MINUTES
HEARING OFFICER
JANUARY 7, 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
Diana Kaminski, Senior Planner
Diane McGuire, Administrative Assistant II

Number of Interested Citizens Present: 8

Meeting convened at 1:35 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 January 21, 2014 at 3:00 PM, to the Community Development Department.

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1. Ms. MacDonald noted that the Hearing Officer Minutes for December 3, 2013 had been reviewed and approved.

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2. Request approval to abate public nuisance items at the TAYLOR PROPERTY (PL130430) located at 1709 North Aster Street. The applicant is the City of Tempe.

   ABATEMENT REQUEST (PL130430 / ABT13037 / CE133269) HAS BEEN WITHDRAWN BY MICHAEL SPENCER, CODE INSPECTOR, AS THE PROPERTY IS NOW IN COMPLIANCE.

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3. Request approval to abate public nuisance items at the ZIMMERMAN PROPERTY (PL130453) located at 7325 South Lakeshore Drive. The applicant is the City of Tempe.

   ABATEMENT REQUEST (PL130453 / CE132954 / ABT13038) HAS BEEN CONTINUED TO THE JANUARY 21, 2014 HEARING OFFICER AT THE REQUEST OF JACK SCOFIELD, CODE INSPECTOR.

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4. Request approval to abate public nuisance items at the MALCO PROPERTY (PL130454) located at 1932 East Velvet Drive. The applicant is the City of Tempe.

   There was no one present to represent the property owner.

   Jack Scofield, Code Compliance Inspector, requested a 180 day open abatement for the property located at 1932 East Velvet Drive. The property is in violation (CE132845) due to a deteriorated pool with stagnant water. Mr. Scofield noted the home has been in violation since August 2013 and that the property owner has not taken any corrective action.

   Ms. MacDonald stated that her on-site review indicated that the pool was in poor condition.

   There was no public input.

   DECISION:
   Ms. MacDonald approved abatement proceedings for PL130454/ABT13039 for an open period of 180 days.

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5. Review of the Use Permit to allow a fraternity for TEMPE DORMS/CAMPUS LOFTS (PL130011) located at 1116 East Lemon Street. The applicant is Janine Meighew-Urquilla, AZ Rental Homes.

   Mr. Chris Hanson/1116 LLC, property owner, was present to represent this case. He noted that the security plan had been submitted to the Tempe Police Department and was being complied with by management.

   Diana Kaminski, Senior Planner, stated that the police staff had indicated tenants of the site were good at communicating and working with police. The majority of the calls for service were property manager initiated. The opinion of the Police staff is that the fraternity is keeping their calls for service down, and cooperating with police in implementing the security plan.

   Ms. Kaminski explained that there was a new property owner (Mr. Hanson) and that she would follow up with the Fire Department so that they would be proactive in contacting Mr. Hanson regarding any outstanding issues that may need to be resolved.

   Ms. MacDonald noted that fraternities had been in the news recently, some with very negative reports and that she was very pleased when she reviewed the police report as it was indicative of this location's efforts to comply with the security plan.

Ms. MacDonald noted that this was a pretty straight forward request and meets the criteria for a Use Permit:

1. No significant increase in vehicular or pedestrian traffic. The volume of customers will not create an excess of traffic for the area.
2. 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.
3. The proposed use is not in conflict with the city's adopted plans or General Plan. It would not contribute to neighborhood deterioration or downgrade property values.
4. The proposed use appears to be compatible with surrounding structures and uses.
5. The proposed use appears to have adequate control of disruptive behavior.

DECISION:

Ms. MacDonald re-approved PL130011/ZUP13002 subject to the following conditions:

1. This Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the 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. Any intensification or expansion of use shall require a new Use Permit.
4. No outdoor live entertainment (this includes bands and disc jockeys) or outdoor speakers shall be allowed unless part of special event use permit.
5. Special events require a separate special event permit per event.
6. The applicant shall contact the City of Tempe Crime Prevention Unit for a security plan within 30 days of this approval. Contact Crime Prevention at 480-350-8714 before April 5, 2013.
7. An occupancy inspection and clearance from the Tempe Fire Department shall be obtained prior to the use permit becoming effective.
8. All nonconforming building lighting shall be removed and replaced with compliant light fixtures.
9. Replace all dead or missing trees and landscape material.

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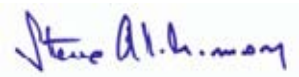
6. Request approval for a Use Permit to allow the addition of a residential use to an existing commercial site in the CSS, Commercial Shopping and Services District for NAINI SUITES (PL130437) located at 1607 East Apache Boulevard. The applicant is Abbas Naini.

CASE CONTINUED BY COMMUNITY DEVELOPMENT STAFF TO NON-SPECIFIC DATE

The next Hearing Officer public hearing will be held on January 21, 2014.

There being no further business the public hearing adjourned at 1:50 PM.

Prepared by: Diane McGuire, Administrative Assistant II
Reviewed by:



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

SA:dm