like some time to review the traffic study.

On a motion by Commissioner Tinsley and seconded by Vice Chair Webb, the Commission with a vote of 7-0 continued the PAD portion of this case to the February 22, 2011 meeting.

On a motion by Commissioner Nicpon and seconded by Commissioner Kent, the Commission with a vote of 7-0 recommended approval of the General Plan and Zoning Map Amendments.

3. ANNOUNCEMENTS

The hearing adjourned at 8:05 p.m.

Prepared by: Lisa Novia, Administrative Assistant II
Reviewed by: Lisa Collins, Deputy Director Community Development Department



Lisa Collins, Deputy Director Community Development Department