



Minutes of the Development Review Commission REGULAR MEETING November 14, 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:

Chair Andrew Johnson
Vice Chair Michelle Schwartz
Commissioner Barbara Lloyd
Commissioner Linda Spears
Commissioner Larry Tom
Alt Commissioner Robert Miller
Alt Commissioner Charles Redman

City Staff Present:

Jeff Tamulevich, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Ambika Adhikari, Principal Planner
Chris Jasper, Senior Planner
Joanna Barry, Administrative Assistant II

Absent:

Commissioner Don Cassano
Commissioner Joe Forte
Alt Commissioner Rhiannon Corbett

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

Consideration of 2023 Annual Report:

- 1) 2023 Development Review Commission Annual Report

Motion: Motion made by Commissioner Spears to approve the 2023 Development Review Commission Annual Report with one minor edit. Seconded by Commissioner Tom.

Ayes: Chair Johnson, Vice Chair Schwartz, Commissioners Lloyd, Spears, Tom, Redman, and Miller.

Nays: None

Abstain: None

Absent: Commissioners Cassano and Forte

Vote: Motion passes 7-0

Consideration of Meeting Minutes:

- 2) Development Review Commission – Study Session 10/24/23
Development Review Commission – Regular Meeting 10/24/23

Motion: Motion made by Commissioner Lloyd to approve Study Session minutes and Regular Meeting minutes for October 24, 2023 and seconded by Commissioner Spears.

Ayes: Chair Johnson, Vice Chair Schwartz, Commissioners Lloyd, Spears, and Tom.

Nays: None

Abstain: Commissioners Redman and Miller

Absent: Commissioners Cassano and Forte

Vote: Motion passes 5-0

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

- 4) Request two Use Permits to allow live entertainment and a nightclub for **BANG BANG**, located at 420 South Mill Avenue, Suite No. 201. The applicant is Pyramid3 Arizona. **(PL230288)**

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

Ayes: Chair Johnson, Vice Chair Schwartz, Commissioners Lloyd, Spears, Tom, Redman, and Miller.

Nays: None

Abstain: None

Absent: Commissioners Cassano and Forte

Vote: Motion passes 7-0

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

- 3) Request for a Use Permit Standard to reduce the required front yard setback from 20 feet to 16 feet for **MILL AVENUE RESIDENCES**, located at 1216 South Mill Avenue. The applicant is Steve Cross of Morgan Taylor Homes. **(PL230243)**

PRESENTATION BY APPLICANT:

Steve Cross, Morgan Taylor Homes, emphasized that the request this evening is only for the Use Permit for the front yard setback, not the design of the structure. He stated the reduction in the setback request is made so that they can accommodate a two-car garage. He noted they could just build a carport, which would not require a Use Permit. However, for safety, security, and aesthetics they want to build the garage. Mr. Cross stated they have been working with Mr. Wong, who purchased the front, subdivided portion of the property. He noted Mr. Wong would be well versed on what could be built on this property as there had been recorded notification and due diligence notification when Mr. Wong purchased the property. Mr. Cross referenced the Mayor's resolution that states that a 2,000 SF house may be constructed, and it could be up to 30 feet tall. He noted that Mr. Wong does not live in the home but rents it out full time as an Airbnb. Mr. Cross showed a visual of other two-story homes in the area of his proposed structure, as well as image of the Women's Center next to Mr. Wong's property.

PRESENTATION BY STAFF:

Chris Jasper, Senior Planner, gave a brief history of the site and eventual lot split. He noted that the City Council adopted resolution stated that the lot would be developed as a two-story home. Mr. Jasper briefly went over the design of the project but noted that the design is not under the purview of the use permit application. He also provided some context to the parking regarding primary and secondary access from the alley.

A neighborhood meeting was held on October 12 at Hatton Hall. Residents had questions about the proposed height, layout, impacts to adjoining walls, trash pickup processes, and the architecture of the building. They expressed concerns with lighting in the alley, requested that the alley be paved from 12th Street to 13th Street, and stated that they preferred a one-story building. Staff has received five (5) emails in opposition of the request expressing concerns with the height and design of the project, the alley frontage, and statements that the project was out of character with the surrounding neighborhood.

Commissioner Tom asked if there was a development standard for the internal depth of the garage. Mr. Jasper stated that the dimensions required for a parking stall are 8/12' x 18'. For internal parking in a garage, they look for it to be about 20 x 20 square feet for two cars.

Commissioner Miller asked if the alley was currently paved and was advised that it was not. He asked if there were any plans to pave it. Mr. Jasper stated that our engineering standards require that if a building is going to utilize the alley as its primary vehicular access way, it has to be paved from the point of access to northern most property line. Commissioner Miller stated the with the trash bins in the alley as the utility poles, it will be a tight access point. Mr.

Jasper stated that the typical standard width for alleys is about 20 feet. It is tight, but he is not aware of any issues that the trash services have identified related to trash pickup. Commissioner Miller asked for clarification that there was no parking allowed in the alley and was advised that was correct and that parking would need to be located outside of the public right-of-way. Commissioner Miller asked if “No Parking” signs would be posted, and Mr. Jasper stated he was not aware of any requirements for that. He stated that if any cars were parked there, it would be a code violation since they are in the public right-of-way.

PUBLIC COMMENT:

Henry Wong, owner of adjacent property – Opposed. Mr. Wong stated that he had spoken to Mr. Cross as well as City staff and requested they build a single-story house. He does not feel the proposed structure is consistent with the Character Area Plan. He would like the Commission to limit the height to one story and look at what can be done with the R-2 zoning with respect to historic homes. Mr. Wong provided slides to the Commission that showed renderings of what his property would look like if the two-story structure is allowed.

Joan Bahamonde, Tempe resident – Opposed. Ms. Bahamonde stated allowing the Use Permit will override established zoning ordinances and be egregious to the character of historic Maple-Ash Neighborhood.

Karyn Gitlis, Tempe resident – Opposed. This would be the only house utilizing the alley for its address without also addressing the street used in the name and will cause confusion with locations on Ash and Maple. The site is being asked to accommodate too many uses and they will not all fit. The seller and City should have determined some of the particulars regarding alley improvements, landscape, lot coverage, parking, solid waste, mail delivery, etc. The project design is not compatible with surrounding properties.

APPLICANT RESPONSE:

Mr. Cross referenced the other two-story homes that have been built in the area. He reiterated that the Use Permit request is only to request reduction of the setback.

Commissioner Tom asked if they considered putting the garage on the south side of the property and if there were restrictions preventing them from doing that. Mr. Cross stated that would constrain the amount of livable space.

Chair Johnson asked if the building would look similar if there was a carport versus a garage. Mr. Cross stated that it would.

Commissioner Miller noted that the request is only for the Use Permit for the setback.

QUESTIONS FOR STAFF:

Chair Johnson asked if there were historically any structures on the proposed project site. Mr. Jasper stated that there had been a wall, but most recently the site had been used for vehicle parking.

Commissioner Spears stated that several members were on the Commission at the time that the lot split was approved, with the historic overlay placed on the front of the property. She noted that at that time, it was envisioned that this is what would be coming onto this property. Mr. Jasper confirmed that it was envisioned as a two-story structure, as noted in the resolution approved by City Council.

Chair Johnson noted that the house had been scheduled for demolition, and the lot split solution had helped to preserve the historic home. Mr. Jasper confirmed that and noted the façade overlay was put on the home in order to preserve it.

Commissioner Miller asked if it would be appropriate to put a condition of approval in to require pavement of the alley and “No Parking” signage. Chair Johnson said the signage would probably end up setting a precedent that the City would not want to do. Mr. Jasper stated that the paving of the alley will be required with the building permit and civil documents as it is an engineering standard. He is not sure about the signage requirements, but he noted that parking in alleys is prohibited by code.

Mr. Jasper noted there were statements made about the development standards and whether the proposed development did or did not meet those standards. He reiterated that verify that the lot coverage component, setbacks on all sides, and many of the operational characteristics conformed to the standards.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Motion: Motion made by Commissioner Redman to approve PL230243 and seconded by Commissioner Spears.

Ayes: Chair Johnson, Vice Chair Schwartz, Commissioners Lloyd, Spears, Redman, and Miller.

Nays: Commissioner Tom

Abstain: None

Absent: Commissioners Cassano and Forte

Vote: Motion passes 6-1

Staff Announcements: None

There being no further business, the meeting adjourned at 7:00 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Ambika Adhikari, Principal Planner