

**Minutes of the
Development Review Commission
REGULAR MEETING
July 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**

Present:

Chair David Lyon
Vice Chair Michael DiDomenico
Commissioner Scott Sumners
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Andrew Johnson
Commissioner Steven Bauer

City Staff Present:

Chad Weaver, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Lee Jimenez, Senior Planner
Robbie Aaron, Planner I
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Barbara Lloyd
Alt Commissioner Michelle Schwartz

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

Consideration of Meeting Minutes:

1. Development Review Commission – Study Session 05/26/20
2. Development Review Commission – Regular Meeting 05/26/20

Motion: Motion made by Vice Chair DiDomenico to approve Regular Meeting minutes and Study Session Meeting minutes for May 26, 2020 and seconded by Commissioner Amorosi.

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

Nays: None

Abstain: Commissioner Bauer

Absent: None

Vote: Motion passes 6-0

3. Development Review Commission – Study Session 06/09/20
4. Development Review Commission – Regular Meeting 06/09/20

Motion: Motion made by Commissioner Johnson to approve Regular Meeting minutes and Study Session Meeting minutes for June 9, 2020 and seconded by Commissioner Amorosi.

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

Nays: None

Abstain: Commissioner Bauer

Absent: None

Vote: Motion passes 6-0

The following items were considered for Consent Agenda:

5. Request a Preliminary Subdivision Plat to subdivide fourteen (14) parcels into six (6) lots in the PCC-2 District for **TEMPE MARKET STATION** located at 1953 East Rio Salado Parkway. The applicant is 3 Engineering, LLC. (PL190138)

Motion: Motion made by Vice Chair DiDomenico to approve PL190138 and seconded by Commissioner Cassano.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

The following items were considered for Public Hearing:

6. Request a Development Plan Review for a new 5,500 square-foot commercial building for **TEMPE CROSSINGS 2 LOT 1**, located at 9895 South Priest Drive. The applicant is Paradigm Design. (PL200068)

PRESENTATION BY APPLICANT:

Since this item was almost on the Consent Agenda, Chair Lyon asked Mr. Bill Hadlock, Paradigm Design, to respond to the question that was raised during Study Session regarding the sidewalk and see if the Commission members had further questions.

Mr. Hadlock advised that there are six (6) owners who are part of an association that owns the parking so the applicant cannot just go in and fix that. Commissioner Amorosi asked if the six owners are going to keep up the rest of the property. Mr. Hadlock advised that he has not met any of the other owners, so he does not have an answer for that.

PRESENTATION BY STAFF:

None – Commission proceeded to a motion.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Motion: Motion made by Commissioner Cassano to approve PL200068 and seconded by Commissioner Johnson.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

7. Request a Use Permit to reduce the side yard setback for a fifteen-foot high accessory building from nine (9) feet to the district standard of five (5) feet for the **MENDIVIL GARAGE**, located at 507 West Manhattan Drive. The applicant is Rita Mendivil. (PL200102)

PRESENTATION BY APPLICANT:

Ms. Rita Mendivil, applicant, advised they are building an RV garage in the back and it will have a bathroom so that their grandchildren can go in there from the pool versus going through the house all wet. Chair Lyon asked what the siding material was, and Mr. Mendivil advised it was T1-11.

Commissioner Cassano advised the applicant that staff had received a communication from someone in the neighborhood who had a concern that the structure would become an apartment or a second residence on the property and asked if that was ever a plan. The applicant advised that it was not.

Vice Chair DiDomenico asked what was stopping the applicant from building it in the nine (9) feet setback. Ms. Mendivil advised that there was a tree there and that they did not want to lose it since it was planted by Mr. Mendivil's father. Vice Chair DiDomenico asked how far away the tree is going to be from the wall of the structure as it looks like it is much further than four (4) feet. Mr. Mendivil stated that he has not measured it but believes it to be 4-5 feet.

PRESENTATION BY STAFF:

Mr. Robbie Aaron, Planner I, gave an overview of the applicant's request. He advised that the bathroom is not accessible from the interior of the RV garage. The pool bathroom has a small shower, sink and a toilet. Mr. Aaron went over the Use Permit criteria and stated that the applicant's request met each one. No neighborhood meeting was required. Staff received one phone call in support of the project and one email opposing it.

Commissioner Sumners asked if staff has heard from the neighbors to the east of the applicant's property since they are the ones that would seem most affected by this structure. Mr. Aaron advised that he has not heard from the neighbors to the east. Vice Chair DiDomenico mentioned that in the chat section of the Cisco Webex meeting a comment was posted by John Wallace, neighbor at 501 West Manhattan stating: "This is John Wallace at 501 West Manhattan Drive, next door neighbor, and I have no problem with the variance. The Mendivils are good neighbors and people". Mr. Aaron noted that Mr. Wallace's property is directly east of the applicant's property.

Ms. Suparna Dasgupta, Principal Planner, clarified that regarding public comment, postcards were sent out to all the residents within 600 feet of the applicant.

Commissioner Sumners asked if the plywood material finish would be allowed under code. Mr. Aaron advised that from a planning standpoint, staff does not get involved with the design and is not aware of the zoning code aspects for this. Chair Lyon asked what additional approvals the project will require as far as building permits. Mr. Aaron advised that it requires Building Safety permits such as electrical, foundation, etc. If the siding was something that was not approved by Building Safety, it would be noted at that time and they would have to bring it up to code if needed.

PUBLIC COMMENT: Comment previously read into the record by Vice Chair DiDomenico from Mr. John Wallace, Tempe resident, as received via Cisco Webex chat.

APPLICANT RESPONSE:

Applicants inquired about what the next step they need to do if the Use Permit is approved. Ms. Dasgupta advised the applicant that they would have to obtain building permits via separate application. Staff will refer them to the Permit Center, and they will walk them through the process to get the permits to put the project back into an authorized construction. Mr. Aaron will be in contact with the applicant within the next day to provide them with all that information.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Cassano stated that he drove by the property and had a very hard time seeing the garage from the road. Chair Lyon stated that he lives in the area and walks his dogs every day past this property and he has never seen the structure from the street.

Motion: Motion made by Commissioner Amorosi to approve PL200102 and seconded by Commissioner Cassano.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

8. Request a Use Permit to allow a travel trailer in the required front yard building setback for the **WINFREY TRAILER**, located at 2439 East Geneva Drive. The applicant is Pamela Winfrey. **(PL200112)**

PRESENTATION BY APPLICANT:

Ms. Pamela Winfrey, applicant, went over her request and advised that the trailer is in the gravel section under a tree. She advised that she uses this trailer as her writing studio.

Commissioner Cassano asked if there was any way to park the trailer in the backyard. Ms. Winfrey stated that she had done some measurements of the alleyway and egress, and unfortunately, she cannot get the van that she pulls it with and the trailer into the backyard.

Commissioner Amorosi asked Ms. Winfrey about trimming the tree that is behind the trailer and then moving the trailer back into the side area and put a fence up so it cannot be seen. Ms. Winfrey stated that the eaves on the house are lower than the trailer. Commissioner Amorosi noted that she could change the eaves or put a bigger gate in the back alley area to make the turn. Ms. Winfrey advised that there is pool plumbing on the other side of the gate so that would have to be moved in order to do that. She also does not know how she could get the trailer in since the van is very long and she could not get both of them in. Commissioner Amorosi asked if she could create a gate on the east side of the property and was advised that there is not enough space to get the trailer and the van in. Commissioner Amorosi stated if only the trailer was there it should not be a problem. Ms. Winfrey asked how it is possible to move the trailer without the van and Commissioner Amorosi advised that she could back the trailer up with the van, then unhitch the trailer and move the van. Ms. Winfrey stated it is possible, but it would mean getting rid of all of the plants in that area.

Chair Lyon asked if there would be a way to back the trailer into the backyard and then detach the van. Ms. Winfrey stated there is only three inches clearance on the existing gate and she does not see how she could do that since the alley is only 16 feet wide.

Ms. Winfrey asked if it makes a difference if it is in the driveway or just parallel to the driveway. Chair Lyon advised that he would have Mr. Aaron respond to that during his presentation.

PRESENTATION BY STAFF:

Mr. Robbie Aaron, Planner I, gave an overview of the Use Permit request. He showed an aerial photo of the property and noted three spots in the driveway and next to the driveway where Ms. Winfrey stated she could park the RV. Mr. Aaron advised that none of those options would be allowable since it would be a violation of code because it is within the front yard setback. No neighborhood meeting was required, and staff received one (1) phone call and two (2) comments in support of the request and seven (7) comments in opposition. Most of the comments that were in opposition noted that they did not want this to set a precedent for the neighborhood. Staff cannot support the approval of this Use Permit and is recommending denial.

Commissioner Cassano wanted clarification that this was still a violation as it has been in the past and stated that staff answered that in their presentation.

Vice Chair DiDomenico asked staff if it was the nature of the vehicle that is being parked as opposed to its size or condition. Mr. Aaron advised that the issue is that this trailer must be pulled by another vehicle and is not an operable vehicle in and of itself. If it was a motorhome that was less than 20 feet, it would be allowed since it could be driven and is motorized.

Mr. Steve Abrahamson, Principal Planner, advised that if the vehicle has no locomotion of itself it is not allowed. If it is a vehicle with locomotion it can be up to 21 feet in length, anything larger would require a Use Permit.

Commissioner Johnson asked how far in the trailer breaches the 20 foot setback. Mr. Aaron advised that he did not take measurements and does not know. Commissioner Johnson noted that on the aerial map there is a house two house away from Ms. Winfrey's residence that has a trailer on the side of the house and commented about the applicant moving their trailer to the side of their house.

PUBLIC COMMENT:

Ms. Dasgupta advised that staff just received a Cisco Webex chat message from Mr. Bill Goodenberger, Tempe resident, stating: "I am Pam's across the street neighbor. The trailer is quite unobtrusive. I am just across the street."

APPLICANT RESPONSE:

Ms. Winfrey stated she is disappointed but does appreciate the Commission's inquiries and suggestions on what could be done with the trailer. She is now going to have to sell the trailer and she really does not want to have to do that during the COVID outbreak. She advised that she did call the City prior to purchasing the trailer and inquired about length requirements. She could not recall whether she stated it was a trailer or an RV but was told that as long as it was under 21 feet it would be fine, so she went ahead and brought it.

Ms. Winfrey asked how long she has to remove the trailer since it will take a while for her to sell it. Mr. Abrahamson stated it would depend on the Code Compliance Division, but generally she would have two (2) weeks. Ms. Winfrey asked if there was any way to extend that since COVID has shut everything down and was advised that by code she only has two weeks. Ms. Winfrey asked about an appeal and Chair Lyon stated he could not recommend for or against the appeal. She asked if there were laws about having it parked in the street and Mr. Abrahamson advised that he believed it could only be parked there for 72 hours. Mr. Abrahamson stated that staff would contact Code Compliance to see if they could allow Ms. Winfrey some more time.

Commissioner Amorosi suggested to Ms. Winfrey that there are storage lots in the area where people can park RV's at a minimal cost and maybe she could use one of those until she sells the RV. Ms. Winfrey thanked him for the suggestion.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Chair Lyon stated that it is widely held that the appearance of RVs and trailers in front yards marks a decline in property values. Based on that he could not approve this application.

Vice Chair DiDomenico suggested continuing this item to the August 11, 2020 DRC hearing. Commissioner Sumners stated that he was considering the same recommendation.

Commissioner Bauer advised Ms. Winfrey that he pulled records for several Royal Palms units in the area and they have the same restrictions. Commissioner Bauer stated that he could support a continuance, but he could not support the application as it is.

Chair Lyon stated he feels conflicted on continuing this case and asked for a motion.

Vice Chair DiDomenico stated he could not support the application at the next hearing minus significant changes.

Motion: Motion made by Vice Chair DiDomenico to continue PL200122 to the 8/11/20 DRC hearing and seconded by Commissioner Sumners.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

Chair Lyon advised Ms. Winfrey that the case will be heard again on 8/11/20. Ms. Winfrey asked that if it was denied at that hearing would she get another two weeks after that date and was advised that was correct. Chair Lyon noted that he had forgot to ask the applicant if she was okay with a continuance, and if not, the motion would be invalid. Ms. Winfrey stated she agreed with the continuance.

Staff Announcements:

Ms. Dasgupta advised the Commission of the cases that would be heard at the 8/11/20 DRC hearing.

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

Prepared by: Joanna Barry

Reviewed by: Suparna Dasgupta, Principal Planner

A handwritten signature in cursive script, appearing to read "Suparna Dasgupta", is written in black ink.