

Minutes  
HEARING OFFICER  
AUGUST 3, 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  
Diana Kaminski, Senior Planner  
Ryan Levesque, Senior Planner  
Sherri Lesser, Senior Planner

Number of Interested Citizens Present: 8

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 August 17, 2010 at 3:00 PM to the Development Services Department.

1. Mr. Williams approved the Hearing Officer Minutes for July 20, 2010.

2. Request by the **ROBERTS RESIDENCE (PL100097)** (Don Roberts, applicant/property owner) located at 902 South Maple Avenue in the R-3, Multi-Family Residential Limited District for:

**ZUP10031** Use permit to allow a single family residence to add a second story addition.

**VAR10008** Variance to reduce the required on site driveway length and parking setback from 20 feet to 10 feet. (20 feet available driveway distance behind sidewalk)

Mr. William White was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued. She noted that the variance request is a technical variance and that this property was located in the multi-family zoning. The variance is due to the required twenty foot setback for parking. The driveway length will physically remain the same; the variance is to address the parking setback deficiency which occurs to existing perimeters.

Mr. Williams questioned whether this property was in compliance in the rear on the alley side where a balcony was located. Ms. Lesser responded that there was adequate setback and the property did comply with the code.

Mr. White explained that the third bay of the garage is not intended to be used to house a vehicle, but rather as a storage place for bikes.

Ms. Karyn Gillis, Tempe resident, spoke in opposition to this request. She stated that she and another neighbor had been unable to get in touch with the property owner and had concerns with the length of the driveway. She explained that the questions she had at the initial hearing remained. She wanted to know how the end result was going to look, and was frustrated at being unable to obtain a response from the owner. She was able to speak with Mr. White and now understood the scope of the project. Her concern over the driveway setback was how it was going to work, and whether this reduction would mean that the sidewalk would be obstructed by driveway parking.

Mr. Williams encouraged the resident(s) to file a compliant if a parking situation occurred that violated the code.

The site plan was presented by Mr. White and his associate, Ms. Jennifer Johnstad, and reviewed by those present. The additional bay was discussed and questions resolved.

Mr. Williams stated that this was a wonderful neighborhood and that concerns with compatibility were always an issue. This project blends in and the architecture is compatible with the existing structure(s).

**DECISION:**

Mr. Williams approved PL100097/ZUP10031/ VAR10008 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Remove the non-conforming parking/paving stripes in landscape area west of driveway; correction to be completed with new construction or by 1/3/11; whichever occurs first.

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3. Request by **TEMPE 7<sup>TH</sup> DAY ADVENTIST CHURCH - BRIGHTER ANGELS DAY CARE CENTER (PL100209)** (Ruben Sandoval, Brighter Angels Day Care, applicant; Tempe Seventh Day Adventist Church, property owner) located at 630 West 17<sup>th</sup> Place in the R1-6, Single Family Residential District for:

**ZUP10073** Use permit to allow a childcare facility not ancillary to the main use (place of worship).

Pastor Ray Navarro was present to represent this case.

Diana Kaminski, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued.

Pastor Navarro noted that it was the later part of 2007 when the day care center was closed by the previous person. The building has been in existence since the early 1950's. No complaints have ever been received from the neighborhood pertaining to noise or other issues.

Pastor Navarro questioned if the existing storage sheds needed to be removed completely. Ms. Kaminski referred to Condition of Approval No. 4, which required that the buildings would need to meet the standards of the Building Safety Department to ascertain that the structures were safe.

**DECISION:**

Mr. Williams approved PL100209/ZUP10073 subject to the following conditions:

1. The parking area shall be restriped to meet minimum parking requirements of 15 spaces on existing paved surface.
2. Shade trees shall be planted 1 tree per 20 feet on center for the length of the restriped parking spaces on the west side of the parking lot.
3. Provide 4 secure bicycle parking spaces on site.
4. All structures on site must obtain a building permit prior to occupancy or use of the site; shade canopies or storage sheds unable to comply with safety standards shall be removed.
5. Illuminate building entrances from dusk to dawn to assist with visual surveillance at these locations using photocell controls.
6. Eliminate existing exterior switches for exterior security lighting to prevent lights from being turned off.
7. Work with staff on appropriate neighborhood sensitive lighting levels for increased security of the property.
8. At such time that funding is available, or there are calls for service which indicate security issues with the site, a wrought iron fence will replace the existing chain link fencing.
9. The use permit is valid for Brighter Angels Day Care and may be transferable to successors in interest though an administrative review with the Community Services Manager, or designee.
10. The use permit for an R1-6, Single Family zoned property to be used for a Day Care not ancillary to a place of worship is valid only with property ownership by a place of worship. Sale of this property will not constitute allowance of this site for a commercial use. Separate planning entitlement processes are required for zoning amendment to allow this use without affiliation with a place of worship.
11. All business signs shall received a Sign Permit. Please contact Planning staff at 480-350-8331.
12. The building is permitted for a total occupancy of 122 people, with no more than 100 children less than 30 months old. Any intensification or expansion of use will require a new use permit.
13. 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.

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3. Request by **MOMENTO COFFEE COMPANY (PL100212)** (Henry Echols/Momentto Coffee Company, applicant; Dupper Properties LLC, property owner) located at 1020 West Ranch Road, Suite No. 101 in the GID, General Industrial and SWOD, Southwest Overlay Districts for:

**ZUP10072** Use permit to allow coffee roasting/manufacturing in the GID, General Industrial District.

Mr. Henry Echols was present to represent this case.

Ryan Levesque, staff planner, gave an overview of this case and stated that no further public input has been received since the staff report was issued.

Mr. Echols explained the process of coffee roasting stating that there is an afterburner on the roaster which results in a cleaner roast and green energy.

**DECISION:**

Mr. Williams approved PL100212/ZUP10072 subject to the following conditions:

1. This use permit is valid for Momentto Coffee Company and may be transferable to successors in interest through an administrative review application.
2. Any intensification or addition to the use shall require a new use permit to be approved.

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.
4. The proposed propane storage tank area will require an administrative development plan review application.
5. All required permits and clearances from Building Safety shall be obtained prior to occupancy.
6. Business signs shall be approved and permits obtained through a sign application process.

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The next Hearing Officer public hearing will be held on **Tuesday, August 17, 2010.**

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There being no further business the public hearing adjourned at 2:08 PM.

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



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

SA:dm

APPROVED