



Minutes of the Development Review Commission REGULAR MEETING July 23, 2024

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 Joe Forte
Commissioner Larry Tom
Commissioner Stefan Richter

City Staff Present:

Jeff Tamulevich, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Michelle Dahlke, Principal Planner
Diana Kaminski, Principal Planner
Whitney Mayfield, Planner I
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Rhiannon Corbett
Alt Commissioner Charles Redman
Alt Commissioner Robert Miller

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

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session 6/25/24
Development Review Commission – Regular Meeting 6/25/24

Motion: Motion made by Commissioner Forte to approve Study Session minutes and Regular Meeting minutes for June 25, 2024 and seconded by Commissioner Spears.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

The following item was postponed to a later DRC meeting date:

- 4) ~~Request a Use Permit to allow two (2) required parking spaces within the front yard building setback for the NELSON RESIDENCE, located at 209 East Manhattan Drive. The applicant is Michael Nelson. (PL240147)~~
THIS ITEM HAS BEEN POSTPONED TO AUGUST 13, 2024 DRC MEETING.

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

- 2) Request modification to an approved Development Plan Review, nunc pro tunc, to correct an error in the conditions of approval from the decision on February 27, 2024, for **48th & ALAMEDA – WEST**, located at 2727 South 48th Street. The applicant is the City of Tempe. **(PL230364)**
- 5) Request a Use Permit to allow a massage establishment for **THE HEALING TREE COLLECTIVE**, located at 1801 South Jentilly Lane Suite B-8. The applicant is Nereyda Martinez. **(PL240150)**

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

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

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

- 3) Request a Use Permit to allow a second story addition for the **LEE RESIDENCE**, located at 323 East Carter Drive. The applicant is Architectural Collaborative Team. **(PL240139)**

PRESENTATION BY APPLICANT:

Katy James, Architectural Collaborative Team, gave an overview of the request. She noted that the homeowner's backyard is not very deep, so he decided to go up in height. Ms. James stated they have met with staff and heard the concerns from neighbors about the height of the house and have agreed to all the new stipulations. She proceeded to go over the interior layout of the home and the proposed addition.

Daniel Lee, property owner, addressed a public comment that expressed concern that he was going to rent out the property. He stated that he plans to live in the home.

PRESENTATION BY STAFF:

Whitney Mayfield, Planner I, gave a brief overview of the request. She provided a map that showed similar uses in the area since there were concerns from some of the neighbors about this addition. Ms. Mayfield went over the newly added unique Conditions of Approval regarding the roofline, elevation materials, frosted film on the south and east egress windows, architectural relief on the east and west elevations to break up massing, and that the applicant work with the adjacent neighbors to assure structural integrity of adjacent property walls is maintained. Ms. Mayfield advised that a neighborhood meeting was not required for the request, and that staff has received six comments in opposition to the second story addition. She advised that the comments were about privacy concerns, materials used, shade impacts to adjacent neighbors, suggestion for a basement level instead of second story addition, and concerns this would be an investment property versus owner-occupied.

PUBLIC COMMENT:

Arthur Nunez, Mesa resident and the owner of the property to the east of the proposed addition, expressed concern over the window looking onto his property. He also stated that he has been looking into getting solar panels on the home and is concerned that the second story addition will shadow his house and the solar panels.

Darrold Davis stated that he is in San Diego but grew up in the house to the west of the proposed addition and that his sister currently lives there. He stated that out of the 158 houses in the development, only five of them have a second story. Mr. Davis noted that none of those two-story homes have the large massing that this project proposes, and some even have basements. He stated that the existing walls on the homes will not be able to support the large second story structure. Mr. Davis stated the addition will not raise values in the neighborhood and will look out of

place. He stated it will decrease property values and set a precedent for other homes to max out second story additions. Mr. Davis stated he is not opposed to Mr. Lee expanding his house, but that he needs to do it in a way that is more reasonable and matches the existing mass, bulk, and scale.

Stephanie Donahue, owner of the property to the west, stated she is opposed to the current design since this is a neighborhood of one-story homes, with only a few exceptions. She stated the proposed design would not compliment the surrounding neighborhood. Ms. Donahue stated that these homes were not built to support such a large, two-story structure. She is concerned about privacy and the ability to add solar panels to the house on the east side. Ms. Donahue is also concerned about the noise from additional air conditioning units and stated they should not be located in the side yards, but rather be in the rear fenced yard. She noted that antennas and the relocation of the existing solar panels are not shown on the project plans. Ms. Donahue stated that the current design of the project will reduce the value of her home. She is concerned that this property will be used as a rental and disrupt the family-oriented community.

APPLICANT RESPONSE:

Ms. James addressed the public comments that were made. She stated that after meeting with staff the applicant agreed to change the roofline, so there will be a pitched roof facing the property to the east which will allow the sun to reach solar panels. Regarding privacy concerns, Ms. James stated that they kept the windows high and plan to put some type of frosting on the egress window so people inside cannot look out but light can still come in. Ms. James stated it is a big house but there is not anything in the zoning code that prevents it. She stated they decided to build up and not go down because Arizona soil can be bad which is why there is a slab on grade to prevent problems with the foundation. Ms. James stated that when she has done projects like this on top of existing masonry walls her structural engineer has told her the existing masonry and footing will hold up a second floor. She noted this is not a completed designed and is still in its concept level. Ms. James stated that there are not any windows from the house that will look onto the yard of the property on the west side. She stated that there will not be any television antennas and the air conditioning units will be screened.

Mr. Lee stated that reason for the large expansion is that he has a big family and would like the room to host holiday events, room as children grow up, etc.

Chair Johnson noted that he heard that the second story expands across the entire footprint of the house, but from the drawings it looks like it only covers half, with the rest being more vaulted. Ms. James stated that it would be for a vaulted ceiling and not livable space. She noted they agreed to reduce the pitch of the roof so it will be about three feet shorter all the way around.

Commissioner Tom stated that on the proposed Conditions of Approval which shows the north elevation it references that the material will be cement board, but it looks like stucco. Ms. James stated that staff suggested they put slump block on the front because that is what is there now. She stated that when she went in and changed it, she inadvertently missed some of the them on the plans. Commissioner Tom asked if the cement board was only going to be on the popout portion. Ms. James stated that staff asked them to add more definition on the east and west sides, so they will also use cement board there instead of stucco. Commissioner Tom asked if they were okay with changing the flat roof to a pitched roof and Ms. James stated that they were. Commissioner Tom asked if the windows on the east side will change because of the pitched roof. Ms. James stated that she put the small windows in there mainly for light, and she could reduce the number, but the egress window is a requirement.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Forte stated that he lives in this neighborhood and that the proposed second story addition is incompatible with the existing surroundings. He stated that the typical square footage in this neighborhood is between 1,500 to 2,500 square feet. Commissioner Forte noted that the current property is just under 2,000 square feet and that the biggest split-level home in that area is only 2,200 square feet. He stated that the expansion of this home to 3,500 square feet will completely overshadow all of the other properties. Commissioner Forte noted that if this was a case where they could not build anywhere but up he could be more sympathetic, however it has a fairly large backyard where they could add a couple more bedrooms.

Commissioner Spears noted that what the Commission is voting on today is a Use Permit to approve a second story and that the design issues are not part of their decision. She stated that she trusts staff to work with the applicant in coming up with something that does work in the neighborhood. Commissioner Spears noted that this is what the General Plan 2050 encourages where families can live together and age in place.

Chair Johnson stated that if the additional square footage was to add eight bedrooms that would certainly concern him, but the layout shows a more open and spacious area with a relatively reasonable number of bedrooms for a typical neighborhood. He stated that the square footage is a lot larger than those in the neighborhood, but he does not see it as a bedroom grab kind of situation that the Commission has seen before with some other cases. He noted that staff has worked to address a lot of the comments with the new Conditions of Approval.

Motion: Motion made by Commissioner Spears to approve PL240139 with the additional Conditions of Approval provided by staff. Seconded by Vice Chair Schwartz.

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

Nays: Commissioner Forte

Abstain: None

Absent: None

Vote: Motion passes 6-1

Staff Announcements: NONE

There being no further business the meeting adjourned at 6:48 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Michelle Dahlke, Principal Planner