

**Minutes
HEARING OFFICER
FEBRUARY 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
Nick Graves, Planner
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 March 1, 2011 at 3:00 PM to the Community Development Department.

1. Ms. MacDonald noted that the Hearing Officer Minutes for January 18, 2011 had been reviewed and approved.

2. Ms. MacDonald noted that the following case(s) has been removed from today's agenda:
 - Request by **SUN DEVIL – A. T. & T. MOBILITY LLC – P284 (PL100436)** (Grettel Keane/Westtower Communications Inc., applicant; AZ Department of Transportation, property owner) located at 2156 East Rio Salado Parkway in the HID, Heavy Industrial District for:
ZUP11003 Use permit to allow the replacement of three (3) existing four foot (4 ft) antennas with nine (9) new eight foot (8 ft) antennas including six (6) new remote radio heads on an existing 72 ft. high monopole.
CONTINUED INDEFINITELY AT REQUEST OF THE APPLICANT
 - Request by **MIDNIGHT HOOKAH (PL110015)** (Nader Yousif, applicant; 1630 Apache LLC, property owner) located at 1630 East Apache Boulevard, Suite Nos. 103-104, in the CSS, Commercial Shopping and Services District within the Transportation Overlay District Corridor for:
ZUP11007 Use permit to allow a retail smoke shop (Hookah Lounge) offering tobacco and tobacco paraphernalia products and live indoor entertainment (dj and live music, dancing, and lingerie modeling).
CONTINUED TO THE MARCH 1, 2011 HEARING OFFICER

3. Request by **FIESTA PLAZA – JAB FITNESS (PL100433)** (Brendon Spencer, applicant; Jamm Investments LLC, property owner) located at 7305 South Kyrene Road, Suite No. 112, in the GID, General Industrial District and SWOD, Southwest Overlay District for:

ZUP10169 Use permit to allow a fitness facility (boxing gym).

Mr. Brendon Spencer was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. She noted that this case had been continued from the January 18th Hearing Officer hearing in order that staff could meet with the applicant and determine the extent of outdoor use. Staff feels that sufficient parking is available to allow this outdoor use. One call of concern had been received, Ms. Lesser noted.

Mr. Spencer noted that after meeting with staff, it had been determined that the use of cones would be used to define the portion of the parking lot to be used for outdoor fitness. Condition of Approval No. 5 resolves this issue.

Ms. MacDonald expressed her appreciation of the applicant meeting with staff to resolve any questions. This application meets the criteria for a use permit, she stated.

DECISION:

Ms. MacDonald approved PL100433 / ZUP10169 subject to the following conditions:

1. The use permit is valid for JAB Fitness and may be transferable with approval from the Hearing Officer staff. Should the business be sold, the new owners must contact the Hearing Officer staff for review of the business operation.
2. All business signs shall be Development Plan Review approved and permits obtained.
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. Obtain all necessary clearances and permits for tenant improvement from the Building Safety Division.
5. Outdoor fitness instruction limited to the south and west parking areas, and must be delineated with parking cones during time of instruction within drive isles.

4. Request by **6031 SOUTH MAPLE LLC (PL110014)** (Jim Lloyd/Abacus Design Studio PLLC, applicant; 6301 S Maple LLC, property owner) located at 6031 South Maple Avenue in the GID, General Industrial District for:

ZUP11006 Use permit standard to reduce the front yard setback by 25% from 25 ft. to 19 ft. for a new 8 ft. fence and gate for an existing warehouse.

Mr. Jim Lloyd of Abacus Design Studio was present to represent this case.

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

The position of the western canal to the new fence was discussed.

In response to a question from Ms. MacDonald, Mr. Lloyd explained that due to security concerns the property owner wants to erect the fence before proceeding with any building upgrades/renovation.

Ms. MacDonald noted that this application meets the criteria for a use permit standard.

DECISION:

Ms. MacDonald approved PL110014 / ZUP11006 subject to the following conditions:

1. Obtain a separate Development Plan Review (DPR) approval for the design of the fence and gate.
2. Obtain all necessary clearances and permits from the Building Safety Division.

The next Hearing Officer public hearing will be held on **Tuesday, March 1, 2011.**

There being no further business the public hearing adjourned at 1:49 PM.

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



Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

SA:dm

APPROVED