Tempe

# Minutes
# DEVELOPMENT REVIEW COMMISSION
# FEBRUARY 12, 2008

**The Development Review Commission Study Session was held on February 12, 2008, at Council Chambers, Garden Level, 31 East Fifth Street.**

**Present:**
Vanessa MacDonald, Chair
Stanley Nicpon, Acting Vice Chair
Monica Attridge
Tom Oteri
Dennis Webb
Mario Torregrossa
Paul Kent

**Absent:**
Mike DiDomenico
Heather Carnahan
Peggy Tinsley

**City Staff Present:**
Chris Anaradian, Development Services Manager
Steve Abrahamson, Planning & Zoning Coordinator
Ryan Levesque, Senior Planner
Kevin O'Melia, Senior Planner
Diana Kaminski, Senior Planner

**Study Session convened at 5:35 p.m.**

- Introduction of new Commissioner, Paul Kent.
- 12/11/07 Minutes recommended for approval.
- All items on Consent with exception of All Saints/Newman Center.

**Study Session adjourned at 5:55 p.m.**

**The Development Review Commission Public Hearing was held on February 12, 2008 at Council Chambers, Garden Level, 31 East Fifth Street.**

***Modifications to any conditions or stipulations made by the Commission are indicated in bold and capitals.**

**Present:**
Vanessa MacDonald, Chair
Stanley Nicpon, Acting Vice Chair
Monica Attridge
Tom Oteri
Dennis Webb
Mario Torregrossa
Paul Kent

**Absent:**
Mike DiDomenico
Heather Carnahan
Peggy Tinsley

**City Staff Present:**
Chris Anaradian, Development Services Manager
Steve Abrahamson, Planning & Zoning Coordinator
Ryan Levesque, Senior Planner
Kevin O'Melia, Senior Planner
Diana Kaminski, Senior Planner

**Meeting convened at 6:00 p.m.**

**Item #1 – MINUTES**

**On a motion by Commissioner Nicpon and seconded by Commissioner Oteri, the Commission with a vote of 6-0 (Attridge abstained) approved the minutes from November 27, 2007.**

**On a motion by Commissioner Nicpon and seconded by Commissioner Oteri, the Commission with a vote of 6-0 (Torregrossa abstained) approved the minutes from December 11, 2007.**

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**Consent Agenda**
**Chair MacDonald stated that certain items could be handled in the consent fashion if they were properly represented and if there were no objections.**

**On a motion by Commissioner Nicpon and seconded by Commissioner Torregrossa, the Commission with a vote of 7-0, approved the Consent Agenda as follows:**

**Item #3**

**PL070371** **APACHE ASL TRAILS**
**GEP08001** General Plan Amendment
**ZON08001** Zoning Map Amendment
**PAD08001** Planned Area Development Overlay
2428 East Apache Boulevard
CSS, Commercial Shopping & Services District

**GEP08001** – General Plan 2030 Density Map Amendment from Medium Density (up to 15 du/ac) to High Density (greater than 25 du/ac).

**ZON08001** – Zoning Map Amendment from
Commercial Shopping and Services District (CSS) to Mixed-Use High Density (MU-4).

**PAD08001 –** Planned Area Development (PAD) Overlay for development standards and a density of 41 du/ac, consisting of 135 residential units and 10,000 s.f. of retail, restaurant and office uses within three to six floors of mixed-use buildings.

The approval is subject to the following conditions:

1. A building permit shall be obtained and substantial construction commenced on or before **March 20, 2009 or the property shall revert to a previous zoning designation—subject to a formal public hearing.**

2. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, releasing the City from any potential claims under Arizona's Private Property Rights Protection Act, which shall be submitted to Development Services Department no later than thirty (30) calendar days after the date of approval, or the General Plan and Zoning Map Amendment approvals shall be null and void.

3. An Encroachment Permit must be obtained from the Engineering Department prior to submittal of construction documents for building permit. The limitations of this encroachment include;
   a. a maximum projection of eight (8) feet for any upper level balconies or decorative architectural features of the building,
   b. a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure, and
   c. any other requirements described by the encroachment permit or the building code.

4. The Planned Area Development for Apache ASL Trails shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.

5. An amended Subdivision Plat is required for this development and shall be recorded prior to issuance of building permits.

6. A Condominium Plat (Horizontal Regime) is required for this development and shall be recorded prior to an occupancy permit.

7. The Subdivision Plat and Condominium Plat for Apache ASL Trails shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before March 20, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.

8. Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.

9. Provide upgraded paving at each driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of the accessible public sidewalk bypass to 20'-0" on site and from curb to curb at the drive edges.

**Item #4**

**PL070385** **501 WEST FIRST**
**GEP08002** General Plan Amendment
**ZON08002** Zoning Map Amendment
**PAD08002** Planned Area Development Overlay
**DPR08003** Development Plan Review
501 West First Street
GID, General Industrial District

**GEP08002 – (Resolution No. 2008.06)** General Plan Density Map Amendment from Medium Density (up to 15 du/ac) to Medium-High Density (up to 25 du/ac).

**ZON08002 – (Ordinance No. 2008.05)** Zoning Map Amendment from GID, General Industrial District to MU-3, Mixed-Use, Medium-High Density District.

**PAD08002 –** Planned Area Development Overlay to establish development standards for live/work units on 0.36 acres.

**DPR08003 –** Development Plan Review including site plan, building elevations and landscape plan.

This recommended approval for the General Plan Density Map Amendment, Zoning Map Amendment and Planned Area Development Overlay, are subject to the following conditions:

**General**

1. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, 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 thirty (30) calendar days after the date of approval, or the General Plan Amendment, Zoning Map Amendment and Planned Area Development Overlay approval shall be null and void.

2. A building permit shall be obtained and substantial construction commenced on or before March 20, 2010 or the property shall revert to the previous zoning designation, subject to a formal public hearing.

3. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.

The Development Plan Review approval is subject to the following conditions:

**General**

4. Your drawings must be submitted to the Development Services Building Safety Division for building permit by March 20, 2009 or Development Plan approval will expire.

5. A Condominium Plat (Horizontal Regime) shall be recorded prior to an occupancy permit.

6. Provide dedication of right-of-way along Wilson Street to back of public sidewalk, or as approved by Land Services, Engineering Division. Dedication can be provided on the plat or by separate instrument.

7. The owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be reviewed and in a form satisfactory to the Development Services Manager and City Attorney.

**Site Plan**

8. Provide 6'-0" wide public sidewalks, or as required by Traffic Engineering Design Criteria and Standard Details.

9. Final details of 1st Street curb configuration subject to review by Public Works Department, Engineering Division.

10. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls (minimum 8'). Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.

11. Provide upgraded paving at the driveway apron consisting of unit paving. Extend unit paving in the driveway from the back of street curb to on site at gate entrance and from curb to curb at the drive edges.

12. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.

**Floor Plans**

13. Exit Security:
    a. Provide visual surveillance by means of glazing from office into adjacent carport spaces.

14. The first floor of each unit shall comply with applicable building codes to allow occupancy space for commercial use.

**Building Elevations**

15. The materials and colors presented on the materials sample board are approved as presented. Provide main colors and materials with a light reflectance value of 75 percent or less. Any additions or modifications may be submitted for review during building plan check process, subject to planning review. Planning inspection staff will field verify colors and materials during the construction phase.

16. This site is located within the 65 noise decibel contour. Provide insulated glass at all fenestration to dampen sound transmission. Provide a sound transmission coefficient (STC) rating of minimum 28 for windows and minimum 28 for exterior doors.

17. If roof access required provide from the interior of the building. Do not expose roof access to public view.

18. Minimize visible, external features, such as overflows and where needed design that does not detract from the architecture of the building. Exposed downspouts as shown on live/work building elevations are acceptable.

19. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations so that the elements are not detracted by the architecture.

20. Locate the electrical service entrance section (S.E.S.) inside the building that may be concealed from public view.

21. Exposed conduit, piping, etc. is not allowed unless a creative conduit surface design that compliments the architecture is reviewed and approved by the Development Review Commission.

**Lighting**

22. ~~Comply with the Zoning and Development Code Part 4, Chapter 8, Lighting.~~ **DELETED BY STAFF**

23. Illuminate street-facing building entrances and carports from dusk to dawn to assist with visual surveillance at these locations.

**Landscape**

24. ~~Comply with the Zoning and Development Code Part 4, Chapter 7, Landscape and Walls.~~ **DELETED BY STAFF**

25. The following plants are approved as specified on the landscape plans. Any additions or modifications are subject to review during building plan check process. Planning inspection staff will field verify plants.

26. Irrigation notes:
    a. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.
    b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½" (if any). Provide details of water distribution system.
    c. Locate valve controller in a vandal resistant housing.
    d. Hardwire power source to controller (a receptacle connection is not allowed).
    e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.

27. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness or less. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

**Signage**

28. Provide address sign(s) on north building elevation.
    a. Conform to the following for building address signs:
        1) Provide street numbers only, not the street name;
        2) Compose of individual mount characters;
        3) Provide a dedicated light source.
    b. Provide address numbers on south elevation of each carport. No light source required.
    c. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.

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**Item #5** **PL070444** **RYAN'S EXPRESS TRANSPORTATION SHOP & OFFICE**
**DPR07249** Development Plan Review
820 North McClintock Drive
GID, General Industrial District and RSO, Rio Salado Overlay District

The approval is subject to the following:

**General**

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by February 12, 2009 or Development Plan Review approval will expire.

**Site Plan**

2. Instead of a continuous paint striped pathway on asphalt, provide a continuous uncolored concrete disabled accessible walkway from public sidewalk to business entrance at maintenance shop building. Connect this concrete walkway also to the main entrance of the one-story building. Provide concrete walkway flush with adjacent asphalt paving where walkway runs in vehicular paving.

3. Site Walls, Fence and Gates:
    a) Delete refuse enclosure walls from standard detail DS-116. The building and site perimeter walls provide the visual enclosure.
    b) Do not add a parking screen wall unless parking is modified between one-story building and McClintock.

c) Repaint existing 6'-0" steel vertical picket fence and gates to match green metal trim of maintenance shop building.
d) Paint masonry perimeter wall and edges a light neutral color that blends with the maintenance shop building and one-story building colors. It is not necessary to paint the surfaces of the perimeter wall that faces away from the property.
e) Do not disturb chain link fence and ribbon wire cap that exists on Salt River Project to west.

4. Finish exterior utility equipment boxes, including existing boxes on site, in a neutral color (subject to utility provider approval) that matches the coloring of the site perimeter walls and the proposed parapet of the one-story office building. Locate service entrance section for the maintenance shop inside the building.

**Floor Plan**

5. Restroom Security in maintenance shop building and one-story office building:
   a. Lights in restrooms:
      1) Provide 50% night lights
      2) Activate by key or remote control mechanism
   b. Single user restroom door hardware: Provide a key bypass on the exterior side.

**Elevations**

6. The materials and colors included in the submittal (Masonry 1: Founder Finish CMU - Autumn Blend, Masonry 2: Center Score plain gray CMU, Metal Roof: Ceram-a-Star 950 Polar White, and Metal Doors and Frames: Dunn Edwards DE6279 – Armored Steel) are part of the approval. Re-paint existing site canopy fascias and existing one-story building doors Armored Steel (green) to match the color proposed for the steel doors of the maintenance shop building.

7. Add frame & exterior plaster parapet to one-story building all around sufficient to fully conceal roof mount mechanical equipment. Paint exterior plaster parapet a color that compliments the beige color of the exposed slump block of the one-story office building. Match the exterior plaster color of the parapet to the color proposed for the perimeter masonry wall. Do not paint slump block on one story building.

8. Locate service entrance section inside the maintenance shop building.

9. Conceal roof drainage system for the two-story portion of the maintenance shop within the interior of the building. Minimize visible, external features, such as overflows, and position these where needed to enhance the architecture. The existing exposed roof drainage system for the one-story building may remain. Incorporate any modifications to this roof drainage system with the parapet addition.

10. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) for both buildings into the design of the building elevations. Do not expose conduit, piping or ductwork on the surface of the buildings unless a creative conduit surface design that compliments the architecture is separately reviewed and approved by the Development Review Commission.

11. Provide secure maintenance shop roof access from the interior of the building to the roof above the second floor. Do not expose roof access to public view.

**Lighting**

12. Provide a photometric plan of the entire site. Demonstrate available light levels of existing site security lights plus security light additions on photometric plan. At a minimum, provide security light additions at the following locations:
    a) doors at maintenance shop building,
    b) landscape and retention basins adjacent to maintenance shop building
    c) parking spaces adjacent to maintenance building
    d) doors of the existing one-story building
    e) bike parking behind existing one-story building.
    f) Address signs on both buildings.

**Landscape**

13. Irrigation:
    a. Staff recommends (does not require) a dedicated landscape water meter (dedicated landscape water is charged without an accompanying sewer fee).
    b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene) to support landscape on-site and in adjacent public right of way. Schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for line sizes greater than ½". Provide details of water distribution system.
    c. Hardwire power source to controller (a receptacle connection is not allowed). Detail to conceal valve wire and power conduit extensions to controller.
    d. Enclose irrigation and domestic water backflow preventers each in a pre-finished, lockable cage.

14. Include requirement in site landscape work to de-compact soil in new planting areas on site and remove asphalt and other construction debris from planting areas prior to landscape installation.

15. Remove existing river run rock on site where occurs. Do not introduce rock on site of greater than 1-1/2" diameter size (except boulders of minimum 16" diameter size are allowed). Top dress planting areas with a decomposed granite application with a cover of 2" thickness. Provide pre-emergence weed control application over the decomposed granite and do not underlay decomposed granite with plastic.

**Signage**

16. On the existing one-story building, provide one 0'-12" high address number sign on the east elevation near the northeast building corner. On the two story maintenance shop building, provide one address sign on the east and one on the west elevation near the northeast and northwest building corners. Locate each address sign near top of wall but allow room for a light fixture at least 18" above the address sign that is not above the top of roof or parapet. Conform to the following for address signs:
    a. Provide street number.
    b. Compose of individual mount, metal reverse pan channel characters.

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**Item #6** **PL070548** **COX REELS OFFICE & WAREHOUSE**
**DPR08010** Development Plan Review
6713 South Clementine Court
GID, General Industrial District

**DPR08010 –** Development Plan Review including site plan, building elevations and landscape plan.

The approval is subject to the following:

**General**

1. Your drawings must be submitted to the Development Services Building Safety Division for building permit by February 12, 2009 or Development Plan Review approval will expire.

**Site Plan**

2. Do not disturb existing perimeter walls at the electrical substation to the north and east of the property. It is not necessary to disturb the existing perimeter wall along the west edge of the property. If any of these walls are disturbed or removed, secure permission of adjacent property owner and replace wall with a minimum 8'-0" high masonry wall.

3. Demolish existing fence block perimeter walls on Carmen and Priest frontages. Replace these with minimum 8'-0" high, minimum 8" (nominal) thickness concrete masonry unit walls. **Set back in walls facing Priest Drive to allow east building elevation to become part of a security barrier, as indicated on the site plan, is acceptable.** Steps in top of walls are allowed to follow topographic changes along the length of the wall to maintain the minimum 8'-0" height. Construct perimeter walls of center score exposed 8x8x16 concrete masonry units, where the 8x8x8 grid faces outward toward Carmen and Priest. Paint all exposed wall surfaces either to match the "Cast Pebble" color of the building or provide a color that is complimentary to the building and to the adjacent development to the south. Razor wire or barbed wire is not allowed on top of these walls. **(MODIFIED BY THE COMMISSION)**

4. Shift the refuse enclosure in the parking row north of the building to align with the "tee" of the turnaround and facilitate trash truck use of the turnaround with a minimum of back-up maneuvering. Provide landscape islands on either side of enclosure. Contact Ron Lopinski of the Solid Waste Division (480-350-8132 or ron_lopinski@tempe.gov) for placement approval.

5. Finish transformer box, electrical and other utility equipment in a neutral color (subject to utility provider approval) that compliments the color scheme of the building.

**Floor Plans**

6. Public Restroom Security:
   a. Lights in restrooms:
      1) Provide 50% night lights
      2) Activate by key or remote control mechanism
   b. Single user restroom door hardware: Provide a key bypass on the exterior side.

**Building Elevations**

7. Provide complete exterior elevations including those facing the recessed truck well areas not visible on the major elevations. Locate service entrance section on north elevation facing truck yard as indicated.

8. The colors included with the submittal (Pink Reed 8310W, Cast Pebble 8313M, and Ravenwood 8315D) are part of the approval. Indicate the color, type and reflectivity of glass used in the storefront system. Color selection subject to approval by planning staff during building plan check process.

9. Provide secure roof access from the interior of the building. Do not expose roof access to public view.

10. Exposed roof overflows and downspouts as indicated on the south and north elevations and painted "Cast Pebble" for the entire height are acceptable in the positions, quantity and color indicated on the elevations. Provide concrete splash blocks at drain outlets.

11. Incorporate lighting, address signs, incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the architectural design of the building elevations. Building mount lighting or C.C.T.V. is not allowed above top of parapet. Exposed conduit, piping, etc. is not allowed on the exterior elevations unless a creative conduit surface design that compliments the architecture is separately reviewed and approved by the Development Review Commission.

**Lighting**

12. Design security lighting with house side shields for lighting adjacent to Carmen Street.

**Landscape**

13. Protect and maintain the existing trees on the site frontage facing Priest and the single specimen in the site frontage facing Carmen. Provide under-story pruning to limit "urban camping" locations. Periodically irrigate existing trees in the Priest frontage and on site. It is not necessary to treat the existing remaining tree in the Carmen frontage or in the frontages in front of the electrical substation.

14. Coordinate landscape layout with grading and drainage design, including as follows:
    a) Do not install decomposed granite in the Carmen Street frontage.

b) Grout rip rap for concentrated drainage areas securely into a concrete bed. Provide integral color concrete that does not contrast with the color of the rip rap. Alternately, delete the concrete bed by providing rip rap that is either 1-1/2" or less in size or 16" and greater in size.

15. Irrigation notes:
    a. Staff recommends (does not require) a dedicated landscape water meter (dedicated landscape water is charged without an accompanying sewer fee).
    b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line allowed for sizes greater than ½". Provide details of water distribution system.
    c. Locate valve controller in a vandal resistant housing or inside the building.
    d. Hardwire power source to controller (no receptacle) regardless of mounting location.
    e. Controller valve wire conduit may be exposed if the controller is mounted inside the building. For exterior installation, conceal the power conduit and valve wire conduit to the controller within a pedestal mount or in the wall on which the controller is mounted.
    f. Enclose backflow preventers for irrigation and domestic water use each in a pre-manufactured, pre-finished, lockable cage.

16. Include requirement in site landscape work to de-compact soil in new planting areas on site and remove asphalt and other construction debris from planting areas prior to landscape installation.

**Signage**

17. Provide two 0'-12" high address number signs on the west elevation near the southwest and northwest corners of the building. Locate the signs near the top of the wall but allow room for a light fixture at least 18" above the address that is not above the top of parapet. Conform to the following for address signs:
    a. Provide street number.
    b. Compose of individual mount, metal reverse pan channel characters.

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The Commission moves to the discussion agenda.

**Item #2** **PL070404** **ALL SAINTS NEWMAN CENTER STUDENT HOUSING**
**PAD07027** Planned Area Development Overlay
230 East University Drive
CC, City Center District; TOD, Transportation Overlay District; and a Historic Designated Property.

Commissioner Kent recused himself (no replacement).

This case is presented by Ryan Levesque and represented by David Cisiewski.

Mr. Cisiewski gives a presentation for this project indicating that it is for a PAD overlay in terms of height and parking. He indicates that in terms of heights that are allowed to the west and the north, the height of this building is appropriate with those other buildings in the area. More of an issue is the proposal of parking reduction. This project is geared towards student housing and not geared towards a traditional multi-family environment. Referencing a study by ITE (Institute of Traffic Engineers), study recommends 94 spaces for an urban project such as this, they are providing 147 spaces.

We are in agreement with staff's conditions, with the exception of Condition No. 1. We believe the spaces we have shown for staff and visitors are an acceptable number.

Nicpon: Will married students be allowed to live there?

Cisiewski: Yes, and they will be held to the same standards (in regards to parking) as unmarried students.

Nicpon: Will services be held on the premises?

Cisiewski: Yes, if you look at the site plan you will see a newer and larger facility incorporated to provide for services.

Nicpon: In regards to these 50 spaces, where would they be? Would they be ground level or underground?

Cisiewski: I have to assume that as with most projects, the parking would be below ground. Our concern is that there are only a couple of ways to get traffic into and out of the project, one being on College and one being on University. This project is being built to enhance the pedestrian friendly environment that exists. With the coming of light rail to the north, College Avenue is going to become even more of a pedestrian walkway as students migrate north to the light rail and back down to the dorms. Causing an ingress/egress from an underground or above ground garage along College Avenue presents some major traffic issues with pedestrian bicycle traffic. When you look at these potential conflicts, the cost benefit analysis for the spaces is not there.

Webb: You have 147 spaces and those are primarily north of the project? What are those spaces now?

Cisiewski: (Referencing an aerial photo): One adjacent to the site is a private lot which we have entered into an agreement to lease with the property owner that will be parking dedicated to the Newman Center only. We are also working on an agreement with the University Towers to allocate spaces in that garage (75 proposed).

Webb: So there is no new parking?

Cisiewski: Correct.

Hearing is opened for public input:

There were ten people that spoke on this project, seven in favor and three in opposition. Dialogue included the background of the church and its benefit to the City and its citizens; favorable comments regarding the need for on-site student housing and what a project this size will bring; concerns over the leases for parking lots and cars parking in neighborhoods to the west of downtown.

The hearing is closed to public input. The applicant returns to answer questions.

Cisiewski: I would like to address the concerns brought up by Mr. Butler and Mr. Price; what is in it for the City and how are we going to address the continued impacts on the neighbors, especially the ones to the west of the railroad tracks? I feel if a project like this existed, then the students that are living off campus with six or seven students to a house would most likely make the decision and make the choice to live on campus where they can walk to class and services. I believe a project like this would fill up quickly. I feel not only bringing the students to an on-campus living situation benefits the neighbors but the City as a whole.

Attridge: Can you confirm total numbers for me?

Cisiewski: 550 students total will be living onsite.

Oteri: Do you know age requirements for the Zipp cars?

Cisiewski: I would only assume at this point that anyone 18 and over would be allowed to rent them since other universities are using this same service.

Father Fred: We have spoken to the company and it is our intention that if the cars are for student use, then any student would be able to rent one.

Nicpon to Chris Anaradian: I believe the new student housing on Apache does not allow residents to own vehicles, can you confirm that?

Anaradian: No, they do have spaces allotted for parking at that project but we view this project very differently than that one and I can go into our rationale for supporting the parking at this project.

Chair MacDonald to Anaradian: Can you elaborate on the parking information:

Anaradian: They have added 160 bicycle spaces. I would like to address the parking study, we agree with the parking study in that we have a unique project and location here. We are absolutely comfortable with the reduction of the parking. If the downtown becomes the kind of downtown we're hoping for, those surface parking lots may go away. This type of reduction would not be seen in a lot of other sites in the City.

Chair MacDonald: What is going to happen when other developers come in and try and amend their PAD and use this project as "precedence" and want to lower their parking requirements like this one?

Anaradian: Another developer would be allowed to make their argument. Any PAD is a negotiation with the City. We put this team through quite a bit and they have convinced us and we agree with their arguments for reduced parking. It's our job as a Planning Department to revisit the ordinances that we have put in place as times change.

Nicpon: I agree with you, Mr. Anaradian and Mr. Barger, I love this project and think it's a great idea. Where would you put those 50 spaces?

Levesque: (Referencing a conceptual drawing): What you see before you is a potential layout. What has not been identified by the applicant is that there is access to a public alley and there is opportunity to utilize that alley with below grade level parking for the site. This configuration shows about 70 spaces on-site.

Nicpon: Do you know why the DTC said that those 50 spaces weren't needed?

Levesque: What the memo said was that the DTC supports staff's recommendation of conditions, including 50 on-site spaces

Cisiewski: Our concern with this parking is that the alley is only about 25' and to have cars entering and exiting on to and from College, whether it's 50 or 70 cars, is more than what is there today. College Avenue is developing into a pedestrian way. We feel there are some significant safety issues here.

Torregrossa: What is the ratio of employees that are students versus employees who drive in and are not students?

Father Fred: We have a staff of 21, I believe 5 or 6 of them are students. It is rare that all of the staff is there at one time.

Chair MacDonald: What is the current parish membership?

Father Fred: About 1000 that we send envelopes to that are registered.

Chair MacDonald: How many weddings and funerals?

Father Fred: I can't estimate funerals, they come quickly; weddings we do on the weekends.

Nicpon: Father, where do you park?

Father Fred: I live two miles south and I ride my bike.

Nicpon: The building of 22 stories will increase staff, any idea how many more staff you will have?

Father Fred: About twenty or so; with several of them being students/advisors.

Chair MacDonald: Would you be willing to increase the height of the building two stories to accommodate the cost of the parking requested by staff?

Cisiewski: Can we accommodate parking on site, yes we can. But does it foster the environment that we are promoting? We are providing more parking and it's undercutting what we are trying to promote here, the urban lifestyle and less transportation. Does providing 50 spaces on-site versus 50 on a surface lot just north of the site outweigh any possible conflicts? I would submit that it doesn't.

Attridge: Can you tell me building heights for existing buildings and up and coming projects in that view corridor?

Anaradian/Levesque: Referencing an aerial, review the various heights of the buildings in the area.

Chair MacDonald: Briefly can you describe what ground floor use requirements will be?

Levesque: The fact that this project is designated in a historic district exempts the site from the TOD design standards. Many different factors will determine what ground uses are proposed.

Oteri: Concept is ideal, I don't feel we have the structure in place to accommodate this; light rail doesn't go enough places and the bus system is not up to what is totally needed yet and I think we are forgetting the issues of heat. Although I think the project in theory is wonderful, I cannot support it due to what I think it will do to the neighborhoods.

Webb: It's all about the parking. I would be in favor with additional parking, I can't support it as it stands right now.

Attridge: I say ditto and would like to mention that people with disabilities need their vehicles and closer access.

Nicpon: I think this is a tremendous project and I am voting for it without the parking.

Torregrossa: I like the project and would approve it with the recommended parking by staff.

Chair MacDonald: I echo Commissioner Torregrossa and support the application with staff's recommendation.

Anaradian: We've had a little sidebar here (with Cisiewski) if the applicant would be willing to add additional height to accommodate two additional floors to offset the expense of the additional parking.

Applicant (Cisiewski) confirmed with client acknowledging the additional height thus agreeing to all of staff's proposed conditions, including the 50 on-site parking spaces.

**On a motion by Commissioner Nicpon and seconded by Commissioner Webb, the Commission with a vote of 4-2 (Attridge and Oteri dissenting) recommended approval for a Planned Area Development Overlay with the following conditions:**

1. The project shall provide on-site, a dedicated source of parking, consisting of at least one (1) level of parking that would provide at least fifty (50) parking spaces.

2. The development shall be limited to no more than the total amount of bedrooms provided in the plans (432 bedrooms).

3. The developer shall provide to the City verifiable evidence of all parking agreements, including a parking affidavit, to be kept on file with Development Services.

4. The project shall provide three (3) vehicles spaces adjacent to the site that are utilized for a "shared car program", providing general use on a per rental agreement of the vehicles available to residents.

5. The maximum building height, including all mechanical, screening devices and other structures on the building, shall be two hundred **seventy** ~~forty-four~~ ~~(244)~~ **(270)** feet. **MODIFIED BY COMMISSION**

6. Prior to the issuance of a building permit, a conservation easement shall be placed on the Old St. Mary's Catholic Church structure, subject to Historic Preservation staff review.

7. A building permit shall be obtained and substantial construction commenced on or before March 20, 2010 or the property shall revert to the underlying zoning designation, subject to a formal public hearing.

8. A Condominium Plat (Horizontal Regime) shall not consist of separating boundaries of individual units for the purpose of individual sales without an amendment to the Planned Area Development Overlay, including but not limited to review of parking.

9. If multiple owners, a continuing care condition, covenant and restriction shall be provided. The CC&R's shall be reviewed and in a form satisfactory to the Development Services Manager and City Attorney.

10. The property owner(s) shall sign a waiver of rights and remedies pursuant to A.R.S. §12-1134, 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 thirty (30) calendar days after the date of approval, or the Planned Area Development Overlay approval shall be null and void.

11. The Planned Area Development Overlay shall be put into proper engineered format with appropriate signature blanks and kept on file with the City of Tempe's Development Services Department prior to issuance of building permits.

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**Item #9. Announcements - none**

The hearing adjourned at 8:12 p.m.

The next public hearing of the Development Review Commission is scheduled for Tuesday, February 26, 2008, located at City Council Chambers, 31 East 5th Street.

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

Lisa Collins
Deputy Development Services Manager

LC/ll
04/15/2008 10:59 AM