



## Minutes of the Development Review Commission REGULAR MEETING October 12, 2021

Minutes of the Regular Meeting of the Development Review Commission, of the City of Tempe, was held via Cisco Webex

**Present:**

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

**City Staff Present:**

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

**Absent:**

Alt Commissioner Linda Spears  
Alt Commissioner Rhiannon Corbett

**Hearing convened at 6:08 p.m. and was called to order by Chair DiDomenico**

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**Consideration of Meeting Minutes:**

- 1) Development Review Commission – Study Session 08/24/21
- 2) Development Review Commission – Regular Meeting 08/24/21

**Motion:** Motion made by Commissioner Cassano to approve Regular Meeting minutes and Study Session Meeting minutes for August 24, 2021 and seconded by Commissioner Amorosi.

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

**Nays:** None

**Abstain:** None

**Absent:** None

**Vote:** Motion passes 7-0

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

- 3) Request a Development Plan Review for a new +/- 2,626 square-foot building for **STARBUCKS AT SOUTHERN PALMS**, located at 3206 South McClintock Road. The applicant is Archicon Architecture & Interiors, L.C. (PL210165)
- 5) Request a Use Permit to allow a massage establishment for the **SELF-CENTERED DETOX AND REJUVENATION SPA**, located at 1840 East Warner Road, Suite 123, in the PCC-1, Planned Commercial Center Neighborhood Zoning District. The applicant is Barbara Jacoboski (PL210238).
- 6) Request a Use Permit to allow temporary outdoor vending (ghost kitchen) for **GOPUFF**, located at 2435 South Industrial Park Avenue. The applicant is Quarles & Brady, LLP. (PL210246)

- 7) Request a Use Permit to allow a massage establishment for the **SONORAN SERENITY SPA**, located at 1628 East Southern Avenue, Suite 13, in the PCC-2, Planned Commercial Center General Zoning District. The applicant is Kiera Stroud (**PL210255**)

**Motion:** Motion made by Commissioner Sumners to approve Consent Agenda and seconded by Commissioner Cassano.

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

**Nays:** None

**Abstain:** None

**Absent:** None

**Vote:** Motion passes 7-0

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

- 4) Request two (2) Use Permits to allow a second story addition to an existing single-level single family residence, and to increase the maximum height of wall/fencing within the required front yard setback from four (4) feet up to six (6) feet for **THE PENDERGRAFT RESIDENCE**, located at 726 East Broadway Lane. The applicant is Marc Pendergraft. (**PL210120**)

#### **PRESENTATION BY APPLICANT:**

Mr. Marc Pendergraft went over his Use Permit requests. He is looking forward to renovating his property and improving the value of his home and the surrounding neighborhood. The property is currently in poor condition, especially the roof and the interior. There have been over six (6) different police reports about people breaking into the property, squatting on the property, and drug use on the property. The property is currently boarded up for protection, but people keep breaking into it. The city bus stop is right out front of this property which is why he thinks it is necessary for the wall in front of the yard for safety, a little more privacy, and to improve the appearance of the property.

Chair DiDomenico asked Mr. Pendergraft how long he has owned this property and was advised it was purchased in January 2021. Chair DiDomenico asked what the applicant's plan were after the property was renovated; whether he would reside there, sell it, or rent it out. Mr. Pendergraft indicated it was an investment property that he may end up selling but has not decided yet.

Commissioner Lloyd noted that there are six bedrooms planned for this site and asked Mr. Pendergraft if that means there will be six parking curbs and six cars on site and, if so, how does he plan to address that. Mr. Pendergraft stated that they are enclosing the carport to make it a garage, so there will be two spaces in the garage, two in the driveway, and they also have one spot allotted to them on the side street in front of the property. They were looking to installing a gate at the back of the property for an additional 1-2 spots, like what the neighbor behind them has. Commissioner Lloyd also stated that in the plans that were submitted there was no mention of colors and renderings or the materials he plans to use. She would like to see a little more detail regarding what the end product will look like. Mr. Pendergraft stated that he will be sure they are up to code and match the area, such as tans and grays.

Commissioner Amorosi stated that it seems like Mr. Pendergraft is turning a single-family home into a boarding house because the issue of having the staircase right by the front door takes out the living room space, there is no dining room space, and for the kitchen it is showing only a space for four seats but there are six bedrooms. Also, the fact that the gate is all the way on the west side for people to walk in shows that he is not really concentrating on the front door entry and how to get deliveries if there are people there that are not going to be staying there a long time or if it is going to be short term. Commissioner Amorosi stated that since the City does not have any standards for interior space that it appears the applicant is maximizing bedrooms without any thought as to how people can live inside the house. Mr. Pendergraft advised that there is additional space for the dining room in the room north of the kitchen. There is also space in the upstairs loft. Regarding the entrance to the property, with the front gate sliding to the east they could not put the main gate in there because the gate would be blocking the area while open.

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**PRESENTATION BY STAFF:**

Mr. Lee Jimenez, Senior Planner, gave an overview of the request. A neighborhood meeting was not required for these permits and staff did not receive any public comment.

Commissioner Amorosi noted it states that this property is part of the University Heights neighborhood, but he believes this is part of the Daley Park neighborhood. Mr. Jimenez stated that the area that he described to be University Heights is based on the subdivision title, not the neighborhood association.

Commissioner Sumners asked Mr. Jimenez how many parking spaces are required for this home. Mr. Jimenez advised that the requirement is two parking spaces. Commissioner Sumners noted that the City of Tempe installed a wall that runs down Broadway Road between Mill Avenue and Rural Road. He asked if that was to provide a buffer/screening or for something else. Mr. Jimenez stated that he was not sure but believes it was to provide a buffer. The wall does not extend to the site of the subdivision. Staff is recommending approval of the wall based on the proximity to Broadway Road, which is an arterial, and also due to the site being directly adjacent to retail uses across Broadway Road and to the south.

**PUBLIC COMMENT:** NONE

**RESPONSE FROM APPLICANT:**

Mr. Pendergraft stated he is looking forward to working on the project and thanked the Commission for their time.

**COMMENTS AND DISCUSSION FROM THE COMMISSION:**

Commissioner Sumners stated that if it were not for the applicant needing entry to their property that the wall to the west would have continued all the way up to the site. He approves of the project and made a motion to approve.

Commissioner Amorosi stated he is worried that if the Commission approves these types of structures in a single-family neighborhood, they are going to see a lot more of them, maybe in their own neighborhood. Chair DiDomenico noted that the location of this site and its proximity to strip retail, laundromat, and the high traffic on Broadway Road makes it a little unique compared to the average infill site. This is a tougher one but there are other mitigating circumstances.

Commissioner Lloyd wanted to note for the record that she has concerns as there is no pretense that this is a luxury development, but rather it will be rented out by the bedroom. She has some concerns about the nuisance it could create but based on where it is located and the existing zoning there is not much the Commission can do to say it is not allowed. Commissioner Lloyd supports the addition of a second story in these types of uses and will vote in favor but does have some reservations about the overall design and use of space.

**Motion:** Motion made by Commissioner Sumners to approve PL210120 and seconded by Commissioner Cassano.

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

**Nays:** Commissioner Amorosi

**Abstain:** None

**Absent:** None

**Vote:** Motion passes 6-1

- 5) Request a code text amendment consisting of changes within the Zoning and Development Code for **ANNEXATION AMENDMENT**, including changes to Section 2-106. The applicant is City of Tempe. (PL210299)

### **PRESENTATION BY STAFF:**

Mr. Ryan Levesque, Deputy Director – Community Development, stated this is a code text amendment based on the Council Community as a Whole working group for the county island that started in March of 2019. There was approximately a two-year time period where they discussed county island options and considerations and how to move potential annexations forward within the process. Since that time there have been two annexations become part of the City: one in the north county island and the other in the county island in southwest Tempe. Prior to that it had been about 20 years since the City had processed an annexation request. Since that time and through the Banyan project development entitlements the City found there were some opportunities to improve the process, whereby someone goes through the process looking at our codes, regulations, and policies. Specifically, this element came up as a result of the zoning process that occurs through annexation. To help simplify the text amendment when a property is annexed into the City. As part of the current annexation process the property receives the lowest density designation which is AG Agricultural District. A property owner then has up to one year to rezone the property free of cost. What the City proposes is to be more in line with other cities and state law that basically allows an annexed property that is classified into the City with a zoning district or districts that allow density and uses that are no greater than the uses permitted by Maricopa County. Tempe is basically looking at getting equal or comparable zoning into the City. An example might be the Banyan North county island where if the zoning process had occurred or the annexation process allowed a General Industrial Zoning District because that is the zoning for the existing land uses that are out there today in the county island regulations. There are also additional provisions that talk about how if an applicant wants to process a concurrent application for rezoning and what that process would be running simultaneously through the annexation process. This text amendment helps to clean up some of the code and address some of the concerns property owners have with receiving an agricultural zoning designation and legal non-conforming uses. This helps to bring projects into the City that are more in concert with what might be out in current operation in City county island properties today.

Commissioner Cassano stated it looks straight-forward and it is long overdue that we address adjustments to the annexation codes.

Chair DiDomenico stated that it has been a while since the City had gone through the annexation process and that if there is going to be more annexation requests it is good the City is getting a head start at cleaning up some of the process.

### **COMMENTS AND DISCUSSION FROM THE COMMISSION:**

**Motion:** Motion made by Commissioner Vice Chair Bauer to approve PL210299 and seconded by Commissioner Sumners.

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

**Nays:** None

**Abstain:** None

**Absent:** None

**Vote:** Motion passes 7-0

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### **Staff Announcements:**

Ms. Suparna Dasgupta, Principal Planner, advised the Commission that the next hearing will be on October 26, 2021 in the Council Chambers. Ms. Dasgupta informed the Commission of the items that will be on the agenda for that meeting.

Ms. Dasgupta also advised the Commission that on October 20, 2021 there will be a meeting to present the Historic Preservation updated plan. The plan will be uploaded to the website the same day, so this is an introductory meeting. The meeting will be via Zoom and she will forward the information to the Commission.

**There being no further business the meeting adjourned at 6:47 p.m.**

Prepared by: Joanna Barry, Administrative Assistant II  
Reviewed by: Suparna Dasgupta, Principal Planner

A handwritten signature in black ink, appearing to read "Suparna Dasgupta". The signature is written in a cursive style with a large initial "S" and "D".