

Minutes  
HEARING OFFICER  
DECEMBER 1, 2009

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  
Sherri Lesser, Senior Planner

Number of Interested Citizens Present: 15

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 December 15, 2009 at 3:00 PM to the Development Services Department.

1. Mr. Williams approved the Hearing Officer Minutes for November 17, 2009.

2. Mr. Williams noted that the following case(s) had been withdrawn from today's agenda:

- Request by **THE FIREHOUSE – LONG WONG'S (PL090404)** (Avi Sadote, applicant/property owner) located at 1639 East Apache Boulevard in the CSS, Commercial Shopping & Services and TOD, Transportation Overlay Districts for:

**ZUP09142** Use permit to allow live entertainment including live bands, D.J.'s, comedy acts and karaoke.  
**CONTINUED TO DECEMBER 15, 2009 HEARING OFFICER**

3. Request by the **BROWN RESIDENCE (PL090414)** (Bob Long/Design Profile Inc., applicant; Wes Brown, property owner) located at 11812 South Rural Road in the AG, Agricultural District for:

**VAR09014** Variance to increase the wall height in the front yard setback from four feet (4') to eight feet (8').

Mr. Bob Long of Design Profile Inc. was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case and stated that no additional public input had been received since the staff report had been issued. She noted that special circumstances existed for this property.

**DECISION:**

Mr. Williams approved PL090414/VAR09014 subject to the following conditions of approval:

1. Variance valid for the plans as approved by the Hearing Officer.
2. Oleander hedge existing at the street front to be removed and replaced with **drought tolerant** landscape materials. **MODIFIED BY HEARING OFFICER**
3. Obtain all necessary clearances from the Building Safety Division.

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4. Request by **PERA SUBSTATION - CLEARWIRE (PL090419)** (Brendan Thomson/SRP, applicant; Salt River Project, property owner) located at 2806 North College Avenue in the AG, Agricultural District for:

**ZUP09148** Use permit to allow the addition of an antenna array and height increase of a wireless monopole from seventy-five feet (75') to seventy-seven feet (77').

Ms. Angie Castellano of SRP was present to represent this case.

Nick Graves, staff planner, gave an overview of this case and stated that no additional public input had been received since the staff report had been issued. He noted that this request relates to co-location on an existing monopole. One phone call of concern had been received.

Mr. Williams questioned the additional ground equipment relating to this request. Mr. Graves showed the proposed work on the photo simulations and site plan that were submitted by the applicant.

**DECISION:**

Mr. Williams approved PL090419/ZUP09148 subject to the following conditions of approval:

1. Obtain all necessary clearances from the Building Safety Division.
2. Any intensification or expansion of use, including co-location of additional antennae, will require a new use permit.
3. Replace non-compliant light fixtures on existing equipment cabinets with full cut off, dark-sky compliant fixtures.
4. The wireless devices shall be removed within 30 days of discontinuance of use.
5. The antennae shall be painted to match the existing monopole.

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5. Request by **GOODWILL OF CENTRAL ARIZONA (PL090423)** (Jason Morris/Withey Morris PLC, applicant; Rio Salado Center LLC, property owner) located at 1290 North Scottsdale Road, Suite Nos. 113 & 114, in the PCC-1, Planned Commercial Center Neighborhood District for:

**ZUP09149** Use permit to allow a resale retailer (Goodwill of Arizona).

Mr. Jason Morris was present to represent this case.

Nick Graves, staff planner, gave an overview of this case and stated that no additional public input had been received since the staff report had been issued. He noted that conversation with the applicant indicated that additional suite numbers would be included within this business. Landscaping and lighting issues were questioned by Mr. Williams and addressed by Mr. Graves.

Mr. Morris explained the mission of Goodwill and specific details relating to this particular request.

**DECISION:**

Mr. Williams approved PL090423/ZUP09149 subject to the following conditions of approval:

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 valid for Goodwill of Arizona and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
3. No outdoor storage of inventory or donations will be allowed.
4. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
5. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
6. A Development Plan Review (DPR) is required for any exterior modifications.
7. Remove all non-compliant exterior fixtures and replace with full cut off, dark-sky compliant fixtures.
8. All rear exit doors require a lexan vision panel or a 180 degree rotatable viewer. Details to be reviewed in building permit plan review.
9. Replace all missing landscape in rear of building.
10. Remove all graffiti throughout the center.
11. 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.
12. Provide gate/access control to alcove area in rear of building. Details to be reviewed in building permit plan review.
13. **Collection and storage trailers to be parked at the rear of the shopping center when present.**

**ADDED BY HEARING OFFICER**

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6. Request by City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **GARCIA RESIDENCE (PL090359/ABT09031)** (Sixto Garcia, property owner) Complaint 092925 located at 2052 East Don Carlos Avenue in the R1-6, Single Family Residential District.

No one was present to represent the property owner.

Ms. Michelle Arnieri, Code Compliance Inspector, stated that this property was being foreclosed and asked that it be removed from this agenda. She stated that the partial abatement securing the property was completed last month.

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The next Hearing Officer public hearing will be held on **Tuesday, December 15, 2009.**

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There being no further business the public hearing adjourned at **2:07 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