Minutes
HEARING OFFICER
FEBRUARY 5, 2013

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
Shawn Dafara, Code Inspector
Julie Stennerson, Executive Assistant

Number of Interested Citizens Present: 4

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 February 19, 2013 at 3:00 PM, to the Community Development Department.

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1. Ms. MacDonald noted that the Hearing Officer Minutes for January 15, 2013 had been reviewed and approved.

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2. Request approval to abate public nuisance items at the HAZELTON PROPERTY (PL130014) located at 1219/1223 South Maple Avenue. The applicant is the City of Tempe – Code Compliance.

   There was no one present to represent the property owner.

   Shawn Daffara requested a 180 day open abatement for the property located at 1219/1223 South Maple Avenue. This property has had various complaints since 2001. Civil citations have been issued along with abatements since 2009. The property owner has not contacted Code Enforcement to resolve the violations and has failed to maintain the property. Code Enforcement believes the property owner resides in Michigan.

   Ms. MacDonald stated this property has a lengthy complaint history. The Hearing Officer is authorized to approve an abatement period not to exceed one hundred eighty (180) days from the previous abatement order. It would be appropriate to bring this case back for review at the July 16, 2013 hearing.

   DECISION:
   Ms. MacDonald approved abatement proceedings for PL130014/ABT13001 for an open period of 180 days. This case shall return to the Hearing Officer for review on July 16, 2013 should conditions apply.

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3. Request approval for a Use Permit to allow a Coffee Shop Café/Office in the General Industrial District for INFUSION COFFEE AND TEA (PL120436) located at 1300 East 8th Street, Suite 100 & 104. The applicant is Patrick O'Malley.

Patrick O'Malley, Infusion Coffee and Tea and Rudi Vafadari, Arden Properties, Inc. were present to represent this case.

Sherri Lesser introduced the case. The applicant is requesting a Use Permit for a Coffee/Tea House located at 1300 East 8th Street. This property is located south of University Drive between Rural Road and McClintock Drive on the north side of 8th Street. A Use Permit was reviewed at this same location about two years ago for a full scale restaurant. The Use Permit was denied by the Hearing Officer due to the parking issues. This request is for a different usage, it is just for a coffee house. There is a coffee roaster that currently manufactures coffee in this same complex and they would like to expand the business to provide coffee services. Staff has not received any opposition to the request. Staff has received one letter of support and one phone call supporting the request. The conditions of approval have been discussed with the applicant. Staff recommends approval of the Use Permit.

Mr. O'Malley stated he just received the conditions of approval and was not aware of some of the conditions until today. He was unsure how he was supposed to control the parking behind the building.

Ms. MacDonald stated there are some parking challenges at this location.

Mr. O'Malley indicated 80% of the business would be from traffic already in the area mainly on foot and bicycles. Most of the business would be from people living in the neighborhood and students going back and forth to school.

Ms. Lesser stated this property is adjacent to City property. The property north of this location is an abandoned railroad right-of-way. The City has plans in the future to upgrade the abandoned property. The property is now being used, with no formal agreement for parking for the customers of Four Peaks. The City will let that use continue with improvements to the area that are in compliance with having a restaurant business in this suite. One of the conditions includes eliminating parking along the north side of the building to create a fire lane/delivery service area. This can be achieved with signage and enforcement.

Mr. O'Malley stated he could put signs up, but would not be able to control the area.

Ms. Lesser stated another condition requires paving of the area. This condition was imposed on the last restaurant use when this location was going to be converted from office to restaurant.

Mr. O'Malley asked if the City owned the property.

Ms. Lesser stated the City owns the property. The City has no formal agreement to allow parking at this location. Paving improvements are necessary if this land is going to continue to be used for parking.

Rudi Vafadari, property owner stated he has owned the property since 1978. He indicated most of the people who park in the Southern Pacific/City of Tempe abandoned right-of-way are students that attend ASU. Mr. Vafadari recently purchased about 20,000 square foot of property on Dorsey Lane. He is currently in the process with civil engineers to get approval for parking. This should resolve most of the parking problems for Four Peaks and the Coffee/Tea house.

Ms. MacDonald stated the conditions of approval need to be addressed before the business is opened. Conditions 6, 7 and 8 specifically address the parking issue.

6. A shared parking agreement for the 1300 and 1370 lots must be processed and approved prior to submittal of building permits for the tenant improvement. The lot located at 1370 E.8th Street shall remain open and available for parking for this use. If the lot on the south side of 8th Street is approved and constructed per

City of Tempe requirements; that lot could replace the spaces utilized in the proposed shared parking model.

7. Eliminate parking along the north side of building and create a fire lane/ service area; show site plan change as part of tenant improvement/ planning plan check submittal.

8. Upgrade Creamery Branch paving to Public Works acceptable standards for an alley; work with Eric Iwersen; City of Tempe Transportation Planner (480) 350-8810.

Ms. Lesser stated by ordinance all the uses on the site have to provide 31 parking spaces.

Ms. MacDonald stated she needs evidence of adequate parking prior to approving the Use Permit.

Ms. Lesser stated if the owner moves forward with the parking lot at 1370 East 8th Street it would resolve the parking issue.

Mr. Abrahamson indicated the case should be continued. The details need to be discussed with the applicants to make certain everyone agrees with the stipulations. If this is not resolved it may come back as an appeal.

This case will be continued to February 19, 2013 by the request of the Hearing Officer.

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4. Request approval for a Use Permit to allow a restaurant/bar for the FIREHOUSE (PL120431) located at 4 East University Drive. The applicant is Amy Nations.

This case will be continued to February 19, 2013 by the request of the applicant.

The next Hearing Officer public hearing will be held on February 19, 2013.

There being no further business the public hearing adjourned at 1:53 PM.

Prepared by: Julie Stennerson, Executive Assistant
Reviewed by:

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

SA:js