

Staff Summary Report



Hearing Officer Hearing Date: July 21, 2009

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by **GOODWILL OF ARIZONA (PL090233)** located at 575 West Warner Road for one (1) use permit.

DOCUMENT NAME: 20090721dsng02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **GOODWILL OF ARIZONA (PL090233)** (Jason Morris/Withey Morris PLC, applicant; Fortuna Asset Management, property owner) located at 575 West Warner Road in the PCC-2, Planned Commercial Center General and Southwest Overlay Districts for:

ZUP09102 Use permit to allow a resale retailer (second hand store).

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

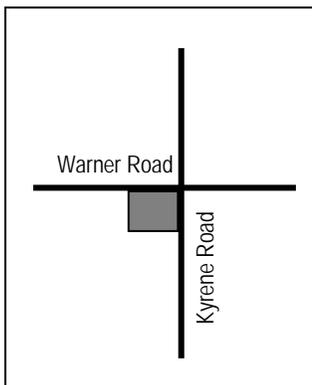
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow a resale retailer (second hand store) located at 575 West Warner Road in the PCC-2/SWOD, Planned Commercial Center General District/Southwest Tempe Overlay District. The proposed site at the southwest intersection of Warner Road and Kyrene Road was previously occupied by Robb & Stucky and will be remodeled on the inside to accommodate the proposed use. To date no public input has been received. Staff supports approval of this request.



PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Zoning Map
5. Overall Site plan
6. Site Plan w/ Listed Areas
7. Floor Plan
8. Staff Photograph

COMMENTS:

The applicant is requesting a use permit to allow a resale retailer (second hand store) located at 575 West Warner Road in the PCC-2/SWOD, Planned Commercial Center General District/Southwest Tempe Overlay District. The proposed site at the southwest corner of Warner Road and Kyrene Road was previously occupied by Robb & Stucky as well as Ross Dress for Less before that and consists of a building area of 25,387 s.f. It will be remodeled on the inside to accommodate the proposed use. To date no public input has been received. Staff supports approval of this request.

Use Permit

The Zoning and Development Code requires a use permit to allow a second hand store or resale retailer in the PCC-2/SWOD, Planned Commercial Center General District/Southwest Tempe Overlay District.

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There should be no significant increase in vehicular or pedestrian traffic in adjacent areas. The traffic generated by the proposed use should be similar to normal commercial retail uses.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This use should not create any nuisances.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development should not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the request with conditions.

REASONS FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.
3. Traffic generated by this use should not be excessive.
4. The use appears to be compatible with the building, site and adjacent property.
5. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.
6. There appears to be a demonstrated need for this use at the proposed location.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITIONS OF APPROVAL:

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 Goodwill of Arizona 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.
3. No outdoor storage of inventory or donations will be allowed.
4. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.
5. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
6. All rear exit doors require a lexan vision panel or a 180 degree rotatable viewer. Details to be approved through Building Safety Plan Review prior to issuance of building permit.
7. 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.

HISTORY & FACTS:

- April 4, 1989 BA890051 – The Hearing Officer approved a variance request by Ross Dress for Less to increase the maximum allowable sign area from 80 s.f. to 99.28 s.f.
- May 2, 1989 BA890076 – The Hearing Officer approved a variance request by Ross Dress for Less to increase the maximum allowable sign area from 99.28 s.f. to 157.92 s.f.

DESCRIPTION:

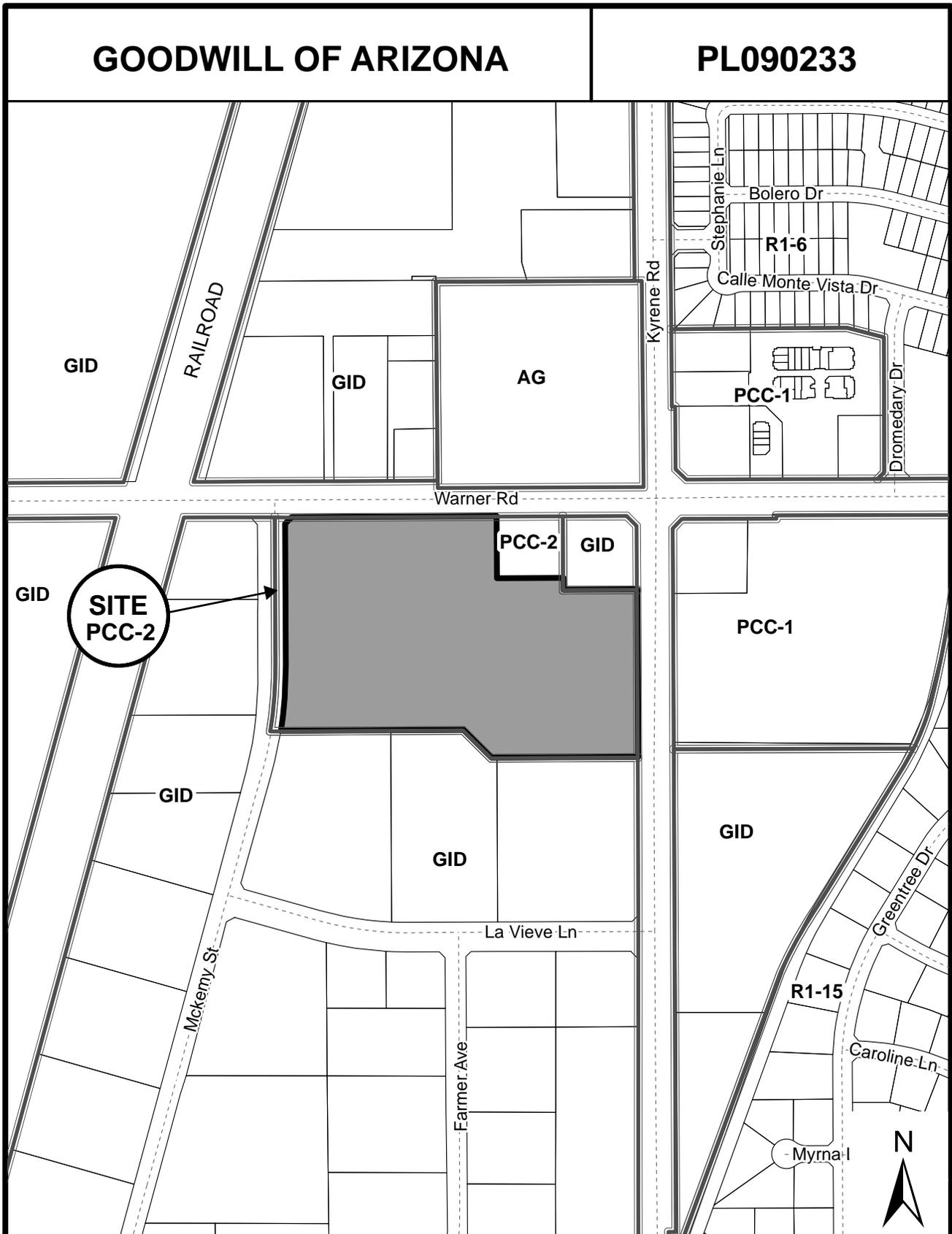
Owner – Fortuna Asset Management
Applicant – Jason Morris/Withey Morris PLC
Existing Zoning – PCC-2, Planned Commercial Center General & Southwest Overlay Districts
Tenant Building Area – 25,387 s.f.
Parking Required – 85 spaces

ZONING AND DEVELOPMENT

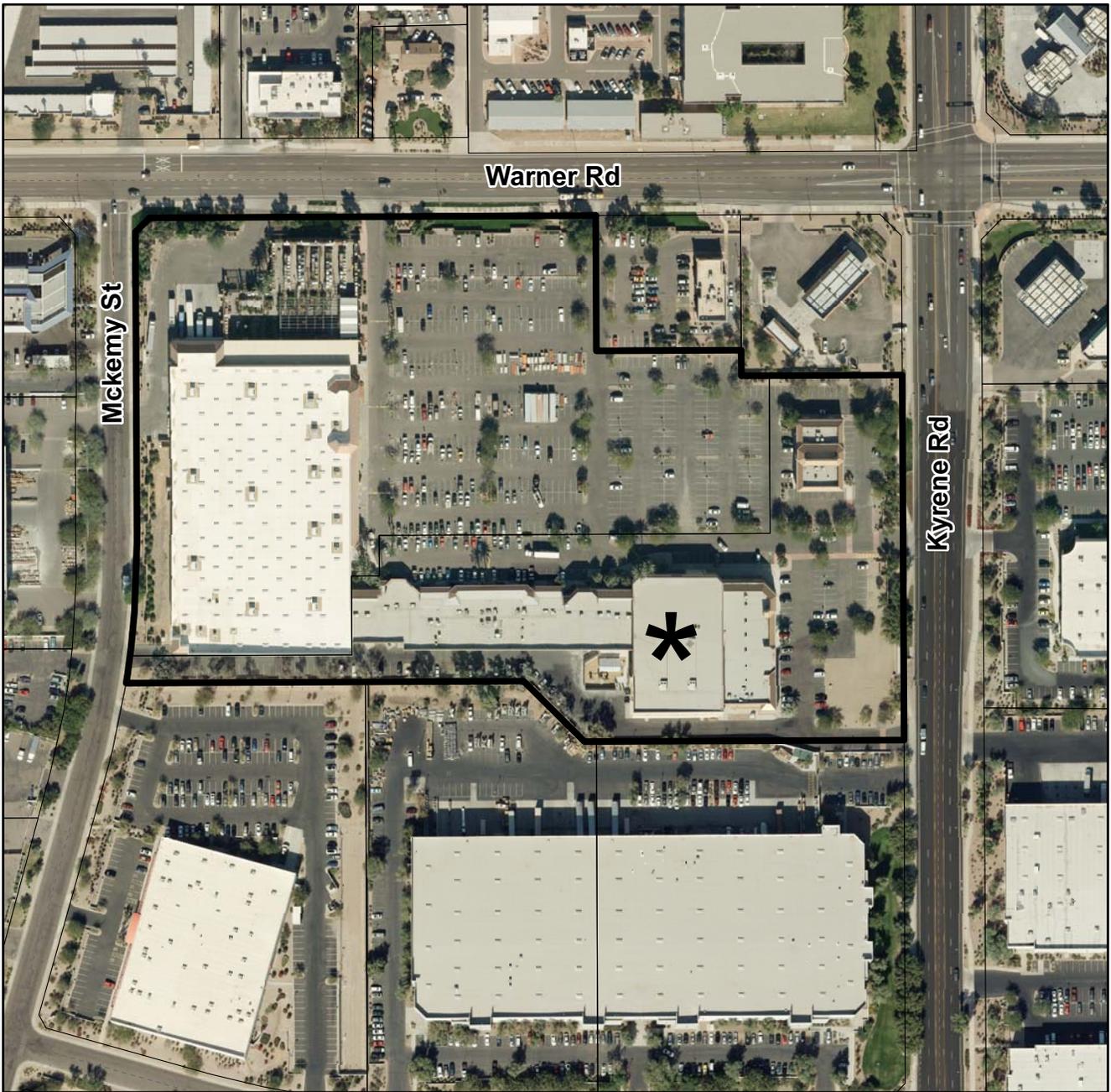
CODE REFERENCE: Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 5, Chapter 2, Section 5-203 – General Regulations
Part 6, Chapter 3, Section 6-308 – Use Permit

GOODWILL OF ARIZONA

PL090233



Location Map



GOODWILL OF ARIZONA (PL090233)

**SWC Warner Road and Kyrene Road
Use Permit Narrative**

I. Property Location and Description

The Property is located at the southwest corner of Warner Road and Kyrene Road (the "Property") as shown on the Aerial Map attached at **Tab 1**. The Property is currently zoned PCC-2, Planned Commercial Center General, as shown on the City of Tempe zoning map attached at **Tab 2**.

The Property is currently used for commercial purposes and encompasses over sixteen acres. The applicant proposes a Goodwill retail store as a tenant in this shopping center. The Goodwill Retail Store will provide a neighborhood use within an older existing retail center in Tempe that will be beneficial to and convenient for the area residents. As one of the oldest and largest non-profit agencies in Arizona, Goodwill of Central Arizona is nationally recognized as the leader in empowering people to achieve their highest level of personal and economic independence. The operating revenue for this charitable organization is generated primarily from the clothing and household goods that are sold in their over 28 retail stores and gathered from their drive-through donation centers. In the last six years, Goodwill has made great strides in upgrading their stores to compete in the retail store market. Goodwill's retail stores have undergone dramatic changes and are mandated to be kept clean, bright and organized.

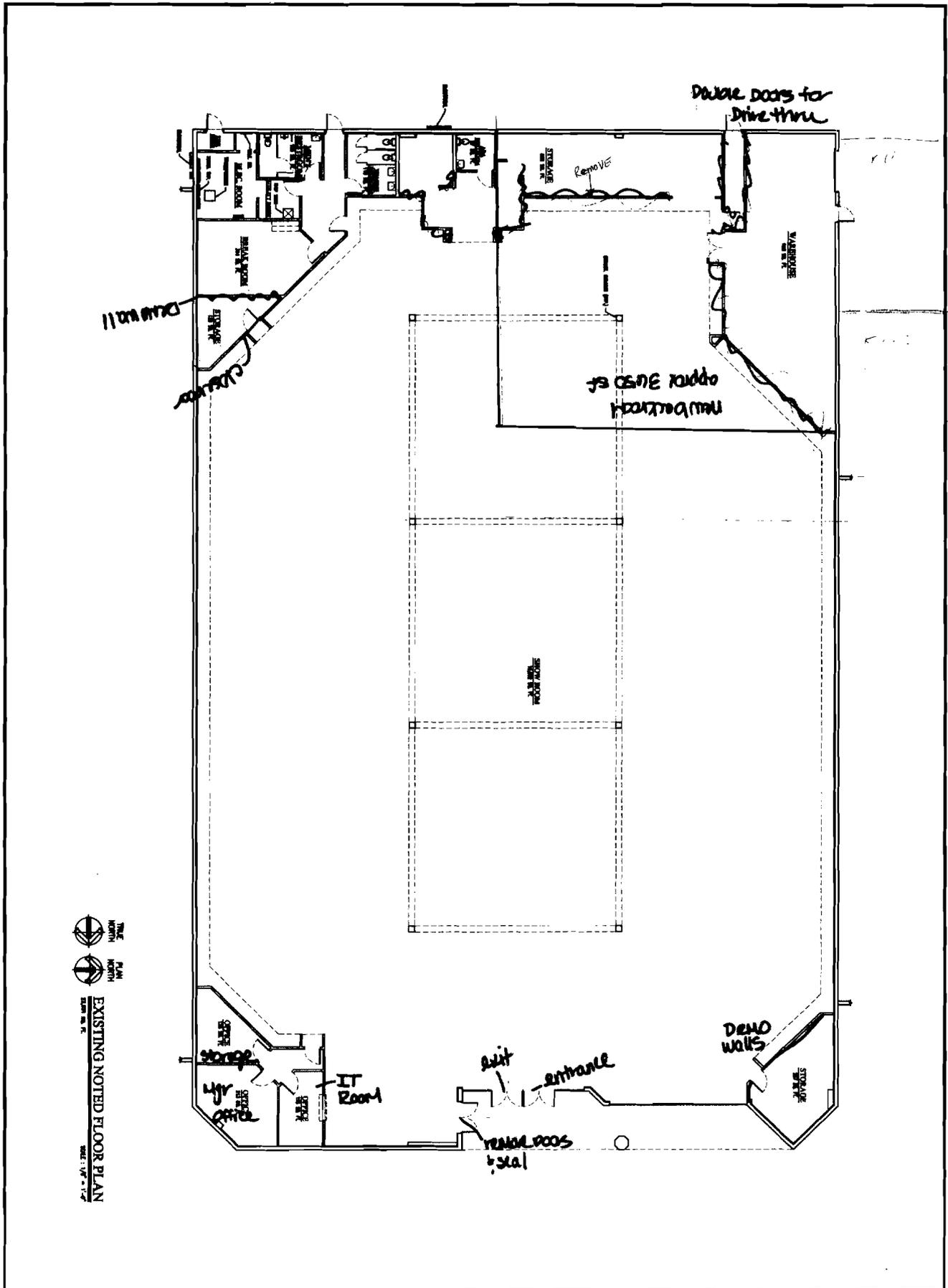
The Property is located in an area of commercial and general industrial development properties. The Property, as currently developed provides an appropriate transition between the contrasts of land uses in the area. This use will not cause an adverse impact on adjacent properties in the area. There will not be a significant increase in vehicular or pedestrian traffic in adjacent residential areas, emission or odor, dust, vibration, smoke, heat, or glare at a level exceeding ambient conditions, nor will the proposed use contribute in a measurable way to deter growth in the area or contribute to the lowering of property values. Furthermore, the use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Tempe, Maricopa County, the State of Arizona and the United States of America.

II. Description of Adjacent Property

- A. East:** To the east of the Property, across Kyrene Road, the properties are zoned PCC-1 and GID and consist of a commercial center and business park.
- B. South:** To the south of the Property is a commercial business park center zoned GID.
- C. West:** To the west of the Property is a commercial business park zoned GID.
- D. North:** To the north of the Property, across Warner Road, commercial business park, including a mini storage zoned GID and a school district office complex zoned AG.

III. Request

This request is for a use permit to allow second hand / used merchandise sales per City of Tempe Zoning Ordinance Section 3-202A.



 THE NORTH
 PLAN NORTH
EXISTING NOTED FLOOR PLAN
 SCALE: 1/8" = 1'-0"

DATE	BY	CHKD.
10/1/11	SHT	
10/1/11	A-1	



NO.	REVISION	DATE

ROB & STUCKY FURNITURE STORE
 575 N. WARNER RD.
 TEMPE, AZ 85284
EXISTING NOTED FLOOR PLAN





GOODWILL OF ARIZONA

575 WEST WARNER ROAD

PL090233

FRONT OF BUSINESS

