

**Minutes of the
Development Review Commission
REGULAR MEETING
February 11, 2020**

Minutes of the regular hearing of the Development Review Commission, of the City of Tempe, was held in the Tempe History Museum, 809 E Southern Avenue, Tempe, AZ

Present:

Chair David Lyon
Vice Chair Michael DiDomenico
Alt Commissioner Michelle Schwartz
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Andrew Johnson

City Staff Present:

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

Absent:

Commissioner Scott Sumners
Commissioner Thomas Brown
Alt Commissioner Barbara Lloyd
Alt Commissioner Angela Taylor

Hearing convened at 6:04 p.m. and was called to order by Chair Lyon

Consideration of Meeting Minutes:

1. Development Review Commission – Study Session – ~~January 14, 2020~~ – **Postponed to 2/25/20 DRC Meeting**
2. Development Review Commission – Regular Meeting – ~~January 14, 2020~~ – **Postponed to 2/25/20 DRC Meeting**

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

3. Request a Development Plan Review for a new one- to three-story, mixed-use development consisting of 180 dwelling units and commercial uses for **EASTLINE VILLAGE – PHASE I**, located at 2025 East Apache Boulevard. The applicant is Gammage & Burnham, P.L.C. (**PL190059**)

PRESENTATION BY APPLICANT:

Ms. Manjula Vaz, Gammage & Burnham LLC, went over the request for a Development Plan Review for a multi-phased mixed-use neighborhood on the Eastline Village site. The rezoning was originally completed by the City Council in January for 636 multi-family units, with additional office, retail, live/work space, restaurant and gym. This project is built upon shared mobility infrastructure. The project will be done in five phases and at this time they will be presenting on the Phase I Commercial and Phase I Residential portion, and also building out the pedestrian spine. This will be presented to the City Council in February if recommended for approval by the DRC. Phase 2 Commercial and Residential will be done with staff unless there are any major changes that would require them to come back to the DRC.

Mr. Dan Parolek, with Cul-de-Sac, advised that they were very thoughtful about the climate here and how it informs both the Master Plan and the architecture. From a master planning standpoint, it is a very compact form similar to a historic center with very narrow paseos. From an architecture standpoint, the courtyard building types in the residential area was a logical choice to address the climate and create a series of small, medium, and large intimate spaces that could provide either a shaded experience or one in the sun. They decided very early on to purposefully restrain the architecture as they feel that the role of these buildings are primarily background buildings and their main goal is to define and activate the public spaces. The core of the mixed uses is on the northwestern corner as you step off the light rail. This includes a mix of food and beverage, coworking spaces, with residential above. The Wildermuth edge is primarily residential and the majority of the buildings are no larger than 50 feet wide. The mixed-use MU-5 building is one of the anchors on the northwest corner of the mixed-use node. Looking to the northeast, the MU-3 building is two stories of residential above ground floor commercial uses. They used breeze blocks on this building to tie it into a desert vernacular and some of the buildings that have been built there historically. The mixed-use MU-2 is just an extension of the MU-5 building that leads into the main plaza space. The hosting building is a free-standing building in the middle of the main public space. All of the amenity buildings will be designed with a broader palette of materials such as core-10, corrugated metal, some wood and concrete blocks in order to stand out.

Chair Lyon referenced the staff conditions regarding public ways and public sidewalk easement and asked the applicant how they felt about them. Ms. Vaz advised the Commission that they were fine with all of the conditions. Chair Lyon stated that when he first heard about the site plan he was not very excited about it, however after hearing the applicant talk about it, he is seeing it in a different light. He does however, wonder if it will work and if people will use the courtyard. He asked if the courtyard windows would be operable and was advised that they would be. Chair Lyon asked the applicant how they would respond if he asked for more porches and patios. The applicant asked for clarification that Chair Lyon meant internally in the courtyard or externally on the public paseos. Chair Lyon advised he meant potentially both since in order to activate this they need those places to be as lively and with as many eyes on the street as they possibly can. Mr. Jeff Berens stated that the second-floor stairs are internal in the courtyard. There are shading devices on the porches that have the southern and western exposure. The public paseos are wider than they would have liked but they had to be large enough to accommodate fire trucks, with the east/west paseo being the widest. Some of the smaller secondary routes are very compact. Entries to the units are on the public paseos. Each of the ground level units has a stoop. Chair Lyon likes the project but thinks it would be a missed opportunity to not soften the boundary between interior and exterior a bit more. He does not see people using the interstitial spaces as it is now.

Commissioner Schwartz noted that in earlier plans there was a pool and asked if the hosting building is now the main amenity space. Applicant advised that is correct, and that the pool will be in Phase 2 of the project.

Chair Lyon recalled that the landscape plan showed large trees in every major triangle, but the rendering made him second guess that. Most Arizonans really appreciate shade so if there are any triangles without a shade tree, they should put them in.

Commissioner Schwartz asked if there would be a gate on the public paseos between the community side and the actual project or if they were all public walkways from Apache down to Wildermuth. Mr. Berens advised that in certain blocks you would need to be a resident to get a card key to access them but the interior would be open.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, advised that per the development agreement the zoning and design has been processed separately. In January the City Council approved the zoning map amendment and PAD overlay for the 15.5-acre project. The project provides a single consistent tree species along each street front and uses red pistache in the parking lot. Ghost gum, eucalyptus and heritage oak are used along the fire lane and a variety of other tree species are used throughout the remainder of the development. A neighborhood meeting was not required for this request and staff has received no public comment.

Chair Lyon referenced his earlier comment regarding making this be a pedestrian oriented project. He thinks the boundary between public and private needs to be a little fuzzier. For example, more square footage that is private but outdoors such as patios and porches. He asked Ms. Stovall if she feels it is necessary to work with applicant to accommodate this or if she was happy with the project as it is. Ms. Stovall stated that there were comments during the site plan review referencing the comments Chair Lyon made where staff had requested more openings, windows and doors, especially along Wildermuth for the residential pods. One of the concerns expressed by the applicant is that staff does need to remember what is on the south side of Wildermuth, which are industrial uses and they do not necessarily want the exterior of the south side of Wildermuth to disrupt the activity inside the courtyards. Applicant did work with staff to add new trellises so they could have higher growing shrub and vines along Wildermuth. They also added some more architectural interest, so staff accepted what they offered.

PUBLIC COMMENT:

Mr. John Kristoff, Tempe Resident and part of the Transportation Commission, stated he is very enthusiastic of the project as he has been living car-free in Tempe for the last three and a half years. He stated it is extremely gratifying to see developers who are interested in catering to people who do not want to be motorized in the City. He advised that if we really want to become a decarbonized state we really need to start thinking about alternatives to the car for peoples' daily needs and this project is the type of facility that can start enabling that. Regarding questions of if it will work, he suggested looking at the Mercado neighborhood in Tucson as it has a similar layout to this development with the difference being they are single-family units versus multi-family, and owner-occupied versus rental.

Chair Lyon asked Mr. Kristoff if he would mind explaining the modes of transportation he uses since he is car-free and the rough percentage. Mr. Kristoff advised that he uses the light rail for his daily commute, he uses the buses – takes the 81 north to Tempe Marketplace about three or four times a month for groceries or pharmacy. The only hindrance he finds is the headways between the various public transit options are quite infrequent when compared to other cities, however the bikeshare/GRID system makes up for that. He occasionally uses Lyft but only for emergencies once a month, if that.

Commissioner Johnson stated he was familiar with the Mercado neighborhood but was not aware it was car-free. Mr. Kristoff stated there are only a handful of units that have garages and they are closer to the entrance/exit area of the site, and that a large percentage of the units are car-free. Mr. Kristoff stated there is a designated parking area located near the entrance to the complex.

APPLICANT RESPONSE AND COMMISSION DISCUSSION:

Ms. Vaz stated that she understands Chair Lyon's comment about fuzziness but feels people will enjoy living there. Mr. Jeff Berens, Cul-de-Sac, advised that when they publicly announced the project in November they had about sixty different articles and they were tracking the responses and there were over 300 million people that looked at the project and they received a deluge of comments that were overwhelmingly positive. Two things that people were most excited about were around community and the environmental sustainability of the project. Many people stated they wanted to live in a different kind of community that shares amenities, so they did want to have a tiny patio just for themselves.

Chair Lyon appreciates the feedback the applicant received but he does not agree with them. He stated the City has many apartment complexes with open space, shade, seating, and volleyball courts that no one will sit in. Chair Lyon asked Mr. Berens to tell him more explicitly what the draw is here. Mr. Berens stated that as part of the design exercise they worked with a lot of architects but also user research. They had interviews with people who had interest in this type of ulterior lifestyle, including people who were already living in a co-living space or some kind of co-housing situation with roommates, as well as people who simply wanted to live in a pocket neighborhood of detached single-family homes but they like the community there. They were mostly precedent driven with this project and looked at other similar projects that were most successful. One of the big drivers was for the applicant to add a lot of shade

Motion: Motion made by Vice Chair DiDomenico to approve PL190327 and seconded by Commissioner Cassano
Ayes: Chair Lyon, Vice Chair DiDomenico and Commissioners Cassano, Amorosi, Schwartz and Johnson
Nays: None
Abstain: None
Absent: Commissioners Sumners and Brown
Vote: Motion passes 6-0

4. Request a Use Permit to allow a second-story walk deck addition for a single-family residence for the **LEWIS RESIDENCE**, located at 921 South Roosevelt Street. The Applicant is Danny Niemela of ArDan Construction. **(PL190295)**. *This item was continued from the January 14, 2020 Development Review Commission meeting.*

PRESENTATION BY APPLICANT:

Mr. Danny Niemela, ArDan Construction, referenced that this item was presented to the Commission in January and they were granted a continuance to address neighbor concerns. He advised that they reduced the deck to 270 square feet. They increased the height of the railings on the north and south side of the walk deck to provide some privacy for the occupants and the adjoining neighbors. The privacy railing will be constructed with metal and wood. There will be gaps in the wood hidden from each other but will allow air flow and the planting of plants to grow over it. The only area with an open railing is at the rear of the property. Mr. Niemela showed a perspective from the northern neighbor's yard where you can see very little of the walk deck and also with the railing being as high as it is there will not be a clear view into the neighbors' yards. On the south elevation they enclosed the railing on the staircase so there will not be any site lines through it.

Ms. Lori Lewis, property owner, advised the Commission that they took note of some of the suggestions made at the last meeting and have made design modifications to address those concerns. They attempted to meet with the neighbors on both sides of the house. Ms. Lewis' son, Bret, spoke to Kathy via Facebook but was ultimately blocked by her. He was no longer able to reach her and his attempts in person were ignored. Brett and Danny Niemela were finally able to meet with the other neighbor, Karen, and she chose not to participate in any resolution. Concerns about lighting on the stairs brought up by Karen were addressed using low lights on the house directly to the stairs. A privacy wall was added to the stairs all the way up to the terrace, as well as on the north and south side of the house to block any view of the neighbors' homes. The size of the deck was reduced in half and a row cinder blocks will be added to the walls between the properties on the north and the south. The Lewis' feel strongly that the design changes they made address the neighbors' concerns and they have afforded them the opportunity to meet with them and participate in this process.

PRESENTATION BY STAFF:

Mr. Robbie Aaron, Planner I, reiterated the changes that the applicant has made to the design based on concerns that were raised in the January 14, 2020 meeting. There was no neighborhood meeting, however the applicant did attempt to meet with the two neighbors to the north and south. Mr. Robbie clarified error in Ms. Lewis' comment and advised that they were able to meet with Kathy, but not with Karen. They have 17 letters in opposition and as this meeting they have received nine comments in support. Regarding the concerns from neighbors about this residence possibly being an Airbnb, Mr. Aaron advised this will be used as the applicant's primary residence, not an Airbnb.

PUBLIC COMMENT:

Ms. Coral Keene is a Scottsdale resident but was a former resident of this Tempe neighborhood and neighbor to Karen Morrissey. She frequents Ms. Morrissey's home often and has a fond attachment to her backyard and spending time there. When she was Ms. Morrissey's neighbor she had a child that passed away and visiting Ms. Morrissey and spending time in the yard was a huge refuge for her. Having that privacy is something she values to this day. When Ms. Morrissey told her of the Lewis' planned deck, not only did she have a concern about privacy but she has not seen Mr. Niemela at the property once, it looks like a vacant house. If he loves his property so much, she wondered why he does not live there or tend to the home.

Mr. Philip Yates, Riverside neighborhood association representative, stated he is against this project. It will invite a lot of noise and partying, and cause issues with parking in the area. The stairwell to the deck is not appealing.

Ira Domsky requested that their comment be read into the record: I live in the neighborhood of 921 S. Roosevelt and oppose current plan for this project. The 2nd floor deck is an encroachment on neighbors and sets a bad precedent for residential development.”

Ms. Kathleen Palmer, neighbor to the south of applicant property, handed pictures to the Commission that shows the line of site from her property. She stated this design is not in character with the neighborhood even though there are some second story balconies. Ms. Palmer has reviewed the changes that the Lewis’ made to the deck plan, but it still presents the same problems; an invasion of privacy and too much noise. It is still a large deck and still has the offensive, noisy staircase right across from her back door. The west end is open and not blocked by privacy screening and provides no privacy to her patio area and side yard from the people on the deck. She stated that in the future the owners could decide to remove the privacy screens as she does not believe it is really permanent. They have plenty of room to build the patio in their backyard. When Ms. Palmer met with the applicant, she stated that Mr. Lewis did not really warm up to any of her suggestions for moving the staircase and making the deck a more modest and smaller size at the rear of the house or just having a patio at ground level in their backyard. She advised that apparently, they are going to have a patio in the backyard as well. Since they did not move the staircase, she stated that was a deal-breaker for her and she advised them of this.

Ms. Allyson Saltford, neighborhood resident, is there in support of the Lewis’ proposal. She advised that Mr. Lewis has an auto-immune disease and a way of relieving that is by reducing stress. The outdoor deck will more directly help Mr. Lewis. With regard to concerns about Mr. Lewis “peering” into neighbors’ backyards, she stated this is not in his nature. This concern has been addressed by adding a privacy screening on the deck and staircase. The height of the privacy wall is the same as the cinderblock walls between the properties. If the walls between the properties is sufficient the so should the walls on the deck. Mr. Lewis has also offered to add a row of bricks to the surrounding cinderblock walls to add 8” at his own expense.

Mr. Riley Price, neighborhood resident, stated he feels it is good to have people like Mr. Lewis renovating homes in the neighborhood. As homeowners sell their residences, he would like to see the new occupants renovate the homes similar to how Mr. Lewis is doing. Mr. Price stated he owns his home and is very proud of it. Mr. Lewis is his roommate and has lived there for several years. He advised that Mr. Lewis wanted the deck to maximize his outdoor space and see the views. Mr. Lewis was concerned about expanding the house and losing part of the yard, even though it is a big yard. With regard to the comment made about Mr. Lewis not living at the property, Mr. Price advised that this is because it is still in this state. He stated Bret does not want to look into someone’s yard, just as he does not want them looking into his.

Ms. Carol Campbell, neighborhood resident, stated she is tired of the “sob stories”. Once properties like this are development, they are sold and the owner moves on. She stated the deck is not an integral part of the house and you cannot even get to it from inside the home. You could have a major party there and no one would even have to go into your home. She stated the plan is invasive even though the changes have been made. Sound will travel and affect neighborhood.

Ms. Karen Morrissey, neighbor to the north of the project, stated she works for Boeing and is very busy. She was recently advised by Kathleen Palmer that she had to meet with Mr. Lewis in the next three days and that is not how she works. In her opinion, a zero square foot deck is what is needed for this backyard. It is 50 feet by 200 feet and anything they put on there is like having a 12-foot stand and being able to see everything. She stated the walls they propose to put up will be temporary. She did not meet with the property owners because she cannot put a price on her privacy rights and the noise issues and is not willing to bend at all. She stated 17 neighbors took the time to write in and talk about this project. All the homes on the block are single story and the applicant has no business putting a party deck in the middle of the block.

APPLICANT RESPONSE:

Mr. Niemela stated he appreciated the feedback and on behalf of the Lewis' he will address some of the concerns. He advised that Mr. Lewis is living in the neighborhood and the house is not occupiable right now due to a flood that occurred in it. The home needs a remodel in order for it to be occupied. He mentioned Mr. Price's public comment and agreed that Mr. Lewis loves Tempe and has lived in this neighborhood for a while. Mr. Niemela believes people like Mr. Price and Mr. Lewis and others of their generation are the future of Tempe. With regard to the privacy screening possibly being removed, he advised they are being constructed to be a permanent part of the structure and not removable. As for an increase in noise and parking, he does not believe the deck would increase traffic or parking concerns. The yards in the neighborhood are large and if someone wanted to have a party they could do so without a roof deck. You could have a small group of people on the deck, around six or so, but it is not going to be a party deck.

Ms. Lewis stated there have been numerous comments about the house being sold, being a frat house, Airbnb, or a rental. That is not their intention. It was rather to find a house that her son wanted to live in, that he could enjoy and be part of the community. They have no guarantee that their neighbors would not turn their homes into an Airbnb or a rental.

DISCUSSION BY THE COMMISSION:

Commissioner Cassano reiterated the comment he made when this project was brought before the Commission in January about there being a huge yard and everything could be done on ground level. With great landscaping they could create their own habitat on the ground level. He cannot support this Use Permit.

Commissioner Johnson stated that the Commission recommended the applicant make modifications to address the concerns of the neighbors and he feels they did that. Noise has not been addressed but you are going to get that either way if you have a group of people outside. As far as the rendering for the stairwell on the side of the house, he does not think this is pleasant to look at, but a tastefully placed tree might break that up a little bit. He thinks it does meet the Use Permit criteria and in general he thinks an addition of this nature, with or without a roof deck, is something that would be beneficial to keeping it single family in the neighborhood. In general, he will support the project.

Vice Chair DiDomenico, echoed what Commissioner Johnson said. He appreciates the time and effort put in to go in and rework the plan a little bit. There are a lot of powerful arguments on each side, both in this meeting and the initial one in January. He appreciates some of the passionate discussion about the quality of life issue of having the raised deck. He stated that no one is promised when they buy a residential property that everything is going to remain the same on either side or surrounding them. He has lived in single-story homes where the neighbor has a two-story that peers down in their yard, but he still had a good quality of life. He commends the staff, the applicant, and the neighbors who got together and tried to improve a tough situation and that is why they recommend a continuance at the previous meeting. This is a tough one, but he will support the Use Permit.

Commissioner Schwartz stated that she is in a unique position since she read the report when it initially came in, however she was not present and sitting as an active Commissioner during the first meeting. She noted she has seen a lot of movement towards an agreeable solution for everyone. Looking at the site view document provided to them earlier, they are looking back at things they will now not see as a result of the privacy screen. There is nothing saying a party will not happen on the ground level and this is adding a minimal space within the site for something that would also have a noise issue.

Commissioner Amorosi stated he commends Mr. Lewis for making compromises. It is still obtrusive being right up against the fence. He would not like to see that in his backyard. He knows a lot of people are putting second stories on their homes, but he goes back to the character of the area and he does not think this neighborhood was meant for this sort of deck as a second floor. He will not be supporting the project.

Chair Lyon stated he supported the project the first time it was brought to them and he thought it was great. The Commission tries to protect people's property values but there is a limit as to what they can do. He referenced a past

project they heard where there was an apartment tower proposed on the north side of Tempe Town Lake. An individual came to the hearing and stated they had spent a lot of money buying a unit in the neighboring property because the view is so great and that this building would block 80% of their view and destroy the value of their unit. The Commission explained they were sorry but could not stop this development because the individual thought they had a lock of this view forever. Chair Lyon advised that he lived in the Lewis' neighborhood for about six years and he loves it. However, it is going to change over time, it is going to get a little thicker and a little denser, and they have to ask themselves what they willing to have show up. A lot of houses are going to be remodeled and what are they to become? This is a really good project and the low deck is nice. The five Use Permit criteria has to be addressed as to what the deck does as opposed to what they can do in the backyard anyway. If they have a patio on the ground they can still have parties and make noise. The deck being 12 feet off the ground is not going to change how much noise comes over. Chair Lyon preferred the design before the wood screening. He feels some sympathy about the neighbors' privacy, but they cannot guarantee nothing will change and you could have a two-story neighbor. He will be in support of the project.

Vice Chair DiDomenico asked staff that if the Use Permit is granted is there is protection that the screening on the stairs and the deck will not be removed. Mr. Steve Abrahamson, Principal Planner, stated that this request is "as per plans submitted" so if there was a future change it would go against the Use Permit and be a violation. Vice Chair DiDomenico asked that if someone noted a change to the structure could they just call Code Enforcement and was advised that was correct. Mr. Aaron also added that if they expanded the deck that would be considered and intensification of the use and would require the applicant to come back before the DRC.

Motion: Motion made by Commissioner Johnson to approve PL190295 and seconded by Vice Chair DiDomenico.

Ayes: Chair Lyon, Vice Chair DiDomenico and Commissioners Schwartz and Johnson

Nays: Commissioners Cassano and Amorosi

Abstain: None

Absent: Commissioners Sumners and Brown

Vote: Motion passes 4-2

5. Request a Use Permit to allow live entertainment for **TEMPE FARMERS MARKET**, located at 805 South Farmer Avenue. The applicant is Tempe Farmers Market. **(PL190327)**

PRESENTATION BY APPLICANT:

Mr. Daryle Dutton, applicant, addressed the memorandum that had come in from the Tempe Police Department that listed some concerns. He has spoken to Officer Conway about these concerns that were basically about following the rules of his liquor license that he recently activated. He stated that there is very little wiggle room when it comes to the State Department of Alcohol regarding how he can operate the business following the 40/60 food permit ratios. Most of the items about the function of the business, how it operates as a grocery store, and the security plan related to those are highly regulated by the Department of Alcohol. He also has a secondary liquor permit from the City of Tempe and all of those things are in place and he has already gone through a rigorous process and documented the layout of the space and what the intent of the space was. He stated that in the letter it mentioned they were only putting alcohol in smoothies. Mr. Dutton stated that was not necessarily accurate and that this was disclosed to everyone involved in order to get approval of the liquor permit. The report stated there were no similar businesses known in Tempe that features a grocery store, alcohol service, and live entertainment. Mr. Dutton advised that Whole Foods actually does this in Tempe, and outside of Tempe the Phoenix Public Market and Lucy's Healthy Market have similar scenarios, though not all have the live entertainment. He stated he is asking for the live entertainment component as they have been in business for over ten years and have hosted many different types of events in the parking lot since they had a Use Permit to do so. He did speak with the police officer who wrote the memorandum and they are going to meet next week to come up with a security plan that is acceptable to the police department. The memorandum stated that there are no current violations being investigated by the State Department of Liquor, Tempe Code Enforcement, or incidents and calls to the service. Mr. Dutton stated they manage their business well and will continue to do so. Mr. Dutton read a letter he had prepared for the Commission into the record. He also presented a list that included signatures of support for his request.

Chair Lyon asked if the hours of operation for live entertainment would actually be from 8:00 a.m. to 2:00 a.m. daily. Mr. Dutton advised that in the dining room lounge area there is a section that is always open when the market opens at 8:00 a.m. and then the hot food service ceases at 11:00 a.m. and that area of the lounge stays open until 2:00 a.m. If they were going to have jazz music, it would be from 8:00 p.m. to 11:00 p.m. He was told by staff to basically list and ask for everything because if they do not ask now they cannot decide later to have another event at 8:00 a.m. – 10:00 a.m., etc. and they would not be able to have a band play at that even without getting a special Use Permit. Mr. Dutton advised there was a letter of support from Tempe resident Mr. Merrill Darcy, who had some concerns and asked if they are allowed to have live music outside. Mr. Dutton stated that they could not have that. Mr. Darcy also wanted to know how much amplification is and Mr. Dutton stated they would have to maintain the right decibel level per code which he believes is 55-65 but that also relates to ambient noise. Mr. Dutton stated he is right next to a train track on the east side and University Drive on the north side the ambient sound level is a “roar” so if they have a jazz set it is not going to be one that will make ears bleed.

Commissioner Cassano observed that they cannot have much of a large group in their live entertainment area and Mr. Dutton advised that is it designed for maybe 3-4 people. Commissioner Cassano mentioned they are already complying with the 40/60 split and Mr. Dutton provided the Commissioners with a chart of this.

Commissioner Amorosi asked if the Liquor Department look at their stats and, if so, on what timeline and if they will have a probationary period. Mr. Dutton stated there is Liquor Detective Advisor who said this would be random and you just need to have your books ready or you will be fined, then you better get them your books or you lose your permit. Commissioner Amorosi also asked if there is secondary entrance/exit for people to access the live entertainment area and was advised there was. He then asked if they close down the grocery store when there is live entertainment. Mr. Dutton advised that it is combined and open. If someone was going to play at 8:00 p.m. the actual food service would be open until 11:00 p.m. Commissioner Amorosi asked if they would be providing a full bar or just beer and wine and Mr. Dutton advised the liquor license was for a full bar.

PRESENTATION BY STAFF:

Mr. Dalton Guerra, Planner I, advised there was no neighborhood meeting required for this project. They received one letter from Mr. Merrill Darcy regarding concerns about noise and mitigated conditions with the applicant regarding hours and noise. Mr. Guerra advised that the Tempe Police Department concerns are being addressed and that the police department has also been in discussion with the applicant. He advised the Commission of three unique conditions of approval.

Chair Lyon asked if staff was comfortable that the police department concerns were addressed and was advised that they were and that applicant is working on a security plan with the police department.

PUBLIC COMMENT:

Ms. Karen Morrissey, Tempe resident, asked to have her comment read into the record: “I live near Tempe Farmers Market and fully support live entertainment at this venue”.

Mr. Philip Yates, Tempe resident, asked to have his comment read into the record: “This is a great place for local entertainment in Tempe. Music needs a new place to perform. This location is ideal”.

Mr. David Klein, Tempe resident, stated he supports Mr. Dutton doing this.

APPLICANT RESPONSE:

Mr. Dutton stated that he appreciates everyone’s comments.

Chair Lyon asked Mr. Dutton if he was comfortable with staff conditions including the 12:00 a.m. cessation Sunday through Wednesday, etc. Mr. Dutton advised that he was and that he would also make sure the security plan is done within the next 30 days. Chair Lyon stated that he feels that applicant/business is awesome, and he hopes this business stays forever.

DISCUSSION BY COMMISSION:

Commissioner Amorosi stated he appreciates how thorough the applicant was in their presentation as it enabled him to understand everything and alleviated any concerns he had with the police department letter. He will be supporting the permit.

Vice Chair DiDomenico echoed that he thinks this business is a Tempe treasure and that Mr. Dutton and his wife run a fantastic and unique business that is one of a kind and something that he hopes will be supported well into the future. He is still confused about what the police department concerns were about the Use Permit and that it seemed to be more about the alcohol/liquor license that had already been granted which is not what is in front of them today. He stated that without the letter this would probably have been a Consent Agenda item. In defense of the letter, Mr. Dutton stated that the police department just wanted to make sure he was on board and aware.

Motion: Motion made by Commissioner Cassano to approve PL190327 and seconded by Vice Chair DiDomenico.

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

Nays: None

Abstain: None

Absent: Commissioners Sumners and Brown

Vote: Motion passes 6-0

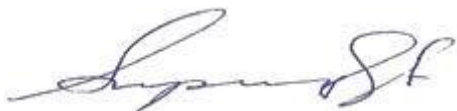
ANNOUNCEMENTS:

Ms. Dasgupta advised the Commission that February 25, 2020 DRC meeting will still be at the Tempe History Museum and went over the items on that agenda.

There being no further business the meeting adjourned at 8:10 pm.

Prepared by: Joanna Barry

Reviewed by: Suparna Dasgupta



Suparna Dasgupta, Principal Planner