Tempe

Minutes
HEARING OFFICER
SEPTEMBER 18, 2012

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
Diana Kaminski, Senior Planner

Number of Interested Citizens Present: 6

Meeting convened at 1:30 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 October 2, 2012 at 3:00 PM, to the Community Development Department.

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1. Ms. MacDonald noted that the Hearing Officer Minutes for September 4, 2012 had been reviewed and approved.

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2. Hold a public hearing for a request by MIDNIGHT HOOKAH (PL110015) (Nader Yousif, applicant; 1630 Apache LLC, property owner) located at 1630 East Apache Boulevard, Suite Nos. 103-104, in the CSS, Commercial Shopping and Services District within the Transportation Overlay District Corridor for:

   ZUP11007 - Use Permit to allow a retail smoke shop (Hookah Lounge) offering tobacco and tobacco paraphernalia products and live indoor entertainment (dj and live music, dancing).

   REVIEW OF COMPLIANCE WITH CONDITIONS OF APPROVAL BY THE HEARING OFFICER AT THE MARCH 20, 2012 HEARING.

   Gary King, Attorney, representing Nader Yousif, owner of Midnight Hookah was present to represent this case.

   Diana Kaminski introduced the case. Midnight Hookah is located on the north side of Apache Boulevard just west of McClintock Drive. The applicant received their Use Permit in September 2011. On March 20, 2012 the applicant came back to the Hearing Officer for review of compliance with the conditions of approval of the Use Permit. At that time several of the conditions have not been met. An additional six months was granted to establish a credible pattern of business operations. Midnight Hookah has been in operation for a year.

   For the record, in the report on page 4, under Conclusion, the last sentence should be stricken which reads: "Staff recommends continuance of the hearing for the requested use permit until December 18th, to allow the revocation process for this use permit for Midnight Hookah for the sale of tobacco products with live entertainment." Staff is not making a recommendation today. We are here to present the information from the report as it pertains to the review of the conditions of approval.

Mr. King stated Mr. Yousif summarized the purpose of the hearing. There seem to be some misunderstandings, along with new issues regarding occupancy. A meeting with the Fire Department, Building Safety Department and the Police Department is scheduled for October 1, 2012. Mr. King has no reason to believe that Mr. Yousif would not be able to comply with the use permit stipulations or the rules and regulations of the City. Mr. King requested a continuance to October 16, 2012.

DECISION:
CONTINUED TO OCTOBER 16, 2012

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3. Hold a public hearing for a request by CHRYSALIS ACADEMY, LLC (PL120193) (Tara Rice, applicant; Baseline Business Park, property owner) located at 600 East Baseline Road, Suite B6, in the R/O, Residential/Office District for:

ZUP12056 – Use Permit to allow a private day school.

CONTINUED FROM THE JULY 17, 2012 HEARING

CONTINUED TO NOVEMBER 7, 2012

The next Hearing Officer public hearing will be held on October 2, 2012.

There being no further business the public hearing adjourned at 1:41 PM.

Prepared by: Julie Stennerson, Executive Assistant
Reviewed by:

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

SA:js