



Minutes of the Development Review Commission January 8, 2019

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

Present:

Chair David Lyon
Vice Chair DiDomenico
Commissioner Don Cassano
Commissioner Thomas Brown
Commissioner Scott Sumners
Commissioner Philip Amorosi
Commissioner Andrew Johnson
Alt Commissioner Michelle Schwartz (In the audience)

City Staff Present:

Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Christopher Ray, Administrative Assistant I
Lee Jimenez, Senior Planner
Karen Stovall, Senior Planner

Absent:

Alt Commissioner Barbara Lloyd
Alt Commissioner Angela Thornton

Hearing convened at 6:01 PM and was called to order by Chair Lyon.

CONSIDERATION OF MEETING MINUTES:

1. Development Review Commission – Study Session & Regular Meeting – November 27, 2018

Motion: Motion made by to Commissioner Cassano **Approve** Meeting Minutes. Seconded by Commissioner Amorosi

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Cassano, Sumners, Amorosi, Johnson

Nays: None

Abstain: None

Absent: Alt Commissioners Schwartz, Thornton, Lloyd

Vote: 7-0

CONSENT AGENDA

2. Request a Development Plan Review for a new 30,963 square-foot warehouse and office building for **FISHER'S TOOLS AND HANDLES**, located at 1950 East 3rd Street. The applicant is Phoenix Design Group. **(PL180285)**

Motion: Motion made by Vice Chair DiDomenico to **Approve**. Seconded by Commissioner Sumners

Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Cassano, Sumners, Amorosi, Johnson

Nays: None

Abstain: None

Absent: Alt Commissioners Schwartz, Thornton, Lloyd

Vote: 7-0

3. Request a Use Permit to allow a second story for a single-family residence rebuild, and a Use Permit Standard to reduce the required south side building setback from 10 feet to 8 feet for the **SKINNER RESIDENCE**, located at 919 South Maple Avenue. The applicant is JCL Design/Build, LLC. **(PL180344)**

Staff Presentation

Mr. Lee Jimenez, Senior Planner, gave a brief overview of the project. He showed the site context and explained the reasons behind the request for a use Permit and Use Permit standard. He noted that a neighborhood meeting was held on December 6, 2018 at 5:00 PM, and about twelve people were in attendance, and a majority of the residents that attended were in opposition to the project. Mr. Jimenez added that so far, he has received two public comments in support of the Skinner Residence's request, and one public comment stating he was in support of the Use Permit request, but not the Use Permit Standard because he believed it should be represented as a variance. Mr. Jimenez stated that staff recommend approval of the Use permit and Use Permit Standard subject to conditions as written. Vice Chair DiDomenico asked whether the detached garage was existing or whether it will be a new development. Mr. Jimenez stated that it will be a new development. Vice Chair DiDomenico asked if we have seen design elevations of the detached garage. Mr. Jimenez showed Vice Chair DiDomenico where the garage elevations were located. Ms. Dasgupta noted that since this is a single-family development the staff and Commission do not have design purview over it. Chair Lyon asked whether staff knew the square footage of the original home to which Mr. Jimenez did not. Chair Lyon then asked whether staff knew the footprint area of the new house. Mr. Jimenez did not know the footprint area of the new development. Commissioner Johnson asked if the only means of entry to the second floor was through the doorway in the guestroom, to which Mr. Jimenez confirmed.

Applicant Presentation

Mr. Tad Skinner, Property Owner, introduced himself and his wife Katina Skinner, and presented their project and the philosophy behind the design to create a secondary living space within their home. Mr. Skinner stated that being a Pastor of a nearby Church, he is sometimes encouraged to allow missionaries to live at his home, and this secondary space would be a semi private area for them to be a part of the family temporarily. He also stated the second story will also hopefully be used for their kids if they get admitted to ASU. Mr. Jared Lineberger, Applicant and Project Designer, answered the technical questions the Commission had regarding the lot footprint and original square footage of the home. Commissioner Brown stated that he liked the bungalow design of the structure, but he was concerned that the 12-inch sun shaft would accumulate dust and leaves and suggested widening it. Commissioner Brown also asked whether the means of egress was only achieved by the light well. Mr. Lineberger responded the means of egress for the basement are all up to residential building code, and the basement has a dedicated means of egress. Chair Lyon reminded the Commission that this project is for Use Permits, so they have little say in the design of the project. Commissioner Brown asked if they believe the parking could potentially be a problem due to the nature of the intended use of this property. Mr. Lineberger stated that most of the visitors that will be staying with the Skinners will have transportation accommodated so this should not be a realistic problem. Mr. Lineberger clarified that they are not trying to circumvent the code with this development and were not aware this would be an issue when they applied for it. He stated he believes he is in full compliance with the R3 Zoning designation. Commissioner Johnson asked staff if he could inquire what the design deficiencies would be if this project was applied for as multi-

family. Mr. Jimenez stated the primary concern if this was designated multi-family would be the possible deficiency of parking. He stated this is why he conditioned that the alley was widened to potentially accommodate more parking, however, the Skinners are providing 6 off-street parking spaces which satisfies the multi-family requirements. Mr. Jimenez stated that there are also other requirements for multi-family that were not reviewed for this project because it is intended for single-family use, so he could not attest to them. Chair Lyon inquired whether the project would have to come to them as a DPR if it as Multi-Family. Mr. Jimenez stated that it would not go to the DRC but would be administrative. Commissioner Amorosi asked if the Skinners' were okay with the conditions set by staff. Mr. Skinner stated he was. Mr. Lineberger added that they would prefer to have the house as it was originally designed, however they are willing to work with staff. He stated that he had spoken to Mr. Chad Weaver, Director, about this issue, and Mr. Weaver stated that as long as they removed the door and replaced it with a window, the guest suite could stay the same. Mr. Lineberger stated that if they flip the stairs the other direction it would have to go back to the structural engineer and cost another couple thousand. He added that it all seemed to come down to a lack of communication between him and staff, and he feels as if he is within the guidelines set by code. Mr. Levesque addressed the communication with Mr. Weaver and stated that staff notified the applicant that if the project was in compliance with the listed provisions may lead to a greater support from staff. These conditions were determined after looking at the plans staff made a collective decision and notified the applicant by e-mail, which was shared with Mr. Weaver. Mr. Levesque added that the recommendation by staff was in support of closing out the door, and they did not feel as if it was necessary to reorient the staircase, with the proposed floorplan modification as long as they accessed the stairwell through a den-living space (instead of bedroom), and modified the window casement design, or removed it completely. Chair Lyon stated that he felt as if the Skinners were nice folks and had good intention, but that is not how he can approach the project. Chair Lyon stated he would have liked to see this as a multi-family project and asked staff if the Commission can recommend they come back as multi-family. Ms. Dasgupta stated the Commission would have to make a motion for continuance. Chair Lyon restated that he does not feel comfortable with the project as it is in its current state. Commissioner Sumners stated he commends the Skinners for purchasing the property and wanting to build in this area, and asked staff whether they could give a timeline of what a continuance would look like for the Skinners. Ms. Dasgupta stated she could not give an exact timeline and it depends on when they submit for review again. She stated staff would definitely accommodate the applicant if that is the route they wish to go, however it could be around a couple of months before it came back, depending on what the application requirements are. Commissioner Cassano noted that in addition to more time re-submitting needed to review the case as a multi-family projects, there will also be an added cost as well. Commissioner Cassano asked if that's something the Skinners would be comfortable with or were even aware of. Mr. Skinner stated before they purchased the property, they met with the City and were notified that the house they want to build would be possible, and they were very specific of the type of home they wanted and based on that they bought the property. He stated on Friday they were told they would have full approval with the window, and at 3PM today they were notified of another change. He stated he is frustrated and does not know what the added cost would be, but there is already added costs with what he has been through. Mr. Skinner stated he was told he would have to have a Neighborhood Meeting or City meeting, and it is frustrating to hear different things from people throughout the process. Mrs. Skinner asked the Commission why the discussion of the neighborhood is being brought up at this meeting, when they have complied fully with what the Historic Preservation Officer has told them to do. Chair Lyon stated he felt as if it was this Commissions job to ask these kinds of questions. He added that he felt as if Maple Ash is one of the most historic and most easily recognizable neighborhoods in Tempe. He stated that he does not believe this project is bad, but they have to consider it properly.

Public Comments

Mr. Steven Tseffos, Property Owner, stated he is completely offended by everything Chair Lyon has said, and feels as if his questions are inappropriate for what the Skinners are asking. He stated that he is offended by Chair Lyon's comments at the beginning of the meeting, reminding the Commission they are to make a decision solely based on the use permits, and that Chair Lyon would bring up the historic neighborhood and design elements. He proceeded to display the properties that he owns in the neighborhood and stated that he has worked 30 years to help people invest in Maple Ash meaningfully. He stated currently it is a rental desert and he has been trying to make it more owner occupied. He added that he is the one who is most affected by this development but that he is not in opposition to

this, and that this is the problem with Maple Ash, that its all about the buildings and not about the Community. He stated he is in support of this project and reiterated his offense by what Chair Lyon has said. Mr. Tseffos added he feels staff has treated the Skinners horribly, and there has been a lack of communication especially in these final hours.

Ms. Karyn Gitlis, Resident and Property Owner, introduced herself and stated she is very appreciative of Chair Lyon's support of the historic element of Maple Ash. She read comments from the Neighborhood Association stating that they did not wish to lose the historic eligible Scutter Residence, but it was too late because the Skinners have demolished the house without any notification from the City to the neighborhood regarding it. She added they are also opposed to institutional influences in this residentially zoned neighborhood. Ms. Gitlis stated prior to the neighborhood meeting held on December 6th, there had been no information regarding this project, and no word from the City regarding demolition. She stated that when they met Tad and Katina Skinner at the neighborhood meeting, neither the architect nor the Skinners could answer any questions or show a complete set of plans for the house, and that they had stated that the house would be used as a single-family dwelling for them and their kids. Ms. Gitlis stated that during and after the meeting the Skinners appeared to have close ties with the family across the street from their new property. Ms. Gitlis said she had done online research and found the Skinners also own the historic Spain home across the street which has been badly vetted for additions to make it more compatible for institutional uses. Ms. Gitlis finished with stating she would like the Commission to postpone decision on this case, because she feels like there was not adequate notice and publication of exactly what is going to happen with the property. Chair Lyon asked staff if it was true that there was no second story advertised at the neighborhood meeting that occurred on December 6th. Mr. Jimenez stated that he was only aware of the setback reduction and there was not a formal submittal in place. Mr. Jimenez added that the neighborhood meeting was held on December 6th, and the formal submittal was received December 12th. Mr. Levesque interjected that the neighborhood meeting is not a requirement of the code, but a City policy. Commissioner Sumners asked to clarify what "policy" vs code means regarding the neighborhood meeting. Mr. Levesque stated that through a consultation with the applicants, for any project that is in Maple Ash, they recommend holding a neighborhood meeting.

Ms. Jenny Lucier, Resident, gave a brief presentation and stated why she is in opposition of the project and why she wants it to be continued to a later date. She stated that she had met with Katina Skinner after the neighborhood meeting, and reviewed options for development rather than the one proposed. She also stated she talked to the Skinners about developing on a vacant lot, two parcels North of the one they currently own, which she believed was a better alternative. Ms. Lucier stated she also believes the only reason they need a reduction in setbacks is because the land is being over intensified. She finished with stating she believes this development is out of scale, the neighborhood meeting was not adequate, no plans were advertised at the meeting, and that the multi-family designation is not just about parking. Vice Chair DiDomenico asked if the vacant lot Ms. Lucier is referring to, was for sale. To which Ms. Lucier said it was not, but she knows the owner would be amenable to sell. Commissioner Brown asked whether there was a for sale sign out front of the vacant lot, and whether the neighborhood is opposed to the alleys being turned into parking lots. Commissioner Brown added he was concerned of the encroachment of the parking onto a nice green neighborhood. Ms. Lucier stated that it has not been discussed much, but she agrees that loss of vegetation is a big deal to the residents of Maple Ash.

Mr. Eric Nailer, Resident, stated he was shocked by some of the things the residents have said at this meeting, and that a lot of facts that were stated were untrue. He stated the neighborhood meeting may have been uncomfortable because of the temperature, but he remembers seeing a second story on the plans, and they spoke of it for a long time. He added that he is happy to see a family moving into this property because he has been on that property and was happy to see its not full of dogs. He also stated that he believes a vocal minority is unhappy about this development, and he knows many people personally that are happy a family is moving in. Mr. Nailer stated that if there was a majority of unhappy neighbors about the development, there would be more of a presence at this meeting considering the neighborhood is walking distance from the Council Chambers. He added that having been inside many of the houses in Maple ash, he feels as if the size of the Skinners home will not stand out dramatically.

He ended with stating he feels as if property owners care more about the vegetation of their property than renters and is appalled that the opposition has stated there is a majority of people opposed.

Applicant Response:

Mr. Lineberger expressed that they tried to follow the steps they were given by staff for a successful neighborhood meeting, but the time constraints were inopportune. He stated he would have preferred to have the meeting at 10AM on a Saturday, but they were limited by policy to Monday through Thursday after 5PM. He also added the fact that he has an e-mail from September to Mr. Jimenez with all the floorplans and elevations currently being utilized, that include the second story of the house. Mr. Lineberger expressed that they have taken all the steps required by staff including the 30-day waiting period given by Mr. John Southard, Historic Preservation, before they demolished the house. He stated that some of the attendees of the neighborhood meeting brought plans that were not related to their project from the previous owner. He added they were not notified about the requirement of a Use Permit until Mr. Steve Abrahamson, Principal Planner, notified them three months after they had started the process. He addressed the concern of losing vegetation and stated that he has no intention of lessening vegetation that does not have to be removed for the construction of the home, and if they accidentally damage the root system of an existing tree they fully intent on replacing that tree. Mr. Lineberger also added that he designed the house to represent as closely as possible the character of the neighborhood. Mr. Skinner stated the new lot coverage of the home will not be extraneously different than what currently exists, which Mr. Lineberger attested. Mrs. Skinner added that what would cause a loss of vegetation would be adding 5 parking spaces as a multi-family development might require. Mrs. Skinner stated that Ms. Gitlis was remembering the neighborhood meeting wrong and Tad never announced he was a pastor, because he was worried people would not want a pastor moving into the neighborhood. Ms. Dasgupta walked through the fast turnaround time that staff accommodated from the time that the City received the application, the timeline of the first review completed by staff, and notifying the applicant that, based on the staff comments, the project would be scheduled for January 22nd DRC Hearing date. But upon receiving an email confirmation from the applicant, that they would address all staff comments and provide revised submittal on time if they could be on the January 8th agenda, staff accommodated the requested date and advertised in the AZ Republic to meet the legal advertising requirements. The deadline for legal notification was December 19th. She added that staff had to make a request to the newspaper, past their deadline, to add this item in order to accommodate the applicant. She also stated that the applicant was made aware by e-mail that they will no longer be taking revisions 48 hours prior to the DRC meeting. She explained that this was a fast turnaround and there was a lot of hand holding that staff accommodated. Mr. Lineberger stated that there was a lot of hand holding due to miscommunication, and they were under the impression that, if they made those changes they would get full support from staff. He stated he respected Chair Lyons opinion, but ultimately, he is trying to build a nice house for a nice family. Ms. Dasgupta reminded the Commission that staff is recommending approval, even though the discussion on the floor has the appearance of a recommendation of denial. Mr. Lineberger stated that the Skinners biggest concern here is loss of time, and more costs associated with extending the process of this project. Chair Lyon asked whether Mr. Lineberger was the architect. Mr. Lineberger explained he is not a licensed architect, but he owns an architecture firm. Mr. Skinner wanted to clarify that staff is recommending approval.

Commission Discussion

Vice Chair DiDomenico reminded the applicant that the staff's recommendation is only a recommendation, but ultimately the DRC is the final decision-making body for this case. Commissioner Sumners noted that the demolition of this house is not in the purview of the DRC, and neither is the design of this house. He added that maybe the City could do a better job at explaining the requirements of these developments, and he has a hard time understanding the policy versus code argument of the neighborhood meeting. Commissioner Brown stated that he believes the Use Permit Standard could be bypassed by taking two feet out of the building on CAD (Computer-Aided Design) fairly easily. Mr. Skinner stated he is in opposition of cutting two feet off of the rooms. Commissioner Amorosi stated he liked the design of the building, and he said he is not concerned about the use permit standard because the neighbor directly affected stated he was fine with it. He added that he does not see anything negative about this project. Commissioner Johnson stated he agrees with Commissioner Amorosi, but he believes the stated purpose of this development is multi-family and thinks it should be revisited. Commissioner Cassano asked whether the plans they

have in front of them are the revised version of the plans. Mr. Jimenez clarified that the revised versions were provided to the Commission at the study session and the attachments to the report are in the agenda packet with the report and conditions of approval. Commissioner Cassano added that he does not believe it would be economically viable to renovate the existing structure on the property. Chair Lyon stated he would like to see this project get to where it needs to go, and this is the reason you hire a design architect that is familiar with the process of the City, and it seemed as if there was a lack of knowledge as to how the process works. He felt as if it was the responsibility of the design professional to be aware of the processes. He stated he is still concerned with the compatibility of existing structures and believed that this is not designed as a single-family home. He also stated he believed the window will eventually be turned into a door later down the road, which is what staff is trying to avoid. Commissioner Sumners asked how easy it would be for the applicant to convert the window to a door at a later date. Mr. Levesque stated if they wanted to convert the window to a door they would have to re-submit as a multi-family and different stipulations would apply.

Motion: Motion made by Commissioner Sumners to **Approve** PL180344. Seconded by Commissioner Sumners
Ayes: Vice Chair DiDomenico, Commissioners Cassano, Sumners, Amorosi
Nays: Chair Lyon, Commissioners Brown, Johnson
Abstain: None
Absent: Alt Commissioners Schwartz, Thornton, Lloyd
Vote: 4-3

4. Request a Use Permit for a fitness center and a Development Plan Review for a new single-story 35,399 square-foot commercial building for **EOS FITNESS**, located at 1727 West Ranch Road. The applicant is Sustainability Engineering Group. **(PL180280)**

Staff Presentation

Ms. Karen Stovall, Senior Planner, gave a brief presentation for EOS Fitness, and displayed site context, plans, and zoning district. She explained the request of the applicant presenting their goal for development. She stated there are four stipulations in the staff report regarding more shade provided, consistent plant pallet, and street trees being visible along Greentree. Ms. Stovall stated staff recommends approval of the Use Permit and Development Plan Review (DPR).

Applicant Presentation

Mr. Eric Gerster, Sustainability Engineers, addressed the concerns raised by the Commission during the study session. He explained the parking and siding and stated that EOS Fitness has an exact image of what they want in their mind, and they like this building orientation the best. He added that the parking drives have a specific width, so they could not fit any in front of the building without it affecting where the building is placed on the lot significantly. He stated that they did meet the parking requirements of Tempe and added there might be a shared parking agreement in the future with Lot 2.

Commission Discussion

Commissioner Brown asked if the owner of lot 2 is the same as the lot EOS Fitness will be built on and asked if there are any plans for that lot. Mr. Gerster stated there are no plans at this time, but it is more likely to be an office.

Motion: Motion made by Commissioner Johnson to **Approve**. Seconded by Vice Chair DiDomenico
Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Brown, Cassano, Sumners, Amorosi, Johnson
Nays: None
Abstain: None
Absent: Alt Commissioners Schwartz, Thornton, Lloyd
Vote: 7-0

ANNOUNCEMENTS / MISCELLANEOUS:

5. Commission Member Announcements: None

6. City Staff Announcements

Ms. Suparna Dasgupta gave a brief overview of the January 22nd, 2019 DRC agenda.

There being no further business, the meeting was adjourned at 7:40 pm.

Prepared by: Christopher Ray

A handwritten signature in cursive script, appearing to read "Christopher Ray".

Reviewed by:
Suparna Dasgupta Principal Planner, Community Development Planning