



Minutes of the Development Review Commission REGULAR MEETING October 26, 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:

Vice Chair Steven Bauer
Commissioner Scott Sumners
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Barbara Lloyd
Commissioner Michelle Schwartz
Alt Commissioner Charles Redman

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
Jacob Payne, Planner I
Joanna Barry, Administrative Assistant II

Absent:

Chair Michael DiDomenico
Alt Commissioner Linda Spears
Alt Commissioner Rhiannon Corbett

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

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session 09/14/21
- 2) Development Review Commission – Regular Meeting 09/14/21

Motion: Motion made by Commissioner Amorosi to approve Regular Meeting minutes and Study Session Meeting minutes for September 14, 2021 and seconded by Commissioner Cassano.

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

Nays: None

Abstain: None

Absent: Chair DiDomenico

Vote: Motion passes 7-0

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

- 4) Request a Use Permit to allow a tobacco retailer for **TRITON SMOKE TEMPE**, located at 655 West Warner Road, Suite 119. The applicant is Triton Smoke Tempe. (PL210295)
- 6) Request a Zoning Map Amendment from CSS (TOD) to MU-3 (TOD); a Planned Area Development Overlay (PAD); and a Development Plan Review for a new three-story mixed-use development consisting of 75 dwelling units and commercial uses for **APACHE ROCK APARTMENTS**, located at 1935 East Apache Boulevard. The applicant is Huellmantel & Affiliates. (PL210180)

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

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

Nays: None

Abstain: None

Absent: Chair DiDomenico

Vote: Motion passes 7-0

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

- 3) Request two (2) Use Permits to allow an expansion of a bar (series 6), and an expansion of live entertainment (indoor) for **DARKSTAR / TRUMBULL'S**, located at 526 South Mill Avenue. The applicant is Mill Workers Union, LLC. (PL210239)

PRESENTATION BY APPLICANT:

Mr. Charles Huellmantel, Huellmantel & Associates, advised that the owner of the property had asked that applicant if he would be willing to take over the vacant bank space adjacent to the site he currently occupies. The Use Permits would allow them to expand the current business into the vacant space. Mr. Huellmantel went over the five Use Permit criteria and advised that the Tempe Police Department had no concerns with the request. Mr. Huellmantel then went over the site plan for the expansion.

Commissioner Redman stated that he wanted to hear this case as he has concerns about ambient noise and other noise in the downtown area.

PRESENTATION BY STAFF:

Mr. Lee Jimenez, Senior Planner, advised that no neighborhood meeting was required for this request and he has not received any public comments. Staff is recommending approval subject to the conditions of approval listed in the staff report. Conditions 9, 10 & 11 are non-standard conditions, and they are related to mitigation measures regarding the noise level. Condition #9 states that no speakers are permitted on the exterior of the expanded area and that if there are any speakers near the doorways or windows that they are all to be directed inward. Condition #10 stipulates the hours of operation for live entertainment beginning no earlier than 9:00 a.m. and ending no later than midnight on Sunday through Thursday and 2:00 a.m. and Fridays and Saturdays. Condition #11 addresses the required bicycle spaces since it is going from a retail use to bar use which increases the parking demand for bicycles.

Commissioner Redman stated that he thinks the proposal addresses the noise issues. He inquired how staff is implementing judgement on how they see growth in downtown Tempe as he feels the balance is shifting more towards bars and live entertainment. Mr. Jimenez advised that his question is more for the long-term planning group, however tonight's request meets all the Use Permit criteria and that is the basis they use to evaluate the request and make recommendations.

PUBLIC COMMENT: NONE

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Motion: Motion made by Commissioner Cassano to approve PL210239 and seconded by Commissioner Amorosi.

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

Nays: Commissioner Redman

Abstain: None

Absent: Chair DiDomenico

Vote: Motion passes 6-1

- 5) Request a Use Permit to allow entertainment (live singing, dancing, and music) for **TIME OUT LOUNGE**, located at 3129 South Mill Avenue in the PCC-1, Planned Commercial Center Neighborhood Zoning District. The applicant is Time Out Lounge. **(PL210287)**

PRESENTATION BY APPLICANT:

Mr. Raun Keagy, who is assisting that applicant, gave an overview of the request. The applicant intends to have the live entertainment start at 9:00 p.m. and end by 1:00 a.m. The shows are anticipated to occur on Thursday, Friday, and Saturday nights. There may be an occasional Sunday show or weekday afternoon or evening event. The shows will not affect any neighborhood business or parking in any way. All doors, both front and rear, will be closed during any live entertainment. A security plan will be submitted to the Tempe Police Department Crime Prevention Unit within 30 days of the approval of the Use Permit. One of the Conditions of Approval states that live entertainment will cease at 1:55 a.m. on Thursday through Saturday, however the applicant would like to roll that back to 1:00 a.m. The applicant agrees with all the staff stipulations in their report including the administrative review for compliance with the Conditions of Approval in six (6) months.

Commissioner Lloyd asked if the applicant had any information on the live music schedule for the other business nearby, Monkey Pants, compared to what they are requesting. Mr. Keagy advised that he did not have specific information on their live entertainment hours, however he believes they perform live karaoke on a regular basis.

Commissioner Amorosi referenced public comments that were received that indicated the applicant had live entertainment outside in the past and asked the applicant to address that. Mr. Keagy advised that there has not been any live entertainment outside, special event or otherwise, that have occurred at the property.

PRESENTATION BY STAFF:

Mr. Jacob Payne, Planner I, gave an overview of the floorplan for the live entertainment. The entertainment will occur in the west side of the suite, furthest away from the adjacent neighborhoods on the east and the north. No neighborhood meeting was required for this request and staff received 11 public comments. Eight of those comments were in opposition, referencing concerns about sound traveling to the adjacent neighborhoods and a desire for a trial period for the permit. The other three comments were in support of the request. Staff is recommending approval subject to the Conditions of Approval. There are three non-standard conditions requesting that the doors remain closed during the live entertainment, no speakers permitted on the exterior of the building, and that staff will be conducting an administrative review of the Use Permit within six (6) months.

Commissioner Lloyd asked if staff was aware of the specifics regarding the Monkey Pants establishment and how it will affect this request. Mr. Payne advised that he has not reviewed the Use Permit for Monkey Pants, however since it is live entertainment, they probably follow the same standards as the one for this request regarding hours of operation.

Commissioner Redman stated he approves of having a review in the first six (6) months. He asked if there is a threshold for noise and who decides that. Mr. Steve Abrahamson, Principal Planner, advised that the City of Tempe noise ordinance provides for mitigation should there be a citation given for excessive noise, which he believes in the evening hours is about 60 decibels. Violations would go through the Police Department and Code Compliance. Commissioner Redman asked if there is a difference since this venue is so close to a residential neighborhood. Mr. Abrahamson advised that the six-month review will rate any concerns with the noise.

PUBLIC COMMENT:

Ms. Suparna Dasgupta, Principal Planner, read a public comment into the record:

Mr. Robert Moore – Support: "I'd like to voice support for the 'Time Out Lounge' Use Permit Request allowing for entertainment. Small business venues facilitating live music in neighborhoods adds to our quality of life and are critical in maintaining a diverse and sustainable foundation for cultural growth and development. Time Out Lounge's commitment to nurturing our local live music scene is very commendable and a welcome asset to our neighborhood."

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Motion: Motion made by Commissioner Amorosi to approve PL210287 with applicant requested modification to stipulation #4 to reflect closing time of Midnight on Sunday through Wednesday, and 1:00 a.m. on Thursday through Saturday. Seconded by Commissioner Lloyd.

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

Nays: None

Abstain: None

Absent: Chair DiDomenico

Vote: Motion passes 7-0

- 7) Request a Planned Area Development and Development Plan Review for **GENERATIONS MEDICAL CENTER**, to increase landscaping and reduce the required parking for an existing 29,675 s.f. medical office located at 6301 South McClintock Drive. The applicant is Gammage & Burnham, PLC. **(PL210184)**

PRESENTATION BY APPLICANT:

Ms. Manjula Vaz, Gammage & Burnham, PLC., gave a brief overview of the request. The code for the site requires it to have 198 spaces, however it currently has 158 spaces. It has had 158 spaces for about 15 years. They are looking to create site specific parking standards to allow for more landscaping. A parking analysis was conducted pre-pandemic and it was determined that the property was adequately parked. The reduction in parking from the required 198 spaces to the current 158 spaces will not impact the surrounding businesses. The parking reduction will allow them to add 24 new trees, 84 new shrubs, and 219 accent plants.

PRESENTATION BY STAFF:

Ms. Diana Kaminski, Senior Planner, advised that staff conducted a study of the parking numbers in adjacent cities for medical uses and this fell within a similar range. An analysis of arial images from the last ten years was also conducted and the highest number was 139 spaces. A representative for the mosque located to the north of the site advised they are in opposition of this request and the documents they submitted were provided to the Commission.

A neighborhood meeting was required for this request and was held virtually on August 11, 2021. No members of the public participated in the meeting. Public input was received from a representative of the mosque and staff also received a call of inquiry from an attorney asking about the scope of the project and they also filed a request for information. Staff recommends approval subject to conditions. There are two unique Conditions of Approval: Condition #1 states that any intensification of the building size or use shall require conformance with the parking ratios in the PAD, and Condition #2 states that any future shared parking agreement shall be submitted to Community Development for review and compliance of the site. The applicant has agreed to these conditions.

Commissioner Sumners stated he is not used to seeing a PAD for a single use. Ms. Kaminski advised the PAD is typically for mixed-use developments, but it can be done on just one lot with one use and that it is really related to the standards within the table for that zoning classification.

PUBLIC COMMENT: NONE

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Vice Chair Bauer noted this is a simple case with a very confusing history based on the documents provided by the adjacent landowner. There is ongoing litigation for a prior application that has nothing to do with this application. Vice Chair Bauer noted that he has toured this property at peak hour use, between 2:00-3:00 p.m., and there was more than enough parking on the site.

Commissioner Schwartz stated that her daughter has seen a physician in this building since 2014 and she has never had any issues with parking there on-site during regular business hours. She thinks the addition of the landscape will greatly help the development along with the addition of some pedestrian striping across the drive aisle.

Motion: Motion made by Commissioner Lloyd to approve PL210297 and seconded by Commissioner Cassano.

Ayes: Vice Chair Bauer, Commissioners Summers, Cassano, Amorosi, Lloyd, Schwartz, and Redman

Nays: None

Abstain: None

Absent: Chair DiDomenico

Vote: Motion passes 7-0

Staff Announcements:

Ms. Dasgupta advised that the next meeting will be on November 10th and reminded the Commission that this meeting will be held on a Wednesday instead of the usual Tuesday. She then gave an overview of the items on that agenda.

There being no further business the meeting adjourned at 6:59 p.m.



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