

**Minutes of the  
Development Review Commission  
Study Session**

**DECEMBER 11, 2012**

**HARRY E. MITCHELL GOVERNMENT CENTER  
TEMPE CITY HALL – CITY COUNCIL CHAMBERS  
31 EAST 5<sup>TH</sup> STREET  
5:30 p.m.**

Commissioners Present:

Mike DiDomenico, Chair  
Dennis Webb, Vice Chair  
Peggy Tinsley  
Paul Kent  
Angie Thornton  
Ron Collett  
Jim Delton

Commissioners Absent:

Linda Spears  
Dan Killoren  
Dave Maza

City Staff Present:

Lisa Collins, Interim Community Development Director  
Diana Kaminski, Senior Planner  
Lisa Novia, Admin. Asst. II

Chair DiDomenico called the Study Session to order at 5:30. After a brief presentation by each planner on their case, it was determined that Item No. 2 could be placed on the Consent Agenda, Item 3 would be continued and Item 4 would be heard.

The Study Session was adjourned at 5:55 p.m.

Prepared by: Lisa Novia, Administrative Asst. II  
Reviewed by: Lisa Collins, Interim Director Community Development Department



## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION DECEMBER 11, 2012

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)

### Commissioners Present:

Mike DiDomenico, Chair  
Dennis Webb, Vice Chair  
Peggy Tinsley  
Paul Kent  
Angie Thornton  
Ron Collett  
Jim Delton

### Commissioners Absent:

Linda Spears  
Dan Killoren  
Dave Maza

### City Staff Present:

Lisa Collins, Interim Community Development Director  
Diana Kaminski, Senior Planner  
Lisa Novia, Admin. Asst. II

Chair DiDomenico called the meeting to order at 6:00 p.m. and introduced the Commission, as well as the City staff present. It had been determined in the Study Session that Item No. 2 could be placed on the Consent Agenda and Item No. 4 would be heard. The applicant for Item No. 3 had requested a continuance of their case.

#### 1. **CONSIDERATION OF MEETING MINUTES: 11/13/12**

On a motion by Commissioner Tinsley and seconded by Commissioner Kent, the Commission with a vote of 5-0 (Commissioners Webb and Delton abstained) approved the minutes of November 13, 2012.

#### **CONSENT AGENDA**

2. Request approval for a Development Plan Review revision for **FARMER STUDIOS (PL110287)**, located at 464 S. Farmer Avenue. The applicant is Jason Coomer, Architekton.

STAFF REPORT: [DRCr FarmerStudios 121112](#)

On a motion by Commissioner Tinsley and seconded by Commissioner Kent, the Commission with a vote of 7-0 approved this Development Plan Review as recommended in the staff report.

## REGULAR AGENDA

3. Request appeal for a Use Permit Revocation for tobacco retail sales with live entertainment for **MIDNIGHT HOOKAH (PL110015)** located at 1630 E Apache Boulevard Suites 103-104. The appellant is Nadir Yousef, Midnight Hookah.

STAFF REPORT: [DRCr\\_MidnightHookah\\_121112](#)

Lynn Lagarde, attorney for the applicant, briefly addressed the Commission with the request for continuance. Ms. Lagarde indicated that due to a delay in receiving reports requested by the Police Department, she was unable to adequately prepare for this hearing. She indicated they wished to be continued to the January 8, 2013 meeting.

Chair DiDomenico allowed Chuck Buss, University Heights Neighborhood Association, to speak in regards to this case.

Chair DiDomenico asked Mr. Buss if he had any observations regarding the method in which the business has been operating since the Hearing Officer meeting in October, i.e., no DJ.

Mr. Buss indicated that yes, but it did not occur as quickly as the applicant had indicated. Mr. Buss also indicated that the applicant had been given several chances to take corrective action and that Mr. Yousif verbally assaulted him outside of the Hearing Officer meeting.

Chair DiDomenico asked if staff or the Commission had any questions.

Commissioner Tinsley made a motion approve the request for continuance to include a restriction to 49 people in regards to occupancy and no live entertainment.

Commissioner Collett questioned if the DRC has the power to prohibit live entertainment until the next hearing

Ms. Collins suggested that the Commission ask if the applicant is in agreement with the terms.

Ms. Lagarde indicated that they are and both were suggested voluntarily at the Hearing Officer meeting.

Commissioner Kent indicated that he would be fine with hearing the case this evening.

Commissioner Delton stated that he also felt that the Commission could hear this case this evening and if it upheld the Hearing Officer's decision, the DRC's decision would be appealed to City Council.

Vice Chair Webb stated that the applicant has decided to comply and he is normally not in favor of a continuance in a situation like this but it is justified since the City was not able to provide the applicant with the requested information.

Commissioner Collett stated that it is his understanding that the DRC will look at the same information that the Hearing Officer had when the decision was made and another 30 days will not offer much assistance in making a determination whether or not the decision will be upheld or the appeal will be granted.

On a motion by Commissioner Tinsley and seconded by Commissioner Collett, the Commission with a vote of 5-2 (Commissioners DiDomenico and Kent dissented) continued this case to the January 8, 2013 meeting.

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4. Request approval for a Zoning Map Amendment, Planned Area Development, and Development Plan Review for eight new attached single-family townhomes for **KENNETH PLACE TOWNHOMES (PL120269)**, located at 1419 and 1425 S. Kenneth Place. The applicant is Mario Mangiamele, of Iplan Consulting.

STAFF REPORT: [DRCr KennethPlace 121112](#)

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

Ms. Kaminski made a brief presentation which included information regarding an issue with a private irrigation line that runs along the eastern side of the property and along the northern side. The applicant is required to maintain access to that line at all times, even through construction.

Mario Mangiamele, applicant, addressed the Commission. He gave a brief presentation which included information to address the rezoning and PAD requests and the Development Plan Review. Mr. Mangiamele also addressed the private irrigation line. He indicated that although it may be necessary to relocate a portion of the line, they will work with the neighbors to maintain that access. He also indicated that a concern relayed during the neighborhood meeting was maintenance of the properties once occupied. He assured the neighbors that there would be CC&R's to address maintenance of the properties.

Commissioner Collett questioned the maintenance of the private irrigation line and who is responsible for replacing anything that is disrupted during repair.

Mr. Mangiamele stated that he was unable to give an answer.

Vice Chair asked about the size of the upper windows on the west elevation.

Mark Fredstrom, Architecture Plus, addressed the Commission. He indicated the slot window is about 2 x 5, the other two windows (pointing to them on the plan) are 2 x 4 and 2 x 6.

Vice Chair stated he felt it was out of balance and was looking at it from the perspective of someone driving by the complex.

Chair DiDomenico asked the applicant about the paving material used for the driveway.

Mr. Fredstrom indicated that it would be a combination of pavers and exposed aggregate.

Chair DiDomenico opened the hearing to public input.

Two citizens spoke in support of the case and wanted to reiterate how important access to the irrigation line is to the neighborhood.

Chair DiDomenico closed the hearing to public input.

Chair DiDomenico asked Mr. Mangiamele to clarify how access to the irrigation lines will be maintained.

Mr. Mangiamele indicated that many issues are still unresolved and they are working towards a solution. As he stated earlier, the line may be relocated to run through the middle of the site where there are pavers located. He also indicated that they will be working with their attorneys to include adequate language to address the maintenance and repair issues associated with the irrigation line.

Commissioner Thornton questioned Mr. Mangiamele about other properties involved with this waterline and if the waterline was only replaced on this property.

Mr. Mangiamele indicated that some replacement was done downstream.

Commissioner Tinsley asked if the applicant had considered doing pavers for the entire site, which included the guest parking and turn around.

Mr. Mangiamele indicated that he was unsure if that was considered and he would have to check with the architect.

Commissioner Collett asked if there would be an association fee.

Mr. Mangiamele indicated that although they were not at that point of detail yet, he assumed there would be.

Mr. Mangiamele indicated that the report lists out the specific colors to be used and if the Commission preferred the redesigned cooler tones as the neighbors requested, that condition should be modified.

Ms. Kaminski indicated she would modify that language.

On a motion by Commissioner Tinsley and seconded by Commissioner Kent, the Commission with a vote of 7-0 recommended approval of this Zoning Map Amendment, Planned Area Development Overlay and approved this Development Plan Review as recommended in the staff report, with amendments to the color palette as was presented to the Commission.

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5. **ANNOUNCEMENTS -**

Commissioner Tinsley asked that the Commission be made aware that Vice Chair Webb had been asked to participate on the General Plan Working Group Committee.

The meeting was adjourned at 7:33 p.m.

Prepared by: Lisa Novia, Administrative Asst. II  
Reviewed by: Lisa Collins, Interim Director Community Development Department



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Lisa Collins, Interim Director, Community Development Department