

**Minutes
HEARING OFFICER
DECEMBER 6, 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
Sherri Lesser, Senior Planner

Number of Interested Citizens Present: 23

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 December 20, 2011 at 3:00 PM to the Community Development Department.

1. Ms. MacDonald noted that the Hearing Officer Minutes for November 15, 2011 had been reviewed and approved.

2. Ms. MacDonald noted that the following item(s) had been removed from today's agenda:
 - Request by **THE BRICK YARD - ANTARS SPORTS BISTRO (PL110404)** (Greg Davis/Antars Sports Bistro LLC, applicant; ASU, property owner) located at 699 South Mill Avenue, Suite No. 201 in the CC, City Center District for:

ZUP11107 Use permit to allow a Series 6 bar with live entertainment.
CONTINUED TO DECEMBER 20, 2011 HEARING OFFICER
 - Request by **ATC GUADALUPE - CRICKET COMMUNICATIONS - PHX 232 (PL110405)** (Doug Kearney, applicant; City of Tempe, property owner) located at 735 West Carver Road in the GID, General Industrial and SWOD, Southwest Overlay Districts for:

ZUP11108 Use permit to increase the height of an existing monopole from 85 ft. to 95 ft.
CONTINUED TO JANUARY 2012 HEARING OFFICER

3. Request by the **ARKULES-SAINT VINCENT PROPERTY (PL100228)** (Patricia St. Vincent, applicant; Arkules-Saint Vincent, property owners) located at 902 South Ash Avenue in the R-3, Multi-Family Residential Limited District for:

VAR11008 Variance to waive the required masonry wall between the properties developed for multi-family and single family.

(NOTE: THIS CASE WAS HEARD OUT OF ORDER AS THE LAST ITEM DISCUSSED AT THIS HEARING.)

Mr. David Arkules and Ms. Patricia St. Vincent were present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. She noted that in 1999 Otto Bed & Breakfast located at 902 South Ash had received a use permit to allow a bed & breakfast. That application included a modified site plan with a parking area in the rear yard of the property, accessible from 9th Street, and installed per the site plan. That applicant did not complete the Conditions of Approval and when the property transferred ownership in 2000 to the current owner, they inherited the responsibility of the non-compliant modifications to the property. The current owners were cited by the Code Compliance Department and have made an application to waive the required buffer wall between their multi-family zoned property and the single family zoned property to the south. This variance request is the first step in bringing the property into compliance with the Zoning and Development Code. The applicant will need to complete the Development Plan Review process for the site modifications. Ms. Lesser noted that Mr. Arkules had submitted sixteen (16) letters of support since the Staff Summary Report was issued. Staff supports this request as there are special circumstances unique to this lot. Three (3) letters of opposition have been received.

Ms. Lesser noted, in response to a question from Ms. MacDonald, that the granting of this variance was the first step in the approval process. It relates strictly to the masonry wall, not other issues such as landscaping, etc.

The applicant(s) acknowledged their understanding of the assigned Condition of Approval.

Mr. Chris Rowley, spoke in support of this request, stating that a wall would be redundant and that roof rats nest between walls. He indicated where he lived on the site plan. He explained that the person representing 3 entities is actually one person and one property. This is an old historical neighborhood full of trees and Mr. Rowley expressed his opinion of the opposition's (Mr. Hondorp) intent to change the character of the area. He feels that the wall is unnecessary.

Ms. Jenny Lucier, spoke in support, stating that an additional wall would be no benefit and would contribute to the roof rat problem. In her opinion this requirement is harassment. She indicated where she lives on the site plan. She feels that this places an undue burden on the property owner and that the applicant(s) are great neighbors and enhance the quality of the neighborhood's character.

Ms. Becky Rowley, spoke in support, stating that they needed more trees and less walls. She indicated where she lives on the site plan. Walls tend to set neighbors apart rather than enhance the character of neighborhood community that is present in the area. A wall would disturb the roots of a number of mature trees and increase the roof rat problem. This wall would serve no purpose whatsoever, in her opinion.

Mr. Rick Hondorp represented three (3) entities in opposition (himself, Rhombus LLC, and Sienna Court Lofts) to this request and was given 15 minutes to speak. He explained that, in his opinion, there was significant value in

erecting a wall and that he did not feel this request meets the criteria for variance(s) – that there was no special circumstances relating to this application. He referenced the CDC and how, in his opinion, violations of the code were established in relation to this property, and has continued to be so ever since. It is his concern that the full knowledge of the history of this property is not being considered.

Ms. MacDonald acknowledged the three (3) letters of opposition with backup documentation submitted by Mr. Hondorp prior to the staff summary report being issued. In addition, Ms. MacDonald acknowledged receipt of three (3) additional packets of opposition presented by Mr. Hondorp at today's hearing with backup documentation and photographs.

Mr. Hondorp explained his reason(s) for desiring that the wall be built and referenced the Zoning Ordinance 808 that was in effect prior to the current Zoning and Development Code.

Mr. Arkules and Ms. Saint Vincent returned to the podium. Mr. Arkules referred to the letters of support submitted in relation to this request. He presented a site plan indicating the specific location(s) of the supporters. Only one (1) letter of support relates to a personal relationship (his daughter who lives at the adjacent property at 936 South Ash in Sienna Court. He finds Mr. Hondorp's opposition confusing as the property was designed by Mr. Hondorp's partner. The partnership has since dissolved. Mr. Arkules referred to the Phoenix Magazine's inclusion of his property in an article on historical neighborhoods.

Ms. MacDonald noted that this request is perplexing case. This request is to grant a variance to waive a wall between adjacent properties. She noted that does not understand the need for an additional wall as there is already a wall between the properties. If the issue of the opposition is the height of the wall (6 ft. vs 8 ft.) the existing wall could be added on to.

She explained that this variance request meets the criteria as follows:

1. Special circumstances are applicable to the property, including its size, shape, topography, location or surroundings.

Ms. MacDonald explained that the neighborhood as a whole has to be considered. The property is located on a corner with the parking to rear accessible from the street side. The structure of a wall would be disruptive to the mature landscaping on the site. Limiting the visibility from the surrounding neighbors (the intent of the buffer) would not be enhance by the wall greater than the existing conditions and the neighbors most affected are here today to speak in support.

2. The strict application of this Code will deprive such property of privileges enjoyed by other properties of the same classification in the same zoning district.

Ms. MacDonald stated that during her site visit a windshield survey of the neighborhood produced evidence that other developments where single family residences abut multi-family developments do not have an 8 ft. masonry wall to buffer the uses. Other materials such as green screens serve as a buffer.

3. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Shall not be considered a special privilege inconsistent with the other multi-family zoned properties. Ms. MacDonald stated that this request is not inconsistent with the surrounding neighborhood properties.

4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner.

The development was purchased with the modifications. Ms. MacDonald explained that none of the conditions of the property are self-imposed as the property was purchased with the conditions in place.

DECISION:

Ms. MacDonald approved PL100228/VAR11008 subject to the following conditions:

1. Obtain Development Plan Approval for all non-compliant modifications and future improvements to the site within 45 days or by **01/21/2012**.

4. Request by **RIO SALADO SHOPPING CENTER - ARIZONA EXOTIC BIRD RESCUE INC. (PL110360)** (Curt Scarberry & Tyler Odekirk, applicants; P J Properties, property owner) located at 1290 North Scottsdale Road, Suite No. 130 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP11091 Use permit to allow the overnight boarding of small animals (birds) and outdoor retail display.

Mr. Curt Scarberry was present to represent this case.

Sherri Lesser, staff planner, explained that this is a non-profit avian rescue dedicated to the rescue, rehabilitation, retirement and placement of exotic birds. On average they have approximately 75 birds housed overnight in their facility, some are rescue and some are waiting for adoption. The cleaning and maintenance of the cages occur in the service area on the back side of the shopping center. Their hours of operation are 10 Am – 6 Pm, Monday thru Saturday. Ms. Lesser noted that a telephone call was received, and support expressed by Darlene Justus, North Tempe Neighborhood Association. Support has also been expressed by Mr. Lane Carraway, representing Cavalier Neighborhood Association. This case was initially heard at the November 2, 2011 Hearing Officer, however the use permit was expanded to include the outdoor retail display and was re-advertised for today's hearing.

Mr. Scarberry acknowledged his understanding of the assigned Conditions of Approval.

Ms. MacDonald noted that this request meets the criteria for use permits.

DECISION:

Ms. MacDonald approved PL110360/ZUP11091 subject to the following Conditions of Approval:

1. The use permit is valid for the Arizona Exotic Bird Rescue and maybe transferrable to successors in interest through an administrative review with the Community Development Manager, or designee.
2. No outdoor storage of cages or supplies is allowed. Outdoor display limited to sidewalk near business entrance; display may not obstruct ADA access and must maintain a minimum 3 ft. walkway clearance.
3. Outdoor cleaning areas to be maintained free of trash and debris.
4. 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.
5. Obtain occupancy clearance from the Building Safety Division prior to the use permit becoming effective.

5. Request by **MILL AVENUE SHOPS - BAJA COVE BAR & GRILL (PL110365)** (Rick Anekgerb/ADR Associates LLC, applicant; Mill Avenue Shops, property owner) located at 414 South Mill Avenue, Suite No. 118 in the CC, City Center District for:

ZUP11101 Use permit to allow live entertainment.

Mr. Rick Anekgerb of ADR Associates LLC was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. Staff is recommending approval of this request. Ms. Lesser noted the specific Conditions of Approval that address the noise issue. The use permit request is for live entertainment in the form of disc jockeys, dancing, small musical acts, comedy impersonation, magician acts primarily weekends, as well as special events or holidays. To ensure that this use does not become a nuisance, a condition has been added that requires the doors and windows to be closed (not propped open) during entertainment hours; as is the standard practice in other venues with live indoor entertainment.

Mr. Anekgerb acknowledged his understanding of the Conditions of Approval.

Ms. MacDonald stated that this request meets the criteria for a use permit.

DECISION:

Ms. MacDonald approved PL110365/ZUP11101 subject to the following conditions:

1. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications must be submitted for review by planning.
2. The Use Permit is valid for Baja Cove and maybe be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
3. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
4. 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.
5. Live entertainment limited to indoor entertainment: disc jockeys, solo/duet musical performances, video projection, dance, comedy, small theatrical acts in association with special events; concert assembly and outdoor entertainment not allowed.
6. Allowable noise decibel levels to comply with the Tempe City Code – Chapter 20. Noise complaints arising from the open windows/doors shall require closure of all outdoor windows and doors to mitigate noise trespass to adjacent public or private spaces.
7. No outdoor speakers allowed.
8. Live entertainment to cease at or before 1:00 AM.
9. The applicant shall contact Tempe Police Department – Crime Prevention at 480-858-6333 to create a security plan.
10. Dancing is limited to the area defined on the floor plan. Furnishings currently located within this area must be stored in an area that does not conflict with required emergency exiting.

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6. Request by **SHALIMAR PLAZA - CASH FOR GOLD (PL110382)** (Esfira Uvaydov, applicant; Susan Colunga/Shalimar Plaza, property owner representative) located at 2060 East Southern Avenue in the CSS, Commercial Shopping & Services District for:

ZUP11102 Use permit to allow a resale retailer (precious metal buy business).

Ms. Esfira Uvaydov was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. They purchase gold, silver, platinum and diamonds in any shape or form. The hours of operation will be from 8 am- 5pm, Monday through Saturday, and there will be 2 employees.

Ms. Uvaydov acknowledged his understanding of the Conditions of Approval.

Ms. MacDonald stated that this request meets the criteria for a use permit.

DECISION:

Ms. MacDonald approved PL110382/ZUP11102 subject to the following conditions:

1. The use permit is valid for Cash for Gold/ G & I Diamond and Jewelry LLC and may be transferable to successors in interest through an administrative review with the Community Development Manager, or designee.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. Any expansion or intensification of the use will require a new use permit.
4. 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.
5. All business signs shall receive a Sign Permit. Please contact Dean Miller at 480-350-8435.
6. A sales tax license from the City of Tempe Tax and License Division shall be obtained prior to the use permit becoming effective.
7. The applicant shall work with the Tempe Police Department to create a Security Plan for the business. Contact the Crime Prevention Department at 480-858-6333.

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7. Request by **RIO SALADO CENTER – CTR GUNS (PL110387)** (John Webster, applicant; P J Properties, property owner) located at 1290 North Scottsdale Road, Suite No. 129 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP11103 Use permit to allow gun sales.

Mr. John Webster was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. According to their website, they retail tactical firearms, providing firearms for consumer home protection, Class III investment/collection firearms, as well as training for the Arizona CCW and Utah CCW permits. Their business hours are Monday through Saturday, 10 AM to 6 PM. Ms. Lesser noted that there had been no opposition to this request.

Mr. Webster acknowledged his understanding of the Conditions of Approval.

Ms. MacDonald stated that this request meets the criteria for a use permit.

DECISION:

Ms. MacDonald approved PL110387/ZUP11103 subject to the following conditions:

1. The use permit is valid for CTR Guns 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 the occupancy from the Building Safety Division.
5. The applicant shall work with the Tempe Police Department to create a Security Plan for the business. Contact the Crime Prevention Department at 480-858-6333.

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8. Request by **HACIENDA PARK - GD JIU JITSU LLC (PL110391)** (Gustavo Dantas, applicant; Colliers International, property owner representative) located at 1848 East University Drive, Suite Nos. 106 – 108, in the GID, General Industrial District for:

ZUP11104 Use permit to allow a fitness facility in the GID, General Industrial District.

Mr. Gustavo Dantas was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. The request involves a fitness facility (martial arts training) with classes held primarily from Monday – Friday at varying times and class enrollment. They will typically have two (2) staff employees at any given time and will offer classes in Brazilian Jiu-Jitsu, Kids Jiu-Jitsu, and individual training to small groups of 4 – 8 people.

Mr. Dantas acknowledged his understanding of the Conditions of Approval.

Mr. Paul Schmidt was present and spoke in support of this request.

Ms. MacDonald stated that this request meets the criteria for a use permit.

DECISION:

Ms. MacDonald approved PL110391/ZUP11104 subject to the following conditions:

1. The use permit is valid for GD JIU JITSU 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 the occupancy from the Building Safety Division.
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9. Request by **ALAMEDA INDUSTRIAL CENTER – I AM FUNDAMENTALS (PL110394)** (Oscar Garcia/Infinite Abundance Mentality LLC, applicant; Deyus Industrial SPE Financed Portfolio LLC, property owner) located at 1130 West Alameda Drive in the GID, General Industrial District for:

ZUP11105 Use permit to allow a fitness facility/personal trainer business in the GID, General Industrial District.

Mr. Oscar Garcia was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. This request is for a fitness and personal training facility of approximately 10,202 s.f. The business will start with one trainer and has plans to expand to include two additional staff members. All training and classes will be by appointment only. The hours of use will be from 5 AM to 11 AM, and 2 PM to 8 PM; Saturday hours will be 7 AM – 9AM; closed on Sunday. A shared parking study had been done that indicated adequate parking was available.

Mr. Garcia acknowledged his understanding of the Conditions of Approval.

Mr. Gerald LeClair spoke in support of this request.

Ms. MacDonald stated that request meets the criteria for a use permit.

DECISION:

Ms. MacDonald approved PL110394/ZUP11105 subject to the following conditions:

1. The use permit is valid for I AM Fundamentals 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 the occupancy from the Building Safety Division.

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10. Request by **TEMPE SQUARE - TURN STYLE STORES INC. (PL110399)** (Lewis Kennedy/Consignment Ventures Inc., applicant; Keith Moser, property owner) located at 6426 South McClintock Drive, Suite No. 104 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP11106 Use permit to allow resale retail (consignment).

Mr. Lewis Kennedy was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. This request is for a resale retail use (consignment shop) in the Tempe Square Center in the space vacated by Steinmart. The company currently operates 16 stores, 14 in Minnesota and 2 in Arizona. Merchandise will include upscale furniture and clothing including accessories and décor. They accept items for consignment daily and have storage of items within the interior of the building. Business hours are 10 AM to 9 PM, Monday - Friday, 10 AM to 7 PM Saturdays and 12 Noon to 6 PM Sundays. They will employ two (2) full time managers and 10 – 15 associates working full and part time. Ms. Lesser noted that one phone call of inquiry had been received.

Ms. MacDonald questioned whether there would be a donation area. Ms. Lesser responded that everything would be contained within the store.

Mr. Kennedy acknowledged his understanding of the Conditions of Approval.

Ms. MacDonald stated that request meets the criteria for a use permit.

DECISION:

Ms. MacDonald approved PL110399/ZUP11106 subject to the following conditions:

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 Turn Style Stores and may be transferable to successors in interest though an administrative review with the Community Development Manager, or designee.
3. No outdoor storage of inventory will be allowed.
4. All business signs shall receive a Sign Permit. Please contact Dean Miller at (480) 350-8435.
5. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
6. A sales tax license from the City of Tempe Tax and License Division shall be obtained prior to the use permit becoming effective.

11. **Review of compliance with Conditions of Approval as assigned by the Hearing Officer at the December 7, 2010 Hearing for the:**

Request by **BROADWAY MARKET PLACE – ARIZONA #1 GOLD BUYERS (PL100172)** (Roman Babayev, applicant; Weingarten Nostat Inc., property owner) located at 2105 South Rural Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP10137 Use permit to allow a pawn shop at an existing gold buyer establishment.

Mr. Michael Burminsuiy was present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. She noted that in December 2010 this applicant was granted a use permit to expand their gold buying business to a pawn shop. To date, staff has received no input from the public regarding the operation of the use. The Tempe Police Department received one call for service relating to a minor theft at the property. The business is approved to buy precious metals and electronics and to sell jewelry and electronics. There is no display or sales of firearms, knives or other weapons of any kind. The hours of operation are from 9:30 AM to 6 PM, Sunday through Thursday, and 9:30 AM to 4 PM on Fridays. There had been no incidents of record per the Tempe Police Department, other than a minor theft of a cell phone by a customer. There had been one citizen in opposition at the initial hearing.

Mr. Burminsuiy acknowledged his understanding of the Conditions of Approval.

Ms. MacDonald stated that the use has proven compatibility and meets the criteria for a use permit.

DECISION:

Ms. MacDonald reapproved PL100172/ZUP10137 subject to the following conditions:

1. The use permit is valid for Arizona #1 Gold Buyers and may be transferable to successors in interest through an administrative review with the Community Development Manager or designee.
2. Any expansion or intensification of the use will require a new use permit.
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. No fire arms shall be sold or pawned without a new use permit.

12. Review of compliance with Conditions of Approval as assigned by the Hearing Officer at the June 7, 2011 Hearing for the:

Request by **RIO SALADO CENTER - TEEN DANCE CLUB (PULSE) (PL100060)** (Thomas George, applicant; Rio Salado Center LLC, property owner) located at 1290 North Scottsdale Road, Suite Nos. 120 – 122 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP10020 Use permit to allow a teen dance hall with live indoor entertainment (live bands, DJ).

The applicant was not present to represent this case.

Sherri Lesser, staff planner, gave an overview of this case. The Hearing Officer (David Williams) approved a use permit to allow a teen dance hall with live indoor entertainment in the form of live bands, DJ's and dancing on May 4, 2010. At that time, the Hearing Officer, Ms. MacDonald, added Condition of Approval No. 18 which stated that the applicant is to return to the Hearing Officer on November 3, 2010 for review of compliance with these conditions.

On November 3, 2010 the applicant, Mr. George, returned to the Hearing Officer but noted that his business had not yet opened. At that hearing staff modified Condition of Approval No. 18 to indicate that the applicant was to return to the Hearing Officer on May 3, 2011 for review of compliance with the assigned Conditions of Approval. Staff also added an additional Condition of Approval No. 19 stating that all conditions shall be completed prior to the use permit becoming effective.

At the June 7, 2011 public hearing Mr. George indicated to the Hearing Officer, Ms. MacDonald, that the business had opened in February 2011. He stated that the business is generated by Facebook and fliers are distributed by kids at their schools indicating when the club will be open. At this hearing, Ms. MacDonald indicated that since Mr. George has only been open for 3 months, there has not been enough time to establish a track record. There were several parties present to speak against this establishment. Ms. MacDonald stated at that time that returning in 6 months will give a better overall perspective. Mr. George is entitled to run this type of business, and the additional 6 month review period will be beneficial in determining if there is a verifiable record of complaints. Condition of Approval No. 18 was modified to indicate that the applicant was to return to the Hearing Officer on December 7, 2011 for a review of his compliance to the assigned Conditions of Approval.

Ms. Lesser noted that on November 30, 2011, staff received a phone call from the property manager to inform the City that the tenant had been locked out of the lease space and that the current business was to be discontinued. Ms. Lesser explained that a revocation hearing will be scheduled.

Ms. Patrice Velasco, property manager for this shopping center, was present and questioned whether this use permit could be transferred. Ms. Lesser responded that it could not.

DECISION:

Ms. MacDonald noted that a revocation hearing would be scheduled for PL100060/ZUP10020.

The next Hearing Officer public hearing will be held on December 20, 2011.

There being no further business the public hearing adjourned at 3:15 PM.

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



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

SA:dm

APPROVED