

**Minutes of the
DEVELOPMENT REVIEW COMMISSION
STUDY SESSION
OCTOBER 23, 2012**

Commission Present:

Mike DiDomenico, Chair
Dennis Webb, Vice Chair
Peggy Tinsley
Paul Kent
Linda Spears
Ron Collett
Dave Maza

Commission Absent:

Jim Delton
Dan Killoren
Angie Thornton

City Staff Present:

Lisa Collins, Interim Community Development Director
Diana Kaminski, Senior Planner
Sherri Lesser, Senior Planner

Chair DiDomenico began the Study Session at 5:30. After discussion amongst the Commission, it was decided that approval of the meeting minutes from October 9th would be moved to the November 13th agenda. It was also decided that Item No. 2 would be heard and Item No. 3 could be placed on the Consent Agenda.

The Commission requested a discussion regarding the PAD process at a future Study Session.

Nick Woods of Snell and Wilmer made a brief presentation on an upcoming project, The Grove.

Prepared by: Lisa Novia, Administrative Asst. II

Reviewed by: Lisa Collins, Interim Director Community Development Department



Lisa Collins, Interim Director, Community Development Department

Minutes of the DEVELOPMENT REVIEW COMMISSION OCTOBER 23, 2012

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:

Mike DiDomenico, Chair
Dennis Webb, Vice Chair
Peggy Tinsley
Paul Kent
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Commission Absent:

Jim Delton
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City Staff Present:

Lisa Collins, Interim Community Development Director
Diana Kaminski, Senior Planner
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Chair DiDomenico called the meeting to order at 6:05, which included the introduction of the Commission and City staff. Chair DiDomenico announced the minutes of October 9th would be postponed to the meeting on November 13th. Chair DiDomenico also stated it was the Commission's intention to place Item No. 2 on the Consent Agenda, seeing no one opposed, he indicated he would entertain a motion from the Commission.

1. CONSIDERATION OF MEETING MINUTES: 10/9/12 - POSTPONED

CONSENT AGENDA

On a motion by Commissioner Maza and seconded by Commissioner Kent, the Commission with a vote of 7-0, recommended approval of the Zoning Map Amendment and approved the Use Permit for the following case as recommended in the staff report:

3. Request for a Zoning Map Amendment from R-3 Multi-Family Residential to CSS Commercial Shopping and Service and a Use Permit to allow the existing 3,964 s.f building to be used for pet care for DOGGIE DISTRICT (PL120298), located at 932 E Guadalupe Road. The applicant is Nelson Tressler, Doggie District Partners 3 LLC.

STAFF REPORT: [DRCr DoggieDistrict 102312](#)

REGULAR AGENDA

2. Request for a Zoning Map Amendment, Planned Area Development Overlay and Development Plan Review consisting of a proposed R1-PAD single family development including three two-story dwelling units for HAYDEN LANE TOWNHOMES (PL120195), located at 1825 E Hayden Lane. The applicant is Mario Mangiamele, Iplan Consulting.

STAFF REPORT: [DRCr_HaydenLaneTownhomes_102312](#)

This case was presented by Diana Kaminski and represented by Mario Mangiamele, applicant.

Mr. Mangiamele made a brief presentation on this case, which included a history of this site, the planned design of the units as well as plans for access and landscaping.

Mark Fredstrom, Architecture Plus, gave a brief presentation on the architectural element of the case.

Chair DiDomenico questioned the plans for retention and water drainage.

Mr. Pretzner assured the Commission that the site would retain all runoff, including runoff from the alley, as required by the City.

Mr. Mangiamele returned to the podium and stated that he feels this project conforms with the general plan and is a great in-fill development for this area and he asked for the Commission's support.

Chair DiDomenico opened the hearing to public input.

Angela Dunn, resident living east of the proposed development, spoke to concerns regarding alley access, safety and how the development will affect her property. It had been determined by City staff that the oleanders on her property are encroaching into the public right of way and resolution of this issue could involve cutting oleanders down and also moving a fence. Ms. Dunn also stated she has concerns regarding the location of her home being only 2' from the alley and safety concerns as it relates to an exterior gas line on the wall of the home. She also stated concerns regarding storm water runoff from the alley, once it is paved, creating structural issues to her home and its foundation due to expansive soil. The home was built in 1915. Ms. Dunn provided photos showing existing site conditions.

Chair DiDomenico questioned staff about the option of conveying the three feet of the alley in which the fence and oleanders encroach to the property owner and about the possibility of the entire drainage from the alley being the responsibility of the owner developing the new parcel.

Ms. Kaminski indicated that she did not know if a 21' alley would suffice for the access of refuse and fire vehicles and would have to defer to Public Works and the Fire Department. She also stated that since she is not a civil engineer, she is unable to answer if the alley can be graded as such to allow the full amount of runoff to be absorbed by the developing property owner, so as not to create an issue for Ms. Dunn.

Chair DiDomenico asked staff if the Commission had the ability to create a Condition of Approval which would state that the runoff from the alley be mitigated so as not to encroach onto Ms. Dunn's property.

Ms. Kaminski indicated that she thought a Condition of Approval could be crafted to take care of the runoff issue.

Chair DiDomenico closed the hearing to public input.

Mr. Mangiamele stated that once they were made aware of the issues with Ms. Dunn's property and the possibility that the oleanders may have to be taken out, they considered the possibility of planting new foliage on her property. Unfortunately, there may not be enough space from her property line to the location of the home to

plant anything that would create a buffer. He also indicated that they had opted for a valley gutter down the middle of the alley so as not to allow runoff onto her property, but the City indicated that a valley gutter was not acceptable and the road needed to be crowned and some other means was necessary to mitigate surface flow onto the project.

Chair DiDomenico asked the applicant if they would be amenable to extend paving the alley down and around past the curve, should that be acceptable with the civil engineer as it relates to drainage.

Ms. Mangiamele indicated that as long as the civil engineer agreed, they would have no issue.

Chair DiDomenico questioned staff if there would be room in the setbacks on the west side to move this project over.

Ms. Kaminski indicated there are sidewalks and backyards to the units on the west and that the backyards figure into the calculations of the onsite retention.

Commissioner Collett stated that he felt this is a good project and liked the design and although the issue with the property owner to the east is unfortunate, it is not the developer's fault and they should not be delayed. He indicated the project should be approved but a condition added to allow staff to work with the developer to find a solution to any added drainage that would be put on Ms. Dunn's property due to the development of the vacant parcel.

Commissioner Spears agreed with Commissioner Collett.

Ms. Collins stated that a condition could be crafted so Community Development staff could work with Public Works staff to configure a drainage solution which would not impact Ms. Dunn's property.

Ms. Kaminski read the following new Condition No. 19 into the record: "The development of the City alley will be designed to mitigate storm water runoff without impact to the adjacent property to the east".

Commissioner Kent stated that he hoped the City would find a solution to the encroachment and work with Ms. Dunn for an amicable solution.

Ms. Kaminski stated that they will look at all the infrastructure and creatively work to find a solution.

Ms. Kaminski also read a new Condition No. 20 into the record, to read as follows: "The southeast alley corner will be detailed to wrap paving around the corner to the west to address drainage."

On a motion by Commissioner Collett and seconded by Commissioner Spears, the Commission with a vote of 6-1 (Commissioner Maza opposed) recommended approval of the Zoning Map Amendment and Planned Development Overlay and approved the Development Plan Review (with two added conditions) as recommended in the staff report.

3. ANNOUNCEMENTS

No announcements.

The meeting was adjourned at 7:10 p.m.

Prepared by: Lisa Novia, Administrative Asst. II

Reviewed by: Lisa Collins, Interim Director Community Development Department



Lisa Collins, Interim Director, Community Development Department