



Minutes of the Development Review Commission REGULAR MEETING July 27, 2021

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 Michael DiDomenico
Vice Chair Commissioner Steven Bauer
Commissioner Scott Sumners
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Michelle Schwartz
Commissioner Barbara Lloyd

City Staff Present:

Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Diana Kaminski, Senior Planner
Lee Jimenez, Senior Planner
Karen Stovall, Senior Planner
Obenia Kingsby, Planner II
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Linda Spears
Alt Commissioner Rhiannon Corbett

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

- 1) Election of Chairperson and Vice Chairperson

Motion: Motion made by Commissioner Cassano to appoint Michael DiDomenico as Chairperson and Steven Bauer as Vice Chairperson and seconded by Commissioner Amorosi.

Ayes: Vice Chair Bauer and Commissioners Schwartz, Cassano, Sumners and Amorosi

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

Consideration of Meeting Minutes:

- 2) Development Review Commission – Study Session 06/08/21
- 3) Development Review Commission – Regular Meeting 06/08/21

Motion: Motion made by Commissioner Sumners to approve Regular Meeting minutes and Study Session Meeting minutes for June 8, 2021 and seconded by Commissioner Cassano.

Ayes: Vice Chair Bauer and Commissioners Schwartz, Cassano, Sumners and Amorosi

Nays: None

Abstain: Chair DiDomenico and Commissioner Lloyd

Absent: None

Vote: Motion passes 5-0

The following items were considered for Consent Agenda:

- 5) Request a Preliminary Subdivision Plat for **BEST WESTERN TEMPE**, located at 670 North Scottsdale Road. The applicant is Gilbert Land Surveying, PLC. **(PL200194)**
- 7) Request a Use Permit to allow entertainment (karaoke) for **FINAL ROUND SPORTS BAR & GRILL**, located at 5030 South Mill Avenue, Suite No. D20. The applicant is Ronetta Andersen. **(PL210148)**
- 8) Request a Use Permit to allow a allow a restaurant with a drive-through for **TEMPE EATS**, located at 85 East Southern Avenue. The applicant is Andrews Design Group, Inc. **(PL210162)**
- 9) Request a Use Permit to allow a tobacco retailer for **GRAVITATE SMOKE SHOP**, located at 7707 South Kyrene Road, Suite No. 109. The applicant is Phnx Design, LLC. **(PL210163)**
- 10) Request a Use Permit Standard to allow a 20% reduction of the required front yard setback from 20 feet to 16 feet for the **SCOMA RESIDENCE**, located at 1213 South Wilson Street. The applicant is Troy Scoma. **(PL210186)**
- 11) Request a Use Permit to allow for an expansion of an existing Massage Therapy establishment for **THE NEUROMUSCULAR STUDIO, LLC**, located at 430 West Warner Road, Suite 110. The applicant is Rachel Carroll of The Neuromuscular Studio, LLC. **(PL210191)**
- 12) Request a Use Permit to allow residential use in the CSS, Commercial Shopping and Service district and a Development Plan Review for a new **two-story** multi-family residential development consisting of five (5) ~~two-story~~ units for **KASITA**, located at 605 West Southern Avenue. The applicant is Huellmantel & Affiliates. **(PL210122)**

***Ms. Diana Kaminski, Senior Planner, read into the record a public comment that was submitted:**

"Regarding tonight's meeting on this proposal by the Development Review Commission, I have a few comments.

1. *This is a very small lot for the proposed usage. Will it include adequate parking spaces, landscaping, lighting, stormwater drainage, and other elements that typically occur in larger developments? (Note: there is already a great deal of street parking in this neighborhood due to inadequate space in nearby apartments and condos.)*
2. *What setbacks will be retained for sidewalks and streetfront landscaping?*
3. *Please ensure that any portion of the proposed development, including signage and landscaping, does not interfere with traffic sightlines at the Southern/Roosevelt intersection. Traffic moves fast through this intersection and good visibility must be maintained. Thanks! Tom Wright"*

Ms. Kaminski advised that she did reply to Mr. Wright to address his concerns.

Motion: Motion made by Commissioner Amorosi to approve Consent Agenda and seconded by Commissioner Cassano

Ayes: Chair DiDomenico, Vice Chair Bauer and Commissioners Schwartz, Cassano, Sumners, Amorosi and Lloyd

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

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

- 4) Request a Preliminary Subdivision Plat for **250 RIO**, located at 250 West Rio Salado Parkway. The applicant is Gammage & Burnham, PLC. (**PL210130**)

PRESENTATION BY APPLICANT:

Ms. Manjula Vaz, Gammage & Burnham, PLC, gave a brief presentation on the request.

Commissioner Amorosi asked about the parking on the City land and if it would be taken out. This is used for the events at Tempe Beach Park, and he wanted to know how much of the parking would be taken away and if the developer is going to work out an agreement with the City where they would be able to use the six-story parking garage for special events. Ms. Vaz highlighted the property that they will be swapping with the City for their portion. The property that the City would obtain can be used for parking. The existing parking lot will remain. They are just starting this process so they will be back before the Commission hopefully later this year when they will have a proposal together.

PRESENTATION BY STAFF:

Mr. Obenia Kingsby II, Planner II, did not have any additional information to add.

PUBLIC COMMENT:

Ms. Suparna Dasgupta, Principal Planner, provided a summary of a public comment that was received on this item:

Ms. Kathleen Iovino, Tempe resident, had some confusion/questions about the ownership of the property (she had noted she wanted to speak on the item, however she is currently not online). Ms. Dasgupta advised that she had responded to Ms. Iovino and provided her with a copy of the staff report and the PLAT information. The property is currently owned by American Airlines and a portion of it by the City of Tempe.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Motion: Motion made by Commissioner Sumners to approve PL210130 and seconded by Commissioner Amorosi

Ayes: Chair DiDomenico, Vice Chair Bauer and Commissioners Schwartz, Cassano, Sumners, Amorosi and Lloyd

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

- 6) Request a Use Permit to allow temporary outdoor vending (ghost kitchen) for **REEF KITCHENS**, located at 2115 South McClintock Drive. The applicant is REEF Kitchens. (**PL210124**)

PRESENTATION BY APPLICANT:

Mr. Kelly Milligan, Reef Kitchens, gave an overview of their request. This site is more unique than the other two Reef Kitchen applications they have previously presented to the Commission. They plan to occupy the northeast corner of the property, leaving the frontage along McClintock Drive and the southern part of the building alone. There would only be one trailer maximum on this site, with two to three dedicated stalls on the backside of the building for drivers and staff.

Commissioner Schwartz noted she has driven by the site and there is already a temporary trailer there. Mr. Milligan advised that they are currently doing testing for staff training and there are currently no sales going on. Commissioner Schwartz also noted that it appears that temporary power and restrooms are to the south of the trash enclosure which is not what is depicted in the site plans. Mr. Milligan stated that he believes the generator is a temporary measure only to support training and that they will be tapping into the existing infrastructure of the building

if and when the DRC approves their Use Permit. The portable restroom is required by Maricopa County Health Department code to be a minimum of 25 feet away. He noted that he should have made a revision to the site layout to note this, however the information from the MCHS was late coming in. Commissioner Schwartz asked if there had been any site outreach on this project to the adjacent landowner to the east, especially since there will not be any site fencing around it. Mr. Milligan advised that he personally had not conducted any outreach, but he believes that their development team does that.

PRESENTATION BY STAFF:

Mr. Lee Jimenez, Senior Planner, advised that the hours of operation for the kitchen will be from 11:00 a.m. to 2:00 a.m. daily with two employees on hand. Staff spoke with Traffic Engineering and they felt it would be best to have the alley portion at the rear of the site repaved since it is currently in disrepair and that there will be additional traffic due to vehicles accessing the vessel. This request was advertised through the traditional public hearing notification with postcards sent to property owners within 600 feet, sign posting on site, and the agenda advertised in the newspaper. No concerns were received from the residents to the east of the site.

Commissioner Schwartz asked if there is a sunset clause since this is advertised as temporary vending and if/when it would be reviewed again. Mr. Jimenez advised that there is no sunset clause, and that this temporary status is due to the kitchen will be outdoors in a non-permanent structure. Commissioner Schwartz noted that the parking and vehicular access to the site appears to be challenging given the location of the dumpster, etc. Mr. Jimenez noted that the parking requirement for the convenience/retail store is nine spaces. There are six spaces provided along McClintock Road on the front. Based on historical aerials, there were three parallel spaces striped to the south of the building and two on the rear just south of the refuse enclosure so there are 11 spaces, but only 10 are required including the one for Reef Kitchens. Mr. Jimenez did create a condition of approval that limits the pickup of food items to the parallel spaces along the south of the building to mitigate any impact to the adjacent residential property to the east.

Commissioner Summers asked what happens if this does become an issue if the neighbors complain. Mr. Jimenez advised that if this occurred the Use Permit could go through the revocation process, with the first step being a 30-day notice for an Administrative Hearing with staff to go over the issues at hand. This gives the operator/applicant time to rectify any of the issues or concerns. If there are still concerns after the 30 days, City staff would take it through the revocation process, and it would be brought back before the Development Review Commission for possible revocation.

Chair DiDomenico noted that in the past if the Commission felt that there could be a possible concern with a Use Permit, they could set it so that it comes back for review at a later date. If the Commission chooses, that could be added as a condition of approval.

PUBLIC COMMENT: NONE

APPLICANT RESPONSE:

Mr. Milligan stated that Reef Kitchens is committed to being good partners to all of the cities and neighborhoods they encounter, and they are agreeable to all of the conditions of approval in the staff report. Chair DiDomenico asked Mr. Milligan how many Reef Kitchens they have active in Maricopa County and was advised there were currently four including this proposed site, all strictly located in Tempe at this time.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Schwartz still has some concerns about his location due to the confined space and proximity to the neighbor to the east.

Commissioner Lloyd noted that she served as an Alternate Commissioner for one of the other Reef Kitchen requests and that they have always appeared to be responsive to any potential concerns.

Commissioner Sumners stated that this project aside, he feels there needs to be a discussion in the future on temporary Use Permits and a permanent Use Permit and how they fit together.

Vice Chair Bauer noted that Use Permits have not necessarily all been permanent, but rather based on conditions. If those conditions are ever violated, then it is the ability of staff to require compliance or proceed with the revocation process.

Motion: Motion made by Commissioner Amorosi to approve PL210124 and seconded by Commissioner Cassano

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

Nays: Commissioner Schwartz

Abstain: None

Absent: None

Vote: Motion passes 6-1

Commission Announcements:

Chair DiDomenico congratulated both Commissioner Schwartz and Lloyd for becoming members of the full Commission instead of alternates.

Staff Announcements:

Ms. Dasgupta advised the Commission and the public of the items that will be on the August 10, 2021 agenda. This meeting will be both hybrid and in-person.

Mr. Ryan Levesque, Deputy Director – Community Development, advise that the August 10th meeting was legally advertised to be in person, so the City will abide by that for this meeting as well as enable the public to attend virtually. Once it has been determined, staff will post the safety guidelines to be put in place for this meeting.

There being no further business the meeting adjourned at 6:44 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Suparna Dasgupta, Principal Planner

