



Minutes of the Development Review Commission REGULAR MEETING June 25, 2024

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

Present:

Chair Andrew Johnson
Commissioner Don Cassano
Commissioner Linda Spears
Commissioner Joe Forte
Alt Commissioner Rhiannon Corbett
Alt Commissioner Charles Redman
Alt Commissioner Robert Miller

City Staff Present:

Jeff Tamulevich, Director, Community Development
Ryan Levesque, Deputy Director, Community Development
Michelle Dahlke, Principal Planner
Lily Drosos, Planner II
Whitney Mayfield, Planner 1+
Joanna Barry, Administrative Assistant II

Absent:

Vice Chair Michelle Schwartz
Commissioner Barbara Lloyd
Commissioner Larry Tom

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

Consideration of Meeting Minutes:

- 1) Development Review Commission – Study Session 5/14/24
Development Review Commission – Regular Meeting 5/14/24

Motion: Motion made by Commissioner Cassano to approve Study Session minutes and Regular Meeting minutes for May 14, 2024 and seconded by Commissioner Spears.

Ayes: Chair Johnson, Commissioners Cassano, Spears, Forte, Redman, Miller, and Corbett

Nays: None

Abstain: None

Absent: Vice Chair Schwartz, Commissioners Lloyd and Tom

Vote: Motion passes 7-0

- 2) Development Review Commission – Study Session 5/28/24
Development Review Commission – Regular Meeting 5/28/24

Motion: Motion made by Commissioner Cassano to approve Study Session minutes and Regular Meeting minutes for May 28, 2024 and seconded by Commissioner Spears.

Ayes: Chair Johnson, Commissioners Cassano, Spears, Forte, Redman, Miller, and Corbett

Nays: None

Abstain: None

Absent: Vice Chair Schwartz, Commissioners Lloyd and Tom

Vote: Motion passes 7-0

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

- 3) Request a Use Permit to allow an intensification of an existing tobacco retailer (smoking establishment use for a private club with consumption and smoking of marijuana) for **HIGH MAINTENANCE SMOKE SHOP**, located at 411 South Mill Avenue, Suite 103. The applicant is HMSS LLC. (PL240069)
- 4) Request a Use Permit for vehicle sales and service for **RIVIAN SERVICE CENTER**, located at 7340 South Kyrene Road. The applicant is Arcadis Inc. (PL240105)
- 5) Request a Use Permit to allow vehicle repairs for **LIFT-N-WRENCH**, located at 3233 South McClintock Drive. The applicant is Stewart Reindersma Architecture, PLLC. (PL240113)
- 7) Request a Use Permit to allow a second-hand store for **ARIZONA GOLF WORKS**, located at 1920 East University Drive. The applicant is Arizona Golf Works, LLC. (PL240191)
- 8) Request a Zoning Map Amendment from CSS and R-4 to MU-4; a Planned Area Development Overlay to establish development standards; and a Development Plan Review for a new eight-story, mixed-use development consisting of 279 277 dwelling units within 578,773 square feet of building area on 3.88 acres for **VALE STUDENT HOUSING**, located at 921 East Apache Boulevard. The applicant is Snell & Wilmer, LLP. (PL240035)

Motion: Motion made by Commissioner Redman to approve the Consent Agenda and seconded by Commissioner Miller.

Ayes: Chair Johnson, Commissioners Cassano, Spears, Forte, Redman, Miller, and Corbett

Nays: None

Abstain: None

Absent: Vice Chair Schwartz, Commissioners Lloyd and Tom

Vote: Motion passes 7-0

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

- 6) Request a Use Permit to allow an expansion of an existing entertainment use for extended hours of operation between 2:00 a.m. and 6:00 a.m. for **DIMES CABARET**, located at 910 North McClintock Drive. The applicant is J & J Entertainment, LLC. (PL240128) **CONTINUED FROM MAY 28, 2024 DRC MEETING**

PRESENTATION BY APPLICANT:

David Pallinger, member of Dimes Cabaret team, thanked the Commissioners for allowing the continuance from the May 28, 2024 meeting and stated they have provided staff with answers to some of the questions and concerns from the public.

Benjamin Bach, Dimes Cabaret General Manager, stated that for the extension Use Permit they will have the exact same business plan that they previously submitted, and that it will just be a later end time. He stated that with the extended hours they would like to cater to people who work in the bar industry and they will offer pool tables, cornhole games, etc. to allow people to wind down after work.

Chair Johnson asked if they were in agreement with all of the staff's conditions of approval and Mr. Pallinger stated that they were.

PRESENTATION BY STAFF:

Lily Drosos, Planner II, gave a brief overview of the request. She stated that a neighborhood meeting was not required for this Use Permit request. Ms. Drosos stated that staff has received one call of general inquiry regarding the request, 17 comments in support and one in opposition. Ms. Drosos proceeded to go over the three unique conditions of approval.

PUBLIC COMMENT:

Darlene Justus, north Tempe resident, expressed concern that there was a previous violation at this business due to them being open after 2:00 a.m. She stated there is another similar business in the area that states they will not serve alcohol after 2:00 a.m., however people will go out and drink in the parking lot then go back into the establishment. Ms. Justus noted the applicant advises that no one under 21 be in the establishment after 2:00 a.m., but she would like that as a requirement as part of the license. She noted that one of the goals the applicant stated for the extended hours is so people can sober up before they get behind the wheel. Ms. Justus requested that if someone comes in or stays after 2:00 a.m. and leaves to go to their vehicle that they do not come back in.

Kim Gaffney-Loza, north Tempe resident, stated there are a lot of calls for service in the adjacent businesses and she is concerned about it being right in the center of that. She also does not understand what the business plan is after 2:00 a.m. Ms. Gaffney-Loza noted that one of the shipping containers that borders the patio has a lot of air conditioners, but from the site that she just saw it looked like they were all restrooms. She noted that cabanas were also mentioned on their website, but she is not sure where those are located.

Connor McGilvra, bartender at Dimes Cabaret, stated he enjoys the experience working there and that it helps him pay his bills. He stated that the later closing time will enable him to get more hours and more income.

Anna O'Daniel, employee of Dimes Cabaret, stated she has worked in this industry for six years and it is an incredible environment to work in. She stated the extended hours would allow her to gain more hours and income.

Stephen Tulley, attorney for Todd Borowsky, the owner of two adult entertainment venues in Scottsdale, stated that the initial approval for Dimes Cabaret was illegal and stated the reasons that he had previously submitted in an online public comment to the Commission. Mr. Tulley stated that the State Law and City ordinance prohibits this use at this location.

APPLICANT RESPONSE:

Mr. Bach stated that at all times only people 21 and older will be allowed in the establishment, including employees and independent contractors. He stated that they take safety seriously and have a no reentry policy so if someone leaves the property they are done for the evening. Mr. Bach noted that this policy is posted and if someone leaves they are advised that they cannot come back in. He stated they have 56 cameras that provide 360-degree coverage throughout the entire property. Mr. Bach advised they have signs posted stating there is no loitering or trespassing and security does patrols through the parking lot either every hour or half-hour, depending on how busy they are. Mr. Bach stated that they do have cabanas in the back and that they are for VIP bottle service. He stated that they are not allowed to let people who are intoxicated enter the establishment after 2:00 a.m. and that they will assist patrons from finding a safe way home if they are intoxicated. He stated they have only had two calls for service to the Tempe Police in cases where they were trying to get an intoxicated customer to use an Uber or Lyft.

Chair Johnson asked Mr. Levesque to address the comment made regarding State Law and the illegality of this business. Mr. Levesque stated that the request tonight is for the Use Permit for the expansion of live entertainment, not to discuss the expansion of the adult-oriented business or the bar as those are limited operations that are required to cease at 2:00 a.m. Mr. Levesque proceeded to go over the history of the site, including the settlement agreement with the City.

COMMENTS AND DISCUSSION FROM THE COMMISSION: NONE

Motion: Motion made by Commissioner Miller to approve PL240128 and seconded by Commissioner Redman.

Ayes: Chair Johnson, Commissioners Cassano, Spears, Forte, Redman, Miller, and Corbett

Nays: None

Abstain: None

Absent: Vice Chair Schwartz, Commissioners Lloyd and Tom

Vote: Motion passes 7-0

Staff Announcements:

Michelle Dahlke, Principal Planner, advised the Commission that the next DRC meeting will be on July 23, 2024.

There being no further business the meeting adjourned at 6:32 p.m.

Prepared by: Joanna Barry, Administrative Assistant II

Reviewed by: Michelle Dahlke, Principal Planner