

**MINUTES
HEARING OFFICER
JUNE 17, 2014**

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner
Marvin White, Code Inspector
Michael Spencer, Code Inspector
Jody Benson, Code Inspector
Steve Nagy, Administrative Assistant II

Number of Interested Citizens Present: 10

Meeting convened at 1:40 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by July 1, 2014 at 3:00 PM, to the Community Development Department.

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1. Ms. MacDonald noted that the Hearing Officer Minutes for May 21, 2014 had been reviewed and approved.

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2. Request approval to abate public nuisance items at the **Jacob C. Russell Property (PL140173)** located at 1017 East Larkspur Lane. The applicant is the City of Tempe.

Michael Spencer requested approval of abatement for the property located at 1017 E Larkspur Lane. The property is in violation of landscaping visible from public property that is substantially dead, damaged and presents a deteriorated appearance. Notices have been sent to the owner of the property over several months. There has been very little change in the condition of the property. Mr. Spencer was not seeking a 180-day open abatement.

Ms. MacDonald stated she was going to go ahead and approve the property abatement.

DECISION:

Ms. MacDonald approved abatement proceedings for PL140173/ABT14021.

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6. Request approval to abate public nuisance items at the **Perryman Residence (PL140174)** located at 2364 East Riviera Drive. The applicant is the City of Tempe.

Jody Benson requested approval of 180-day open abatement for the property located at 2364 East Riviera Drive.

The property is in violation of landscaping visible from public property that is substantially dead, damaged and presents a deteriorated or slum-like appearance and is in violation of inoperable/unregistered vehicle on property. Notice and citation have been sent to the owner of the property over several months with no response. There has been very little change in the condition of the property.

Ms. MacDonald stated she was going to go ahead and approve the property abatement.

DECISION:

Ms. MacDonald approved abatement proceedings for PL140174/ABT14023.

7. Request approval to abate public nuisance items at the **JORDAN RESIDENCE (PL140175)** located at 1645 E Manhattan Drive. The applicant is the City of Tempe.

Jody Benson requested approval of a 180-day open abatement for the property located at 1645 E Manhattan Drive. The property is in violation of, weeds, tall grass and, accumulated debris. Notices have been sent to the owner of the property over several months. There has been very little change in the condition of the property.

Ms. MacDonald stated she was going to go ahead and approve the property abatement.

DECISION:

Ms. MacDonald approved abatement proceedings for PL140175/ABT14024.

6. Request approval to abate public nuisance items at the **BROWN RESIDENCE (PL140176)** located at 2512 East Del Rio Drive. The applicant is the City of Tempe.

Jody Benson requested approval of a 180-day open abatement for the property located at 2512 East Del Rio Drive. The property is in violation of, weeds, tall grass and, accumulated debris. Notices have been sent to the owner of the property over several months. There has been very little change in the condition of the property.

Ms. MacDonald stated she was going to go ahead and approve the property abatement.

DECISION:

Ms. MacDonald approved abatement proceedings for PL140176/ABT14025.

6. Request approval to abate public nuisance items at the **BRIAN SROKA/SPENCE AVE INVESTMENTS (PL140145, PL140146, PL140147, PL140148)** located at 931 East Spence Ave (**PL140145**), 943 East Spence Ave (**PL140146**), 947 East Spence Ave (**PL140147**), 1005 East Spence Ave (**PL140148**). The applicant is the City of Tempe.

Sherri Lesser presented the request on behalf of Marvin White. Ms. Lesser reviewed the locations and conditions of the properties, which were all in violation of overgrown landscapes. There had been no response to calls requesting properties be cleaned up. Ms. Lesser continued to request a 180-day open abatement for the above properties.

Ms. MacDonald stated she was going to go ahead and approve the property abatement.

DECISION:

Ms. MacDonald approved abatement proceedings for PL140145/ABT14020, PL140146/14019, PL140147/14018, PL140148/14017.

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1. Request approval for a Use Permit to allow a tobacco retailer/smoke shop for **BOB'S SMOKE SHOP (PL140133)** located at 1740 East Broadway Road. The applicant is Basel Barakat.

Sherri Lesser, Senior Planner presented the case by reviewing the site location and Use Permit details. She continued that staff recommends approval subject to the 8 stipulations included in the report.

Ms. McDonald reviewed the stipulations, and asked the applicant to come up.

The applicant, Layden Small (sp?), Phoenix, AZ, agreed with all of the conditions of approval. Mr. Small had nothing else to add.

Ms. MacDonald noted that this request meets the criteria for a Use Permit:

- No significant increase in vehicular or pedestrian traffic.
- The proposed use is similar to others in the area and there should be no nuisances created from odor, dust, gas, noise vibration, smoke, heat or glare.
- The proposed use is not in conflict with the city's adopted plans or General Plan. There is no evidence that supports a downgrading of surrounding property values.
- The proposed use appears to be compatible with surrounding structures and uses.
- No disruptive behavior is generated by this use.

DECISION:

Ms. MacDonald approved PL140133/ZUP14047 subject to the assigned Conditions of Approval:

1. These Use Permits are valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed, if necessary for tenant improvements.
2. These Use Permits are valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
4. Any intensification or expansion of use shall require a new Use Permit.
5. These Use Permits are valid for Bob's Smoke Shop and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
6. All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
7. All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective...
8. This use shall not violate the City of Tempe Smoking Ordinance or Smoke Free Arizona Act A.R.S. §36-601.01.
9. The applicant shall contact Nathan Ryberg (480-858-6409) to verify if a security plan will be required for the retail of tobacco and related products.

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2. Request approval for a use permit to allow resale retail for **EPIC THRIFT (PL140169)** located at 1717 East Southern Avenue. The applicant is David Luneng.

Sherri Lesser, Senior Planner presented the case by reviewing the site location and Use Permit details. She continued that staff recommends approval subject to the 8 stipulations included in the report.

Ms. McDonald reviewed the stipulations, and asked the applicant to come up.

The applicant, Sarah Diehl, Phoenix, AZ, agreed with all of the conditions of approval. Mr. Small had nothing else to add.

Ms. MacDonald noted that this request meets the criteria for a Use Permit:

- No significant increase in vehicular or pedestrian traffic.
- The proposed use is similar to others in the area and there should be no nuisances created from odor, dust, gas, noise vibration, smoke, heat or glare.
- The proposed use is not in conflict with the city's adopted plans or General Plan. There is no evidence that supports a downgrading of surrounding property values.
- The proposed use appears to be compatible with surrounding structures and uses.
- No disruptive behavior is generated by this use.

DECISION:

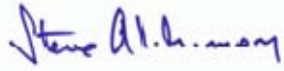
Ms. MacDonald approved PL140169/ZUP14043 subject to the assigned Conditions of Approval:

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. The Use Permit is valid for the EPIC Thrift second hand store and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
4. Any intensification or expansion of use shall require a new Use Permit.
5. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
6. A Development Plan Review is required for any exterior modifications.
7. All business signs shall receive a Sign Permit. Contact Dean Miller at 480-350-8435 for the sign review.
8. All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.

The next Hearing Officer public hearing will be held on June 3, 2014.

There being no further business the public hearing adjourned at 2:00 PM.

Prepared by: Steve Nagy, Administrative Assistant II
Reviewed by:



Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

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