

**Minutes
HEARING OFFICER
FEBRUARY 3, 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
Sherri Lesser, Senior Planner
Shawn Daffara, Planner II
Nick Graves, Planning Intern
Derek Partridge, Planner I

Number of Interested Citizens Present: 8

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 February 17, 2009 at 3:00 PM to the Development Services Department.

1. Mr. Williams approved the Hearing Officer Minutes for January 20, 2009.

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 Williams noted that the following case(s) had been withdrawn:

Request by **CULTOUS TRANSPORTATION INC. (PL090010)** (Hassan Abdelrahman, applicant; RBI Management Services, property owner) located at 3308 South McClintock Drive in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP09008 Use permit to allow an ambulance dispatch service.

ADMINISTRATIVELY WITHDRAWN BY DEVELOPMENT SERVICES DEPARTMENT

3. Request by the **SINGH RESIDENCE (PL080475)** (Aish Singh, applicant/property owner) located at 820 West Tulane Drive in the R1-6, Single Family Residential District for:

ZUP09004 Use permit to allow parking in the front yard setback.

Mr. Aish Singh was present to represent this case.

Derek Partridge, staff planner, gave an overview of this case and stated that no additional public input information had been received since the staff report had been issued. This carport has been enclosed previously without permits. Staff has received two (2) phone calls of concern. Currently there is an inoperable vehicle, unregistered with flat tires. All vehicles in the front yard, driveway or on the street are required to be operable and have current registration.

Mr. Williams noted that his review of this property generated three items of concern:

- (1) The inoperable vehicle in the front yard.
- (2) Plywood on the structure.
- (3) Front yard is not maintained in accordance with City codes.

Mr. Partridge stated that these issues had been addressed with the applicant, and he is aware of the need to rectify them.

Mr. Singh stated that he has been working on the landscaping to bring the yard into compliance, and that the inoperable vehicle will be removed.

DECISION:

Mr. Williams continued PL080475/ZUP09004 to the February 17, 2009 Hearing Officer hearing in order that the applicant can bring the property into compliance so that the use permit can be considered for approval.

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4. Request for the **RESIDENCE AT 16 EAST 15TH STREET (PL090003)** (Charles Huellmantel, applicant) located at 16 East 15th Street in the R1-6, Single Family Residential District for:

ZUP09005 Use permit to allow a second story addition.

Mr. Charles Huellmantel was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case and stated that no additional public input information had been received since the staff report had been issued. She noted that Mr. Huellmantel is the applicant and property owner.

Mr. Williams noted that there was a significant lack of information on design including the building height, footprint, glazing materials for the second story glass, and dimension from the addition to the adjoining homes missing from the case file. He asked if Mr. Huellmantel had that information to present today.

Mr. Huellmantel referred to the aerial and site plan as depicted on the screen and highlighted where the addition would be located. He indicated that before spending a 'ton of money on design' he wanted to be sure that he could have a second story design. The new windows and design would look as though they were designed in 1940, and would be compatible with the existing home. The setbacks would remain the same as they are today.

The proposed second story windows were discussed. Mr. Huellmantel stated that the property was surrounded on three sides by oleanders that were as tall if not taller than the proposed addition and would provide privacy screening.

Mr. Cliff Jones, City of Tempe resident, stated that he lived directly across the street and strongly supported the request for this use permit.

Ms. Lesser responded to a question from Mr. Williams, stating that the maximum allowed height of the house is thirty (30) feet.

Mr. Williams stated that he feels that this request for a second story addition fits reasonably well with the character of this neighborhood and within the City code requirements.

DECISION:

Mr. Williams approved PL090003/ZUP09005 subject to the following conditions:

1. Obtain all necessary clearances and permits from the Building Safety Division.
2. Second story addition to complement the main residence in color, form and material.

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5. Request by the **REAUX RESIDENCE (PL090006)** (David Pettijohn/D & G Handyman Service, applicant; Johnnie Reaux, property owner) located at 1610 West Fairmont Drive in the R1-6, Single Family Residential District for:

ZUP09006 Use permit to allow a second story addition.

Mr. Fred Fordyce and Mr. David Pettijohn/D& G Handyman Service were present to represent this case.

Nick Graves, staff planner, gave an overview of this case and stated that no additional public input information had been received since the staff report had been issued. Proposed height of the addition is 20 feet 1 inch.

DECISION:

Mr. Williams approved PL090006/ZUP09006 subject to the following conditions:

1. The use permit is valid for the plans as submitted to and approved by the Hearing Officer.
2. All required permits and clearances shall be obtained from the Building Safety Division.
3. The proposed addition and second story shall be complementary to the existing dwelling in design, color and material.

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6. A request by **VALLEY WEST SHOPPING CENTER - DUNKIN DONUTS (PL090007)** (William Reilly, AIA/A.D. Arizado, applicant; Pollack Investments, property owner) located at 1811 North Scottsdale Road in the CSS, Commercial Shopping and Services District for:

ZUP09007 Use permit to allow a drive-thru in conjunction with a restaurant.

Mr. Chris Cooper and Mr. William Reilly of A.D. Arizado were present to represent this case. They noted that normal hours of operation were from 6 AM to 10 PM and that six cars were seldom stacked during this period.

Shawn Daffara, staff planner, gave an overview of this case and stated that no additional public input information had been received since the staff report had been issued. Three (3) phone calls of support have been received. Any exterior modifications would be routed thru the Development Plan Review as noted within the Conditions of Approval.

Mr. Williams questioned the stacking space – how many cars can be accommodated with the design as presented? Mr. Daffara responded that this design had been processed thru the City's site plan review and they were satisfied with it – six vehicles can be accommodated for stacking and this was supportable by Traffic Engineering.

Mr. Williams noted that it appears that there will be a loss of six (6) parking spaces and questioned if it still met the City's code requirements on parking. Mr. Daffara stated that there was ample parking available and the parking requirements were met.

DECISION:

Mr. Williams approved PL090007/ZUP09007 subject to the following conditions:

1. The applicant shall submit for Development Plan approval. Site, Landscape, Elevations, and Lighting modification are required to go through Development Plan Review prior to building permits being issued.
2. All non-compliant light fixtures shall be removed and replaced with a compliant dark-sky, full cutoff fixture. Cut sheets of the light fixtures will be reviewed during Building Safety Plan Review.
3. All entrance and exit doors shall require five (5) foot candles at the doors and two (2) foot candles within a 15' radius. Details to be reviewed during Building Safety Plan Review.
4. The pickup window shall require five (5) foot candles at the doors and two (2) foot candles within a 15' radius. Details to be reviewed during Building Safety Plan Review.
5. The ordering/menu station shall require five (5) foot candles at the doors and two (2) foot candles within a 15' radius. Details to be reviewed during Building Safety Plan Review.
6. The preview menu shall be relocated to the north, inside the drive lane. Details will be worked out during Development Plan Review.

The next Hearing Officer public hearing will be held on **Tuesday, February 17, 2009.**

There being no further business the public hearing adjourned at 2:06PM.

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



Steve Abrahamson, Planning and Zoning Coordinator
for David Williams, Hearing Officer

SA:dm