

MINUTES OF THE  
DEVELOPMENT REVIEW COMMISSION  
AUGUST 11, 2009

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 E. 5<sup>th</sup> Street, Tempe, AZ 85281  
6:00 PM (5:30 Study Session)

Commission Present:

Vanessa MacDonald, Chair  
Stanley Nicpon  
Monica Attridge  
Dennis Webb  
Paul Kent

Commission Absent:

Mike DiDomenico  
Tom Oteri  
Heather Swanson  
Peggy Tinsley  
Mario Torregrossa

City Staff Present:

Lisa Collins, Deputy Development Services Manager  
Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Diana Kaminski, Senior Planner  
Sherri Lesser, Senior Planner  
Shawn Daffara, Planner II

Chair MacDonald called the meeting to order at 6:00 p.m., which included the introduction of the Commission and City staff. It was determined at the Study Session that Item No. 2 would be heard, Item Nos. 3 and 5 would be placed on the Consent Agenda and Item Nos. 4 and 6 would be continued to the August 25, 2009 hearing.

1. **CONSIDERATION OF MEETING MINUTES: 7/28/09**

On a motion by Commissioner Nicpon and seconded by Commissioner Kent, the Commission with a vote of 5-0 approved the minutes of July 28, 2009.

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**CONSENT AGENDA**

Chair MacDonald stated that Item Nos. 3 and 5 had been placed on the Consent Agenda during the Study Session. After calling to the audience and seeing no requests to have these items pulled from consent and be heard, she called for the question:

On a motion by Commissioner Nicpon and seconded by Commissioner Attridge, the Commission with a vote of 5-0 approved the consent agenda as recommended in the following staff reports:

3. Request for **2150 SOUTHERN CAMPUS MASTERPLAN (PL080282)** (Thomas Sawner, Educational Options, property owner; William Sawner, applicant) for a Use Permit to allow a charter K-8 school as part of a mixed-use campus consisting of a charter high school, on-line private school, preschool, commercial and educational offices and limited retail and residential uses. The phased development will eventually consist of approximately 191,564 s.f., on 8.78 net acres, located at 2150 E. Southern Avenue in the MU-2, Mixed Use District. The request includes the following:

**ZUP09100** – A Use Permit to allow a charter K-8 school.

STAFF REPORT: [DRCr\\_2150SouthernCampus\\_081109.pdf](#)

5. Request for **BABA'S ACRES (PL090181)** (Donald R. Liem/Barbara K. Liem, property owners; Dennis H. Brady, Brady-Aulerich Associates, applicant) consisting of 2.01327 net acres located at 12623 South 71<sup>st</sup> Street in the AG, Agricultural District. The request includes the following:

**SBD09012** – A preliminary subdivision plat dividing one (1) lot into two (2) lots on 2.01 acres.

STAFF REPORT: [DRCr\\_BABAS\\_Acres\\_081109.pdf](#)

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Commissioner Nicpon recused himself.

4. Request for **DOS GRINGOS (PL090094)** (Mario Sanchez, Tempe Mill LLC., owner; Lesley Call, Sixty First Place Architects, applicant) for an outdoor bar/restaurant space. The 0.35 acre site is located at 703 South Mill Avenue within the CC, City Center District. The request includes the following:

**DPR09102** – Development Plan Review including site plan, building elevations and landscape plan.

**ZUP09086** – Use Permit for Live Entertainment

**ZUP09088** – Use Permit for Series 6 Bar

STAFF REPORT: [DRCr\\_DOSGRINGOS\\_081109.pdf](#)

On a motion by Commissioner Attridge and seconded by Commissioner Webb, the Commission with a vote of 4-0 continued Item No. 4 (Dos Gringos) to the August 25, 2009 hearing.

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Commissioner Nicpon returned to the dais.

6. Request for **ZONING AND DEVELOPMENT CODE AMENDMENTS (PL090008)** (City of Tempe Development Services Dept., applicant) consisting of changes within the Code for process improvements, clarifications and responses to changing uses and trends for Commercial Abatements; APAC Committee repeal; Hearing Officer duties; revised regulations on Accessory Buildings; Guest Quarters in the AG District; Small Animals; Card Rooms; Recycling Centers; Commercial/Restaurant uses in Industrial Districts; Outdoor Retailing; Service Entrance and Exits; Outdoor Dining Parking; Development Plan Review Criteria and Time Limitations; Use Permit and Variance Time Limitations; Notice of Appeals; Extension Requests; Revocations; and definitions for Card Room, Columbarium,

Donation Bins, Livestock, Poultry, Recycling Centers, Reverse Vending Machines, Small Animal and Smoking Establishment. The request includes the following:

**ZOA09001 (Ordinance No. 2009.15)** – Code Text Amendment for the Zoning and Development Code within Sections 1-201, 1-304, 1-305, 1-306, 3-102, 3-202, 3-302, 3-401, 3-404, 3-411, 3-417, 3-418, 3-503, 4-406, 4-603, 6-306, 6-308, 6-309, 6-310, 6-802, 6-901, 6-902, 7-104, 7-105, 7-113, 7-117, 7-119, 7-120, and 7-121.

STAFF REPORT: [DRCr\\_CodeTextAmendments\\_081109.pdf](#)

On a motion by Commissioner Nicpon and seconded by Commissioner Kent, the Commission with a vote of 5-0 continued Item No. 6 (Zoning and Development Code Text Amendments) to the August 25, 2009 hearing.

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### REGULAR AGENDA

2. Appeal of the July 7, 2009 Hearing Officer's decision to deny the request for the **SMITHERAN RESIDENCE (PL090189)** (Eric Stadmiller, applicant, John Smitheran, property owner,) located at 335 East Loma Vista Drive, in the R1-6, Single Family Residential District. The request includes the following:

**UPA09002 (ZUP09091)** - Use Permit to park in the front yard setback.

STAFF REPORT: [DRCr\\_SmitheranResAppeal\\_081109.pdf](#)

This case was presented by Steve Abrahamson and represented by Eric Stadmiller, the applicant and Casey Smitheran, the property owner. It was the request of the owner to enclose his carport to create additional living space for caretakers living in his home, which in turn would create a need for him to provide the required parking for the residence within the front yard setback. His plan included providing one parking space on the west side of the home, as to alleviate the necessity of one caregiver parking on the street and a carport for two parking areas is proposed on the east side of the home.

After discussion between the Commission, staff and the applicant, Ms. Collins indicated that if the applicant removed the slab on the west side of the home, he no longer is requesting to park in the front yard setback, which would no longer require a Use Permit.

Chair MacDonald opened the hearing for public input.

Liz Welsh, a citizen, spoke in opposition to this request due to the location of the slab on the west side being inconsistent with the parking in the neighborhood and the appearance that the home is being remodeled to have two separate living quarters.

Ms. Collins made a point of clarification in regards to the request. She indicated that this request is for a Use Permit to park in the front yard setback because Mr. Smitheran would be eliminating his required parking by enclosing his carport. If he provides additional parking off the alley and creates new parking, he meets his parking requirement. He in fact, would not be required to eliminate the driveway.

Chair MacDonald asked staff to clarify the parking requirement in the R1-6 Single Family Residential District.

Ms. Collins indicated that the parking requirement for this district at the time the house was constructed, was one parking space.

Ms. Collins also indicated that during the Building Safety plan review and building permit process, this case will be reviewed to verify that it meets with all ordinance and code requirements.

Chair MacDonald asked the applicant for clarification as to how they wanted to proceed. Did they wish to provide their required parking elsewhere on the site, thereby eliminating the need for the Use Permit and public hearing; or did they wish to continue with the request to park within the front yard setback.

Mr. Smitheran indicated that in leaving the slab on the west side, he was trying to alleviate parking a car on the street.

Ms. Collins indicated that by providing the carport and parking on the east side (alley loaded), the applicant would be providing his required parking per the Zoning and Development Code and a Use Permit would not be required. Whether the slab on the west side of the property remains to be used as parking or not is solely at the applicant's discretion, but this area could not be considered the required parking for the lot without the Use Permit due to its location within the front yard setback.

Chair MacDonald asked the applicant if he desired to continue with the request or withdraw his application for a Use Permit.

Mr. Smitheran indicated that he would withdraw his application for the Use Permit.

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7. **ANNOUNCEMENTS** – There were none.

The hearing adjourned at 7:20 p.m.

Prepared by: Lisa Lathrop, Administrative Assistant II  
Reviewed by: Lisa Collins, Deputy Development Services Manager



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Lisa Collins, Deputy Development Services Manager