



**Minutes
Development Review Commission
STUDY SESSION
December 8, 2020**

**Minutes of the study session of the Development Review Commission, of the City of Tempe, was held in Council Chambers
31 East Fifth Street, Tempe, Arizona**

Present:

Chair David Lyon
Vice Chair Michael DiDomenico
Commissioner Scott Sumners
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Andrew Johnson
Alt Commissioner Barbara Lloyd

City Staff Present:

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

Absent:

Commissioner Steven Bauer
Alt Commissioner Michelle Schwartz
Alt Commissioner Linda Spears

Chair Lyon began the Study Session at 5:34 p.m.

Review of November 10, 2020 Minutes

- Item #1 - Study Session Minutes – November 10, 2020
- Item #2 - Regular Meeting Minutes – November 10, 2020

Review of December 8, 2020 Regular Meeting Agenda

- Item #3 – THE ANTONIELLO RESIDENCE (PL200209) – to be heard
- Item #4 – THE BELEC RESIDENCE (PL200229) – on consent
- Item #5 – ROBERTSON RESIDENCE (PL200234) – on consent
- Item #6 – SKYWATER SMOKE SHOP (PL200243) – on consent
- Item #7 – REEF KITCHENS (PL200253) – to be heard
- Item #8 – FRY’S 607 FUEL CENTER (PL200220) – on consent
- Item #9 – QUANTUM SURGICAL CENTER (PL200225) – on consent

Comment:

Commissioner Amorosi stated that he was watching the City Council meeting the previous Thursday and the issue came up about a proposed development at 1230 West Caroline. That was the property that the Commission voted on where the owner wanted to change from county land to city land. He noted that behind the county horse properties there is a single-family housing development with about 120 houses. The people there started a petition because they were worried. They did not want the City to approve the rezoning, but they were also worried when they heard that the owner wanted to put 30-50 apartments once he gets into the City zoning. The City Council made it clear that they are just voting on annexing the land. Commissioner Amorosi stated that when it comes time for the owner to do something with the property the staff should be sensitive to what is going on. They should tell the owner of the property that all the surrounding properties are zoned R1-4 and the most they would be able to do is R1-6 so it still stays residential.

Ms. Suparna Dasgupta, Principal Planner, advised the Commission that this project has gone through preliminary site plan review a couple of times. She stated the proposal is not a multi-family project, but rather a detached single-family development. The applicant has not gone through any neighborhood meetings yet though, but as part of the rezoning and Planned Area Development (PAD), they will be going through have one, possibly more than one. Staff has already had discussion on the need for a secondary access. Staff will do everything to make sure all the residents are engaged and that their concerns heard before it comes before the Development Review Commission. The owner has not submitted a formal application yet as they are waiting for the annexation process to go through first. Commissioner Amorosi asked if the City would be putting lights and improving Caroline Lane up to Priest. Ms. Dasgupta stated she was not sure as neither the developer or the City have do not have access currently. Additionally, widening the road would require taking more right-of-way which means that the other properties that are still in the county would have to be willing to give right-of-way to widen it.

City Council Updates:

Mr. Ryan Levesque, Deputy Director – Community Development, provided updates on recent City Council items:

- He advised that the 1230 West Caroline annexation was approved by City Council and the applicant is planning to develop and file for a rezoning case. At that time, it will be brought forward and require a neighborhood meeting, along with public hearings by the DRC and City Council.
- The Code Text Amendment for the home occupations for barbershops and beauty salons was discussed. Based on comments received at the first City Council hearing, staff withdrew the ordinance application and instead drafted a pilot program which is by resolution. City Council approved this resolution which basically authorized barbershops and beauty salons for a one-year time period. At the end of that one year period, prior to the end of the pilot program, staff will analyze and collect feedback and data and bring it back to the City Council and see if they want to continue the pilot program, discontinue it, or consider an ordinance adoption at that time. Staff will be doing some outreach to the community and advertising on the program.
- The Tempe Market Station had its final hearing at the City Council meeting. There was still a lot of discussion about design intent for a newly implemented development and guidelines area there for the Smith Industrial Hub. They introduced some additional design details to the project. The project was approved 6-1.

PRESENTATION: Marijuana Initiative (Proposition 207) Update/Direction

Mr. Levesque noted that Proposition 207 was voter enacted in November with a 60% vote statewide. He went over the specifics of Proposition 207 and what is and is not allowed. He also discussed the regulations that cities may not enact with regard to this proposition. The proposition would allow an individual 21 or older to grow a maximum of six plants, or two individuals to grow twelve plants, as long as they are in a lockable enclosed area away from public view. It will not change employers' right to maintain a drug and alcohol-free workplace. A State tax will be created on the sale of the marijuana, with a 16% tax in addition to the existing taxes that are already on cigarettes and alcohol. Revenue from the tax will go towards funding state agencies, including community college districts, police and fire departments, and the Highway User Revenue Fund (HURF). Staff will gather public input for the remainder of the month of December. A Development Review Commission public hearing will be held on this item on January 12, 2021, then the City Council 1st Hearing will be January 28, 2021 and the 2nd Hearing on February 11, 2021.

Vice Chair DiDomenico asked about the "lockable enclosed area" and if a backyard with locked gates would be sufficient. Mr. Levesque advised that staff is getting feedback from other communities on interpretations of that description. Mainly they want to make sure that it is not accessible to youth or people who are underage that might live in the residence. The other provisions talk about visibility from the street and sidewalk areas, but it does not specify if you are on a second story looking down on someone's property.

Commission Cassano asked if the use of marijuana is also prohibited from places where currently smoking is not allowed and was told that is correct. He also asked about taxing authority and Mr. Levesque advised that the State collects the tax and distributes the City's portion to them.

Announcements: NONE

The Study Session adjourned at 6:05 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Suparna Dasgupta, Principal Planner

