



## Minutes of the Development Review Commission REGULAR MEETING May 9, 2023

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

**Present:**

Vice Chair Andrew Johnson  
Commissioner Michelle Schwartz  
Commissioner Linda Spears  
Commissioner Joe Forte  
Alt Commissioner Charles Redman  
Alt Commissioner Robert Miller

**City Staff Present:**

Jeff Tamulevich, Director, Community Development  
Ryan Levesque, Deputy Director, Community Development  
Steve Abrahamson, Principal Planner  
Mailen Pankiewicz, Principal Planner  
Zachary Lechner, Senior Planner / Historic Preservation Officer  
Diana Kaminski, Senior Planner  
Joanna Barry, Administrative Assistant II

**Absent:**

Chair Michael DiDomenico  
Commissioner Don Cassano  
Commissioner Barbara Lloyd  
Alt Commissioner Rhiannon Corbett

**Hearing convened at 6:00 p.m. and was called to order by Vice Chair Johnson**

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**Consideration of Meeting Minutes:**

- 1) Development Review Commission – Study Session 3/14/23
- 2) Development Review Commission – Regular Meeting 3/14/23

**Motion:** Motion made by Commissioner Spears to approve Regular Meeting minutes and Study Session Meeting minutes for March 14, 2023 and seconded by Commissioner Miller.

**Ayes:** Vice Chair Johnson, Commissioners Schwartz, Spears, Forte, and Miller

**Nays:** None

**Abstain:** Commissioner Redman

**Absent:** Chair DiDomenico, Commissioners Cassano and Lloyd

**Vote:** Motion passes 5-0

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The following items were considered for **Consent Agenda:**

- 4) Request for recommendation of approval of a Zoning Map Amendment from “R1-6, Single-Family Residential Zoning District” to “R1-6, Single-Family Residential with an Historic Overlay Designation” for the **MCKEMY-RIGGS HOUSE** property, located at 135 East Bonita Way. The presenter is Mark Vinson, who is applying on behalf of property owner Patricia Riggs. (PL230011/HPO230001)

**Motion:** Motion made by Commissioner Spears to approve Consent Agenda and seconded by Commissioner Schwartz.

**Ayes:** Vice Chair Johnson, Commissioners Schwartz, Spears, Forte, Redman, and Miller

**Nays:** None

**Abstain:** None

**Absent:** Chair DiDomenico, Commissioners Cassano and Lloyd

**Vote:** Motion passes 6-0

The following items were considered for **Public Hearing:**

- 3) Request to allow five (5) Use Permits for club and bar uses with a series 6 liquor license, a community garden, indoor/outdoor entertainment uses, massage establishment and retail sales including outdoor retail for **GRASS CLIPPINGS AT ROLLING HILLS**, located at 1405 North Mill Avenue. The applicant is Espiritu Loci. (PL230080)

#### **PRESENTATION BY APPLICANT:**

Trevor Barger, Grass Clippings at Rolling Hills, stated they entered into a development agreement with the City that created a conceptual site plan for the course. He proceeded to go over each of the five Use Permits they are requesting.

Commissioner Redman asked what drove them to have a community garden. Mr. Barger advised that it is community focused and a way to get more people involved.

Commissioner Redman asked if the zoo had any concerns about the lights and noise. Mr. Barger stated that when they did their initial outreach, before they proposed this idea to the City of Tempe, they met with the zoo. After submitting their proposal to the City they were asked not to meet with anyone for several months until the RFP was decided. They started meeting with the zoo again a few weeks ago. He stated that they plan to use Musco lighting which is well known for its ability to give full cutoff light within 50 feet. They are doing a 100-foot buffer along the zoo portion to protect those areas. There is one animal in that area that the zoo is worried about. Mr. Barger stated they have made a commitment to the zoo to adjust the lighting as needed in that area.

Commissioner Miller asked about any modifications to holes #3 & #4 that are along the property line. Mr. Barger stated they do not have any plans at this time for what is going to happen with those holes. Commissioner Miller stated that at this time there is only a chain link fence there and suggested landscaping to soften the area.

Vice Chair Johnson asked how this interconnects with the canal path on the north end of the property. Mr. Barger noted there is a path along the cross-cut canal that is incredibly popular. Currently there is no access to the golf course unless you come all the way down, cross at Curry, and come back up Mill Avenue. During the development agreement and other conversations, they made a commitment to be able to engage with that path, especially with the planned hilltop bar in that area. Vice Chair Johnson asked where he would park his bike if he came off the trail and went to the hilltop bar. Mr. Barger stated they do not have any site plan approvals yet, but there will be bike parking at the hilltop bar as well as at the entry.

Commissioner Miller asked if providing bicycle access to the hilltop bar would generate bike traffic on the cart pass. Mr. Barger stated that they think they can isolate the two so it would not open it up to bicycles going everywhere through the golf course during golf play. Commissioner Miller asked if they would be amenable to allowing those alternative uses if golf play was not going on. Mr. Barger stated that there could be some liability in allowing that.

#### **PRESENTATION BY STAFF:**

Diana Kaminski, Senior Planner, went over some of the Use Permit criteria for the requests. A neighborhood meeting is not required for a Use Permit; however, the applicant did have several community meetings with special stakeholders and groups. These were held during the development agreement process and were not part of the planning process. Staff has not received any calls of inquiry or concern regarding these Use Permit requests. Ms.

Kaminski proceeded to go over the unique Conditions of Approval for the requests, a few of which were recently added or deleted and provided to the Commission during Study Session.

**PUBLIC COMMENT:** NONE

**COMMENTS AND DISCUSSION FROM THE COMMISSION:**

Commissioner Schwartz likes the design and appreciates how we are trying to activate this jewel in the City and make it more accessible. She is still struggling with the massage use. She is unsure how one could set up an establishment if it encompasses the whole facility and still comply with the requirements considering it will mostly be outside without any dedicated space being identified.

Commissioner Miller echoed Commissioner Schwartz' concerns regarding the massage use and does not understand how it will work. He feels it is very non-specific in how it is presented, and it is very open ended.

Commissioner Spears noted that if you are in a golf tournament, a race, etc., it is not uncommon to see a tent set up with a chair massage, and she believes that it is intent of the request.

Vice Chair Johnson stated that not having a dedicated space for massage in the facility itself forces a tent situation.

Commissioner Schwartz stated she understood this, but the request is for a "massage establishment" and is not just to do massage onsite.

Mr. Levesque advised that the intent for the Use Permit for a massage establish covers all aspects of massage, whether it is just a chair massage. He noted that in addition to the Use Permit process the City also has a special massage establishment license requirement, which goes through a more rigorous process where they will do additional vetting.

Commissioner Miller stated it seems like having a Use Permit for massage may be a little premature unless they planned to go through the second part of the process. Mr. Levesque requested the applicant explain their timeline for this process. Mr. Barger stated that they are in an odd situation where offering a tent or chair massage should be allowed without requiring a Use Permit but that the Tempe code does not state that. He stated it is unclear about the topic and specifically states "a massage establishment".

Commissioner Miller asked the applicant that if they did not have the Use Permit for the massage establishment if it would prevent them from moving forward with the rest of the project. Mr. Barger stated it would not.

Vice Chair Johnson asked if they could vote on the items separately. Mr. Levesque advised they could vote on them separately or all at once.

**Motion:** Motion made by Commissioner Spears to approve PL230080 and seconded by Commissioner Redman.

**Ayes:** Vice Chair Johnson, Commissioners Spears, Forte, and Redman

**Nays:** Commissioners Schwartz and Miller

**Abstain:** None

**Absent:** Chair DiDomenico, Commissioners Cassano and Lloyd

**Vote:** Motion passes 4-2

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**Staff Announcements:**

Mr. Levesque advised the Commission of the items on the May 23, 2023 DRC agenda.

**There being no further business the meeting adjourned at 6:38 p.m.**

Prepared by: Joanna Barry, Administrative Assistant II  
Reviewed by: Steve Abrahamson, Principal Planner