

Staff Summary Report



Hearing Officer Hearing Date: December 1, 2009

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **GOODWILL OF CENTRAL ARIZONA (PL090423)** located at 1290 North Scottsdale Road, Suite Nos. 113 & 114, for one (1) use permit.

DOCUMENT NAME: 20091201dsng02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **GOODWILL OF CENTRAL ARIZONA (PL090423)** (Jason Morris/Withey Morris PLC, applicant; Rio Salado Center LLC, property owner) located at 1290 North Scottsdale Road, Suite Nos. 113 & 114, in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP09149 Use permit to allow a resale retailer (Goodwill of Arizona).

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

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

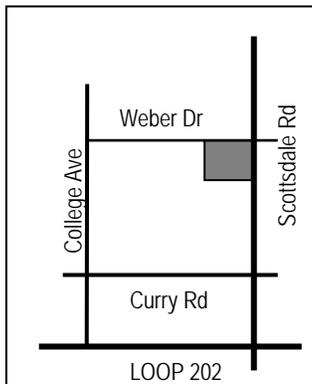
LEGAL REVIEW BY: N/A

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 (Goodwill of Arizona) located at 1290 North Scottsdale Road, Suite Nos. 113 & 114 in the PCC-1, Planned Commercial Center Neighborhood District. The proposed site at the southwest intersection of Weber Drive and Scottsdale Road was previously occupied by As Is Fashions and Final Call (retail clothing). The suite will be remodeled on the inside to accommodate the proposed use. To date staff has received one (1) email of inquiry and one (1) phone call of support for this request. Staff supports approval of this request subject to conditions.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Applicant Tab 1 (Aerial Map)
5. Applicant Tab 2 (Zoning Map)
6. Site plan
7. Elevations and Partial Building Plan
8. Detailed Front Elevation
9. Staff Photograph

COMMENTS:

The applicant is requesting a use permit to allow a resale retailer (Goodwill of Arizona) located at 1290 North Scottsdale Road, Suite Nos. 113 & 114 in the PCC-1, Planned Commercial Center Neighborhood District. The proposed site at the southwest intersection of Weber Drive and Scottsdale Road was previously occupied by As Is Fashions and Final Call (retail clothing) and consists of a building area of 23,820 s.f. The suite will be remodeled on the inside to accommodate the proposed use. To date staff has received one (1) email of inquiry and one (1) phone call of support for this request. Staff supports approval of this request subject to conditions.

Use Permit

The Zoning and Development Code requires a use permit to allow a second hand store or resale retailer in the PCC-1, Planned Commercial Center Neighborhood 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 to successors in interest through an administrative review with the Development Services Manager, or designee.
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. A Development Plan Review (DPR) is required for any exterior modifications.
7. Remove all non-compliant exterior light fixtures and replace with full cut off, dark-sky compliant fixtures. Details to be reviewed in building permit plan review.
8. All rear exit doors require a lexan vision panel or a 180 degree rotatable viewer. Details to be reviewed in building permit plan review.
9. Replace all missing landscape in rear of building.
10. Remove all graffiti throughout the center.
11. 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.
12. Provide gate / access control to alcove area in rear of building. Details to be reviewed in building permit plan review.

HISTORY & FACTS:

- 1987 Construction year for a retail shopping center.
- May 12, 1988 SGF-88.16 – The City Council approved a use permit request to allow a C-2 use (16,000 s.f. furniture store) in the PCC-1 zoning district.
- May 4, 2004 BA040063 – The Hearing Officer approved the request by Rio Courtyard Shops – The Good Stuff Second Hand Shoppe for a use permit to allow the sale of used household goods and collectibles located at 1290 N Scottsdale Rd., Suites Nos. 105 & 106.

DESCRIPTION:

Owner – Rio Salado Center LLC
Applicant – Jason Morris/Withey Morris PLC
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Tenant Building Area – 23,820 s.f.
Parking Required – 79 spaces
Parking Provided – 279 spaces
Bicycle Parking Required – 2

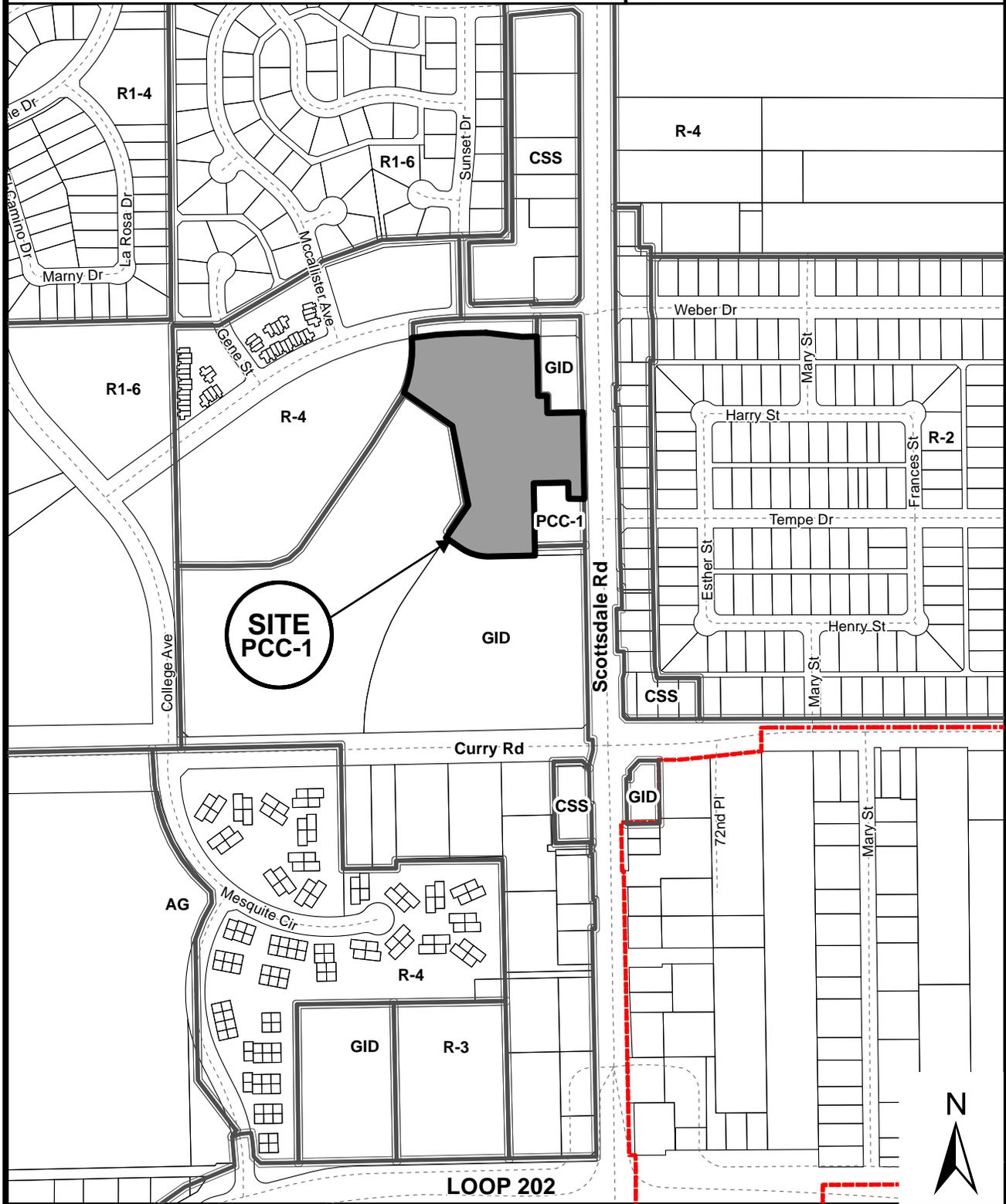
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

GOODWILL OF ARIZONA

PL090423



Location Map



GOODWILL OF ARIZONA (PL090423)

**SWC Scottsdale Road and Weber Road
Use Permit Narrative**

I. Property Location and Description

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

The Property is currently used for commercial purposes and encompasses over five acres. The applicant proposes a Goodwill store as a tenant in this shopping center. The Goodwill 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 42 retail stores and gathered from their 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 store will be monitored 24 hours a day by an interactive monitoring system. If donations are dropped off illegally, violators will be vocally warned through a speaker system that after hour donations are not permitted. If the violators fail to heed the warning and leave the donation, a truck will be dispatched to retrieve the items.

The Property is located in an area of commercial development. The Property as currently developed provides an appropriate transition between the 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.

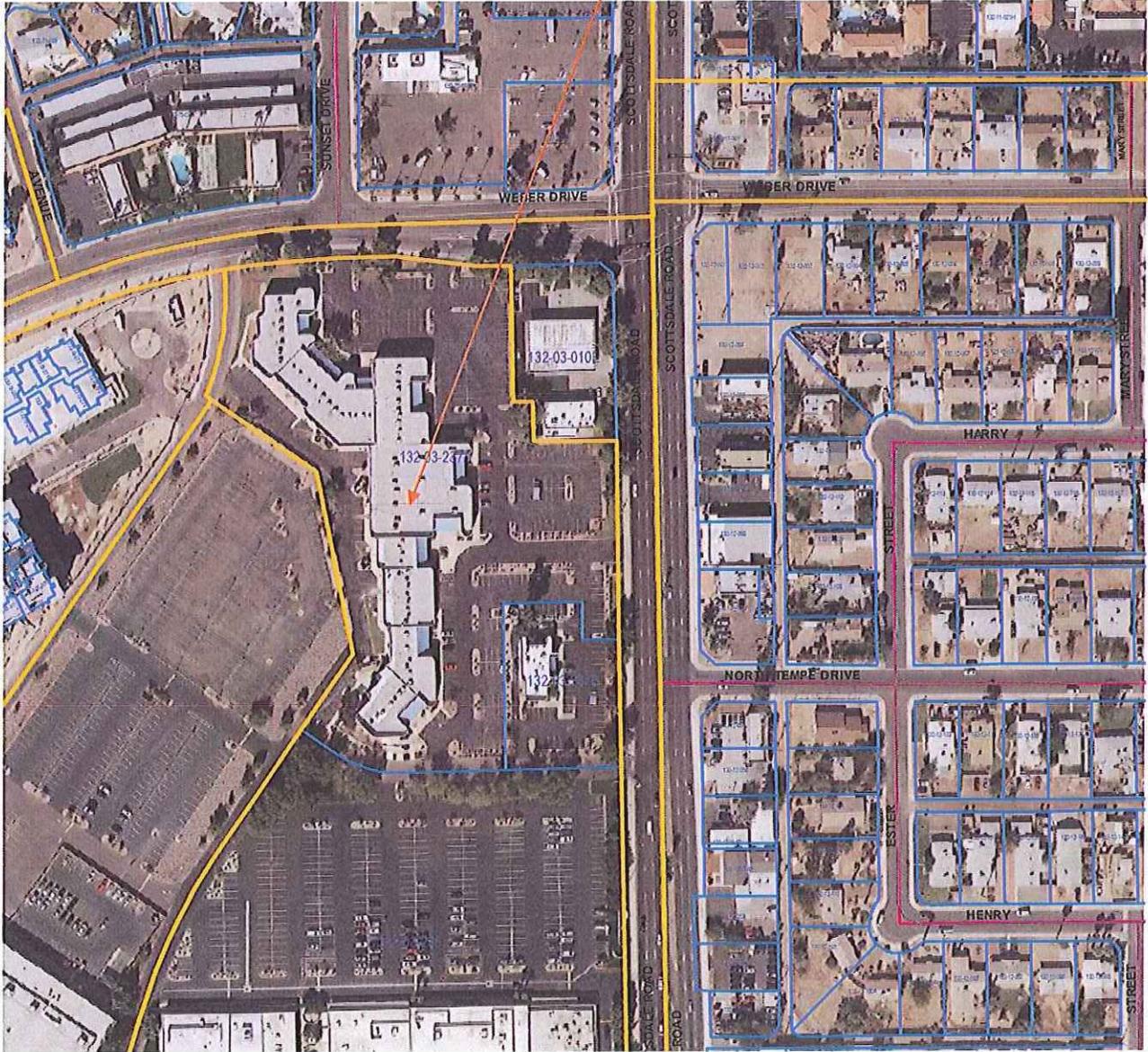
II. Description of Adjacent Property

- A. East:** To the east of the Property, across Scottsdale Road are commercial uses zoned CSS.
- B. South:** To the south of the Property is a commercial property zoned GID.
- C. West:** To the west of the Property is a fenced parking lot, a commercial development zoned GID and a condominium development zoned R-4.
- D. North:** To the north of the Property, across Weber Road, are commercial uses zoned CSS.

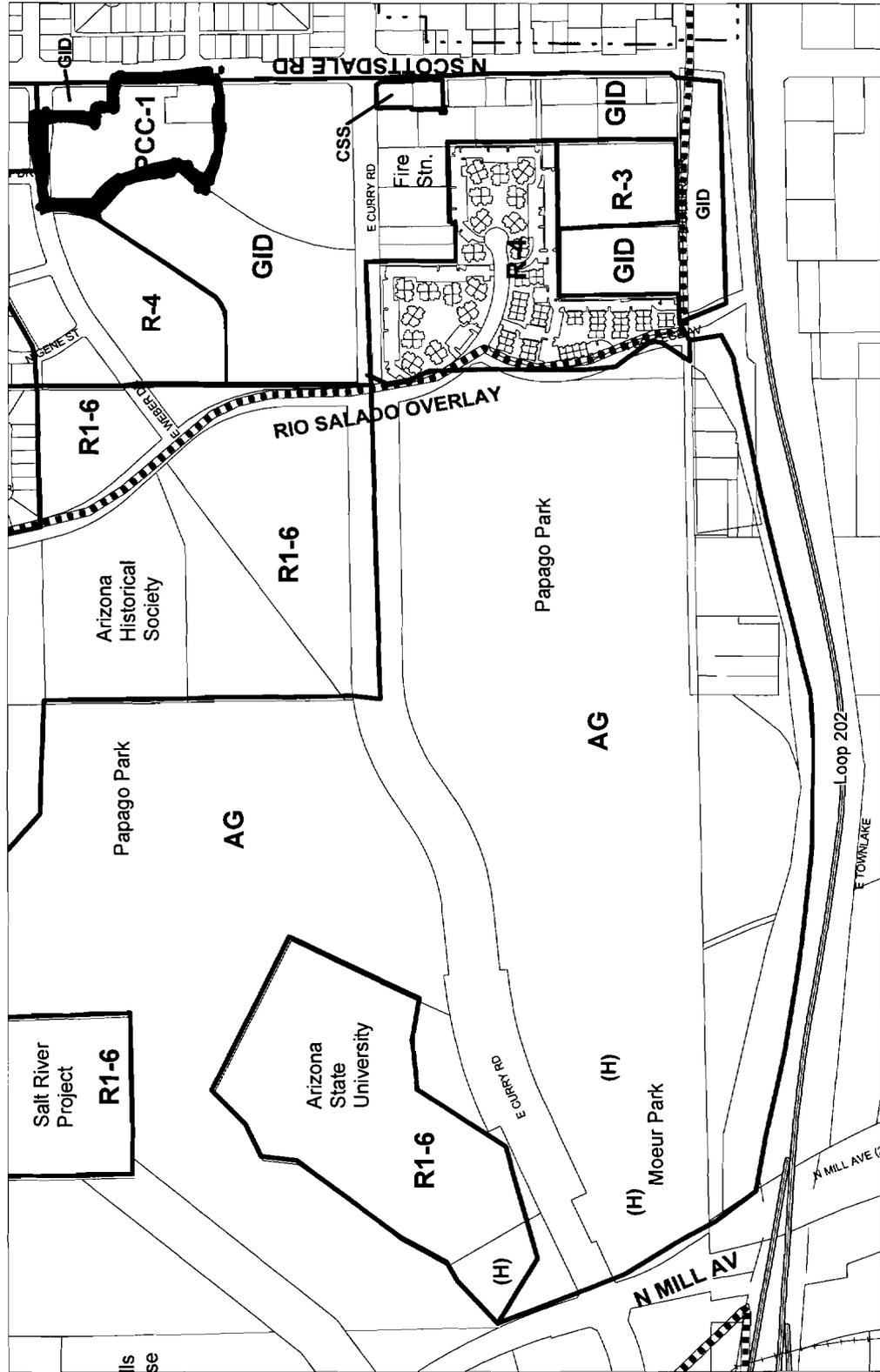
III. Request

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

SITE



NOTE: This map represents the zoning related to a parcel or lot, but the City of Tempe is not responsible for situations requiring a field verification or legal description. This information should not be relied upon without staff verification.



	3N	11N	14N
	8N	10N	15N
		16N	



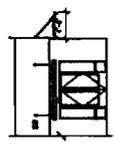
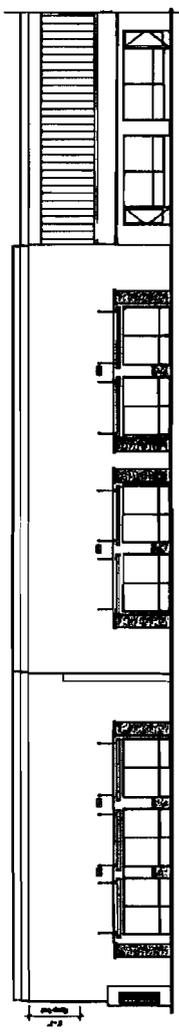
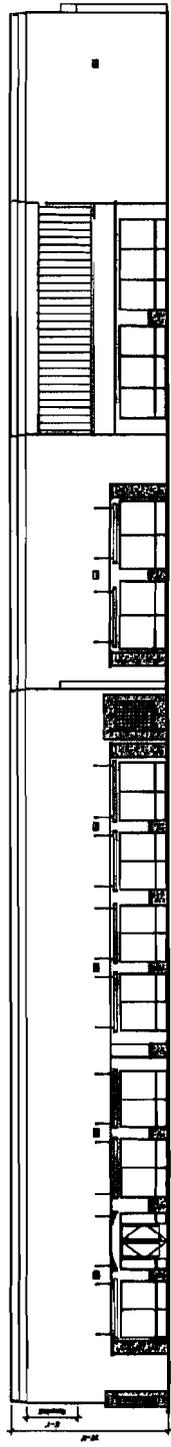
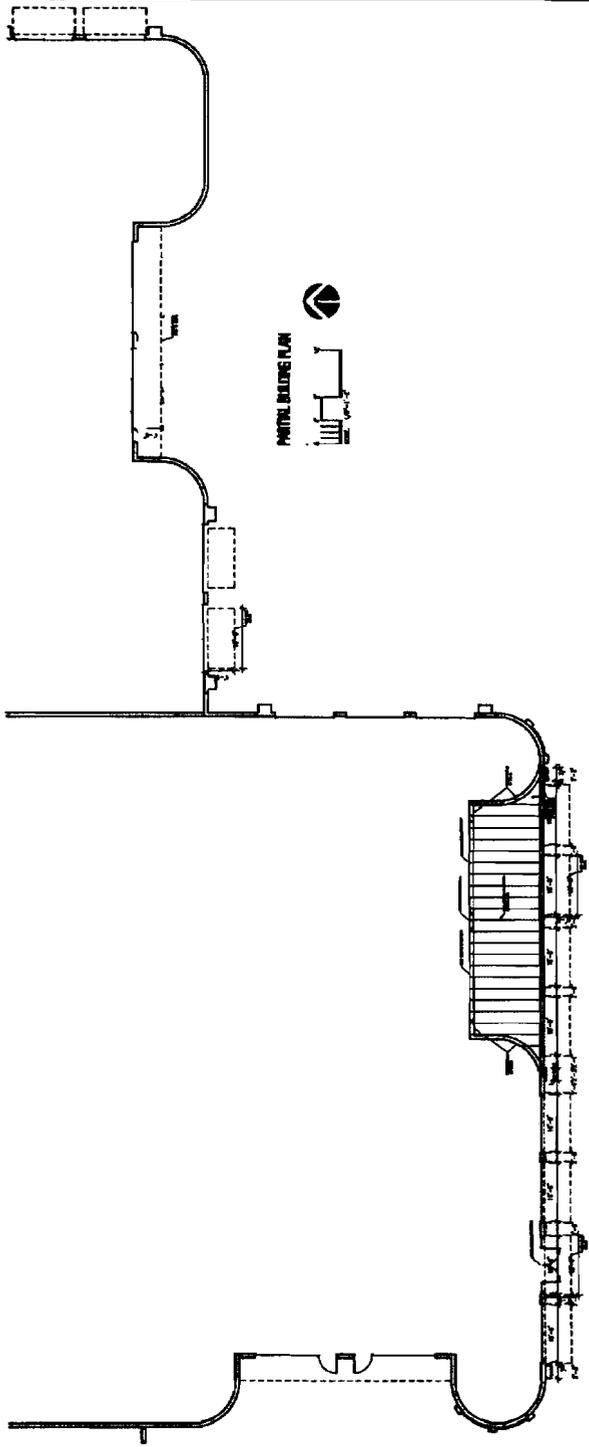
ZONING MAP LEGEND

RESIDENTIAL
 AG: Agricultural
 R1-4: Single-Family Residential
 R1-5: Single-Family Residential
 R1-6: Single-Family Residential
 R1-7: Single-Family Residential
 R1-8: Single-Family Residential
 R1-10: Single-Family Residential
 R1-15: Single-Family Residential
 R1-PAD: Single-Family Residential

COMMERCIAL / MIXED USE
 R/O: Residential/Office
 CSS: Commercial Shopping and Services
 CC: City Center
 PCC-1: Planned Commercial Center Neighborhood
 PCC-2: Planned Commercial Center General
 RCC: Regional Commercial Center
 MU-1: Mixed Use, Low-Medium Density
 MU-2: Mixed Use, Medium Density
 MU-3: Mixed Use, High-Density
 MU-4: Mixed Use, Very High Density
 MU-Ed: Mixed Use Educational

INDUSTRIAL
 LI-D: Light Industrial District
 GID: General Industrial District
 HI-D: Heavy Industrial District

Other Symbols:
 TOD Corridor
 TOD Station Area
 (PAD): Planned Area Development Overlay
 (H): Historic Property
 City Limits



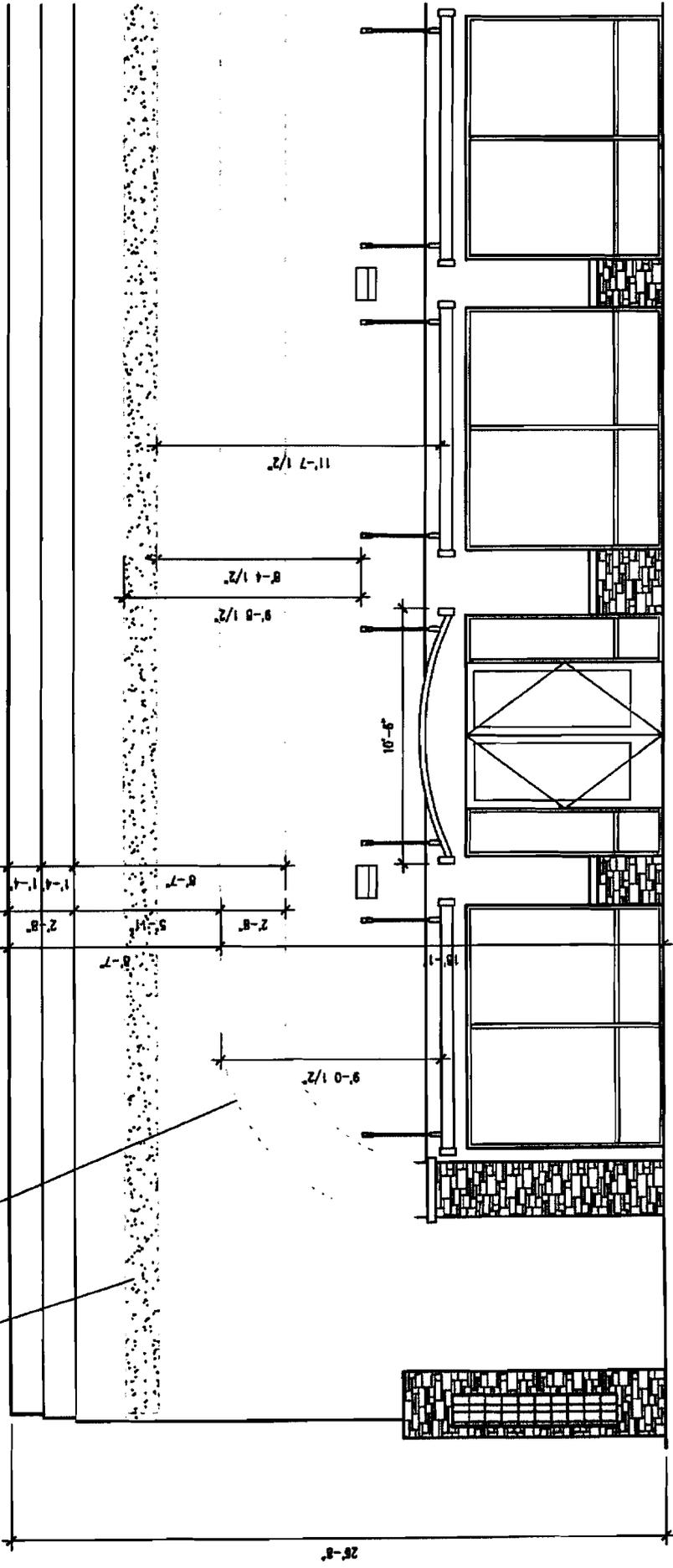
Goodwill Industries of Central AZ, Inc.
 Rio Salado Center, LLC
 Tempe, Arizona 85283



DATE: 10/15/10
 SCALE: AS SHOWN
 SHEET NO: A3.0

A3.0

INFILL EXISTING REVEAL TO FLUSH WITH ADJACENT EXTERIOR WALLS, TEXTURE AND PAINT TO MATCH ADJACENT.
 DEMO EXISTING ARCH PROJECTING BAND AND TEXTURE AND SMOOTH TO MATCH ADJACENT WALLS, TYPICAL





GOODWILL OF CENTRAL ARIZONA

**1290 N SCOTTSDALE RD., SUITE NOS.
113 & 114.**

PL090423

FRONT OF BUSINESS

