



Minutes of the Development Review Commission REGULAR MEETING August 23, 2022

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 and virtually via Webex

Present:

Chair Michael DiDomenico
Vice Chair Andrew Johnson
Commissioner Don Cassano
Commissioner Barbara Lloyd
Commissioner Michelle Schwartz
Commissioner Linda Spears
Commissioner Joe Forte

City Staff Present:

Jeff Tamulevich, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Suparna Dasgupta, Principal Planner
Steve Abrahamson, Principal Planner
Diana Kaminski, Senior Planner
Karen Stovall, Senior Planner
Obenia Kingsby II, Planner II
Joanna Barry, Administrative Assistant II

Absent:

Alt Commissioner Rhiannon Corbett
Alt Commissioner Charles Redman
Alt Commissioner Robert Miller

Hearing convened at 6:00 p.m. and was called to order by Chair DiDomenico

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session 08/09/22
- 2) Development Review Commission – Regular Meeting 08/09/22

Motion: Motion made by Commissioner Cassano to approve Regular Meeting minutes and Study Session Meeting minutes for August 9, 2022 and seconded by Commissioner Johnson.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Schwartz, Cassano, Spears, and Forte.

Nays: None

Abstain: Commissioner Lloyd

Absent: None

Vote: Motion passes 6-0

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

- 3) Request a Preliminary Subdivision Plat consisting of five (5) lots and a street dedication for **CARVANA** located at 1275 West Rio Salado Parkway. The applicant is Wood Patel & Associates, Inc. (PL210061)
- 4) Request a General Plan Density Map Amendment from Medium to High Density (up to 25 du/ac) to High Density-Urban Core (more than 65 du/ac); a Zoning Map Amendment from GID to MU-4; a Planned Area Development Overlay to establish development standards; and a Development Plan Review for a new 6-story mixed-use development consisting of 207 dwelling units and commercial area for **THE DEWITT AT NORTH MILLER ROAD**, located at 907 North Miller Road. The applicant is Huellmantel and Affiliates. (PL220133)

Motion: Motion made by Vice Chair Johnson to approve Consent Agenda and seconded by Commissioner Schwartz.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Schwartz, Cassano, Lloyd, Spears, and Forte.

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

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

- 5) Request a Zoning Map amendment from R-2H, Multi-Family Residential District with an Historic Overlay Property Designation and removal of a portion of the Historic Overlay Property Designation from the new rear lot within +/-0.08 acres for the **BUTLER (GRAY) HOUSE** property, located at 1220 South Mill Avenue. **(PL220161)**

PRESENTATION BY STAFF:

Mr. Ryan Levesque, Deputy Director - Community Development, gave an overview of the request. He advised the Commission that the prior owners of the property obtained an historic designation for the home through the Tempe Historic Property Register about 15-20 years ago. The current owner is requesting that the new, rear lot that was created by the lot split, no longer be under the historic designation/overlay. There was a separate application/request for a lot split that would allow for a new single-family development on the rear half of the property, while preserving and maintaining the historic property to the north of the site. The new lot to the rear is Lot 1, and the lot for the existing home is Lot 2.

This started as a request/application in November for a demolition permit for this property. Since there is an historic overlay on the property, there is a requirement that the demolition permit request must be reviewed by the Historic Preservation Commission (HPC). The application was brought before the HPC in December. The applicant was not present or decided not to attend the hearing at that time. The HPC denied the permit, which gave a six month stay of demolition, and an opportunity to negotiate with the property owner. City staff and others met with the property owner multiple times onsite and discussed possible alternatives. Since this is R-2 zoning, there is the ability to build a separate building on the site, however the applicant was adamant about building a much larger, approximately 6,000 SF home to maximize his profit.

Mr. Levesque stated that a lot of options were looked at, but they ultimately came to a recommendation that was brought before the City Council in a resolution. This was basically a negotiated deal that the property owner would provide the City with a five-year façade conservation easement on the historic structure. The City would then initiate an application for 1) the splitting of the lot, then 2) removing the historic designation from the rear lot. This would allow the owner to build a second structure on the site, without disturbing the historic property at the front of the site. The resolution was approved by the City Council in March of this year. The City then proceeded with the application process for the subdivision plat. A neighborhood meeting was held in June, with five residents attending. There was one representative from the neighborhood that had concerns about this request, as it could become an incentive for someone to demolish an historic property. There was an HPC hearing on this item in August, where they unanimously approved the request by a 7-0 vote, with one abstention and one absent Commission member at that hearing.

Chair DiDomenico asked if the City feels that the historic property that would remain after the lot split is a viable single-family residence once the back part is taken away. Mr. Levesque stated that was correct and that one of the added benefits to this was that it created separation from any new development. The rear yard setback is 15 feet from the lot line, so any new structure would have to be 15 feet away from that property line. Chair DiDomenico asked if a structure built on the newly created Lot 1 would face the alley. Mr. Levesque advised that was correct, that the primary access would be off the alley. He stated there are several other properties in the Maple Ash area that have access off the alley. There are some sites that have alley buildings, and some that have accessory buildings

where the only access is from the alley. Chair DiDomenico asked if that would eliminate the City to be able to abandon that alley since that would be the primary access (unless there is a cross-easement, possibly through the north part of Lot 2). Mr. Levesque advised there are plans to have an access agreement between the two lots that allows pedestrian access between the lots for servicing the trash cans, recycling, and receiving mail. Chair DiDomenico asked if the owner has plans to combine Lot 1 with any neighboring properties. Mr. Levesque advised that would require a zoning change.

Mr. Levesque advised that the owner had the property on the market for a few months. After the City Council approved the split of the site, the owner took it off the market and plans to readvertise it, indicating someone could buy the lot with the home on it, or the vacant lot. He is not sure if he is going to develop the lot himself or have someone else purchase it. As of now, staff is not aware of any plans to build on that lot.

Commissioner Spears asked for clarification on whether the City Council has already approved the lot split, and Mr. Levesque confirmed that they did. He noted that the request this evening is to remove the historic overlay on the new lot. As a result of that, construction on the new lot would not require any future approval from the HPC. The historic designation would remain on Lot 2, where the current house is located.

Commissioner Schwartz asked Mr. Levesque to explain the five-year sunset. He advised that was part of an incentive to obtain a five-year façade conservation easement. The City would have preferred a longer term, or even perpetuity, but the property owner was asking for much more value than what the City was willing to consider at the time.

Commissioner Lloyd asked what happens after the five-year conservation easement ends, and what happens to the property then. Mr. Levesque advised that the property would still have historic designation, so if someone wanted to introduce something new or demolish the home, they would go through the HPC process again. Commissioner Lloyd asked for confirmation that if the Commission did not approve this request, they could proceed with demolition, however if they approved it the conservation easement would give it at least five more years. Mr. Levesque confirmed that if this request does not successfully go through the approval process, the City would have to terminate the façade conservation easement that has been in effect since June.

Commissioner Spears asked that if the conservation easement did not exist, would it still have to go through the HPC process to demolish the home. Mr. Levesque advised that was correct. He stated the goal was to put the conservation easement in place, and that maybe a new property owner would be invested in wanting to recognize that it is an historic designated property and appreciates the value of the home.

PUBLIC COMMENT:

Mr. Philip Yates, President of the Riverside neighborhood association, noted that the lot split was approved, however in five years the owner can change that. He has concerns that after the five years, someone will try to up zone the property or make other changes, and he asks that the Commission take that into consideration when making their decision.

Mr. David Sokalowski, Tempe resident, stated that this area is one of Tempe's most desired communities and this provides an opportunity for someone else to live there.

Ms. Darlene Justus, Tempe resident, asked for clarification on whether the five-year façade conservation easement is on the lot with the home on it, or the lot that was created with the lot split. Chair DiDomenico explained the procedure and advised that the easement is on the property where the house is currently located. She asked for confirmation that if the five-year façade conservation easement is in place, that they cannot demolish it during that time. Chair DiDomenico stated that was his understanding, however he will have Mr. Levesque address that question. Ms. Justus stated that historic homes in Tempe are slowly disappearing, and she hopes that the City could possibly start some type of fund to buy those properties rather than having them demolished.

Ms. Suparna Dasgupta, Principal Planner, stated for the record that all the comments that were received regarding this item were provided to the Commission members prior to the meeting. Chair DiDomenico confirmed this.

RESPONSE FROM STAFF:

Mr. Levesque stated that the façade conservation agreement is their best tool for historic preservation. It does not allow the owner of the property to make any modifications to the building. This buys more time for someone else to purchase the property who has a greater interest in preserving the home.

Mr. Levesque also advised that the HPC recently adopted the Historic Preservation Plan, and there are other tools they are considering moving forward such as code text amendments for longer terms for demolition.

Commissioner Lloyd asked if any discussion was given to rezoning to R-1 since the lot split created two much smaller lots. Mr. Levesque advised that they discussed this, however the property owner was not interested in that since it would reduce the allowable density for the lots. Also, if it were rezoned from R-2 to R-1 there would be a lot of R-1 standards that would not apply.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Commissioner Lloyd stated that she appreciated the City and staff going to bat attempting to preserve the historic nature of this site.

Chair DiDomenico stated that he is concerned that this will create an assemblage of property that may lead to the loss of a neighboring historic property or do something that is out of context with the neighboring properties. He feels that staff has come up with the best compromise to save an existing structure but hopes we do not come to regret what is built on the vacant lot in the future.

Commissioner Spears stated she has a real problem with this as it seems like the owner really put the screws to the City and this is the best we can come up with to try and protect it. She does not see how this makes any sense at all. A building constructed on the new lot will not be in character with the neighborhood.

Commissioner Forte asked for clarification that if the Commission does not vote in favor that the home can be demolished in six months anyway. Chair DiDomenico advised that if the Commission did not approve it, there could be an appeal, and City Council could still move forward with it anyway.

Chair DiDomenico asked how long the historic overlay has been on this property and Mr. Levesque advised it has been since about 2006/2007.

Commissioner Lloyd asked for clarification that even if the lot split and easement had not taken place, the applicant has already gone through the six-month process and if this were not on the table, they could already go ahead and demolish the structure. Mr. Levesque advised that was correct and stated that June 9th was the last day to hold the demolition permit, so if this item does not complete it through the process, they can start demolition.

Motion: Motion made by Commissioner Cassano to approve PL220161 and seconded by Commissioner Lloyd.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Schwartz, Cassano, Lloyd, and Forte.

Nays: Commissioner Spears

Abstain: None

Absent: None

Vote: Motion passes 6-1

- 6) Request a Planned Area Development Overlay to establish development standards and a Development Plan Review for a new two-story single-family development consisting of 11 dwelling units on .59 acres for **TEMPE ELEVEN**, located at 408 South Roosevelt St. The applicant is AJT Development, LLC. **(PL220110)**

PRESENTATION BY APPLICANT:

Mr. Thomas Goscicki, AJT Development, LLC., gave an overview of the project and request. He advised the Commission of a couple of other projects that he has done Tempe. He noted that he added front porches to this project, since Roosevelt Street and 5th Street are both pedestrian streets. The complex across the street from this project is a three-story development, however he is only looking to construct two-story units. Each unit will have a two-car garage, where their recycling cans will be stored. Mr. Goscicki advised that he went over the plans with the refuse people and it was decided this project would have single-family refuse bins that will also be stored in the garage and taken out on pickup days. There are four guest parking spaces on this site, however he is looking into taking one space away and making a handicapped parking space. The entrance to the site will be off Roosevelt Street. The garages will go through the center of the property, so they will all be facing each other.

Chair DiDomenico noted that a neighborhood meeting was held and asked if there was any opposition. Mr. Goscicki stated that three people attended the meeting and there was not any opposition, but more of a general concern of overdevelopment in the community.

Chair DiDomenico referred to a rendering of at the corner of the intersection and asked if it was an accurate representation of the shrubbery that he plans to put in. Mr. Goscicki advised that there will not be landscaping between the curb and the sidewalk.

Commissioner Lloyd asked Mr. Goscicki to go over his design for the overhang that shades the patios, and whether it will provide enough shade. Mr. Goscicki stated that he does not believe code allows him to extend the covers.

Commissioner Spears asked if this was intended to be a for sale property and Mr. Goscicki advised that it was.

PRESENTATION BY STAFF:

Ms. Karen Stovall, Senior Planner, advised the Commission that a neighborhood meeting was required and was held in May. Attendees inquired about contractor parking, if the units have rooftop access, owner vs. renter occupied, building heights, if the project was to be gated, resident parking, density, and floor plan design. Staff received an email yesterday about contractor parking and responded by stating that the City does not require developers to identify locations of vehicle parking for construction teams. It is up to the applicant and contractor to determine that. Staff recommends approval of the project. There is a unique condition that the developer shall provide one accessible parking space in the surface parking lot.

Chair DiDomenico asked if there were any notable concessions, improvements, or changes that staff asked the developer to make that they were unable to provide. Ms. Stovall stated that initially the project came in with a building on the north and south end of the site as they expected common refuse enclosures. It turned out that refuse was not able to service the site by going through the alley, then turning east, and exiting on Roosevelt Street. The site had to be redesigned to accommodate that since the truck would not be able to circulate in that narrow space. They ended up with the current design instead. They did not have too many concerns or comments about the building elevations, however they did ask that on the east end of Building A that the front door be oriented towards Roosevelt Street, because the units on the east side of Roosevelt face that street as well. That is something the applicant did not want to do. Instead, he continued the porch and patio walls around the northeast corner of the building.

Vice Chair Johnson asked if the area designated for the refuse containers will be a no parking area. Ms. Stovall advised that Roosevelt Street is signed as permit parking only, so right now only those with a permit can park there anyway. However, when the cans are placed out there it is a legal requirement that cars cannot park within a certain distance of the trash/recycle cans. There will be no change to on-street signage.

PUBLIC COMMENT:

Mr. David Sokalowski, Tempe resident, stated the City has a housing shortage/crisis and a lot of people are forced to commute because they cannot find housing here. He stated we need more housing of any type, for every income level. We need to grow the character of our neighborhoods to be inclusive to everyone.

Mr. Philip Yates, President of the Riverside neighborhood association, stated that when the house was first proposed to be demolished, there was a lot of opposition because it was an historic house, and there are very few adobe homes in the City. He noted that he had questions about why this was approved to be demolished and could not get an answer. He stated that this is an 11-unit property that will be built where only one property was located. Roosevelt Street is already a very busy street as it is. He found it offensive that the applicant would include shrubbery in the rendering, but then admit some of it will not actually be there. He advised that there was a neighborhood meeting in May, however it was initially on a different date, but was changed to another time at the last minute. He did not know about the change. He said he could have stated his opposition to the project had he been advised of the meeting.

APPLICANT RESPONSE:

Mr. Goscicki stated that this is a project that complies with the zoning of the property. Regarding the neighborhood meeting, the City has guidelines for posting the dates on the sign and sending out mailers, and he complied with those. He stated there was a sign on Roosevelt Street and a sign on 5th Street that has all the dates, including the neighborhood meeting. The date did change, but they met all the notification requirements.

Chair DiDomenico asked what was previously on the property. Mr. Goscicki advised that there were three separate lots. The center lot was already vacant as the property had been demolished around 2015/16, the lot on Roosevelt Street had a two-bedroom bungalow apartment on the north half of the property and a house on the front of the property. That is the site that was referred to earlier as a historic house, however it was not designated as one. The third lot was vacant. Chair DiDomenico asked if the applicant ever had tenants in the homes and was advised they did not, and that it was vacant and in bad shape when they purchased it. There were homeless people staying there which they felt could pose a fire hazard, or overdoses, so they got a demolition permit as soon as they could.

Ms. Stovall clarified what happened with the neighborhood meeting. She advised that the applicant set a date for the neighborhood meeting and did the mailing. He then decided that he wanted to hit a certain DRC hearing date, so he did another mailing and updated the signs to adhere to the notification requirements.

COMMENTS AND DISCUSSION FROM THE COMMISSION:

Vice Chair Johnson noted that Mr. Yates is his neighbor, and that he also lives across the street from this property. He agrees that it was a very sad thing to see the home demolished, and he watched it happen. However, over the years he has also seen the windows being knocked out and boarded up, the doors getting boarded up, and it being vandalized repeatedly. It was bittersweet to see the houses go, but it was a bit of a relief since they were not being utilized. He is excited to see this development come in. He believes fewer units would be better but understands that economics come into play with a piece of property like this. He noticed there were no balconies on these and wondered if that was a conscious choice. Mr. Goscicki advised it was a conscious choice as some people use them for storage. Vice Chair Johnson advised that the on-street parking is permit parking and requested the applicant's contractors adhere to that. He likes that these are two-story units instead of three-story. He also appreciates that three of the units have garages that face the alleyway as that may alleviate some of the traffic going onto Roosevelt Street.

Commissioner Schwartz stated that the area of concern for her is on the north side since this will be a second-story next to a single-story.

Chair DiDomenico stated that the purpose of the DRC process is to somehow bring the community a better project. The request for the setbacks to be reduced allows for front patios and allows the project to not turn its back on the streets and be inward facing.

Commissioner Lloyd complimented the applicant in terms of the general design and for the most part staying within the zoning and density of the neighborhood.

Vice Chair Johnson noted that the property to the north is actually multi-family, with a couple of apartments and a main house on that property.

Motion: Motion made by Commissioner Spears to approve PI220110 and seconded by Commissioner Cassano.

Ayes: Chair DiDomenico, Vice Chair Johnson, Commissioners Schwartz, Cassano, Lloyd, Spears, and Forte.

Nays: None

Abstain: None

Absent: None

Vote: Motion passes 7-0

Staff Announcements:

Suparna Dasgupta, Principal Planner, announced the next meeting of the Commission is on September 13, 2022 and read the agenda items for that meeting.

There being no further business the meeting adjourned at 7:23 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Suparna Dasgupta, Principal Planner

