

**MINUTES  
HEARING OFFICER  
DECEMBER 6, 2016**

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.

**STUDY SESSION 4:30 PM**

**Present:**

William Burke, Deputy City Attorney – City Prosecutor, Acting Hearing Officer  
Steve Abrahamson, Principal Planner  
Lee Jimenez, Senior Planner  
Karen Stovall, Senior Planner  
Diane McGuire, Administrative Assistant II

There were no interested citizens present at the study session.

- Staff and the Hearing Officer discussed overview and updates to the scheduled cases for this hearing.

**REGULAR SESSION 5:00 PM**

**Present:**

William Burke, Deputy City Attorney – City Prosecutor, Acting Hearing Officer  
Steve Abrahamson, Principal Planner  
Lee Jimenez, Senior Planner  
Karen Stovall, Senior Planner  
Diane McGuire, Administrative Assistant II

There were 3 interested citizens present at the regular session.

Meeting convened at 5:00 PM and was called to order by Mr. Burke. He noted that he would be filling in tonight as Hearing Officer for Vanessa MacDonald, who was unable to attend tonight's public hearing. He stated that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by December 20, 2016 at 3:00 PM, to the Community Development Department.

-----

1. The following was noted:

- **Agenda Item No. 1**

**November 15, 2016 Hearing Officer Minutes**

Steve Abrahamson, Principal Planner, stated that the November 15, 2016 Hearing Officer Minutes had been reviewed and were approved.

-----

2. Request approval of a use permit to allow a rental storage facility (RV and boat storage) for **TWO PARCELS STORAGE (PL160384)** located at 690 West Warner Road. The applicants are John Costabile and Gary Bixler of Two Parcels, LLC.

Lee Jimenez, Senior Planner, gave an overview of the case, stating the following points:

- Two Parcels Storage plans to operate a rental storage facility near the northwest corner of South Kyrene Road and West Warner Road, just east of the Southern Pacific Railroad track in the GID, General Industrial District.
- The subject lot is set back 440 feet from Warner Road, and is accessible by a 30 foot strip of property that provides a shared paved driveway to the entrance of the facility.
- According to Section 3-302 *Permitted Uses in Office/Industrial Districts* of the Zoning and Development Code, a use permit is required to operate a rental storage facility in the General Industrial District. Therefore the applicant is requesting approval of this use permit to allow him to lease outdoor storage space for RVs, boats, automobiles, truck trailers and cargo containers.
- The applicant has indicated that a security gate will be provided at the entrance of the facility, and customers will have access to their stored items 24 hours a day, 7 days a week with an issued gate code. Furthermore, the site will be camera monitored by a contracted surveillance company.
- To date, staff has not received any public input.
- Staff believes that this application meets all approval criteria for a use permit, and supports this request subject to the conditions provided in the staff report.

John Costabile was present to represent this case. He acknowledged receipt of the Staff Summary Report and the assigned Conditions of Approval.

Mr. Costabile stated that he had a question regarding the assigned Condition of Approval No. 1, which indicated that the site had to be brought into conformance on or before February 4, 2017 with the site plan, building elevations and landscape plan as approved by the Design Review Board (DRB03199) on October 1, 2003. He questioned the particulars of that conformance and was directed by Mr. Jimenez to a copy of the DRB approval letter included within the backup documentation to the Staff Summary Report.

It was noted by Mr. Jimenez that the DRB letter of approval had been issued to a previous application (Fergis and Harding) for this location but that the assigned Conditions of Approval for DRB03199 were still valid. Those conditions stated that a block screen wall was required and that no chain link fencing was allowed.

Mr. Costabile stated that he was concerned regarding the expense involved with constructing a screen wall along the north property line. He questioned whether it would be permissible to install 'privacy slats' into the existing chain link fencing.

Mr. Jimenez responded that the 2003 letter of approval conditioned that no chain link fencing was allowed at all, and indicated that he would work with Mr. Costabile to resolve the screening issue.

Mr. Burke asked Mr. Costabile if he had any further questions regarding the matter at this time. Mr. Costabile stated that he did not.

**DECISION:**

Mr. Burke approved the use permit request for Two Parcels Storage (PL160384) subject to the following conditions:

1. A Development Plan Review is required to bring the site into substantial conformance with the site plan, building elevations, and landscape plan approved by the Design Review Board (DRB03199/DS010907) on October 1, 2003 and shall be submitted within sixty (60) days of this Use Permit approval or before February 4, 2017.
2. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
3. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
4. All required State, County and Municipal permits or licenses shall be obtained or the Use Permit is void.
5. Any intensification or expansion of use shall require a new Use Permit.
6. 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, which may result in termination of the Use Permit.
7. Return to the Hearing Officer for review of compliance with conditions of approval within six (6) months. The timing for the six month review period to commence begins when the business is in full operation. Advise Community Development staff when in full business operation. If the full business activity is not initiated within one year the use permit will lapse.

-----

3. Request for approval of a use permit to exceed the parking maximum (125%) in order to add eleven (11) new surface parking spaces for **DUTCH BROTHERS COFFEE (PL160080)** located at 1037 South Rural Road. The applicant is Site Consultants Inc.

Karen Stovall, Senior Planner, gave an overview of this case, and made the following points of information:

- This use permit request is for the property located at 1037 South Rural Road.
- The property is zoned CSS, Commercial Shopping & Services District, and is within the Transportation Overlay District.
- The site has an existing drive-thru and take-out coffee shop.
- A commercial building is located to the north, multi-family to the east, and commercial to the south across Lemon Street.
- The site was originally constructed in 2006.

- The owner of this site and the commercial project to the north have worked together to design a vehicular connection between the two projects.
- As part of this site modification, Dutch Brothers also proposes to add 11 vehicle parking spaces to the existing surface parking lot.
- The proposed use requires a use permit to exceed the parking maximum of 125%; the 413 s.f. building and 621 s.f. patio require 3 parking spaces. The ZDC permits a maximum of 125% of the required parking spaces or 4 spaces. The proposed plan includes a total of 19 surface parking spaces.
- A neighborhood meeting was not required for this request, and staff has not received any public input.
- The code requires both a minimum percentage of on-site landscape area, and a minimum area of surface parking lots to be landscaped. When a use permit is granted to exceed the parking maximum, projects must provide landscaping that totals a minimum of 12% of the surface area of all surface parking lots. The applicant has submitted plans that note a parking lot landscaped area of 47%.

Mr. Bill Cantieri of Dutch Brothers Coffee was present to represent this case. He acknowledged receipt of the Staff Summary Report and his understanding of the assigned Conditions of Approval.

Mr. Mark Davis Jr. of Davis Enterprises Rural Road LLC was present in the audience in support of this use permit request but did not speak.

**DECISION:**

Mr. Burke approved the use permit request for Dutch Brothers Coffee (PL160080) subject to the following conditions of approval:

1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plan as submitted within this application, dated November 17, 2016. Minor additions or modifications may be submitted for review during building plan check process.
3. Any intensification or expansion of use shall require a new Use Permit.

-----  
**ANNOUNCEMENTS**

- The next Hearing Officer public hearing is scheduled for Tuesday, December 20, 2016 at 5:00 PM with a study session scheduled for 4:30 PM.

-----  
With no further business, the public hearing adjourned at 5:30 PM.  
-----

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



Steve Abrahamson, Principal Planner  
For William Burke, Acting Hearing Officer  
SA:dm