

**MINUTES OF THE
DEVELOPMENT REVIEW COMMISSION
STUDY SESSION**

MAY 14, 2013

**HARRY E. MITCHELL GOVERNMENT CENTER
TEMPE CITY HALL – CITY COUNCIL CHAMBERS
31 EAST 5TH STREET
5:30 p.m.**

Commission Present:

Mike DiDomenico, Chair
Dennis Webb, Vice Chair
Linda Spears
Ron Collett
Peggy Tinsley
Paul Kent
Angie Thornton

Commission Absent:

Jim Delton
Dan Killoren
Dave Maza

City Staff Present:

Lisa Collins, Interim Community Dev. Director
Steve Abrahamson, Planning & Zoning Coordinator
Ryan Levesque, Senior Planner
Diana Kaminski, Senior Planner

Chair DiDomenico opened Study Session at 5:40 p.m. After discussion and briefing of cases by City staff, it was determined that the minutes could be approved as written, Item 3 would be heard first as it was continued from a previous meeting, and Item Nos 2 and 4 would be heard after.

Ms. Collins made a brief presentation regarding the proposed vacant land ordinance. She indicated that as an incentive for landscaping and maintaining vacant land, with a density of 26 duc or larger, the ordinance is proposing the property owner will receive twice the amount of money paid for drawings, landscape materials and maintenance to be reimbursed up to 50% at the time the property is development. Additionally, she indicated that no fees would be charged to review the plans.

Ms. Collins stated that Councilmember Granville, who initiated the proposed ordinance, was present to observe and to help answer any questions the Commission might have. She also informed the Commission that a vacant land forum will be held on May 22nd in which various members of the community will have the opportunity to give their ideas and feedback on the proposed ordinance and how it may effect development.

Chair DiDomenico asked why the ordinance would be focused on the downtown area.

Councilmember Granville indicated that although he would like to see the entire City included, he felt it would be most successful if centered around areas that have more foot traffic.

Commissioner Spears stated that she felt it would be too costly for the City to landscape and maintain its vacant parcels.

Chair DiDomenico stated that he would like to see the proposed ordinance be enforced throughout the entire City.

Having no other business to discuss, the Study Session was adjourned at 5:55 p.m.

Prepared by: Lisa Novia, Administrative Asst. II

Reviewed by: Lisa Collins, Interim Director Community Development Department

A handwritten signature in cursive script, appearing to read "Lisa Collins", written in black ink.

Lisa Collins, Interim Director, Community Development Department

**MINUTES OF THE
DEVELOPMENT REVIEW COMMISSION
MAY 14, 2013**

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

Commission Present:

Mike DiDomenico, Chair
Dennis Webb, Vice Chair
Linda Spears
Ron Collett
Peggy Tinsley
Paul Kent
Angie Thornton

Commission Absent:

Jim Delton
Dan Killoren
Dave Maza

City Staff Present:

Lisa Collins, Interim Community Dev. Director
Steve Abrahamson, Planning & Zoning Coordinator
Ryan Levesque, Senior Planner
Diana Kaminski, Senior Planner

Chair DiDomenico opened the meeting at 6:00 p.m., which included the introduction of the Commission and City staff. It had been determined in Study Session that the minutes would be approved as written, Item No. 3 would be heard first due to the continuance and Item Nos. 2 and 4 would be heard after.

1. CONSIDERATION OF MEETING MINUTES: 4/23/13

On a motion by Commissioner Tinsley and seconded by Commissioner Collett, the Commission with a vote of 6-0 (Commissioner Spears abstained) approved the minutes of the April 23, 2013 meeting.

- 3.** Request for a Development Plan Review for **THE NEWPORT (formerly SKYVIEW AT TEMPE) (PL120237)**, located at 1102 E Weber Drive. The applicant is Joseph Risi of American West Development.

THIS DEVELOPMENT PLAN REVIEW WAS CONTINUED FROM THE APRIL 9th HEARING

STAFF REPORT: [DRCr_TheNewport_051413](#)

This case was presented by Diana Kaminski and represented by Joseph Risi, American West Development (applicant).

Ms. Kaminski made a brief presentation on the design changes that have occurred since the last meeting. She indicated that the height along the eastern end of the project has been lowered, reducing the number of units from six to four. They have also provided additional guest parking between units, as well as some additional open space. She also stated that colors, materials and building elevations have remained the same.

Chair DiDomenico opened the hearing to the public.

Two residents spoke in support of the case. One resident spoke with concerns over height next to his home and privacy issues and visitor parking.

Commissioner Thornton questioned the resident on the changes that have been done to the design in regards to height and asked if he had questions or if that could change his mind in regards to his concerns.

Mr. Emler, resident, indicated that it does help with regard to height near his home but that he still had concerns regarding height throughout the remainder of the development and the concern over visitor parking.

Chair DiDomenico read a card into the record. This resident was opposed to the height of the project and the lack of visitor parking.

Chair DiDomenico closed the hearing to public input.

Joseph Risi, American West Development (applicant), addressed the Commission and spoke to the changes that have occurred since the last meeting, which included the reduction in height and density on the eastern portion of the site, and relocation of the home closest to Marny moved 20' to the south to further reduce the impact to the opposing homeowner on Marny (Charlotte Butler?). He also indicated that more open space was added to that eastern portion of the project.

Commissioner Kent questioned Mr. Risi as to the windows on the east side and if they are at eye level or higher.

Mr. Risi indicated that the windows on the east are obscured windows and do not provide any view to the neighborhood.

Chair DiDomenico asked Mr. Risi if he was in agreement with the Conditions of Approval.

Ms. Kaminski indicated there is a change from the last meeting in regards to the landscaping on the east side. The landscape buffer on the east side shall have trees planted 20' on center, 48" box on the southeast side and 36" box on the northeast side.

Mr. Risi indicated yes, he is in agreement.

Ms. Kaminski indicated that they are providing 102 parking spaces.

On a motion by Commissioner Spears and seconded by Commissioner Kent, the Commission with a vote of 7-0 approved this Development Plan Review as recommended in the staff report.

2. Request for a Development Plan Review and a Use Permit to allow residential in the PCC-2 District, for a 194 unit new multi-family development for **THE STANDARD ON BROADWAY (PL120409)**, located at 1245 East Broadway Road. The applicant is Gammage & Burnham, PLC.

THIS CASE WAS CONTINUED FROM THE APRIL 23rd HEARING

STAFF REPORT: [DRCr_TheStandardOnBroadway_051413](#)

This case was presented by Ryan Levesque and represented by Manjula Vaz, Gammage & Burnham (applicant).

Mr. Levesque made a brief presentation in regards to the site plan and citizen comments.

Commissioner Collett asked about the pending cross access easement issue with the property owner to the east.

Mr. Levesque indicated that the applicant would address that issue but it's his understanding the issue has been resolved.

Manjula Vaz, Gammage & Burnham (applicant), addressed the Commission. Ms. Vaz indicated that the cross access issues have been resolved with the adjacent property owner and she thanked the Commission for the continuance so the issues could be addressed.

Ms. Vaz gave a presentation which addressed the use permit request. She also indicated that the density proposed in this development being consistent with the General Plan and the need for redevelopment in central Tempe.

Rich Barber, ORV Architecture, addressed the Commission. Mr. Barber made a brief presentation on the site plan, design, landscape plan and building elevations.

Todd Gossling, PB Bell Companies, addressed the Commission. Mr. Gossling spoke regarding the interiors of the units and the demographic that the developer is targeting in building a development such as this.

Chair DiDomenico called to the public, seeing no one who wished to speak, closed the hearing to public input.

Commissioner Spears expressed concern in regards to converting commercial properties to residential, specifically multi-family housing.

Commissioner Thornton questioned the parking.

Mr. Levesque indicated that the applicant applied and received a variance to reduce the parking.

Chair DiDomenico indicated he is in agreement with Commissioner Spears but hopes that this development will help bring families back to central Tempe and drive other types of development.

Vice Chair Webb expressed concern that the land Tempe has is being overdeveloped as multi-family housing and these properties won't be available later on when other types of developments come along.

Commissioner Tinsley stated that this property has been vacant for many years.

On a motion by Commissioner Tinsley and seconded by Commissioner Collett, the Commission with a vote of 5-2 (Commissioners Webb and Spears opposed) approved this Development Plan Review and Use Permit as recommended in the staff report.

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4. Request for a Code Text Amendment within the Zoning and Development Code incorporating special use standards for **FRATERNITY/SORORITY HOUSES (PL130052)**. The applicant is the City of Tempe.

THIS CASE WAS CONTINUED FROM THE MARCH 12TH, MARCH 26TH & APRIL 23RD HEARINGS

STAFF REPORT: [DRCr Fraternity/SororityHouses_051413](#)

This case was presented by Ryan Levesque. Mr. Levesque made reference to the changes that have occurred to the proposed amendment since the last hearing. The changes include security plan requirements, clarified language specifying more than 50% in a development that has more than five units and that is to be leased to members of the same fraternity or sorority and where business activities are being conducted. He also indicated that a definition has been added.

Ms. Collins stated that there have been several conversations with the Police and Fire Departments in regards to the security plans, as well as with the City Council at their Strategy Session. Ms. Collins also thanks the Commission for meeting with her as a group and meeting individually with she and Teresa Voss, City Attorney. She indicated that many of the changes are a result from those meetings.

Commissioner Spears asked for clarification regarding the over 50% criteria. She stated that it's her understanding that as long as it's not being used for fraternity or sorority business, the complex can be leased to any number of individuals who belong to a fraternity or sorority.

Ms. Collins indicated that she was correct.

Commissioner Tinsley stated that she is still concerned that it puts a great deal of burden on the property owner once leases are signed should three people move into a complex and then join a fraternity or sorority.

Ms. Collins stated that this is one of the clarifications that has taken place. As long as business and/or fraternity or sorority activities are not being held at the complex, there is no issue.

Commissioner Collett stated that he doesn't feel this is necessary, it's vague and cannot support it.

Commissioner Spears stated that she cannot support it.

After a motion by Commissioner Collett and seconded by Commissioner Spears, the Commission with a vote of 3-3 (Commissioners DiDomenico, Webb and Thornton dissented, Commissioner Kent did not vote) the motion to deny failed.

Commissioner Spears shared comments from a committee meeting where the frustration with the University was discussed and the University not controlling the students and their activities.

After a motion by Commissioner Collett and seconded by Commissioner Spears, the Commission with a vote of 3-4 to deny the Code Text Amendment, the motion failed.

Ms. Collins indicated that the Zoning and Development Code is a document that does require interpretation and we need to be as clear as possible. She also indicated that if someone rents an apartment complex and there appears to be fraternity or sorority business being done on the premises, she would interpret that to be a fraternity/sorority and a Use Permit would be required, as that is the job of the Zoning Administrator.

On a motion by Commissioner Thornton and seconded by Commissioner Webb, the Commission with a vote of 3-4 (Commissioners DiDomenico, Tinsley, Spears and Collett opposed) to approve the Code Text Amendment was denied.

5. **ANNOUNCEMENTS** – Chair DiDomenico announced he would not be at the next meeting (May 28th).

The meeting adjourned at 7:00 p.m.

Prepared by: Lisa Novia, Administrative Asst. II
Reviewed by: Lisa Collins, Interim Director Community Development Department



Lisa Collins, Interim Director, Community Development Department