

MINUTES OF THE DEVELOPMENT REVIEW COMMISSION SEPTEMBER 22, 2009

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

Commission Present:

Vanessa MacDonald, Chair
Tom Oteri
Monica Attridge
Dennis Webb
Peggy Tinsley
Paul Kent

Commission Absent:

Mike DiDomenico, Vice Chair
Stanley Nicpon
Heather Swanson
Mario Torregrossa

City Staff Present:

Lisa Collins, Deputy Development Services Manager
Jeff Tamulevich, Code Compliance Administrator
Steve Abrahamson, Planning & Zoning Coordinator
Ryan Levesque, Senior Planner

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 2 would be heard.

1. **CONSIDERATION OF MEETING MINUTES: 8/25/09**

On a motion by Commissioner Tinsley and seconded by Commissioner Kent, the Commission with a vote of 5-0 (Commissioner Attridge abstained), approved the minutes of the August 25, 2009 hearing.

REGULAR AGENDA

2. Request for **ZONING AND DEVELOPMENT CODE AMENDMENTS PART 2 (PL090008)** (City of Tempe, Development Services Department, applicant) consisting of changes within the Code for Guest Quarters and related definitions; Boarding Room; and Freeway Signs. The request includes the following:

ZOA09004 (Ordinance No. 2009.15) – Code Text Amendment for the Zoning and Development Code within Sections 3-102, 3-410, 3-411, 4-902, 4-903, 7-103 and 7-108.

STAFF REPORT: [DRCr_ZoningAmendmentsII_092209.pdf](#)

This case was presented by Ryan Levesque. Mr. Levesque made a brief presentation regarding the proposed text amendments which included possible amendments to allow guest quarters on lot sizes of 10,000 s.f. minimum. Approximately 6800 residential lots fall into this category. Consideration is also being made to look at 12,000 s.f. minimum lot size, which Tempe has about 4000 lots of that size; and 15,000 s.f. lot size minimum and which counts for approximately 2400 properties. The staff recommendation is that the amendment be taken to 10,000 s.f. A concern has been brought before staff that these guest quarters could be used as rentals, so there is a provision in the Code that would require a property owner to sign a covenant which would be recorded and would be restrict the use of those guest quarters. There were also provisions to address cooking facilities in these guest quarters and the use of alleys for access as well. Although we have identified 6800 lots, not all properties that submit will be accepted and approved. There are certain development standards and setback requirements that must be met.

Clarification has also been added to the section identifying boarding rooms. If there is an addition to the house that still has integral access to the residence, then it's not a guest quarters, it's an addition to the residence. It could potentially provide cooking facilities.

Mr. Levesque moved on to Section 4, with regards to free standing on premise signs and free standing off premise signs. This amendment offers restriction as to where off premise freeway signs would be allowed. Currently these are prohibited but this would give the City Council direction and more guidelines where they could potentially go and working with the City Council in developing a development agreement that would identify its limitations or requirements for such a site.

Since there is no one from the public interested in speaking, Chair MacDonald moved into the portion of the hearing for Commissioner comments and questions.

Only concerns raised by Commissioners were in regards to guest quarters and cooking provisions, gross floor area and alley access.

After discussion amongst staff and the Commission, the Commissioners agreed that the minimum lot size for guest quarters should be 15,000 s.f. with the gross floor area being no greater than 50% at or above grade and no other restrictions in regards to cooking or alley access should be imposed.

On a motion by Commissioner Kent and seconded by Commissioner Tinsley, the Commission with a vote of 5-1 (Commissioner Oteri dissented), recommended approval of the Code Text Amendment for Section 3-411 of the Zoning and Development Code regarding guest quarters, with the following modifications:

- A. GUEST QUARTERS ARE PERMITTED IN SINGLE-FAMILY RESIDENTIAL DISTRICTS HAVING A MINIMUM LOT SITE OF ~~10,000~~ 15,000 SQUARE FEET. (MODIFIED BY THE COMMISSION)
2. THE GROSS FLOOR AREA SHALL BE NO GREATER THAN FIFTY (50) PERCENT OF THE MAIN BUILDING'S GROSS FLOOR AREA AT OR ABOVE GRADE. (MODIFIED BY THE COMMISSION)
5. ~~NO SEPARATE ACCESS WAY SHALL BE CREATED FROM AN EXISTING ALLEY FOR THE PURPOSE OF A GUEST QUARTERS; (DELETED BY THE COMMISSION)~~
7. ~~NO COOKING PROVISIONS SHALL BE MADE FOR THE CONNECTION OF A RANGE, COOKTOP OR OVEN, INCLUDING BUT NOT LIMITED TO GAS OR 220V ELECTRIC SERVICE, EXCEPT IN THE AG DISTRICT; AND (DELETED BY THE COMMISSION)~~

On a motion by Commissioner Attridge and seconded by Commissioner Webb, the Commission with a vote of 6-0 recommended approval of the Code Text Amendment for Section 3-410 of the Zoning and Development Code regarding room additions, with no additional modifications.

On a motion by Commissioner Oteri and seconded by Commissioner Attridge, the Commission with a vote of 5-0 (Commissioner Kent abstained) recommended approval of the Code Text Amendment for Section 4-902B of the Zoning and Development Code regarding prohibited signs, with no additional modifications.

On a motion by Commissioner Kent and seconded by Commissioner Webb, the Commission with a vote of 6-0 recommended approval of the Code Text Amendment for Section 4-903 of the Zoning and Development Code regarding freeway signs, with no additional modifications.

On a motion by Commissioner Attridge and seconded by Commissioner Tinsley, the Commission with a vote of 6-0 recommended approval of the Code Text Amendment for Section 7-103 of the Zoning and Development Code regarding the definition of attached building, with no additional modifications.

On a motion by Commissioner Attridge and seconded by Commissioner Kent, the Commission with a vote of 6-0 recommended approval of the Code Text Amendment for Section 7-108 of the Zoning and Development Code regarding the definition of guest quarters, with no additional modifications.

On a motion by Commissioner Kent and seconded by Commissioner Tinsley, the Commission with a vote of 6-0 recommended approval of Code Text Amendment for Table 3-102, Section 3-102 of the Zoning and Development Code, regarding the permitted land use chart, with no additional modifications.

3. ANNOUNCEMENTS - NONE

The hearing adjourned at 6:50 p.m.

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



Lisa Collins, Deputy Development Services Manager