

**Minutes
HEARING OFFICER
FEBRUARY 16, 2010**

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:

David Williams, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Nick Graves, Planning Intern

Number of Interested Citizens Present: 3

Meeting convened at 1:30 PM and was called to order by Mr. Williams. He noted that anyone wishing to appeal a decision made today by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days by March 2, 2010 at 3:00 PM to the Development Services Department.

1. Mr. Williams approved the Hearing Officer Minutes for February 2, 2010.

2. Request by the **KUITUNEN RESIDENCE (PL090482)** (Jeff Pawlowski/PK Architects, applicant; Scott Kuitunen, property owner) located at 1217 East Knight Lane in the AG, Agricultural District for:

ZUP09183 Use permit standard to reduce the north front yard setback by twenty percent (20%) from forty (40) feet to thirty-two (32) feet for two (2) additions to the residence. *(Note: Side yard use permit not required per Sunburst Farm PAD.)*

Mr. Scott Kuitunen was present to represent this case.

Nick Graves, staff planner, gave an overview of this case and stated that the original plan has been revised and the re-design addresses the concerns of the neighbors.

DECISION:

Mr. Williams approved PL090482/ZUP09183 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. The proposed driveway shall be paved with asphalt or concrete; or alternatively, a dust proof, porous paving material (e.g. decomposed granite) may be used when approved by the Development Services Manager or designee, as part of a storm retention plan.

3. Per Tempe City Code; both driveways combined shall not exceed 35% of the front and side areas visible from the street.
4. Obtain all necessary clearances from the Public Works Department for on-site retention for expansion of pavement in the front yard.
5. The building additions shall be compatible with the existing dwelling in form, color and materials.

3. Request by **AGAVE BUSINESS CENTER – EXTRA INNINGS (PL100018)** (Jay R. Jolley/K & I Architects & Interiors, applicant; MEPT Agave Center LLC, property owner) located at 8945 South Harl Avenue, Suite 106 in the GID, General Industrial District for:

ZUP10006 Use permit to allow an indoor baseball training facility with retail sales.

Mr. Jay R. Jolley of K & I Architects & Interiors was present to represent this case.

Steve Abrahamson, Planning & Zoning Coordinator, gave an overview of this case and stated that no further public input has been received since the staff report was issued.

DECISION:

Mr. Williams approved PL100018/ZUP10006 subject to the following conditions of approval:

1. The use permit is valid for Extra Innings and may be transferrable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Obtain all necessary clearances from the Building Safety Division.
3. Any intensification or expansion of the use would require the use permit to be reheard by the Hearing Officer.
4. 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.
5. The use permit is valid for the plans as submitted within this application.
6. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.

The next Hearing Officer public hearing will be held on **Tuesday, March 2, 2010**.

There being no further business the public hearing adjourned at 1:14 PM.

Prepared by: Diane McGuire, Administrative Assistant II

Reviewed by:



Steve Abrahamson, Planning & Zoning Coordinator
for David Williams, Hearing Officer

SA:dm