

**MINUTES OF THE  
DEVELOPMENT REVIEW COMMISSION  
STUDY SESSION  
July 23, 2013**

**HARRY E. MITCHELL GOVERNMENT CENTER  
TEMPE CITY HALL – CITY COUNCIL CHAMBERS  
31 EAST 5<sup>TH</sup> STREET  
5:30 p.m.**

Commission Present:

Paul Kent, Vice Chair  
Linda Spears  
Ron Collett  
Angie Thornton  
Dan Killoren

Commission Absent:

Dennis Webb  
Peggy Tinsley  
Dave Maza

City Staff Present:

Lisa Collins, Interim Community Development Director  
Steve Abrahamson, Planning & Zoning Coordinator  
Diana Kaminski, Senior Planner  
Lisa Novia, Administrative Asst. II

Vice Chair Kent began the Study Session at 5:30. It was determined that the minutes could be approved as drafted and Item Nos. 2, 3, 5, 6, 7 and 8 could be placed on the Consent Agenda should no one from the public wish any of the cases to be heard. Item No. 4 would be heard.

Having no other business to discuss, the Study Session was adjourned at 5:45.

Prepared by: Lisa Novia, Administrative Asst. II

Reviewed by: Lisa Collins, Interim Director Community Development Department

A handwritten signature in cursive script, appearing to read 'Lisa Collins'.

---

Lisa Collins, Interim Director, Community Development Department

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION JULY 23, 2013

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 E. 5<sup>th</sup> Street, Tempe, AZ 85281  
6:00 PM (5:30 Study Session)

Commission Present:

Paul Kent, Vice Chair  
Linda Spears  
Ron Collett  
Angie Thornton  
Dan Killoren

Commission Absent:

Dennis Webb, Chair  
Peggy Tinsley  
Dave Maza

City Staff Present:

Lisa Collins, Interim Community Development Director  
Steve Abrahamson, Planning & Zoning Coordinator  
Diana Kaminski, Senior Planner  
Lisa Novia, Administrative Asst. II

Vice Chair Kent called the meeting to order at 6:00 p.m., which included the introduction of the Commission and City staff. He announced that it had been determined at the Study Session that Item Nos. 2, 3, 5, 6, 7 and 8 could be placed on the Consent Agenda and Item No. 4 would be heard.

Seeing no one from the public wishing to speak on any of the cases placed on the Consent Agenda, the Commission moved forward with voting on the minutes and the Consent Agenda.

### **1. CONSIDERATION OF MEETING MINUTES: 7/9/13**

On a motion by Commissioner Collett and seconded by Commissioner Spears, the Commission with a vote of 4-0 (Ms. Collins voted as Commissioners Kent and Thornton were not present at the July 9<sup>th</sup> meeting).

### **CONSENT AGENDA**

On a motion by Commissioner Collett and seconded by Commissioner Thornton, the Commission with a vote of 5-0 approved the Consent Agenda as recommended in the following staff reports:

2. Request for a Preliminary Subdivision Plat for **THE NEWPORT (PL120237)**, located at 1102 East Weber Drive. The applicant is American West Development Company.

STAFF REPORT: [DRCr\\_TheNewportPlat\\_072313](#)

3. Request for a Preliminary Subdivision Plat for **MINDER BINDER (PL120259)**, located at 715 South McClintock Drive. The applicant is Superior Surveying Services, Inc.

STAFF REPORT: [DRCr TheMinderBinderPlat 072313](#)

5. Request for a Development Plan Review consisting of site plan, building elevations and landscape for a new leasing office, laundry facilities and recreational amenity area for the existing multi-family residential development **THE ARBORS APARTMENTS (PL130022)**, located at 805 W. Brown Street. The applicant is Lyle Richardson.

STAFF REPORT: [DRCr TheArbors 072313](#)

6. Request for a Planned Area Development Overlay and a Development Plan Review for six (6) new 2-story office development complex consisting of 600,000 sf. of total building area for **LIBERTY CENTER AT RIO SALADO (PL130192)**, located at 1850 West Rio Salado Parkway. The applicant is RSP Architects.

STAFF REPORT: [DRCr LibertyCenter 072313](#)

7. Request for a Development Plan Review consisting of building elevations for an exterior modification to an existing commercial building for a new bar, **HAVANA CABANA BAR & GRILL (PL130198)**, located at 1001 E 8<sup>th</sup> Street. The applicant is Fran Masimiano.

STAFF REPORT: [DRCr HavanaCabana 072313](#)

8. Request for a Code Text Amendment within the Zoning and Development Code for **FREESTANDING OFF-PREMISE FREEWAY SIGNS (PL130245)**. The applicant is the City of Tempe.

STAFF REPORT: [DRCr FreestandingOffPremiseSigns 072313](#)

## **REGULAR AGENDA**

Vice Chair Kent stated that since there is a short Commission, the applicant may request a continuance at no cost to them. Ms. Sender indicated that they would like to proceed.

4. Request for a Zoning Map Amendment from R1-6 to R1-PAD and a Planned Area Development Overlay consisting of two single-family residential lots for **MARTINEZ RESIDENCE (PL120414)**, located at 900 and 901 South Una Avenue. The applicant is Sender Associates, Chartered.

STAFF REPORT: [DRCr MartinezResidence 072313](#)

This case is presented by Steve Abrahamson and represented by Darin Sender, Sender Associates.

Mr. Abrahamson made a brief presentation on the Zoning Map Amendment and Planned Area Development Overlay request.

Commissioner Killoren questioned staff as to the removal of the vegetation on the south bank of the canal and how that may affect the structural integrity of the ditch.

Mr. Abrahamson stated that he is not a structural engineer but that Salt River Project has indicated that they are supportive of the project and he doesn't feel that SRP would allow this development if it were to affect the structural integrity of the ditch.

Commissioner Collett questioned if the ditch is concrete lined.

Ms. Sender indicated that the renderings make it appear as if the ditch is concrete but it is, in fact, dirt.

Darin Sender, Sender Associates, addressed the Commission with a brief presentation on the Martinez Residence. She indicated the project is in context with the remainder of the neighborhood and the rezoning is due to the reduced lot width.

Justin Martinez, property owner/applicant, spoke to the design aspects of the project.

Commissioner Killoren stated that he liked the design of the project very much and that his only concerns are that for the integrity of the ditch and how the integrity of the foundation of Mr. Martinez's home will be impacted, should there be a structural issue with the ditch.

Mr. Martinez indicated that SRP plans to stabilize the ditch with a clay stabilizer. He also indicated that the bottom story of his home will be set back and there is walk way between the foundation of the home and the water in order to bring the foundation away from the ditch.

Mr. Martinez also indicated that he is working with landscape professionals to identify the bamboo that is causing issues to the ditch and to the large tree on his property and he will be working with them and SRP to remove the bamboo that is not native to the area and replace it with something that will help not disrupt the structural integrity of the ditch.

Vice Chair Kent asked how the bamboo will be removed and if it will be done in conjunction with SRP.

Ms. Sender indicated that the work would definitely be done in conjunction with SRP and that Mr. Martinez has been researching methods of removal that will not require excavation.

Vice Chair Kent asked if the reasoning behind the Planned Area Development Overlay is because the lot is short.

Ms. Sender indicated yes, the lot is short.

Vice Chair Kent opened the hearing to public comment.

John Creamer, adjacent property owner, spoke in opposition to the case. He stated concerns regarding the integrity of the ditch, the removal of the reeds and how this project could also negatively affect the long standing Cottonwood tree which stands on the property. He also indicated he feels the lot is unbuildable due to the setbacks and stated concerns regarding sewer line locations and lot engineering.

Commissioner Spears asked staff to clarify that an approval this evening would be a recommendation to City Council and that the project would still need to obtain building plan review and permits, etc.

Ms. Collins indicated that Commissioner Spears is correct.

Commissioner Spears also indicated that the City would also need something from SRP which stated support of any proposed work, etc.

Ms. Collins stated that was also correct. She also stated that the only approval would be for the reduced setbacks. Construction documents would still need to be reviewed and approved prior to any building taking place.

Mr. Creamer indicated that he is also concerned in regards to the effects this construction could have on his property.

Ms. Collins stated that during the plan review process, ordinances and codes have to be adhered to and improvements that are made on one parcel is not allowed to negatively affect an adjacent property.

Vice Chair Kent asked Ms. Sender to clarify the PAD and setbacks requested for this property.

Ms. Sender stated that the R1-6 setbacks are not being modified. The setbacks are 20' front yard setback, 5' side yard, 10' street side, 15' rear yard setback.

Ms. Collins indicated that on Page 3 of the report, it shows the current R1-6 setback requirements. When the code was changed several years ago, the side yard setbacks were 7', as on Mr. Creamer's property and so this might explain why he is thinking there is a discrepancy.

Vice Chair Kent closed the hearing to public comment.

Commissioner Killoren asked if it was necessary to place a condition regarding the ditch into the Conditions of Approval.

Ms. Collins indicated that there currently are only conditions related to the building plan review and permitting process but that staff would be happy to include a condition regarding the ditch and to clarify that the integrity of the ditch is not to be compromised.

Commissioner Collett asked about the historical significance of the ditch and if it is registered, then what requirements need to be met in order for changes to be made to it.

Ms. Collins stated that the ditch has been classified as historic by the City of Tempe and it is not on any national register.

Ms. Sender indicated that the application has been made to have the ditch placed on the national registry.

Ms. Collins also stated that it does not prohibit modifications, it just extends the time necessary until those modifications can be made.

Commissioner Thornton stated that she hoped that the City can gain Mr. Creamer's trust and that everyone has the same goal in preserving the ditch. She also stated that she likes the project very much and feels it would be a great addition and hopes it will bring some vitality back to the neighborhood.

It was discussed amongst the Commission that an additional Condition of Approval regarding the ditch was not necessary.

On a motion by Commissioner Spears and seconded by Commissioner Collett, the Commission with a vote of 5-0 recommended approval of the Zoning Amendment and Planned Area Development Overlay as recommended in the staff report.

**5. ANNOUNCEMENTS – No announcements.**

The meeting adjourned at 7:00 p.m.

Prepared by: Lisa Novia, Administrative Asst. II  
Reviewed by: Lisa Collins, Interim Director Community Development Department



---

Lisa Collins, Interim Director, Community Development Department