

FINISHED PUBLIC HEARING AGENDA

**Hearing Officer
DECEMBER 16, 2008**

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 E. 5th Street, Tempe, AZ 85281
1:30 PM

1. CONSIDERATION OF MEETING MINUTES: December 2, 2008
2. Review of the following for possible revocation of the use permit per the City of Tempe Attorney office's direction due to non-compliance with the Condition of Approval No. 8, which reads, "Smoking will not be permitted within this establishment."

Request by **WALGREENS PLAZA – HB PLACE TOBACCO (PL060676)** (Anis Ben Harzallah, applicant; Commercial Properties LLC, property owner) located at 53 East Broadway Road in the CSS, Commercial Shopping and Services District for:

ZUP06088 Use permit to allow a tobacco retailer.
(Use permit was approved by the Hearing Officer at the December 19, 2006 HO hearing.)

STAFF REPORT: [HOr_HBPITobacco_121608.pdf](#)

USE PERMIT REVOKED

3. Hold a public hearing for a request by **TEMPE CHURCH OF CHRIST - SUNNYDALE SENIOR CENTER (PL080322)** (Darryl Starling, applicant; Tempe Church of Christ/property owner) located at 2424 South Mill Avenue in the R1-6, Single Family Residential District for:

ZUP08175 Use permit to allow a freestanding accessory building (storage).

STAFF REPORT: [HOr_SunnydaleSeniorCenter_121608.pdf](#)

APPROVED

4. Hold a public hearing for a request by **ARIZONA MILLS (PL080395)** (Todd Olson, applicant; Simon Property Group Inc., property owner) located at 5000 Arizona Mills Circle in the RCC, Regional Commercial Center District for:

ZUP08166 Use permit to allow outdoor retailing (periodic auto sales) events.
CONTINUED FROM DECEMBER 2, 2008 HEARING OFFICER

STAFF REPORT: [HOr_AZMills_121608.pdf](#)

DENIED

5. Hold a public hearing for a request by **BROADWAY INDUSTRIAL PARK – STAR OF INDIA (PL080425)** (Randy Horton, applicant/property owner) located at 1038 West Southern Avenue in the GID, General Industrial District for:

ZUP08176 Use permit to allow outdoor retail/display.

STAFF REPORT: [HOr_StarofIndia_121608.pdf](#)

APPROVED

6. Hold a public hearing for a request by the **AIRPORT BUSINESS CENTER (PL080429)** (John Guzman/Victoria Properties Management LLC, applicant; G. W. Williams Company, property owner) located at 627 South 48th Street in the GID, General Industrial District for:

VAR08023 Variance to increase the height of the flagpole from thirty-five (35) feet to forty (40) feet.

STAFF REPORT: [HOr_AirportBusinessCenter_121608.pdf](#)

APPROVED

7. Hold a public hearing for a request by the **HEMMINGS RESIDENCE (PL080432)** (David Ullrich/Cornerstone Remodeling Corporation, applicant; Shawn Hemmings, property owner) located at 5508 South El Camino Drive in the R1-6, Single Family Residential District for:

VAR08024 Variance to reduce the front yard setback for an open structure from fifteen (15) feet to eight (8) feet.

CONTINUED TO THE JANUARY 6, 2009 HEARING OFFICER

8. Hold a public hearing for a request by the **DENGLER RESIDENCE (PL080434)** (Sean Dengler, applicant/property owner) located at 1658 East Del Rio Drive in the R1-6, Single Family Residential District for:

VAR08025 Variance to reduce the east side yard setback from five (5) feet to three (3) feet.

VAR08026 Variance to reduce the west side yard setback from five (5) feet to three (3) feet.

STAFF REPORT: [HOr_DenglerRes_121608.pdf](#)

APPLICANT WISHED TO MODIFY THE REQUEST, CASE CONTINUED UNTIL JAN 20

9. Hold a public hearing for a request by **PRANKSTERS GAR AND BRILL (PL080439)** (Perry Bolster, applicant/property owner) located at 1024 East Broadway Road in the CSS, Commercial Shopping and Services District for:

ZUP08177 Use permit to allow a (Series 6) bar.

STAFF REPORT: [HOr_Pranksters_121608.pdf](#)

APPROVED

ABATEMENT CASES

10. Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **EMC MORTGAGE CORPORATION PROPERTY (PL080433/ABT08041)** (EMC Mortgage Corporation, property owner) Complaint CE086318 located at 3300 South Terrace Road in the R1-6, Single Family Residential District.

STAFF REPORT: [HOr_EMCMortgAbate_121608.pdf](#)

APPROVED

<p>The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance is available at public meetings for sight and/or hearing-impaired persons. Please call 350-8241 (voice) or 350-8400 (TDD) to request an accommodation to participate in a public meeting.</p>
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E-Mailed Tuesday, 25 November 2008, 10:30 AM

Advertised Monday, 1 December 2008

Modified, Tuesday, 9 December 2008, 1:30 PM, Hemmings Residence (PL080432) continued to 6 January 2009 Hearing Officer