Minutes of the Development Review Commission AUGUST 23, 2016

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, was held in Council Chambers, 31 East Fifth Street, Tempe, Arizona

Present:
Chair Linda Spears
Vice Chair David Lyon
Alternate Commissioner Barbara Lloyd
Commissioner Thomas Brown
Commissioner Angela Thornton
Commissioner Scott Sumners
Commissioner Philip Amorosi

Absent:
Commissioner Andrew Johnson
Alternate Commissioner Gerald Langston
Alternate Commissioner Nicholas Labadie

City Staff Present:
Ryan Levesque, Dep Com Dev Dir - Planning
Suparna Dasgupta, Principal Planner
Diana Kaminski, Senior Planner
Karen Stovall, Senior Planner
Obenia Kingsby, Planner I
Sarah Adame, Admin. Assistant ll+
Cynthia Jarrad, Admin. Assistant

Hearing convened at 6:00 p.m. and was called to order by Chair Linda Spears.

Consideration of Meeting Minutes:

1) Study Session June 14, 2016
2) Regular Meeting June 14, 2016

MOTION: Motion made by Commissioner Thornton to approve Study Session minutes for June 14, 2016 and seconded by Commissioner Brown.
Vote: Motion passes 4-0
MOTION: Motion made by Commissioner Thornton to approve Regular Meeting Minutes for June 14, 2016 and seconded by Commissioner Brown.
VOTE: Motion passes 4-0

The following items were considered for Consent Agenda:

3) Request for a Preliminary Subdivision Plat for ENTERPRISE RENTAL STORE (PL150417), located at 8201 South Priest Drive. The applicant is Deutsch Architecture Group.

5) Request for a Preliminary Subdivision Plat to convert one (1) lot into two (2) lots for UNIVERSITY TECH CENTER (PL160202), located at 1830 West University Drive. The applicant is Alliance Land Surveying.

MOTION: Motion made by Commissioner Lloyd to approve both projects: the Preliminary Subdivision Plat for ENTERPRISE RENTAL STORE (PL150417), located at 8201 South Priest Drive; and the Preliminary Subdivision Plat to convert one (1) lot into two (2) lots for UNIVERSITY TECH CENTER (PL160202), located at 1830 West University Drive. Motion seconded by Vice Chair Lyon.

VOTE: Motion passes 7-0.

The following items were considered for Public Hearing:

6) Request for a Zoning Map Amendment from CSS TOD (Commercial Shopping and Services, Transportation Overlay District) and R-4 (Multi-Family Residential General) TOD to MU-4 (Mixed-Use, High Density) TOD and a Planned Area Development Overlay for a new 13.56 acre, seven-story mixed-use development to include 698 units and 59,466 square feet of commercial space. Also, a request for a Development Plan Review for Phase I of the development, to include 450 dwelling units and 35,709 square feet of commercial space for EASTLINE VILLAGE (PL160097), located at 2025 East Apache Boulevard. The applicant is Gammage & Burnham P.L.C.

PRESENTATION BY STAFF:
Karen Stovall, Senior Planner, provided a brief description of the case. The site includes space for a bar, restaurant, gym, yoga studio, office and retail uses. The development would occur within four mixed use buildings with a maximum height of 90 feet. The DPR request before the Commission tonight is only for Phase I; design plans for Phase II would have to be approved by the Commission at a future date. The Plaza between buildings I and II is expected to contain two single story commercial buildings and food container businesses, and separate DPR's would be required for those uses as well. Ms. Stovall described some of the landscaping choices, materials, parapets, height of buildings, etc. A neighborhood meeting was held in April 2016. Staff is recommending approval of all three requests subject to the conditions in the report.

PRESENTATION BY APPLICANT:
Ms. Manjula Vaz of Gammage & Burnham, P.L.C. gave a presentation on behalf of Eastline Land Ventures. She explained that this project is a master-planned community, not just apartments, on the east end of Apache. She explained that Trevor Barger would be explaining some of the community aspects of this project. It will be in two phases, the current project, Phase I, being on the south side of Apache, Phase II will eventually be on the north side of Apache. The developer attended several neighborhood meetings, and listened to their concerns about height, color, plant palettes, etc. She explained that this area east of McClintock on Apache is "untested" and they hope to build a development which will draw people from all parts of the city. Trevor Barger, from Espiritu Loci of Scottsdale, then gave a presentation about the challenge of how to make this project a key setting, and part of a core for this area, so it becomes a destination. He detailed how they focused on the plaza area and took inspiration from similar properties in other cities, with the goal of having this plaza be a community gathering place, also utilized for public or private events, etc. Balconies on the dwelling units will be large so as to accommodate participation in events as well. He concluded by describing some more specific details of the interiors of the dwelling units and the live/work units.

Commissioner Brown remarked that the applicant had mentioned containers, and asked if they really meant containers, asking for clarification. Kristjan Sigurdsson, Architect with KNI Homes, answered that the containers are actually food containers, or mini-restaurants, containers that have been retro-fitted to close down at night and open during the day, serving varieties of street foods. Mr. Sigurdsson explained a bit more about the food court portion of the project to Commissioner Brown's satisfaction.

Commissioner Lloyd inquired further about restroom facilities within the plaza area, specifically for public events. Mr. Sigurdsson explained that there are public restrooms in addition to the private restrooms of the future coffee shop and other restaurants facing the plaza will have their own private restrooms. The back building also has common area restrooms for the plaza. Future plans include further amenities as needed.

Vice Chair Lyon inquired about the qualities between a successful venture and a "nice try" venture, wondering if the events or venue might be a little too niche. Mr. Barger acknowledged this issue is part of the challenge. He expressed that aside from physically designing with proximity and walking distances, entrances and exits in mind, that they also plan to begin small and grow from there, much like the town of Gilbert did with Liberty Market. Building on success, and beginning with enough (for example two very busy restaurants versus three empty ones).

Vice Chair Lyon also asked about whether the mechanical units are fully screened by the parapets. Mr. Sigurdsson affirmed that they were as in the renderings, and there is no further screening needed.

Commissioner Brown commented on how many air conditioning units were on the roof and asked if each dwelling unit had its own dedicated unit. Mr. Sigurdsson responded that they do, and that there about 300 condensing units on the roof, and said that they would not be seen or heard.

Commissioner Sumners questioned that this is the traditional solution for air conditioning of the units, but there should be something out there that is more sustainable and still reduce their initial cost. He encouraged the applicant to look into this for future phases. He also asked if the applicant had considered sub-grade parking. Mr. Sigurdsson replied that the entire commercial area is surrounded by a two-story parking garage. It was initially below grade but they changed the design to make it at grade to address ingress and egress issues. However, the garage is completely wrapped on three sides by commercial uses and building functions, so you don't see the garage. Making it below grade would have added to the construction cost. Commissioner Sumners commented that when they go to the north side of Apache, nearer single family homes, that this same issue would be considered to smooth the transition or make it less dramatic. Mr. Sigurdsson stated that each phase would be designed separately and affirmed that it would.

Ms. Vaz reiterated that to Commissioner Sumners point, they have listened to the neighborhoods and to Council and are aware of these issues when they work their way to the north side of Apache. Specifically, residents on Lemon have been involved in the conversations for years, and are aware of plans going forward for the current design on the south side.

PUBLIC COMMENT: None.

COMMENTS AND DISCUSSION BY THE COMMISSION:

Commissioner Amorosi commented on how the Smith-Martin Light Rail station is one of the lowest-boarding stations on Light Rail. The station was installed with the hope that the area would be developed, so he is happy to see that. He is happy with the project, the height, the plaza, and the design materials, landscape, etc. He will vote yes, and hopes to see the development as soon as possible.

Commissioner Sumners gave kudos to staff and the developer team to pull this project together. He thinks the project is exactly what the General Plan calls for, and he is happy to see it. He'd like to see less parking, but otherwise, he again gave kudos and said he would be supporting.

Vice Chair Lyon stated that it's a good project and what the area needs, his only concern being the interior courtyard. He will be voting in support.

Commissioner Brown stated that he would be supporting the project as well, and appreciated that the third building would have variation, not be identical. He also appreciated that the applicant stated they are sensitive to the single family residences on the north side of Apache.

Commissioner Thornton echoed the other Commissioners and admired the project, saying it was beautiful, especially considering what is in that area currently. She believes it will be an asset.

Commissioner Lloyd added that Tempe was fortunate to have DMB on this project, based on their successes elsewhere. She hopes their track record for success will translate onto Apache.

MOTION: Motion made by Vice Chair Lyon for approval of a new 13.56 acre, seven-story mixed-use development to include 698 units and 59,466 square feet of commercial space. Also, a request for a Development Plan Review for Phase I of the development, to include 450 dwelling units and 35,709 square feet of commercial space for EASTLINE VILLAGE (PL160097). Motion seconded by Commissioner Thornton.

After the motion was made, Mr. Barger stated they were requesting two minor modifications and stipulations as well.

Karen Stovall, Senior Planner, reminded the Commission that at Study Session this evening, the revised Staff Report was distributed, reflecting DPR Condition #2, replacing "ready to use" with "gray shell," and that is the only stipulation.

MOTION: Vice Chair Lyon acknowledged that the original motion included this modification. Motion seconded again by Commissioner Thornton.

VOTE: Motion passes 7-0

7) Request for a Zoning Map Amendment, Planned Area Development Overlay, Development Plan Review and Use Permit for a new commercial center consisting of retail stores, restaurants and a fuel center for RIO SALADO RETAIL (PL160241), located at 1953 East Rio Salado Parkway. The applicant is Wendy Riddell, Esq.

PRESENTATION BY STAFF:
Diana Kaminski, Senior Planner, gave a description of the project. It is part of the former County Island, having a mix of existing uses and vacant lots. The request includes a Zoning Map Amendment from Industrial and Agricultural to Commercial PCC-2 with Planned Area Development for the entire site, a Use Permit for fuel sales, and a Development Plan Review for the site plan and landscape plan for the entire development, the colors and materials generally for the entire development and specifically the elevations for the fuel center and convenience store. She presented slides showing some of the elevations and colors of the proposed development, as there are no specific tenants at this point. Colors were intended to be similar to Tempe Marketplace, but with more muted, earth tones to match the contemporary style on the north side of the street. The first phase of development would be the convenience center with the fueling station. Ms. Kaminski reviewed the site layout and landscape plan.

Chair Spears stopped Ms. Kaminski and inquired if there is a tenant yet for the convenience center/fueling station, and if they may see something different than the color palette presented based on a possible tenant with their own branding. Ms. Kaminski referred the question to the applicant.

Ms. Kaminski then concluded her presentation, stating that Staff is recommending approval of the project; they've received no calls of inquiry or concern.

Vice Chair Lyon asked, concerning the "branding" question from Chair Spears, if any drive-through restaurant tenants may come with their own color palettes or elevations, or if they would be subject to these design standards. Ms. Kaminski stated that they would. Generally branding is done as part of the sign package, rather than in the architecture; themed buildings would still refer back to the overall development color scheme. She deferred to the applicant to answer the question more specifically, but stated the expectation would still be uniformity within the base palette.

Commissioner Amorosi commented that Palo Verde trees were planned at the street to match Tempe Marketplace, but that the renderings show palm trees right next to the buildings, which don't provide shade. He would like to see more shade trees closer to the buildings, and where the people would be. Ms. Kaminski explained that the palm trees are accents along the driveways, as in Tempe Marketplace, and that the palm trees adjacent to the buildings are in a very narrow space that would not accommodate trees with shade canopies. They serve as more of an architectural element. She explained that there are trees with shade canopies in the parking areas, and also canopies on the buildings that provide shade. Commissioner Amorosi stated he would rather see deeper building canopies than palm trees. Ms. Kaminski stated that those would be specific to each building, and they are beginning with the fueling center. Eyebrow canopies are three feet deep, and the buildings themselves face north so the buildings will be providing shade as well.

PRESENTATION BY APPLICANT:
Wendy Riddell of the law firm Berry Riddell LLC provided a presentation describing the property, explaining that their hope is to complement and work synergistically with Tempe Marketplace across the street to the north. She pointed out that the project is 100% consistent with the General Plan adopted by voters. This site is also on a proposed future potential streetcar designated route. She stated that the developer, who was unable to be here tonight, has a long track record of developing these types of centers throughout the valley, has developed many well-known fuel stations, and that the fuel station if the first phase of the project, Building 8. She stated there has been confusion, as they thought they were requesting design approval for all three buildings, including Building 3A and 3B, not just Building 8. Buildings 3A and 3B, being close in proximity, have already established design, parameters and expectations for future users. She concluded by offering to answer any questions.

Commissioner Amorosi asked for clarification that Buildings 1, 2, 6, and 7 are all drive through restaurants. Ms. Riddell responded that although the design is such that they are all available to be drive-through restaurants, this is not something she can determine.

Vice Chair Lyon inquired about the landscape renderings with the specific number of trees planned. Ms. Riddell deferred to the Architect, Mr. Boris Gaedtke with Bollinger Consulting Architects, Inc. He explained that they were looking at a rendering of an earlier design, and they've made some revisions to the trees in front of 3A and 3B. They've removed some of the palm trees and replaced them with shade trees, and changed the quantity as well.

Commissioner Lloyd asked about the timing of each phase. Ms. Riddell responded that the Fuel Center and the Use Permit for that is definitely the first phase. 3A and 3B would be Phase II, as they have very interested tenants, and thereafter they'd be looking to the marketplace to come in and fill out the rest.

Commissioner Sumners stated that this is a great improvement over what is currently at the site, he is pleased with the project and the intention overall, and has no issue with the fuel station, but inquired specifically about the Site Plan. He expressed his concern with the parking and traversing the site with possibly four drive-through restaurants, and specifically positioning and access around Buildings 4 and 5. Ms. Riddell explained that the parking field is purposely in front of the buildings, so passersby would feel that it's easy to pull in on their way home. She stated that all the buildings with the exception of Building 8, 3A and 3B may shift position, the current plans have included the largest footprint possible, but these are not absolutes. Commissioner Sumners suggests that they re-look at Building 5, as it might be reworked and circulation reinvestigated, reminding Ms. Riddell that the Site Plan approval is on the Agenda, and that is why he is pointing it out.

Vice Chair Lyon commented that in the presentation, the applicant had pointed out that the color palette and materials for Buildings 8, 3A and 3B were contemporary in nature. He feels they are similar to Tempe Marketplace and that they are not necessarily contemporary, his concern being they will be built and be "dated" before they open. He stated that other projects coming before the Commission have a contemporary look that is ten to twelve years ahead of this. Ms. Riddell responded that they did focus on the area in which this project is planned, keeping in mind that it should be consistent and complementary to Tempe Marketplace, and that the tones, materials and light fixtures give it a contemporary feel. She then deferred to the Architect Mr. Gaedtke, who stated that they believe it has a contemporary feel and is complementary to Tempe Marketplace with colors and materials.

PUBLIC COMMENT: None.

COMMENTS AND DISCUSSION BY THE COMMISSION:
Commissioner Amorosi commented that he agreed with Vice Chair Lyon that it seems not to be contemporary architecture. That it does not seem to be exciting, he will be voting for it but his opinion is that it needs more pizazz.

Vice Chair Lyon commented that this is a vast improvement, and he is glad to see the project coming to the area. However, he is not excited about the design. He would like to see other colors and material, specifically stacked stone is very dated. In general, he doesn't have issues with the plan and believes the Site Plan is workable.

Commissioner Lloyd stated that she agreed with Vice Chair Lyon, commenting that cultured stone seemed very "2008." She would like to see another material besides that one, as it is overused and cheapens the look.

Commissioner Sumners stated that the urgent question is approval of the fuel station, but in reality the Commissioners are being asked to approve a lot more than that. Is it possible to carve out just the fuel station? Ms. Kaminski stated that all three buildings have been reviewed, and staff is able to take action on the other two buildings tonight as well, if that is what is chosen by the Commission. Commissioner Sumners stated that overall he approves the project, but urges the applicant to take another look at the Site Plan and see if it can be improved.

MOTION: Commissioner Thornton moved for approval of a Zoning Map Amendment, Planned Area Development Overlay, Development Plan Review and Use Permit for a new commercial center consisting of retail stores, restaurants and a fuel center for RIO SALADO RETAIL (PL160241). Motion seconded by Commissioner Amorosi.

Vice Chair Lyon then proposed adding a condition that the applicant works with staff regarding materials and colors.

Commissioner Brown then asked Vice Chair Lyon to specify what was meant by "work with staff", and pointed out that "contemporary" can mean a myriad of different materials and styles.

Commissioner Brown asked for specificity in what materials and colors were not up to date and Vice Chair Lyon felt that the stacked artificial stone could be replaced with a different material including metal, masonry or tile. Vice Chair Lyon suggested a different color palette including more grey tones than what are currently in the design.

Chair Spears then asked the staff how they would like to proceed.

Suparna Dasgupta, Principal Planner, responded by stating that staff needed more specifics or guidance as to paint colors desired, specific materials, aspects of the buildings, that Commissioners wanted to make changes to. She pointed out that staff has already worked with the applicant and approved the project as is.

Vice Chair Lyon responded, saying that he was being very subjective but that the "Weathered Saddle", "Coyote", "Newberry Port" and "Garnet Evening" are dated. Also the Eldorado, or stacked, stone is also dated. He preferred the gray palette with punches of color, but stated that he was not trying to re-design the project.

Commissioner Sumners asked if it was possible to continue this project for two weeks, would that create a hardship for the applicant, and would that be more appropriate to review these subjective changes. Then these changes could come back to the Commission, rather than having to be dealt with by staff.

Wendy Riddell of Berry Riddell LLC responded that the hardship that presents is going on to Council for approval. If it is continued here, the schedule for Council meetings would back the project up to December or January to go before Council. This presents contractual problems for the project. She affirmed that they "heard you" on the stacked stone and on the color palette, and they're happy to revisit those and make appropriate changes, working with staff and representatives of the Commission, if they so wish, but they prefer to keep the request moving through the process.

Commissioner Brown stated that he wanted to apologize to Vice Chair Lyon if it felt like he was being attacked. He also stated that he agreed some changes to the colors and materials would be appropriate and he did not wish to delay the project.

Commissioner Lloyd commented that she agreed that stacked stone has been used as a "lipstick" paired with bright colors in many redevelopment projects over the last ten years and she does not feel those are contemporary, as the project had purported to be.

Ms. Riddell again affirmed that they have listened to the Commissions comments, and will proceed with staff to make those changes.

MOTION: Commissioner Thornton moved again for approval of a Zoning Map Amendment, Planned Area Development Overlay, Development Plan Review and Use Permit for a new commercial center consisting of retail stores, restaurants and a fuel center for RIO SALADO RETAIL (PL160241), located at 1953 East Rio Salado Parkway, with the condition the applicant would work with staff to change the color palette and the materials. Motion seconded by Commissioner Amorosi.

VOTE: Motion passes 7-0.

Ms. Riddell asked for clarification that the motion passed for approval included Buildings 3A and 3B. Chair Spears responded that it did.

STAFF ANNOUNCEMENTS: None.

There being no further business, the meeting adjourned at 7:23 pm.

Prepared by: Cynthia Jarrad

Reviewed by:

Suparna Dasgupta, Principal Planner, Community Development Planning