Minutes
Development Review Commission
STUDY SESSION
March 23, 2021

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
Commissioner Steven Bauer

Absent:
Alt Commissioner Barbara Lloyd
Alt Commissioner Michelle Schwartz
Alt Commissioner Linda Spears

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
Robbie Aaron, Planner II
Dalton Guerra, Planner I
Joanna Barry, Administrative Assistant II

Chair Lyon began the Study Session at 5:27 p.m.

Review of February 9, 2021 Minutes

Item #1 - Study Session Minutes – February 9, 2021
Item #2 - Regular Meeting Minutes – February 9, 2021

Review of March 23, 2021 Regular Meeting Agenda

Item #3 – PEBLER RESIDENCE (PL210012) – on consent
Item #4 – HAIGHT RESIDENCE (PL210014) – on consent
Item #5 – REEF KITCHENS (PL210020) – on consent
Item #6 – CROWN CASTLE ADOT 1 & 2 (PL210025) – on consent
Item #7 – M CUBED MASSAGE (PL210042) – on consent
Item #8 – CROWN CASTLE NAZARENE CHURCH (PL210045) – on consent
Commissioner Sumners had a concern about the tower being so high in basically a neighbor's backyard and asked if the neighbors received notification or provided any feedback. Mr. Robbie Aaron, Planner II, stated that he has not received any negative input from the neighbors. He did receive an inquiry about the location of the new tower and whether or not the existing mono-cross was going to be removed. He advised them that the existing mono-cross will be coming down. He received no follow up.
Item #9 – YES HEALTH CARE (PL210046) – on consent
Item #10 – AURA APACHE(PL200263) – to be heard

Project Updates by Staff (City Council Action Items)

Mr. Ryan Levesque, Deputy Director – Community Development, advised that at the recent City Council Work Study meeting he provided the Council with a presentation of some updates and findings on group home regulations. He received some direction from the City Council and will be bringing a draft ordinance to the DRC in April. He will provide the Commission members with the memo and presentation that he had provided to the City Council so they are prepared.

PRESENTATIONS:

Draft Parks and Recreation Master Plan – Craig Hayton, Deputy Community Services Director

Mr. Craig Hayton, Deputy Community Services Director, gave a brief overview of the draft Parks and Recreation Master Plan. They are currently at the end stage of this master plan. Under "Quality of Life" they have two key performance measures for this comprehensive plan; one being section 3.16 which is the quality of the physical spaces they manage within Parks & Recreation, and the other is 3.17 which is the programming offerings that they have. The Master Plan is a 10-year plan that will guide them through the 2020's and is comprehensive because it covers the physical spaces they manage, the programs they offer, and also the brick and mortar amenities. They have an online, interactive story map for this process that explains the story through maps, text, and media that explains the process. Based on the City Council strategic priorities, they landed on four key terms that helped ground them in this planning effort and moving forward. These terms are inclusion, resilience, strategic, and sustainability.

In March and April, both Mr. Hayton and Shawn Wagner, Deputy Community Services Director – Parks & Recreation, have about a dozen board and commission meetings. They held a public meeting last week and currently have a survey open until the end of March. They will be before City Council Work Study session in April. They will take all of the feedback they have received and use it to finalize the master plan in May. They hope to have the City Council formally adopt the plan in June, before the end of the fiscal year.

2nd Story Use Permit Discussion – Ryan Levesque, Deputy Director – Community Development

Mr. Ryan Levesque, Deputy Director – Community Development, noted that the Development Review Commission had some concerns and questions regarding some of the criteria or evaluation of the 2nd story Use Permit requirements. The code states that "a Use Permit is required for any single-story single-family residence to add, expand or rebuild for a second story"…."this section shall not apply to a replacement dwellings where the occupant lot was demolished". Another correlating definition that goes in hand with this is section states specifically the single-family second story means any four-level that is above ground or main floor of the dwelling except mezzanines per building code.

Mr. Levesque advised the City staff had some internal meetings to discuss and take a deep dive into this section and see what scenarios need clarification or identify where some of the procedures could be simplified or exempted. They identified that there is a need to revise the code as it relates to exceptions. There are no 2nd story Use Permits required for vacant lots but there is a time requirement that the code specifies for existing single-story residences when it comes to adding, expanding or rebuilding but it does not apply to vacant subdivision lots. If there was never a home on the property, then they are not required to process a Use Permit for a 2nd story addition. The staff notes they need to look at the compatibility of a 2nd story addition as some are a viewing deck, a play structure, a second level for a detached accessory building, etc. These need to be clearly identified in this section. They then need to look at the definition of a single-family story as it has been determined in the past that there has been an end-around to the process whereby someone is converting or modifying a structure to only meet the mezzanine level requirement but still having a second level which would not require a Use Permit because of the exemption of the mezzanine level to the rule. In addition to the Use Permit, additional criteria needs to be taken into account for other support options that the criteria could address such as whether or not the neighborhood has a certain amount of second stories in the vicinity that would help support the Use Permit or if concerns for privacy criteria such as window placements, etc. What also needs to be addressed is whether the Use Permit criteria relates to conversion spaces such as attics or building within the mezzanine level of heightened floor levels. Mr. Levesque stated they would like to get the Commission's feedback to potentially bring forward a Code Text Amendment on this item.

Commissioner Bauer asked Mr. Levesque if the conditions right now would cause the need for a Use Permit basically any time you take a single-family that exists and want to add a story to it. Mr. Levesque noted that usually it is with it being in the original condition of a one-story home and then the result of the adding or expanding of it into a two-story. Commissioner Bauer stated he believes this is really important provision of the code because since we are at a basic build-out condition in the community, when people buy their single-family home they buy it with hopefully consideration of what the context is that they are going to be living in. He feels there needs to be further review for the potential changes that could impact someone's security or privacy, etc. He feels that is across the board whether you have an attic that is being converted and there could be windows that could impact somebody's security or privacy. He feels that warrants additional consideration.

Commissioner Sumners stated that the first request would be that when these items come to the Commission that the staff report focus on the number of two-story homes in the area regardless of whether they needed a Use Permit to get that. He noted that the real test for compatibility was not if they had to go through the process of a Use Permit but rather how many two-stories were in the neighborhood. Commissioner Sumners is also trying to figure out what we are trying to do with this. He wonders if a height adjustment would be a more effective way to address the genesis for this ordinance in the first place. Mr. Levesque asked Commissioner Sumners of the proximity or area as it relates to two-stories in the area and Commissioner Sumners suggested about a ¼ mile.

Commissioner Amorosi asked if the actual building height needs to be defined in the code or the second-story height. Mr. Levesque stated that staff had done some research and other cities' codes have defined what triggers a second level height. You may have a scenario where you have a raised platform or raised structure with a viewing deck that does not have a first floor, but its base finished floor height is eight feet above the grade. If we defined what elevation height determines or requires a Use Permit for a 2nd story addition, then we can clearly apply the code of in areas where the raised grade does not apply to the Use Permit criteria process. Commissioner Amorosi asked if it was possible that if there are no complaints from neighbors and staff thinks it looks compatible with the rest of the neighborhood that this could just be heard by a Hearing Officer instead of a full Commission. Mr. Levesque stated that is something that could be taken into consideration along with making it an administrative decision, however at this time the process is for them to go through the Development Review Commission. Commissioner Amorosi asked if there was a way to stop "bad" projects from coming to them where the applicant just wanted to put a patio "guard tower" over the garage and it did not go with the current architecture of the area. Mr. Levesque advised that they could introduce some elements of compatibility criteria as it relates to the structure and existing surrounding structures.

Chair Lyon stated that with home prices doing what they are doing lately, and with as many people moving in as there are, it may be that they see a large increase in the people taking the one-story they bought and making it into a two-story so the Commission may have a lot more of those coming in soon.

Announcements: NONE

The Study Session adjourned at 6:04 p.m.

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