

Minutes of the Development Review Commission March 12, 2019

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 David Lyon
Vice Chair Michael DiDomenico
Commissioner Scott Sumners
Commissioner Thomas Brown
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Andrew Johnson

City Staff Present:

Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Diana Kaminski, Senior Planner
Dalton Guerra, Planning Technician
Blake Schimke, Planning Technician
Christopher Ray, Administrative Assistant I

Absent:

Alt Commissioner Barbara Lloyd
Alt Commissioner Michelle Schwartz
Alt Commissioner Angela Thornton

Hearing convened at 6:10 p.m. and was called to order by Chair Lyon

Consideration of Meeting Minutes:

- 1) Regular Meeting and Study Session: None
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The following items were considered for **Consent Agenda**:

- 2) Request a Preliminary Subdivision Plat for a new 80-unit single-family attached townhome development for **THE LEVEL**, located at 915 South Smith Road. The applicant is Porchlight Homes. **(PL180235)**
- 3) Request a Development Plan Review for a new 6,439 square-foot restaurant for **BARRIO QUEEN** in Tempe Marketplace, located at 31 South McClintock Drive. The applicant is Candelaria Design Associates. **(PL180259)**
- 5) Request a Use Permit to allow a drive-through in the CSS (Commercial Shopping and Service) zoning district; a Use Permit to exceed 125% of the minimum required parking; and a Development Plan Review for a new 828 square-foot restaurant for **HUMAN BEAN**, located at 1602 North Scottsdale Road. The applicant is Ross Design Group. **(PL180354)**

Motion: Motion made by Vice Chair DiDomenico to **Approve** Consent Agenda. Seconded by Commissioner Amorosi.

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

Nays: None

Abstain: None

Absent: None

Vote: 7-0

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

- 4) Request a Use Permit to allow a 50-foot high wireless telecommunication facility for **ADOT UNIVERSITY**, located at 2245 East University Drive. The applicant is Crown Castle. (PL190002)
THIS ITEM IS CONTINUED FROM THE FEBRUARY 12, 2019 DRC HEARING

Staff Presentation:

Mr. Blake Schimke, Planning Technician, gave an overview of the project. The facility is currently existing and the reason for the new Use Permit would be to remove the conditions of the required landscaping listed in the previous Use Permit. Staff is conditioning that there be landscaping for consistency with other cell sites around the city. Staff supports this request subject to the conditions of approval listed in the staff report.

Applicant Presentation:

Mr. Scott September of Crown Castle, 2055 S. Stearman Drive, Chandler, AZ 85286, introduced himself and gave an overview of the project. The original Conditions of Approval required two 20-foot tall Phoenix Date Palms, one 24" box Chilean Mesquite tree, and the installation of a 70' x 70' CMU block screen wall painted to match the nearby wall. The application requests to revise the New Conditions of approval to eliminate the requirement to replace missing landscaping, eliminate the requirement to install irrigation, and to eliminate the installation of a new CMU block wall around the 20' x 30' radio equipment area. The reason for the 70' x 70' CMU block wall was that the original applicant, T-Mobile, in 2006 listed that as their lease area. Now that applicant owns the site they realize it is 20' x 30'. T-Mobile originally built the 70' x 70' block wall and provided landscaping, however ADOT denied their easement request to provide irrigation so the landscaping died. As a compromise, the applicant proposed the installation of 65 fronds (staff report requires 55 fronds) and replacement of all fronds with both 7' and 10' fronds for more natural look. Vice Chair DiDomenico asked applicant what new physical equipment they plan to add on site. Applicant advised this would be the exchange of one antenna on each sector. Currently there are three sectors. Some radio equipment will be removed and replaced with new equipment. Commissioner Johnson mentioned that if ADOT sells that parcel of land and removed the wall outside of the lease area, then the site would be exposed. The smaller 20' x 30' protect us from having an exposed site if that were to occur. Applicant stated that nobody knows if, when and to whom ADOT would sell the property so it would be an undue burden to put a wall behind a wall to the applicant today. A better way to approach this would be to deal with it when it happened. Commissioner Johnson asked staff if there would be a landscaping plan if this were to come up for redevelopment. Ms. Suparna Dasgupta, Principal Planner, stated that was correct but she shared the concern about the wall being removed. Unless an application for redevelopment were to come through, the City would not be able to enforce getting a wall built. Commissioner Amorosi shared this same concern and felt that the wall should be installed. Commissioner Cassano, having worked for eight years at ADOT, does not think that ADOT will agree to construct the wall. He feels they will not spend any money or do anything with this property unless it comes into disrepair. If ADOT does take down the wall he feels the applicant would then build a wall to protect their equipment. The applicant agreed with his comment and suggested that a condition could be added that if ADOT removes the wall that they then be required to put up a 20' x 30' wall. Chair Lyon asked staff if this would work and how would they set the condition. Ms. Dasgupta stated they could reword the condition to meet this request. Mr. Steve Abrahamson, Principal Planner, expressed a concern that the wall could be torn down and the City may not be made aware of that until a complaint from the public comes in. Commissioner Brown mentioned that he noticed barbed wire around the wall and this is not permitted in Tempe. Chair Lyon indicated that was ADOT, not the City of Tempe. Commissioner Sumner asked applicant if they were on board with all of the 19 conditions. Applicant indicated they were, except for the three brought before the Commission this evening. Ms. Dasgupta stated the conditions applicant is looking to remove are Nos. 6, 7, and 8 regarding landscaping, No. 9 relating to the wall, and No. 19 relating to irrigation. Commissioner Cassano asked the applicant how long their lease was. Applicant indicated these are usually 30-50-year lease agreements. Commissioner Johnson asked for clarification on stipulation No. 8 as it related to antenna height. Ms. Dasgupta stated that the applicant wanted this stipulation stricken. Chair Lyon requested identification of exactly which items applicant wanted stricken. Applicant advised this was Nos. 6 & 7 – landscaping, Nos. 9 and 19. Commissioner Amorosi asked applicant if they offered to purchase the property from ADOT and applicant advised that they had but

ADOT was not interested in selling it to them.

Public Comment: NONE

Commission Comments:

Vice Chair DiDomenico does not feel it is necessary to put additional palm trees or other landscaping on the lot. Ms. Dasgupta clarified that they did not ask for palm trees, that was a previous condition. All they were saying is to landscape it with something that is acceptable. Commissioner Sumners asked staff what would happen if they denied this Use Permit and Ms. Dasgupta stated they could appeal the case to City Council. If Council denies it then they can appeal to the courts. If the Use Permit were not issued it would then become a Code Compliance issue for enforcement. Commissioner Cassano asked how high the wall was and Mr. Schimke advised it was an eight-foot wall. Commissioner Cassano does not see the need to landscape in a fenced area not visible to the street. He will support the Use Permit with the conditions stated earlier. Commissioner Amorosi stated he does not want to penalize Crown Castle for ADOT, so he will support it. Commissioner Johnson agreed with Commissioner Cassano on the landscaping, so he would support the elimination of Nos. 6, 7 and 19 because of that. Regarding condition No. 9, he would like to keep that one in as a way of future -proofing against the removal of the existing wall. Chair Lyon is not concerned about the landscape, but he also feels the wall should stay in.

Motion: Motion made by Commissioner Sumners to **Approve** PL19002 striking the Conditions of Approval Nos. 6, 7, and 19, leaving Condition No. 9. Adding applicants' condition that they install 65 fronds and replacing fronds with 7' and 10' for a more natural look. Seconded by Commissioner Johnson.

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

Nays: Commissioner Brown

Abstain: None

Absent: None

Vote: 6-1

- 6) Request a Use Permit Standard to reduce the required front yard setback from thirty-five (35) feet to twenty-eight (28) feet for the **SWINDLE RESIDENCE**, located at 1527 East Knox Road. The applicant is Construction Services, Inc. (**PL190022**)

Staff Presentation:

Mr. Dalton Guerra, Planner I, gave an overview of the project. To date, staff has received one inquiry about the project however that neighbor did not take a stance in support or opposition of the project. They were just curious and had concerns about the lot coverage and the full extent of the project. There are other additions proposed to the home however we are only reviewing the front garage addition and the Use Permit request to reduce that setback. Staff supports this decision.

Applicant Presentation:

Mr. Rhett Turner, with Construction Services located at 3634 W. Pecos Road, Chandler, AZ 85226, introduced himself indicated he is working with the Swindles to assist them in the application for the Use Permit to extend the front of the garage. Commissioner Sumners asked applicant why this garage was deeper than the usual garage. Applicant advised that extending the garage would allow them to put a room where the garage used to be, so it would not be that deep. Commissioner Amorosi asked if the home was owner-occupied and the applicant advised that it is. Commissioner Amorosi was surprised that they had not provided letters of support from the residents on either side of the property as the garage extension may block views down the street. Chair Lyon stated that when someone asks for an exception there is usually a compelling reason and he is not seeing that with this application. He asked the applicant for justification. The applicant advised that a lot of the neighbors have three-car garages and this home does not. This Use Permit would enable them to incorporate a three-car garage. Due to the current property lines there was not additional property available to expand this garage. Mr. Shane Swindle, property owner, advised the

Commission about the project. He stated they want a three-car garage for storage and assistance with future resale value. Commissioner Brown wanted clarification on the garage and the proposed room. Since the room will be behind the garage, that would not affect the width. Applicant advised that without the extension they would not be able to add the additional garage. The current two-car garage is deeper than what the third one would be so if they extend them all they would use the excess space from the original garages to add the room. Mr. Guerra clarified to the Commission that this is not a request for a variance, but rather a Use Permit Standard. Commissioner Johnson was concerned the would open the window for modifications to the entire front of the property. However, upon further review of the plans he noted that condition #2 state that any additions or modifications to the plans as submitted within this application would need to be submitted for review during the Building Plan Review process.

Public Comment: NONE

Commission Comments:

Commissioner Cassano has no concerns. Commissioner Brown was concerned that granting the Use Permit would set a bad precedent. Ms. Suparna Dasgupta, Principal Planner, clarified that per zoning code, there is no design review required for single-family houses.

Motion: Motion made by Commissioner Amorosi to **Approve** Seconded by Vice Chair DiDomenico.
Ayes: Chair Lyon, Vice Chair DiDomenico, Commissioners Cassano, Sumners, Amorosi and Johnson
Nays: Commissioner Brown
Abstain: None
Absent: None
Vote: 6-1

Staff Announcements:

Ms. Dasgupta updated that Commission on items on the agenda for the March 26, 2019 DRC meeting.

There being no further business the meeting adjourned at 7:39pm.

Prepared by: Joanna Barry
Reviewed by: Suparna Dasgupta



Suparna Dasgupta, Principal Planner, Community Development Planning