Tempe

Minutes
HEARING OFFICER
DECEMBER 4, 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
Jack Scofield, Code Inspector

Number of Interested Citizens Present: 3

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 18, 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 20, 2012 had been reviewed and approved.

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2. Request approval to abate public nuisance items at the PORTER PROPERTY (PL120359) located at 4607 South Oak Street. The applicant is the City of Tempe – Code Compliance.

   There was no one present to represent the property owner.

   Jack Scofield requested a 180 day open abatement for the property located at 4607 South Oak Street. The property is in violation of a deteriorated pool. The property is in pre-foreclosure. Notification has been sent to the property owner and the foreclosing bank.

   DECISION:
   Ms. MacDonald approved abatement proceedings for PL120359/ABT12055 for an open period of 180 days.

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3. Request approval to abate public nuisance items at the WEBB PROPERTY (PL120361) located at 8630 South Hazelton Lane. The applicant is the City of Tempe – Code Compliance.

   There was no one present to represent the property owner.

   Jack Scofield requested a 180 day open abatement for the property located at 8630 South Hazelton Lane. The property is in violation of deteriorated landscaping. Notification was sent to the property owner and a citation was issued. The property owner failed to appear in court. Notices have been posted at the property. Staff has not had any success contacting the property owner.

DECISION:
Ms. MacDonald approved abatement proceedings for PL120361/ABT12056 for an open period of 180 days.

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4. Request approval to abate public nuisance items at the KALOCIN PROPERTY (PL120362) located at 4822 South Heather Drive. The applicant is the City of Tempe – Code Compliance.

   THE PROPERTY WAS REMOVED FROM THE AGENDA AS IT HAS BEEN BROUGHT INTO COMPLIANCE BY THE PROPERTY OWNER.

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5. Request approval to abate public nuisance items at the TIGHTLINES INTERNATIONAL LLC PROPERTY (PL120370) located at 1929 East Redmon Drive. The applicant is the City of Tempe – Code Compliance.

   THIS CASE WILL BE CONTINUED TO JANUARY 15, 2013 BY THE REQUEST OF CODE COMPLIANCE STAFF.

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6. Request approval for a Use Permit to allow retail/wholesale in the General Industrial District for NADVEX (PL120373) located at 841 West Fairmont Drive, Suite 1. The applicant is J. Arthur Haddow, National Auto Dealer Vehicle Exchange.

   J. Arthur Haddow, National Auto Dealer Vehicle Exchange was present to represent this case.

   Diana Kaminski introduced the case. The property is located on the south east corner of Hardy Drive and Fairmont Drive. The suite is located in an industrial complex. The proposed business use is primarily for internet sales of vehicles. The floor plan for the business includes interior parking spaces. A condition of approval has been included to limit the exterior parking spaces for NADVEX should the business expand. This would protect the parking for the other businesses in the center. The parking spaces are based on the square footage of the suite. Staff recommends approval of the Use Permit.

   Mr. Haddow indicated there would not be any vehicles at the location. The business is a wholesale internet company. The automotive dealer license is required by the State. In order to obtain this license you are required to have a parking lot. In this case the warehouse will become the lot.

   Ms. MacDonald noted conditions of approval: 4. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. 5. The property owner shall replace all dead or missing trees along the street frontages (minimum of 1 tree per 30 linear feet of street frontage on both streets) and within the existing required landscape islands within the parking lot. 6. Update the data for parking file for this building prior to the Use Permit becoming effective. Provide information within 14 days or by December 18th, 2012.

   Mr. Haddow 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 PL120373/ZUP12109 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. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.
5. The Property Owner shall replace all dead or missing trees along the street frontages (minimum of 1 tree per 30 linear feet of street frontage on both streets) and within the existing required landscape islands within the parking lot.
6. Update the data for parking file for this building prior to the Use Permit becoming effective. Provide information within 14 days or by December 18th, 2012.
7. NADVEX shall have five (5) interior parking spaces subject to building safety occupancy requirements, for the display of vehicles for sale.
8. NADVEX shall have seven (7) exterior parking spaces for customers and employees. Vehicles for sale may be located within these spaces however; no signage, flags, banners or outdoor sales/promotional material shall be located on the vehicles or in the lot.

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7. Request approval for a Use Permit for a reduction to a rear yard setback to allow a two-story garage addition for the HINES RESIDENCE (PL120382) located at 312 West Santa Cruz Drive. The applicant is Corbin Hines.

THIS CASE WILL BE CONTINUED TO JANUARY 2, 2013 BY THE REQUEST OF THE HEARING OFFICER.

The next Hearing Officer public hearing will be held on December 18, 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

SA:js