

**Minutes
HEARING OFFICER
NOVEMBER 15, 2011**

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

Number of Interested Citizens Present: 5

Meeting convened at 1:30 PM and was called to order by Ms. MacDonald. She 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 November 29, 2011 at 3:00 PM to the Community Development Department.

1. Ms. MacDonald noted that the Hearing Officer Minutes for November 2, 2011 had been reviewed and approved.

2. Ms. MacDonald noted that the following item(s) had been removed from today's agenda:

- Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **BARRIGA PROPERTY (PL110355 /ABT11041 /CE112644)** (Michael Spencer, Inspector; Miguel & Hilda Barriga, property owner) located at 1139 East Weber Drive in the R-2, Multi-Family Residential District.
REQUEST WITHDRAWN BY CODE COMPLIANCE
- Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **NIDO PROPERTY (PL110361 /ABT11040 /CE112544)** (Brandy Zedlar, Inspector; Armando & Buena Nido, property owner) located at 1018 West Strahan Drive in the R1-6, Single Family Residential District.
REQUEST WITHDRAWN BY CODE COMPLIANCE

3. Request by **FAIRLANES CENTER- YUSHI MASSAGE SPA (PL110373)** (Yong S. Kim, applicant; Rocky Krosschell/Retail Investment Group, property owner) located at 4415 South Rural Road, Suite No. 7, in the PCC-2, Planned Commercial Center General District for:

ZUP11098 Use permit to allow a massage establishment.

Mr. Yong Kim was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. She noted that the business employs 2 therapists and will be open Monday through Saturday, 9 Am to 7 Pm.

Mr. Kim acknowledged his understanding of the assigned Conditions of Approval.

Ms. MacDonald noted that this request meets the criteria outlined for a use permit and is compatible with the present business operations at this location.

DECISION:

Ms. MacDonald approved PL110373/ZUP11098 subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. Any expansion or intensification of use shall require a new use permit to be approved.
5. 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 set to re-evaluate the appropriateness of the use permit.
6. All required State, County and Municipal permits **and licenses** shall be obtained or the use permit is void.

MODIFIED BY STAFF

7. All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the use permit becoming effective.
8. All business signs shall be Development Review approved and permits obtained.
9. **Hours of operation are limited to 9 Am – 7 Pm, Monday through Saturday. ADDED BY STAFF**
10. **The applicant shall contact Tempe Police Department – Crime Prevention at 480-858-6333 to create a security plan by December 15, 2011. ADDED BY STAFF**

4. Request by **INTEGRITY MOLD INC. (PL110332)** (Lesley Partch/Partch & Associates Architecture LLC; Integrity Plant LLC, property owner) located at 905 West Alameda Drive in the GID, General Industrial District for:

ZUP11092 Use permit to allow an exterior dust collector in the GID, General Industrial District

Mr. Lesley Partch of Partch & Associates Architecture was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. She explained that the dust collector supports the cleanup of the dust from metal grinders within the manufacturing area. The business is located in an industrial park with the closest residential use greater than a ¼ mile to the east, with a railroad right-of-way separating the industrial from the residential. The proposed dust collector will be located away from the street frontage and screened by a masonry wall.

Mr. Partch acknowledged his understanding of the assigned Conditions of Approval. He addressed issues of concern presented by Mr. John Kalil, of Kalil Bottling Company, at the November 2nd Hearing Officer hearing. He explained that the dust is graphite dust and that the collector is being installed on the exterior so it can be more easily maintained. The work environment and the Kalil warehouse, stored merchandise and delivery trucks will be unaffected by any dust. The noise level is 83 db.

Mr. John Kalil, representing Kalil Bottling Company, expressed his satisfaction with Mr. Partch's response(s).

Ms. MacDonald noted that that this request meets the criteria outlined for a use permit.

DECISION:

Ms. MacDonald approved PL110332 / ZUP11092 subject to the following conditions:

1. Obtain all necessary clearances from the Building Safety Division.
2. Masonry screen wall to be approved by staff through planning plan check review.
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.

The next Hearing Officer public hearing will be held on December 6, 2011.

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