

Staff Summary Report



Hearing Officer Hearing Date: June 2, 2009

Agenda Item Number: 11

SUBJECT: This is a public hearing for a request by **DAVID LEWIS, DDS (PL090178)** located at 408 East Southern Avenue to eliminate or modify Condition of Approval No. 11.

DOCUMENT NAME: 20090602dssl03 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Hold a public hearing for **SOUTHERN AVENUE GARDEN OFFICES – DAVID LEWIS, DDS (PL090178)** (David Lewis, applicant; Sojourner Investment Group, property owner) located at 408 East Southern Avenue in the R/O, Residential/Office District for:

DSM09024 Minor modification of a previously approved PAD for the Southern Avenue Garden Offices to eliminate or modify Condition of Approval No. 11 of Case Z-79.30 which reads:

11. Medical Offices shall be prohibited.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

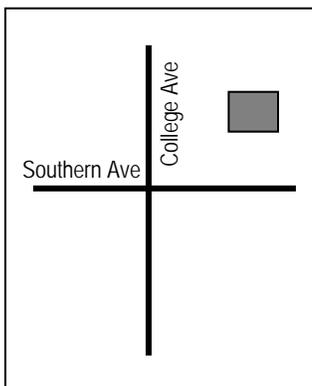
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The applicant is requesting a modification or elimination of a previously approved development condition which prohibited the use of medical offices for the Southern Garden Office complex. The property is zoned RO, Residential Office which allows medical uses as a permitted land use. The condition was imposed due to concerns over the limited number of parking spaces available within the complex. Staff is recommending elimination of the condition provided that any future medical uses demonstrate that there is ample parking to accommodate their use. Staff received one letter in support from the chairman of the property owners association for the complex.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval; Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor Plan
6. Letter of Support
7. Staff Photograph(s)

COMMENTS:

The Southern Garden Office complex was approved for a rezoning from R1-6, Single Family Residential to RO, Residential Office. Per the original conditions of approval for the Plan Area Development; medical uses were prohibited on the site. The RO Zoning District allows medical office as a permitted use as long as the minimum numbers of parking spaces are available to support the use. The applicant is requesting a modification or elimination of the previous condition of approval which will allow him to relocate his dental practice to this complex. Dr. Lewis is proposing to occupy a 1372 s.f. tenant space. The net area of the space is 1184 s.f. which requires 7.8 spaces for a medical use. The future tenant space has 8 spaces allotted to the building. Dr. Lewis has a small practice with limited staff and has very few patients visiting his practice at any one time.

Public Input

The Zoning and Development Code allows modifications to previously approved PAD's through an administrative review process. Modifications may include changes to previously imposed conditions of approval. Due to the potential impact that modifying or eliminating the prohibited medical use condition may have on the site; the Zoning Administrator has the discretion to direct the case to be reviewed by the Hearing Officer with all the public notification requirements. To date, staff received a phone call and a letter from the Chairman of the property owners association. The association is in favor of removing the condition as long as any future medical uses can provide the required number of parking spaces to accommodate their use.

Conclusion

Staff recommends approval of the minor modification of the original PAD; to eliminate of the condition of approval prohibition medical offices uses.

REASON(S) FOR APPROVAL:

- 1. The allowance of medical uses is consistent with the land uses permitted in RO, Residential Office District.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

- 1. All future medical uses must provide sufficient parking to support their use.

HISTORY & FACTS:

1979. The City Council approved a zoning map amendment and PAD for a 5.13 acre site from R1-6, Single Family Residential to RO, and Residential Office for a multiple building office complex, subject to conditions.

DESCRIPTION:

Owner – Sojourner Investment Group
Applicant – David Lewis, DDS
Existing Zoning – R/O, Residential/Office District

ZONING AND DEVELOPMENT CODE REFERENCE:

Part 3, Section 3-202 Permitted Uses in the RO, Residential Office District.
Part 6, Section 6-305 Planned Area Developments

SOUTHERN AVENUE GARDEN OFFICES - DAVID LEWIS, DDS

PL090178



Location Map



SOUTHERN AVENUE GARDEN OFFICES - DAVID LEWIS, DDS (PL090178)



To: City of Tempe , Planning Department

Re: Dr. David Lewis' Proposed dental office, 408 E. Southern

Dear Friends,

I am writing to give information about my practice, for your consideration of the stipulation on the property I want to move to. I started my dental practice June 1st, 1981, at 11 E. 7th Street in Tempe, and then moved to the current location at 170 S Ash Ave in 1991. I have never had more than 3 employees, and have actually worked alone for the last 3 years. I see one patient at a time, and love it that way; so do the patients! The most staff a practice like I will design could use would be 2 or 3, and that would mean treating only 2 patients at a time. My business will create no overuse or underparking problems for the Southern Avenue Garden Office complex. Indeed, I will certainly bring the standard of the neighborhood up, by re-modeling and actively using the space for my business.

Thank You,

David G. Lewis, DDS

5/12/09

www.millavenuedental.com
cell 480-540-6767

DAVID G. LEWIS D.D.S.

PHONE 480.967.4204 • FAX 480.967.0049 • 170 SOUTH ASH AVENUE TEMPE, AZ 85281

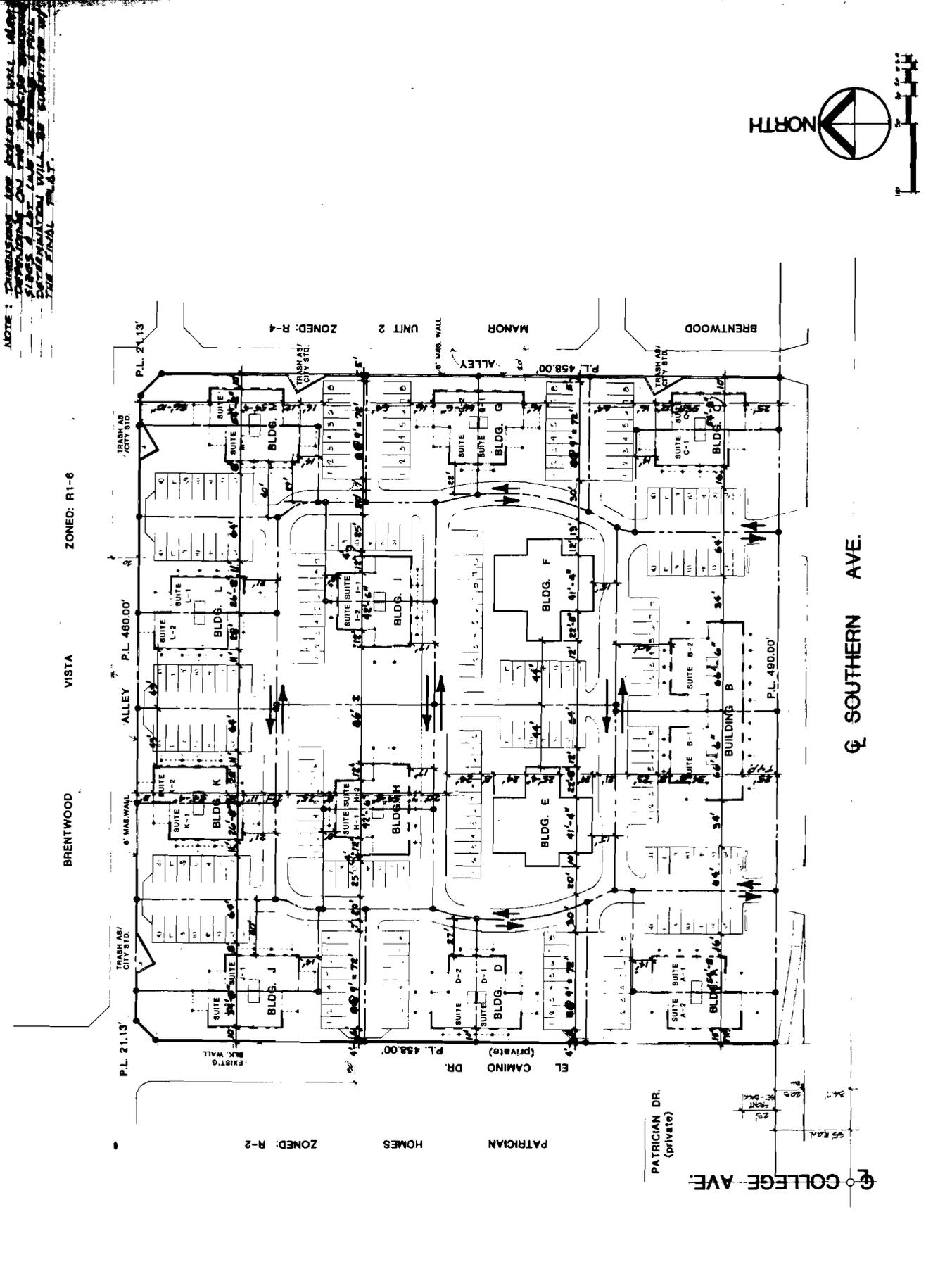
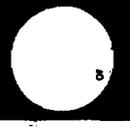
NOTE: Dimensions are shown in all cases depending on the proposed site plan. All dimensions will be submitted in the final plat.



L. F. D. DEVELOPMENT CO.
 400 E. JOHNSON
 GARDEN GROVE
 TEMPE, ARIZONA 85281
 602-998-0233

FLUIDME ENGINEERING CORPORATION
 SUITE 203, 1000 E. APACHE BLVD.
 TEMPE, ARIZONA 85281 602-998-0233

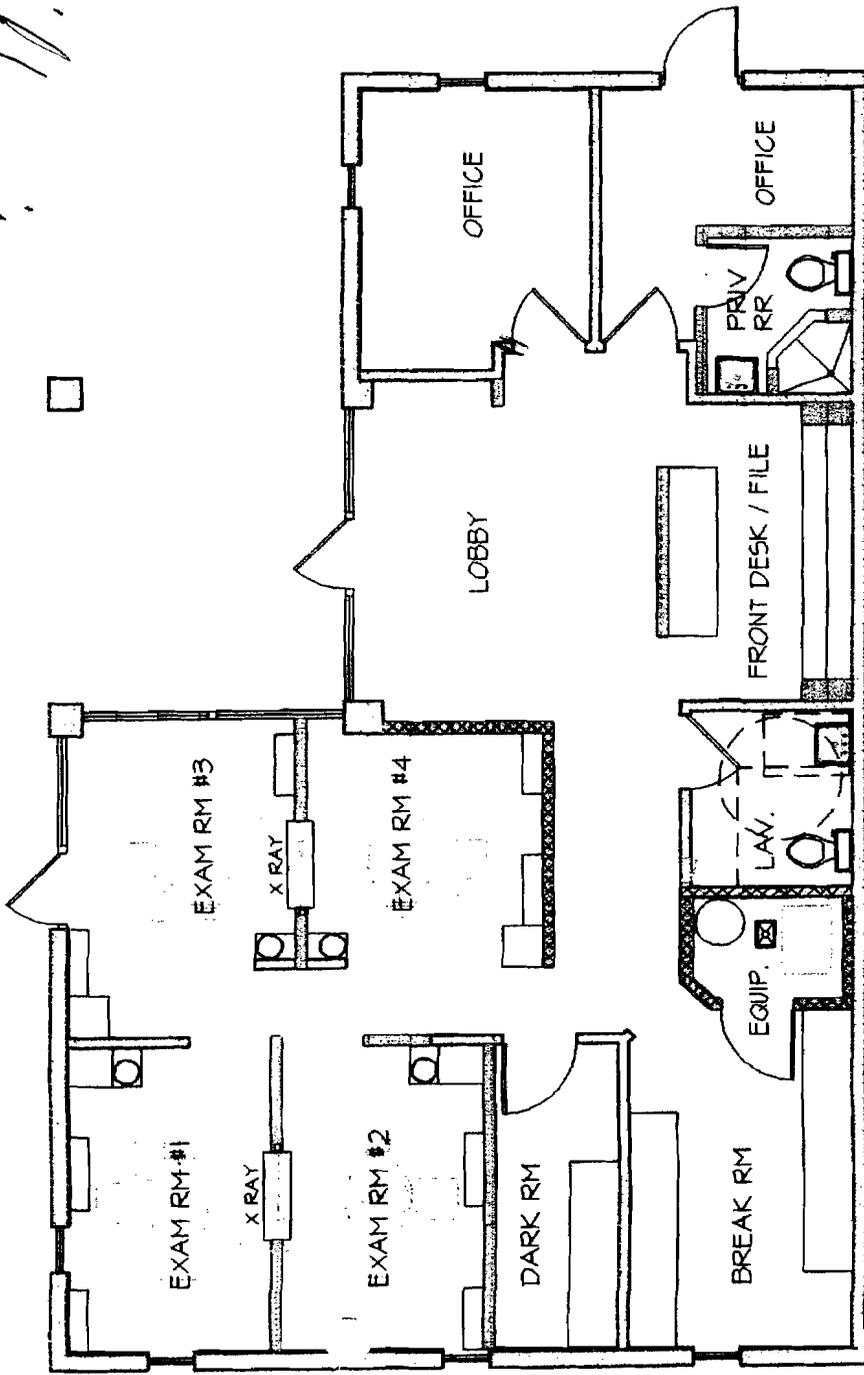
DATE: 08/19/79
 APPROVED BY: [Signature]
 DATE: 08/19/79
 DATE: 08/19/79



PRELIM OCT 9, 79

Plan for Dr. David Lewis

450 E. Southtown
 Superior & Ave



ATTACHMENT 5



FLOOR PLAN

SCALE: 1/8" = 1'-0"

-  SOUND BATT INSULATION CAULK JOINT AT CEILING LINE
-  NEW INTERIOR WALL
-  NEW HALF WALL
-  EXISTING WALL

Lesser, Sherri

From: Mike O'Neil [oneil@oneilresearch.com]
Sent: Wednesday, May 20, 2009 5:32 PM
To: Lesser, Sherri
Subject: David Lewis DDS request re 408 E Southern

I am the Chair of the Property Owners Association for Plaza 400 (400-444 E Southern Tempe).

My personal property, 410 and 412 E Southern is also the most directly affected since any overflow parking will naturally accure almost exclusively to my parking spaces.

I have discussed this matter with our board; our position is as follows:

1. We have no objection to Dr. Lewis' petition to allow medical use in 408 E Southern. Indeed, the sense was that Dr. Lewis' use of the space would be an asset to the complex, especially since the unit is currently vacant.
2. If his request is granted, the status should be changed for the entire complex (400-444 E Southern Ave): All the buildings are identical and have identical parking ratios.

While we have no reason to believe Dr. Lewis will cause a strain on parking in the complex, we do hope that the City will be willing to enforce parking regulations should a future owner or renter have a use that is incompatible with the number of parking spaces available.

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Mike O'Neil
480.626.2560

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**SOUTHERN AVENUE GARDEN OFFICES
– DAVID LEWIS, DDS**

408 EAST SOUTHERN AVENUE

PL090178

FRONT OF BUSINESS

