



Minutes of the Development Review Commission REGULAR MEETING December 14, 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:

Chair Michael DiDomenico
Vice Chair Steven Bauer
Commissioner Scott Sumners
Commissioner Don Cassano
Commissioner Philip Amorosi
Commissioner Barbara Lloyd
Commissioner Michelle Schwartz
Alt Commissioner Charles Redman (in audience)

City Staff Present:

Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Diana Kaminski, Senior Planner
Obenia Kingsby II, Planner II
Lily Drosos, Planner I
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Linda Spears
Alt Commissioner Rhiannon Corbett

Hearing convened at 6:03 p.m. and was called to order by Chair DiDomenico

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session 10/26/21
- 2) Development Review Commission – Regular Meeting 10/26/21

Motion: Motion made by Commissioner Cassano to approve Regular Meeting minutes and Study Session Meeting minutes for October 26, 2021 and seconded by Commissioner Amorosi.

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

Nays: None

Abstain: Chair DiDomenico

Absent: None

Vote: Motion passes 6-0

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

- 4) Request a Use Permit to allow a amusement business (arcade) in the CSS zoning district for **ELECTRIC BAT**, located at 29 West Southern Avenue. The applicant is Sean Downing. (PL210215)
- 6) Request a Use Permit to allow a drive through restaurant in CSS Zoning in an existing building for **VENTURE ON BROADWAY** located at 764 West Broadway Road. The applicant is Upward Architects. (PL210323)
- 7) Request a Use Permit to allow a restaurant in the GID, General Industrial District for **ANGRY CRAB SHACK**, located at 660 West Warner Road. The applicant is Ronald Lou. (PL210334)

- 9) Request a Zoning Map Amendment from R-2 (Multi-family) to R-3R (Multi-family Residential Restricted), a Use Permit to allow 8 tandem parking spaces, and a Development Plan Review to add a new one-story multi-family development consisting of 4 dwelling units to an existing development for **4th STREET APARTMENTS** located at 1235 West 4th Street, the applicant is Palmer Architects. **(PL210297)**

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

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

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

- 5) Request a Use Permit to allow a retail gun shop in the GID, General Industrial District for **IRONSTONE CAPITAL, LLC DBA IRONSTONE TACTICAL**, located at 2167 East Cedar Street. The applicant is Robert L. Parrott. **(PL210283)**

PRESENTATION BY APPLICANT:

Mr. Robert Parrott, Owner of Ironstone Capital, stated he is requesting a Use Permit to use a portion of the space in his existing business location to operate a gun store. He is a licensed FFL dealer, the location is secured with alarmed doors and electronic lock, and a five-camera security system. He stated that the gun room noted on the floorplan he submitted has its own login entry door, separate from the main entrance. It has steel security bars installed on the only window in the room. He noted they have gone to great lengths to make it as secure as possible.

Commissioner Schwartz asked Mr. Parrott what type of business he is currently in at the location and what type of clientele that he has. He advised that he is a work truck outfitter. They sell business to business, so they do not deal with the general public. Commission Schwartz asked him if he could go over the security system again. He noted that they have chimed alarms at all entry doors. There are two entry doors in the front and the rear. He has an electronic lock on the front door with a buzzer where they can let people in. He stated that he has five security cameras; two in the main lobby, two in the gun room, two in the warehouse, and one in the main office (which actually adds up to seven). They have security bars on the only window in the room that he would like to use as a gun store. Commissioner Schwartz asked if the applicant has experience selling guns and the retail side. Mr. Parrott stated that he does and that he managed a pawn shop for a number of years.

Commissioner Schwartz stated that she did not see anything in the staff report about requirements from the Police Department. Mr. Steve Abrahamson, Principal Planner, advised that if the Commission requests that the Police Department work with Mr. Parrott on a security plan, that could be added as a Condition of Approval. However, the Police Department have indicated that a security plan would not be necessary. Commissioner Schwartz noted that the Commission has received some comments that there has been some crime in that area since April and asked Mr. Parrott if he has had any incidents at his specific location. Mr. Parrott advised that he has not had any incidents at his location and is not aware of any in the development it is located within.

Commissioner Lloyd asked where his business is located in the unit and he advised this it is at the end and is the sixth unit. She asked if the wall between his unit and the next go all the way to the ceiling and was advised that they do. Commissioner Lloyd asked how the gun shop ended up being an auxiliary business to a truck outfitting business. Mr. Parrott stated that it is a separate business entirely. She asked if it will be by appointment only and will not be advertised on the storefront. Mr. Parrott stated it would be mostly, but not entirely, by appointment only and there would be some signage so that people know where they are and can find them.

Commissioner Amorosi asked if people were allowed to shoot the guns in the building and was advised that they would not be.

PRESENTATION BY STAFF:

Mr. Steve Abrahamson, Principal Planner, gave an overview of the request. He advised that staff has reviewed the application and plans and feel that everything is acceptable. The Tempe Police Department were happy with their discussion with Mr. Parrott regarding his security system. No neighborhood meeting was required. Staff has received six emails of support, three emails in opposition, one phone call in opposition, and one phone call of concern (not support or opposition). Staff is recommending approval.

PUBLIC COMMENT:

Mr. Abrahamson presented the following public comments to the Commission during his staff presentation:

Richard Yost – Supports: He has no issue with them locating there. Would have no issue with them locating in his Broadway Palms neighborhood.

Matthew Papke – Supports: He is thrilled that another firearms company is coming to Tempe as he has had to previously drive to South Tempe or Mesa.

Gretchen Reinhardt – Opposes: She feels it is inappropriate for a gun shop in such a highly populated residential area. She stated that her family has been touched by way too many gun tragedies. The neighborhood already has more than their fair share of violence and crime.

Susan Morris – Opposes: She does not think we need another gun shop. There is growing concern over the safety and mental state of our children and grandchildren, the safety for teachers who show up through the chaos of the shootings around the country. More availability translates into easier access.

Teri Widger – Supports: Expressed 100% support for this permit and allowing a retail gun store at this location.

Gary Caruso – Supports: He expressed his support for the request and stated that as long as people have the legal right to purchase guns, there will be a market for the legal acquisition of guns. Efforts to change the culture around that should begin at regulation, not at the legal point of sale.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Lloyd wanted to state for the record that the use meets the criteria for a Use Permit as it is a legal business. Even though she may not like the use for Tempe, it is a small footprint inside an existing business and is not taking up a storefront/retail, more high-profile location.

Motion: Motion made by Commissioner Lloyd to approve PL210283 and seconded by Commissioner Sumners.

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

Nays: Commissioner Schwartz

Abstain: None

Absent: None

Vote: Motion passes 6-1

- 8) Request a Use Permit to allow a community garden in the PCC-1 zoning district for **MAC6 COMMUNITY GARDEN**, located at 1414 West Broadway Road. The applicant is MAC6, LLC. (PL210335)

PRESENTATION BY APPLICANT:

Mr. Kyle McIntosh, MAC6, gave an overview of the request. They have a number of properties, two of which are on the corner of Priest and Broadway. These are commercial office spaces that are being heavily affected by the transient and drug issue that is going on in the society at large. The garden that they are requesting approval of is

more of a way to treat the area differently and create a relationship with the community and the people around them, including the transient people that are coming onto their property and creating negative issues that they have to deal with. He has partnered with a non-profit that will not only help them plant the garden but also work with the people in the area to provide things like resources, jobs, opportunity to create agency in their own lives to pull themselves up and out of the situation they are in so they do not become another part of kicking the can down the road. Instead of building more walls or adding more security they can attempt to have a positive effect on the area so that they can work with people to create better lives for themselves.

Commissioner Amorosi noted that the applicant is calling it a community garden, however there is a non-profit named Tiger Mountain Foundation and asked if their employees are going to be the only ones tending the garden or if members of the public are going to be allowed to tend it. Mr. McIntosh stated it is consistently run by members that are part of the organization. Part of what the organization does is pull in other members from the community, including the homeless, and give them the opportunity to be a part of the project. It is not simply a show up and work situation. There is an organized approach where they are now part of the Tiger Mountain organization. Commissioner Amorosi noted that these gardens are going to be around the parking lot area and asked if they are going to be used while people are attempting to park in the business and driving in and out. Mr. McIntosh stated they are not raised gardens, but rather in the ground. They will be accessible while the offices are in use, however they will not be in the way. The first phase of the project would be on the side of the building where they do not have a lot of activity. Commissioner Amorosi asked if the gardening tools will be on a mobile trailer or if they will be located in a secure location onsite. Mr. McIntosh advised that as of today they plan to have them bring tools to and from the site at designated times. He has learned that from their experience over the past 12-14 years, that as the gardens become part of the community, tools can sometimes be left out in the open and are not taken/stolen. Commissioner Amorosi asked how the word gets out to surrounding neighbors when it is harvesting time and was advised that the Tiger Mountain employees do the harvesting and then sell the items at local farmers markets.

Commissioner Lloyd commended the applicant for thinking outside the box and doing something that will hopefully help the community to have some ownership in the area. Several other commissioners agreed with Commissioner Lloyd's statement. She stated that she has previously worked with Tiger Mountain several years ago when they converted the Clark Park pool, which is just east of the applicant's location at Broadway and Roosevelt into a community garden. There was also a farmers' market there for several years and Tiger Mountain was one of the vendors. She noted that garden still exists and hopes the applicant's garden thrives.

PRESENTATION BY STAFF:

Mr. Ryan Levesque, Deputy Director – Community Development, advised there has been a lot of support and collaboration with MAC6 on this request. The garden is planned for the northeastern portion of the site that includes the western portion on the opposite side of the screen wall. They are replacing the screen wall with compacted, ramped earth. It will be a unique screening design, not just a masonry wall. It will provide some transparency and surveillance of the area. This screen wall is part of a unique Condition of Approval for the project. The portion that contains most of the community garden is in the northeastern portion of the parking lot.

PUBLIC COMMENT: NONE

COMMENTS AND DISCUSSION FROM THE COMMISSION:

NONE

Motion: Motion made by Commissioner Amorosi to approve PL210335 and seconded by Commissioner Sumners.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

- 10) Request a General Plan Land Use Map Amendment from Residential to Mixed-Use and a General Plan Density Map Amendment from Medium to High Density (up to 25 du/ac) to High Density (up to 65 du/ac); a Zoning Map Amendment from R-3 to MU-4 (PAD & TOD); an Amended Planned Area Development Overlay; and a Development Plan Review to add a new three- and four-story multi-family development consisting of 129 dwelling units to an existing commercial development for **DWELL**, located at 430 S Farmer Avenue. The applicant is Sender Associates, Chtd. (PL210233) **REVISIONS TO REPORT**

PRESENTATION BY APPLICANT:

Ms. Darin Sender, Sender Associates, Chtd., gave a brief overview of the project. The site is at the location of her office on the corner of Farmer Avenue and 5th Street. There is light rail close by along with stops for the future streetcar. Transit buses and Orbits also go through this area. Ms. Sender went over the height transitions for the buildings being constructed. They are looking at combining the mixed-use of residential with office buildings. This is a small project with 129 units, studios and one-bedroom apartments only, and is meant for people who need to or want to work at home. It is focused on the type of people who want to work in the downtown but cannot afford to live in the downtown. Some of the units have offices in them designed to enable people to work from home. Most of the amenities are geared towards work-at-home activities such as Zoom rooms, podcast rooms, and meeting rooms. There are no pools or party rooms, or similar amenities. This is strictly focused on people who work in the downtown and want to live in the downtown.

Mr. Steve Betts, Holualoa Companies, stated that unfortunately in the valley now there are apartments or homes being built that are pricing out those people at the \$50,000-75,000 wage who cannot find good quality new-build housing. The pandemic caused people to work from home and now this is something that will stay so doing purpose-built work-from-home housing is a challenge. With this project they have the ability to build this type of housing the meets those price points. They will not have pools or party spaces, but will have a dog run, a fitness room, and bike storage in the units.

Mr. John Kane, Architekton, advised there are small patio units to activate the ground floor and then the units up above. He illustrated the stepdown from the other developments in the area. The surface underneath will be a combination of concrete panels and the stabilized EG system with the geo-grid so they have a park-like scape.

Commissioner Amorosi noted that with the workforce housing being between 80-120% it looks like 74 of the units are going to be between 90% and 99% pricing wise and then 55 will be between 100-120%. He stated there are no guarantees that those units will remain below the 99%. Ms. Sender acknowledged that there will not be a covenant on these and there is no development agreement or Government Property Lease Excise Tax (GPLET) on them. She noted that as Mr. Betts had mentioned these are purpose-built and there are no amenity packages that normally come with an apartment project. She stated that the amenities and the way it is built would not allow them to get above the 120%. Commissioner Amorosi asked what happens if they decide to sell, and Mr. Betts stated that the amenity package would remain the same so they would probably not be able to increase the rent.

Chair DiDomenico asked Ms. Sender about the finishes in the units. Mr. Rob Gaspard, Worksbureau, advised that the finishes are appropriately specified to keep the cost of construction down. There will be low-cost vinyl-type flooring, they are trying to use exposed concreted where they can at the lower levels, and the wall surfaces will be drywall with wood baseboards. There will be economy-grade cabinet work with some solid colors for countertops. The appliances will be of a general grade. Chair DiDomenico asked if a new tenant purchased the property and wanted to reach the 120% they would have to spend a lot of money remodeling and Mr. Gaspard agreed.

PRESENTATION BY STAFF:

Mr. Ryan Levesque, Deputy Director – Community Development, gave an overview of the requests. He noted that staff worked out some modified Conditions of Approval with the applicant after the report was published that clarify some of the conditions. They also removed a condition related to sound as there is no concern about decibel levels for this location. Staff is in support of the request subject to the Conditions of Approval stated in the report.

PUBLIC COMMENT:

Mr. Philip Yates, Riverside Neighborhood Association, shared his concerns about the density of this project with it going from an RU-3 to an RU-4. He stated that as it stands this is already affordable housing with families that make well below \$50,000 per year. They are well-maintained and he likes the way they look. He believes if this project is built it would be well outside of their price range. He also feels it is out of character for the area. Chair DiDomenico asked Mr. Yates how many units are currently on the site that he feels would be displaced. He stated he is not exactly sure of the number.

APPLICANT RESPONSE:

Ms. Sender advised they did very early outreach with the neighborhood, including several meetings to describe the project and the application information. They set up a website regarding the project and posted QR codes on the signs so people could get information about it. They did not receive any comments about the project from the public. She advised that Architekton owns the properties and several of their employees live there. They have been in very close communication with the residents. She believes there are currently 22 units. Chair DiDomenico asked if any of the tenants of those 22 units have come to the applicant for assistance on finding another place to live. Mr. Betts advised that no one has contacted them about this. Chair DiDomenico asked that if they did come to them for assistance if they would help them out and was advised that they would.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Vice Chair Bauer stated this is something that he has never seen done before and it is exciting. He does want to ensure that the design, density and the overall layout is addressed, and he believes it has been.

Commissioner Sumners commended the applicant for doing something different and that we need more diverse developments like it.

Commissioner Amorosi stated that it is good that someone wants to put workforce housing in the highly dense area where there is an absolute need.

Chair DiDomenico stated that this is one of those unique projects that he believes Tempe should be proud of.

Motion: Motion made by Vice Chair Bauer to approve PL210233 and seconded by Commissioner Cassano.

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

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

Staff Announcements: NONE

There being no further business the meeting adjourned at 7:42 p.m.



Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Suparna Dasgupta, Principal Planner