Minutes
HEARING OFFICER
NOVEMBER 20, 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
Obenia Kingsby II, Community Development Intern
Julie Stennerson, Executive Assistant

Number of Interested Citizens Present: 8

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 December 4, 2012 at 3:00 PM, to the Community Development Department.

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1. Ms. MacDonald noted that the Hearing Officer Minutes for November 7, 2012 had been reviewed and approved.

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2. Request approval for a Use Permit to allow a massage establishment for THE NEUROMUSCULAR STUDIO, LLC (PL120353) located at 430 West Warner Road, Suite 110. The applicant is Rachel Carroll.

   Rachel Carroll was present to represent this case.

   Steve Abrahamson introduced the case. The Neuromuscular Studio is requesting a Use Permit to allow a massage establishment. The business is located at the northeast corner of Warner Road and Kyrene Road. The plaza is occupied by similar types of business. The applicant, Ms. Carroll has operated her business in Tempe for several years near Rural Road and Broadway Road. Staff has not received any public input. This business meets all the criteria for a Use Permit. Staff recommends approval of the Use Permit.

   Ms. Carroll agreed to the conditions of approval.

   There was no public input.

   Ms. MacDonald noted that this request meets the criteria for a Use Permit:
   1. Traffic generated by this use should not be excessive.
   2. It won't create a nuisance resulting from odor, dust, gas, noise, vibration, smoke, heat or glare.
   3. It won't contribute to the deterioration of the neighborhood.
   4. It is compatible with existing surrounding structures and uses.
   5. Will allow you to adequately control disruptive behavior both inside and outside the property.

DECISION:

Ms. MacDonald approved PL120353/ZUP12101 subject to the following conditions:

1. This Use Permit is valid only after a Building Permit has been obtained and 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. 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. The hours of operation for this use M-F 9am-7pm Sat 9am-4pm.

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3. Request approval for a Use Permit Standard to allow a room addition for the CODELL RESIDENCE (PL120363) located at 1316 East McNair Drive. The applicant is Julie Codell.

Julie Codell was present to represent this case.

Steve Abrahamson introduced the case. The applicant is requesting a Use Permit Standard to reduce the east side yard setback for a room addition at the Codell residence. The Use Permit Standard will allow a reduction in the required setback by 20%, from 7 ft. to 5 ft. – 7 inches. The code provides for reductions in setback through a Use Permit up to 20%. The neighborhood is located between Elliot Road and the Western Canal, between Rural Road and McClintock Drive. This request meets the criteria for a Use Permit Standard. Staff recommends approval of the Use Permit Standard.

Ms. Codell agreed to the conditions of approval.

Ms. MacDonald stated staff received a phone call of inquiry regarding the roofline of the new addition. Ms. MacDonald asked if the roof on the new addition would match the color and material of the existing roof.

Ms. Codell stated the roof on the new addition would match the color and material of the existing roof.

Ms. MacDonald complimented the previous addition done at the Codell residence. Ms. MacDonald explained that Use Permit Standards are used for minor reductions in setbacks.

There was no public input.

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

1. Traffic generated by this use should not be excessive.
2. It won't create a nuisance resulting from odor, dust, gas, noise, vibration, smoke, heat or glare.
3. It won't contribute to the deterioration of the neighborhood.
4. It is compatible with existing surrounding structures and uses.
5. Will allow you to adequately control disruptive behavior both inside and outside the property.

DECISION:

Ms. MacDonald approved PL120363/ZUP12104 subject to the following conditions:

1. This Use Permit is valid only after a Building Permit has been obtained and 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, with a side yard setback of 5' 7" from property line to face of building. Any additions or modifications may be submitted for review during building plan check process.

3. The addition shall provide circulation through the main living space of the house and not be physically separated to function as a second dwelling unit, which would violate the zoning designation of this lot.
4. The materials and colors of the addition shall match or be compatible with the existing structure.

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4. Request approval for a Use Permit to allow auto title loans for AUTO EQUITY LOANS (PL120360) located at 1739 East Broadway Road. The applicant is David Levi.

David Levi was present to represent this case.

Obenia Kingsby II introduced the case. Auto Equity Loans is requesting approval of a Use Permit to allow auto title loans. The site is located at the southwest corner of Broadway Road and McClintock Drive. The zoning district is PCC-1, Planned Commercial Center District. The applicant, David Levi has been given the conditions of approval. Staff has not received any public input. Staff is requesting approval of the Use Permit.

Ms. MacDonald asked Mr. Kingsby II to explain what auto title loans are and how they work.

Mr. Kingsby II stated auto title loans are a financial instrument where the client can use their car as collateral for a loan.

Mr. Levi presented pictures of his office in Scottsdale. He stated the Tempe business would be an additional business location. There are no exposed neon signs in the windows. The front door has a message which reads: No Cash on Premises Video Surveillance. Auto Equity Loans has also been accredited by the Better Business Bureau with an A+ rating since 2009. Mr. Levi indicated they were the only title lender accredited by the Better Business Bureau.

Mr. Levi understands the community has a certain view on title loans. He has been a business owner since 2009. When he opened his first store in Scottsdale his neighbors expressed their concerns. He has honored the area and kept his promise. The Scottsdale Police Department has never been dispatched to the Scottsdale office for violent crimes. The Police Department has been dispatched for other issues. Clients are qualified for loans based on their ability to pay back the loan, not just the vehicle they present. They do not use bulletproof glass in the office because they do not use cash. The clients are paid out by check and 90% of the payments are received electronically. More than half of their clients were with competitors prior to taking out a loan with Auto Equity Loans. Many customers have refinanced with Auto Equity Loans due to the lower rates offered. The customers are not charged unnecessary fees. Mr. Levi has made it his mission to get into business for himself and change the face of the title loan industry. He wants to show residents how a title loan should work for them, not against them.

Ms. MacDonald asked Mr. Levi the nature of the issues the Police Department was called out for.

Mr. Levi stated the Police Department was called out for notarization issues.

Mr. Levi agreed to the conditions of approval.

There was no public input.

Ms. MacDonald noted that this request meets the criteria for a Use Permit:
1. Traffic generated by this use should not be excessive.
2. It won't create a nuisance resulting from odor, dust, gas, noise, vibration, smoke, heat or glare.
3. It won't contribute to the deterioration of the neighborhood.
4. It is compatible with existing surrounding structures and uses.
5. Will allow you to adequately control disruptive behavior both inside and outside the property.

DECISION:

Ms. MacDonald approved PL120360/ZUP12105 subject to the following conditions:

1. 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.
2. 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.
3. Hours of operation to end no later than 7:00 p.m. on a daily basis.
4. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.
5. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review.
6. Security Plan is required.
7. A maximum of 5 parking spaces may be used by this use.

The next Hearing Officer public hearing will be held on December 4, 2012

There being no further business the public hearing adjourned at 1:54 PM.

Prepared by: Julie Stennerson, Executive Assistant
Reviewed by:

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

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