

**Minutes of the
Development Review Commission
REGULAR MEETING
April 28, 2020**

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

HEARING CONDUCTED VIA WEBEX EVENTS

Present:

Chair David Lyon
Vice Chair Michael DiDomenico
Commissioner Scott Summers
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
Karen Stovall, Senior Planner
Lee Jimenez, Senior Planner
Dalton Guerra, Planner I
Adrian Zambrano, Planning Technician
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Barbara Lloyd
Alt Commissioner Michelle Schwartz
Alt Commissioner Angela Taylor

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

Consideration of Meeting Minutes:

- A. Development Review Commission – Regular Meeting 1/14/2020** – Correction to previously approved meeting minutes for item #8 - Jinstage Tempe (PL190275)

Motion: Motion made by Commissioner Cassano to approve Regular Meeting minutes with correction for January 14, 2020 and seconded by Commissioner Summers.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

- B. Development Review Commission – Study Session 2/11/2020**
C. Development Review Commission – Regular Meeting 2/11/2020

Motion: Motion made by Vice Chair DiDomenico to approve Regular Meeting minutes and Study Session Meeting minutes for February 11, 2020 and seconded by Commissioner Cassano.

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

Nays: None

Abstain: Commissioners Sumners and Brown

Absent: None

Vote: Motion passes 5-0

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

1. Request a Use Permit to allow live entertainment for **BOONDOCKS**, located at 1024 East Broadway Road. The applicant is Tempe Boondocks. **(PL190124)**
2. Request a Use Permit to allow a 6-foot wall within the required front yard building setback for **ENCANTO**, located at 1858 East Encanto Drive. The applicant is Evolution Design, Inc. **(PL190306)**

Motion: Motion made by Vice Chair DiDomenico to approve the Consent Agenda and seconded by Commissioner Amorosi.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

Ms. Suparna Dasgupta, Principal Planner, wanted to put on the record that staff received a comment card from Mr. Fellows regarding the Encanto project that was put on the consent agenda. He indicated he was in full support of the project and did not wish to speak on it.

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

3. Request a Use Permit to allow a massage establishment for **YOSHI MASSAGE SPA**, located at 4415 South Rural Road. The applicant is Yoshi Massage Spa. **(PL200015)**

PRESENTATION BY APPLICANT:

Mr. Michael Harris, owner, advised the Commission that he purchased the establishment from another individual over a year ago and went through the licensing process with the City of Tempe, got name changed, and everything was fine. They noted a couple of days after the license was approved that the hours and days of operation were not what they expected so he asked the Planning Department what to do about this. They were advised they would have to go through the process all over again and pay the fee. This was only for the time change and the date of operation change. He has been at this location for about a year and everything has been fine, and they have been in good standing with the City of Tempe. He stated they have been in the area for over 12 years and have three different massage stores in the City of Glendale and never had any issues with the City of Glendale. They built a new location at Greenway and 67th Street that happened to be right next to a church that was tied to a gun shop and a barber shop. Those tenants did not want Mr. Harris' establishment as a tenant, just neighbors. For a whole year there they have not been open most of the time due to the neighbor problems and they finally had a situation when, in his opinion, the City of Glendale entrapped a contract employee into an allegation of prostitution. That was the first time in 12 years that they ever had any issues. He advised that the licenses for the three stores in Glendale are still fine and intact. He respects that Planning Department's request to do a courtesy continuance based upon what the City of Glendale is going to do but he does not feel they have done anything wrong. He believes the contract employee that was involved in the alleged incident went to court and they have not seen her again. He stated they were a little slack on management during that time has his wife had to have a couple of surgeries and was in recovery when the

referenced contract employee was put into her position. He stated if there were any revocations from the City of Glendale based on this incident, he will acquiesce to whatever the City of Tempe wants to do.

Commissioner Brown asked the client if they changed their name to Yoshi and if so, what it means. Mr. Harris advised that when they purchased the business it was named Yoshi and all they did was change the owner's name. Commissioner Brown asked the applicant if he was aware that by code, they are not allowed to use the A-frame signs on the sidewalk for advertising. Mr. Harris advised that he was not aware of that they have never done that and do not plan to. Commissioner Brown asked Mr. Harris if all his employees were contract employees and was advised that they were and that they have one manager that floats between the three stores. In this past year there has only been one employee at a time at each store. He advised they are contract employees and are paid with tips. Commissioner Brown asked for clarification if they make all of their compensation from tips and was advised that there is a fee posted at each store that each massage is \$40 for one half-hour and each attendant gets \$10 of that but not in a payroll sense as they are a contract employee. For each one-hour session they get \$20 plus their tips. Commissioner Brown asked if they were all certified massage therapists and was advised that applicant will only hire Arizona licensed massage therapists, so they must be certified.

PRESENTATION BY STAFF:

Mr. Dalton Guerra, Planner I, advised that the original Use Permit was approved by the Hearing Officer in 2011 for the hours of 9:00 a.m. to 7:00 p.m. Monday through Saturday. In July of 2019 there was a Use Permit transfer for the same hours of operation but just different ownership. Now the applicant wants to extend their hours by two hours in the evening from 9:00 a.m. to 9:00 p.m. and to also be open on Sundays. That is the reason that this request is coming before the Commission. Mr. Guerra advised that there was no neighborhood meeting required and that staff has not received any public input for this request. Staff recommends continuing this item until the May 26, 2020 DRC hearing to be consistent with Tempe police department concerns and recommendation for a continuance. Staff is in support of the police department's request for a continuance.

Commissioner Brown asked if there is any review of the interior of the business when a property changes hand. He noticed on the plans there are areas labeled as hallways, but they are interconnected rooms which he feels is a code issue. Also, there does not seem to be a designated exit. Chair Lyon advised Commissioner Brown that he feels they should stick to the issues of the permit at hand.

Mr. Steve Abrahamson, Principal Planner, advised that the reason for the police department and staff recommendation for a continuance is due to the current process that is going on in Glendale and they want to see what the resolution is to that.

DISCUSSION BY THE COMMISSION:

Chair Lyon stated that he is inclined to go along with the request to continue.

Commissioner Cassano stated that after reviewing the information they were given, listening to the applicant, as well as, the fact that businesses such as this are currently closed due to the pandemic, he does not feel it would be catastrophic to continue this item.

Commissioner Amorosi stated he agrees to continue this to the May agenda.

Commissioner Johnson also agrees with the continuance.

Commissioner Cassano asked if there is a date for the Glendale hearing and Mr. Guerra advised that the Tempe police department stated it was scheduled for mid-May but that they do not have a specific date.

PUBLIC COMMENT: NONE

Motion: Motion made by Commissioner Cassano to continue PL200015 to the May 26, 2020 Development Review Commission meeting and seconded by Commissioner Amorosi.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

4. Request a Use Permit to allow a gun shop for **THE POWDER KEG, LLC**, located at 209 East Baseline Road, Suite E103. The applicant is The Powder Keg, LLC. (**PL200041**)

PRESENTATION BY APPLICANT:

Mr. John Gittus, applicant, stated he was of the understanding that staff would speak first. Chair Lyon advised that usually the applicant presents first, but asked Mr. Gittus if he would like staff to present first. Mr. Gittus advised that he would prefer that.

PRESENTATION BY STAFF:

Mr. Lee Jimenez, Senior Planner, gave an overview of the applicant request. This will be a concierge business where people schedule an appointment to purchase high end, curated firearms and accessories. There was no neighborhood meeting for this request and staff did receive one email of support from a similar business that is located in the same shopping center. The business is JDR guns that had a Use Permit approved last Spring and operate a similar concierge style, non-storefront business. Staff received one letter of opposition from a nearby resident. This resident had issues logging into the hearing so Mr. Jimenez advised her that he would pass on her comment. The resident is Joyce Herr who stated: "I am totally against a gun shop being introduced into the neighborhood. It would be a poor reflection on the area. This is a decent but non-affluent neighborhood and I feel it is more important to raise the area rather than introducing businesses like gun shops and loan sharks, et cetera. I think the property values are influenced. The areas that are questionable to businesses bring down values. It is up to Tempe to keep property values up, especially in such trying economic times."

Vice Chair DiDomenico asked what type of construction is used on the western demising wall between the applicant and the neighboring tenant. Mr. Jimenez advised he is unfamiliar with the inside of the floorplan and that would be best answered by the applicant.

Commissioner Johnson asked if background checks are required for customers of this type of firearm transfer. Mr. Jimenez advised there is a clearance required by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and asked Mr. Steve Abrahamson, Principal Planner, to elaborate. Mr. Abrahamson advised that the owner had to go through an FBI background check. Mr. Abrahamson also met on site with three members of the Tempe Police Department; one was with the resale division; one was a detective and the other was a firearms expert. All agreed that this was a good use if it gets a security plan and that was their only condition. Commissioner Johnson stated that his question was more directed to those purchasing guns at the store. Mr. Abrahamson advised it is operated like a regular gun store and they would have the required background checks conducted as required by the ATF. Mr. Jimenez advised that the client will be complying with all federal and state requirements. Mr. Jimenez also clarified that the other Use Permit he referenced earlier was issued by the Hearing Office two years ago, not one.

PRESENTATION BY APPLICANT:

Mr. John Gittus, applicant, advised that there is a background check for customers identical to any other gun shop purchase. They would need to have Federal Bureau of Investigation (FBI) approval before transferring any of the firearms. Mr. Gittus prepared a PowerPoint presentation in response to Ms. Herr's concerns as it is a valid concern. He advised that in March 2018, JDR Guns received their Use Permit and in 2018 Alpha Dogs, which is also in the same complex, received theirs. They are also located in the zip code 85283. Mr. Gittus had a realtor pull up an MLS

for market data for one year prior to those Use Permits being issued and for one year after. There was an increase of per square foot sold of 8.9 percent the year after these businesses were approved and days on the market reduced also. Mr. Gittus stated he contacted the crime prevention unit to have the Temp PD property detectives and Fire Marshall go through the property and view security. They had some items and these were addressed by applicant that afternoon and have been taken care of.

Commissioner Cassano asked if the properties in the 85283 zip code that Mr. Gittus conducted an MLS search on were directly located to these properties or just 85283 in general. Mr. Gittus advised it was 85283 in its entirety.

Commissioner Brown asked if Mr. Gittus allowed customers to test fire the guns in his shop and was advised they do not.

Commissioner Cassano reference Vice Chair DiDomenico's question about the west wall and was advised by Mr. Gittus that it was stud-framed wall with drywall. Commissioner Cassano stated this would not be hard to get through and Mr. Gittus advised this was part of the security plan that he went through with the police department and would rather not comment in a public setting.

Vice Chair DiDomenico stated that is why he dropped the question. Once he found out there was a walk-through and security plan put in place, he did not feel we needed to publish the discussion on security.

Chair Lyon stated he appreciated Mr. Gittus' MLS research. It may not be science, but he appreciates it.

Mr. Gittus thanked the Commission for their time.

PUBLIC COMMENT: NONE

DISCUSSION BY THE COMMISSION: NONE

Motion: Motion made by Commissioner Amorosi to approve the PL200041 and seconded by Vice Chair DiDomenico.

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

Nays: Commissioner Johnson

Abstain: None

Absent: None

Vote: Motion passes 6-1

5. Request a Use Permit to allow a massage establishment for **INTEGRATIVE LIGHT HEALING**, located at 4651 South Lakeshore Drive Suite 3. The applicant is Integrative Light Healing. **(PL200058)**

PRESENTATION BY APPLICANT:

Mr. Lance Martinez, applicant, gave an overview of his business. He advised the Commission that it is a place that allows for structural therapy and do stretch therapy and meditation and life coaching and healing. The location is over at 4651 South Lakeshore Drive. We show the prominent area of business known as lakeshore garden. He noted there are also a couple of businesses in the area that offer chiropractic services. He has 10 years of experience as a massage therapist, eight years at the Institute of Healing Arts. Integrative Light Healing established themselves in the City of Mesa and obtained all the licensing and permits for that site. He will have a maximum of two therapists working at a time in the Tempe location. He advised sessions will be by appointment only. In reference to Commissioner Brown's previous signage question, he stated they will not have any gaudy signage out front. Hours of operation and business information will be posted on the front door of the business. He plans to operate from Monday through Friday, however he wanted to make services available on Saturdays and Sundays in case of a customer emergency, that is why he requested seven days a week of operation.

Commissioner Brown thanked Mr. Martinez for answering his question about signage.

PRESENTATION BY STAFF:

Mr. Adrian Zambrano, Planner I, went over the Use Permit request. Massage therapists will be subcontracted and licensed. He advised no neighborhood meeting was required and staff received no public comment. Mr. Zambrano then went over the Use Permit criteria. Staff recommends approval.

PUBLIC COMMENT: NONE

DISCUSSION BY THE COMMISSION:

Motion: Motion made by Vice Chair DiDomenico to approve PL200058 and seconded by Commissioner Amorosi.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

~~6. Request a Use Permit to allow an instructional school (life skills for cognitively disabled individuals) for **TRANSITIONS TALLY HO FARMS**, located at 850 East Knox Road. The applicant is Ramirez Architects. (PL200042) **APPLICATION WITHDRAWN BY APPLICANT**~~

7. Request a Use Permit Standard to reduce the rear yard setback from 15' to 12' and a Development Plan Review consisting of a new twelve-unit addition to an existing 18-unit multifamily residential development on 1.66 acres for **HOWE AVENUE APARTMENTS**, located at 2173 East Howe Avenue. The applicant is Perlman Architects of Arizona, Inc. (PL200047)

PRESENTATION BY APPLICANT:

Mr. Nate Macki, Perlman Architects, advised that Mr. Xavier Ibarra, also with Perlman Architects, will be running the presentation. Mr. Ibarra advised that there is currently an existing portion of their project and they are proposing to expand to the area directly to the west. Both were originally vacant lots. They are proposing the addition of three new buildings for 12 new units to match the existing. The new site will be fully landscaped with on-site amenities. The existing location includes four buildings with 18 units. The front of the complex will be along Price Road making the rear of the project along the west end of the property. The applicant also went over the five Use Permit criteria and how the project meets those requirements.

Commissioner Amorosi noted the colors for the new buildings look different from the original and Mr. Ibarra advised that may be the way the sun hits it. He advised the same colors will be used for both phases. Commissioner Amorosi was also pleased with how they changed directions of how the buildings face out.

PRESENTATION BY STAFF:

Ms. Diana Kaminski, Senior Planner, went over the applicant's requests. The site to the east of the proposed project is already built and they are getting Certificates of Occupancy for it right now. The owner purchased the location from someone who had previously gone before the Commission and started the project, and then stopped. The new owner picked up the project and continued it. Ms. Kaminski went out and viewed the site and advised that the colors do match on both phases. The Use Permit Standard request was due to the utilities located in the area. This request meets all criteria for the Use Permit Standard and is compatible with the adjacent properties. Staff did conduct a minor Development Plan Review (DPR) for the landscape to integrate it between the two sites. There was no neighborhood meeting required for this application and there was one call of inquiry about the construction on the east side just to know what was happening. Staff recommends approval of the project subject to conditions of approval. Additional conditions were added regarding fencing to lower some of the existing fencing on the eastern side so it would be more open and less cage like. Applicant is fine with this condition. Applicant had asked for a

deferral on a condition from the first phase regarding the parking shade canopies in the parking lot so that all canopies can be installed at the same time. The privacy screen walls between the two units on the upper floors and balconies were omitted from the first eastern side construction. Staff has conditioned that upon completion of the projects privacy screen walls will be installed between all 30 units.

Commissioner Brown asked if the present owner inherited the remediations from the previous owner. Ms. Kaminski advised that when the applicant purchased the property there were only foundations poured and conduits sticking out of the ground and that everything from the ground up was from the current contractor's work. Ms. Kaminski does not know what changes were made on the field and the construction drawings themselves. Staff did make note of those things and the inspectors that were working on the eastern side are rectifying some of those modifications in the field as part of the Certificate of Occupancy so they will be in compliance. Commissioner Brown noted on the site plan they received it did not include a key of the tree types that were proposed, but in the presentation he noted there are more citrus trees and he is happy about that and appreciates the applicant taking over the project.

PUBLIC COMMENT: NONE

APPLICANT RESPONSE:

Mr. Ibarra did not wish to add anything at this time.

DISCUSSION BY THE COMMISSION:

Commissioner Amorosi stated he was glad that the applicant did a good job increasing the landscaping and amenities and that will improve the neighborhood.

Motion: Motion made by Commissioner Amorosi to approve PL200047 and seconded by Commissioner Johnson.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

8. Request a Code Text Amendment for **MEDICAL MARIJUANA AMENDMENT**, consisting of a change to the Code to eliminate the current maximum 25,000 square-foot size restriction for medical marijuana cultivation facilities in Tempe. The applicant is CJK, Inc. (DBA Hana Meds). (**PL200016**)

PRESENTATION BY APPLICANT:

Mr. Bryan McLaren, CJK, Inc., would like to defer to Ms. Karen Stovall, Senior Planner, as she has more of the background. Chair Lyon asked that Mr. McLaren go first. ***Note: Applicant presentation was not uploaded at this time***. Mr. McLaren advised he is the CEO of Zoned Properties and they work directly with operators in the medical marijuana space but do not operate any facilities themselves. They are a property owner in Tempe that does lease space out to licensed medical marijuana operators and have been working with local staff in Tempe and other municipalities on how best to navigate these code and compliance regulatory matters over the years. The proposed amendment today is to remove the size restriction on the licensed cultivation facilities. Mr. McLaren went through the background research they did when preparing this submittal for the proposed text amendment. They initially started by looking at surrounding municipalities in Arizona as well as in other states including physical size restrictions and square footage restrictions on cultivation sites. They do not own or operate these sites but are presenting this code text amendment specifically on behalf of one of the City of Tempe's locally licensed businesses. In that research they initially planned to recommend an amendment to increase the 25,000 square foot description to something larger. Upon learning that that a lot of municipalities larger than Tempe did not have any restrictions, they decided that it might be better to approach this by looking at a similar standardized type of code which is why they suggested simply striking through the line item in the code that included that maximum square footage. In many states, Mr. McLaren noted when working with municipalities on code amendments or zoning and regulatory

language, they typically tend to polarize between something quite smaller like you see at Chandler and Gilbert which he think is far more focused on keeping a caregiver cultivation facility which is allowed under some state laws to grow unlicensed plants. He stated that most of the municipalities that enacted more comprehensive and objective regulatory language like Tempe tended to eliminate size restrictions for cultivation.

Chair Lyon stated that when it comes to making amendments to code, his thought would be that when in doubt do nothing. At the present time he is not sure why we need the amendment. Chair Lyon asked what harm is caused by keeping the 25,000 square foot maximum. Mr. McLaren stated that cultivation facilities of healthy businesses tend to be a bit larger than the 25,000 square foot facilities. While they do not have any public information about the four specific facilities that are licensed and operating, he noted that from being engaged through his client and through his brokage team in Tempe and their advisory services that these sites tend to be between 50 and 75,000 square foot buildings. With regard to the 25,000 square feet, he was part of the application that approved the current version in 2015. Even though those buildings were larger than 25,000 square foot at the time, they took the approach of let's crawl before we walk and start with median square footage limitation and see how that goes. It turns out that years later a healthy size of an industrial cultivation site does need to be quite a bit larger than 25,000 square feet in order to meet the demand of the market and as well as see the efficiencies both through electrical water usage and also can contribute significantly to economic development with the construction of the facilities through permit and use and also through hiring of local employees for those sites. He stated many of the sites in the state and why other municipalities removed their restrictions and those that previously had some as well as in Tempe, as some of those sites would not attract as sophisticated an operator or be able to expand past their current hitting that limitation point.

applicant's presentation was loaded, and applicant referred to that

Mr. McLaren referred to the slide that illustrates what some of the differences in zoning restrictions on sizes in municipalities throughout Arizona.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, advised that the amendment to eliminate the size restriction is the only change requested and not other changes are requested for the code. Ms. Stovall advised that a neighborhood meeting was note required for this application, and that upon completion of the staff report, staff did receive one email in opposition to the request and that was referenced in the Study Session. She summarized the e-mail that listed issues pertaining to cultivation being an agricultural use and a less efficient use of water and concern for the health and welfare of the citizens of Tempe and increased security risks. Before completing the staff report, the police department and the building safety division were contacted for input. Tempe Police Department had no reason to oppose the request and staff received no response from building safety. Staff is recommending approval.

Commissioner Brown asked if the taxes paid by a larger medical marijuana facility would be equal to those paid by a large industrial building of 25,000 square feet. Ms. Stovall deferred that question to the applicant. Mr. McLaren advised the property taxes do not necessarily change, however the medical marijuana facility at a larger operation would produce more medical marijuana product that would be taxed at different rate than other industrial sectors. He stated it seems to be a higher tax rate in municipalities than any other industrial uses. Commissioner Brown asked if this would be at the point of sale and Mr. McLaren advised that the industrial sites do not typically have a point of sale at the cultivation, it need to be a licensed dispensary. An exception would be if a location had mixed use where there was a retail dispensary and cultivation attached to the facility.

Vice Chair DiDomenico advised that in his experience there is an immediate tax increase for cultivation facilities as they tend to pay a premium in rent as compared to other traditional industrial uses. He stated that demand drives the required square footage so if demand requires 100,000 square feet but you are limited to 25,000 square feet, that just means there would be four cultivation facilities instead of one. It does not mean you are limiting the amount of cultivation.

Chair Lyon asked Ms. Stovall what harm is done by having the current 25,000 square footage limit that is proposed to be eliminated. Ms. Stovall referred to the applicant's comments, along with input staff received from the police department and the lack of input from building safety. There does not appear to be any harm in lifting the 25,000 square foot limitation.

APPLICANT RESPONSE:

Mr. McLaren clarified that while the demand drives the increase in square footage, one of the keys to the lifting of the size restrictions is that there are only 130 licensed marijuana distributors in the state of Arizona. Each of those licenses allow for only one cultivation site so in a different licensing circumstance you could have four different sites of 25,000 square feet to get to 100,000 square feet if that was the demand. In this scenario, if an applicant wants to meet the demand of 100,000 square feet, they would not be able to do that in the municipality of Tempe and would have to go to a neighboring municipality that could allow them such a site.

PUBLIC COMMENT: NONE

DISCUSSION BY THE COMMISSION:

Commissioner Sumners stated to be competitive they could not look at Tempe if they wanted this size and he would like us to be competitive. He will be supporting the proposal.

Commissioner Amorosi stated this is a highly regulated industry and Tempe would lose out on this due to the restriction. He would prefer Tempe get some of the tax revenue from this type of business.

Vice Chair DiDomenico stated this is a legal use it seems strange to him that the city would put a size restriction on any type of business. We do not tell other types of business how large they can be, so he likes the market to determine the size.

Commissioner Brown stated this is an economic advantage for the business but does not contribute to the character of Tempe.

Chair Lyon stated he likes what he has heard from everyone, but he cannot approve this request. He believes that original size restriction was put in for a reason and he has not heard enough to convince him that there is any good to be had by reversing it. He will not be supporting the application.

Commissioner Cassano stated he does not see how this impacts Tempe in an economic way that it would do harm to not request this applicant for a change in the code. He will not be supporting the request.

Motion: Motion made by Commissioner Johnson to approve PL200016 and seconded by Commissioner Sumners.

Ayes: Vice Chair DiDomenico, Commissioners Sumners, Amorosi and Johnson

Nays: Chair Lyon and Commissioners Brown and Cassano

Abstain: None

Absent: None

Vote: Motion passes 4-3


Staff Announcements:

Ms. Suparna Dasgupta, Principal Planner, reminded that Commission that the next meeting of the DRC will be on May 26, 2020. It is yet to be determined if this will be a regular meeting or conducted again through Webex. She thanked the IT staff and Commission members who took the time to come to the practice run and worked with staff through all the different practices sessions to make this work today. She appreciates the applicants' involvement via Webex.

There being no further business the meeting adjourned at 8:04 p.m.

Prepared by: Joanna Barry

Reviewed by: Suparna Dasgupta

A handwritten signature in black ink, appearing to read 'Suparna Dasgupta', written in a cursive style.

Suparna Dasgupta, Principal Planner, Community Development, Planning