

# Staff Summary Report



Hearing Officer Hearing Date: April 7, 2009

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by **TEMPE FARMERS MARKET (PL080462)** located at 805 South Farmer Avenue for one (1) use permit.

**DOCUMENT NAME:** 20090407dssl01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by **TEMPE FARMERS MARKET (PL080462)** (Daryle Brett Dutton, applicant; Javan LLC, property owner) located at 805 South Farmer Avenue in the GID, General Industrial District for:

**ZUP09047** Use permit for outdoor retailing in conjunction with an indoors farmers market.

**PREPARED BY:** Sherri Lesser, Senior Planner (480-350-8486)

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

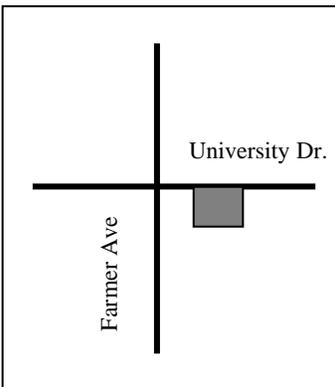
**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions

**ADDITIONAL INFO:**

Tempe Farmers Market is requesting approval of a use permit to allow outdoor retailing in conjunction with a Farmers Market. A use permit for the indoor portion of this business was granted on January 20, 2009. This is a retail store offering basic food and art essentials from local farmers, food producers and artists located at 805 South Farmer Ave. The Zoning and Development Code requires outdoor retail uses located in the, GID, General Industrial District to obtain a use permit. Staff is recommending approval of the request with conditions. To date, no public input has been received regarding 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(s)
2. Aerial Photo(s)
- 3-6. Letter of Intent
7. Site plan with product display areas
- 8-9. Letters of Support
10. Staff Photograph(s)

## COMMENTS:

Tempe Farmers Market is requesting approval of a use permit to allow outdoor retail as part of the operation of a Farmers Market offering basic food and art essentials from local farmers, food producers and artists located at 805 South Farmer Rd. The outdoor retail will occur adjacent to north side of the building and will be offered during regular business hours; as weather permits. The applicant has provided a site plan indicating the potential areas for product display.

### Use Permit

The Zoning and Development Code requires a use permit for all retail use in the GID, General Industrial District. This use permit request meets all applicable tests in the following manner:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - No potential nuisances.
- c. Compatibility with existing surrounding structures and uses;
  - The proposed use appears to be compatible with the surrounding uses.

### Conclusion

Staff supports the use permit for outdoor retail as shown on the attached site plan subject to conditions. To date, no public input on this case has been received. This use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. The proposed business is compatible with the building and the adjacent businesses and will occupy a tenant space previously approved for retail uses. The site has ample parking spaces available to accommodate this use.

### REASON(S) 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.

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

**CONDITION(S)  
OF APPROVAL:**

1. The use permit is valid for Tempe Farmers Market and may be transferable with approval from the Development Services staff. Should the business be sold, the new owners must contact the Development Services staff for review of the business operation.
2. The location of outdoor display areas shall not impede vehicular traffic, parking or sight visibility triangles.
3. A clear path for pedestrians must be maintained. All maneuvering areas shall meet the provisions of the Americans with Disabilities Act.
4. All displays shall be located on private property and may not encroach into the City Right of Way.
5. 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.
6. Obtain the necessary clearances from the Maricopa Health Department for the handling and disposal of produce.
7. All display materials, including tables, stands or crates to be stored on the interior of the building during non business hours. The display area must be kept neat, clean and hazard-free during hours of operation.
8. Any signage for the outdoor display area to receive clearance from the Development Services Department sign section.

**HISTORY & FACTS:**

January 20, 2009. The Hearing Officer approved a use permit for a retail use (Farmers Market) in the GID, General Industrial District located at 805 South Farmer Ave.

**DESCRIPTION:**

Owner – Javan LLC  
Applicant – Daryle Brett Dutton  
Existing Zoning – GID, General Industrial District  
Building S.F. 2540 s.f.  
Tenant space- 1499 s.f.  
Parking required- 7 spaces  
Parking provided- 11 spaces

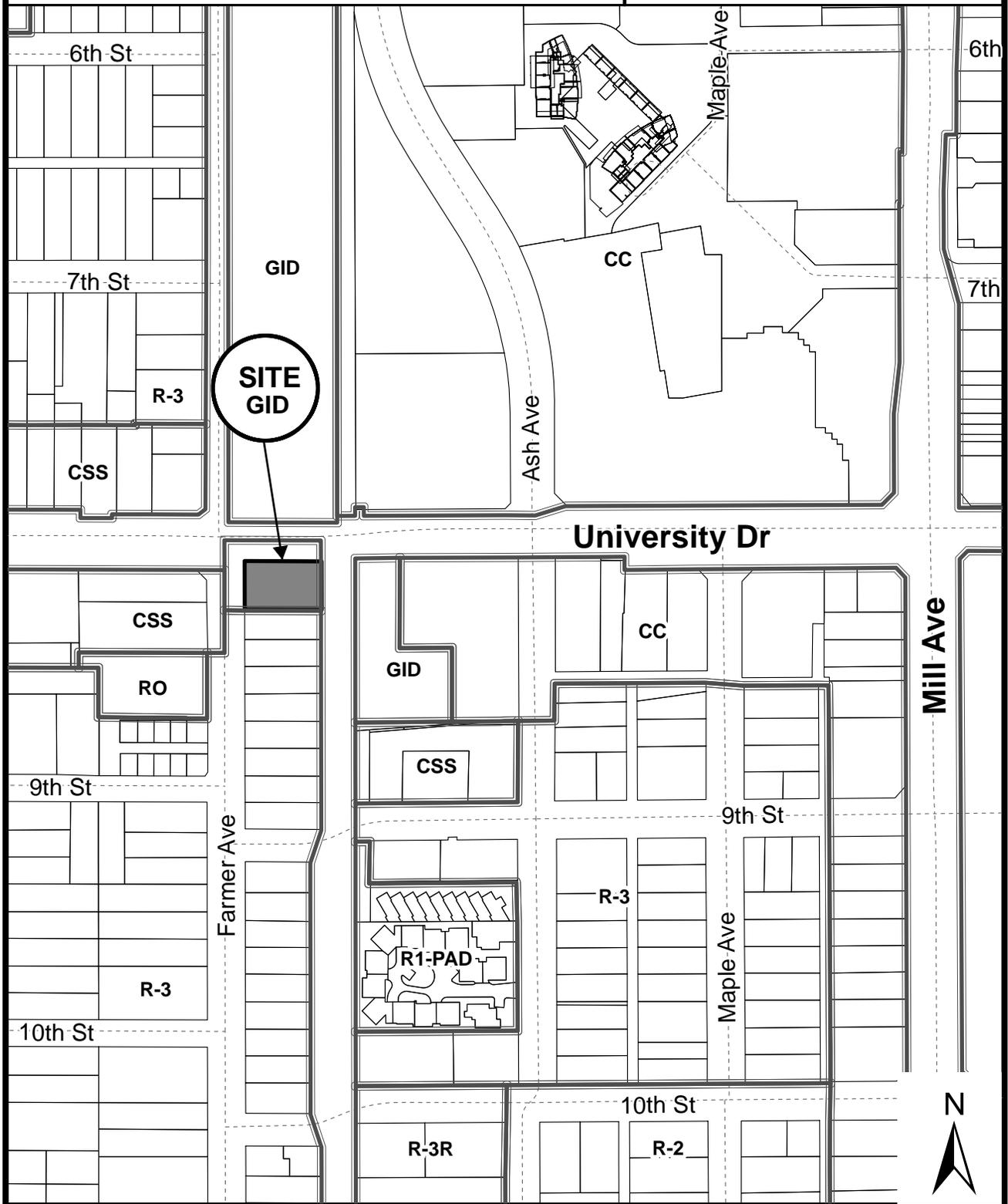
**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

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

Part 6, Chapter 3, Section 6-308 – Use Permit.

# TEMPE FARMERS MARKET

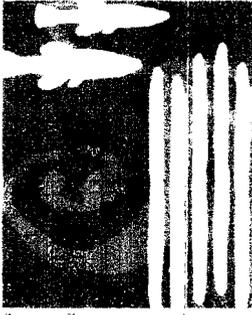
PL080462



## Location Map



**TEMPE FARMERS MARKET (PL080462)**



Tempe Farmers Market logo

November 12, 2008

To: City of Tempe

From: TempeFarmersMarket.com

**Letter of Explanation:**

This is a request for a use permit to open an indoor/outdoor farmers market retail business at 805 South Farmer Street, Tempe 85281.

**Abstract:**

The TempeFarmersMarket.com will provide a needed and wanted service to the community by providing our downtown Tempe community a convenient location to purchase basic food and art essentials from local farmers, food producers and artists. The site at 805 South Farmer is an ideal walk, bike, and drive-up neighborhood location that will result in a small carbon footprint. This sustainability concept is consistent with Tempe's "green urban environment" philosophy.

According to the USDA, there were 4,385 organized, local farmers markets across the country in 2006, a dramatic 18 percent rise since 2004. That's a heartening statistic, especially since the Tufts Food Awareness Project claims; "the average mouthful of food in the United States travels 1,300 miles before it is finally eaten."

This trend is indicative of the number of Americans who want to know where their food comes from, what's in it, and how it's produced. We are eager to shake the hand of the woman or man whose garden grew the dill, or beekeeper who produced the honey.

Farmer markets allow consumers to have access to locally grown, farm fresh produce, and locally produced food products and in turn enables farmers and food producers the opportunity to develop a personal relationship with their customers which cultivates consumer loyalty. Direct marketing of farm products through farmer markets continues to be an important sales outlet for agricultural producers nationwide.

We will encourage sustainable practices and celebrate natural ingredients. We will highlight locally produced foods. An important extension of our mission is to improve access to local, healthy, and affordable food for children and adults.

The structure at 805 South Farmer was built in July 1959 and is zoned G.I.D. (general industrial district). The property consists of two contiguous lots (parcel #'s 124-69-001 & 124-69-002A) on the southeast corner of Farmer and University. The following is the list of answers to the questions that are required by the city for use permit consideration:

1. *Describe the business operation.*

Farmers Market Retail Business (refer to above abstract and mission statement)

2. *List Hours of operation.*

Monday through Sunday, twenty-four hours a day. The following are the reasons for this operational schedule:

Arizona summer temperatures may cause an early and late schedule.

The patronage of students, local residents and work commuters may demand varied and extensive hours of operation to ensure the market's success.

3. *How many staff will participate in your business?*

The staff/business partner participation will vary from a minimum of one to a maximum of fifteen on the premise at any given time. The optimum performance goal for the business is fifteen; however this is simply determined by the market and community need.

*How many customers will utilize your services at any given time?*

The following projections are based on patron empirical data derived from non-restaurant and bar businesses within a four-block radius through interview and observation:

The average non-restaurant and non-bar businesses patronage flow is approximately 15 to 20 patrons per hour. The estimate of customer flow at 15 to 20 per hour combined with the maximum of fifteen staff persons is well within the total maximum occupancy to space of 50 persons. The possible variation to this occupancy model would include weekends and/or special events. This calculated customer usage matches the accepted vehicular and pedestrian traffic in adjacent areas and would not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions that currently exist.

4. *How will the business affect the surrounding area?*

The [TempeFarmersMarket.com](http://TempeFarmersMarket.com) is in perfect alignment with the city of Tempe's goals, objectives and policies. The Tempe slogan, "live, work, play" is embodied and exemplified with pride through the celebration of community by supporting, sharing,

and empowering our neighborhood, which is embraced by the mission of [TempeFarmersMarket.com](http://TempeFarmersMarket.com).

5. *Will the building be compatible with existing surrounding structures?*

The structure at 805 South Farmer was built in 1959 and has quietly existed within the neighborhood without much care and/or improvements. The buildings low profile, minimalist design, reminiscent of a simple, barn-like structure will be an excellent beginning to our recommended tenant improvements, such as the landscape plan and window improvements. Since it's construction in 1959 our building has housed a variety of businesses, including, a carpentry shop, blue jeans buyer, auto-repair, and an art gallery studio. Our farmers market business at 805 South Farmer Avenue will be this building's highest and best use for the neighborhood and Tempe.

6. *Will the business result in any disruptive behavior, which may create a nuisance to the surrounding area or general public?*

The answer is "No." The [TempeFarmersMarket.com](http://TempeFarmersMarket.com) will be a place of calm serenity that embodies a quiet strength that is compatible with the surrounding area. The general public will look to the market as a temporary sanctuary from the hustle and bustle of a busy urban center. The market will help develop a stronger, neighborhood unity that will spur on community activism that will help Tempe maintain its position of being an "All American City."

The conditions of use permit approval voluntarily proposed by the applicant, exceeds what the city staff has recommended.

This property's business history has been of mixed commercial business use, with benefit predominately to the business owner. The current proposal is the highest and best use for this property because of the symbiotic nature of a farmers market within a community. The proposed business, housed within the 805 South Farmer structure, will be 1499 square feet. It will also include the landscaping plan recommended by City of Tempe staff. The [TempeFarmersMarket.com](http://TempeFarmersMarket.com) is proposing the following four-phase property improvement timeline:

1. *Prior to issuance of Certificate of Occupancy*  
Complete and have inspected a firewall to replace an existing wall called out on the site plan. Complete and have inspected the bathroom improvement that will be based on the 20% formula that is calculated based on the tenant improvement budget.
2. Six months after C of O is issued, complete Phase 1 of the called out landscaping on the site plan.
3. Twelve months after C of O is issued, complete Phase 2 of the called out landscaping on the site plan.
4. Eighteen months after C of O is issued, complete Phase 3 of the called out landscaping, proposed refuse enclosure and business signage monument called out on the site plan.

The current building and landscaping has existed much as it has for the past 49 years. The landscaping and property improvement that is laid out over eighteen months is reasonable and prudent.

We look forward to working with the City of Tempe during the development of this project.

Thank you for your time and consideration of this proposal.

Sincerely,

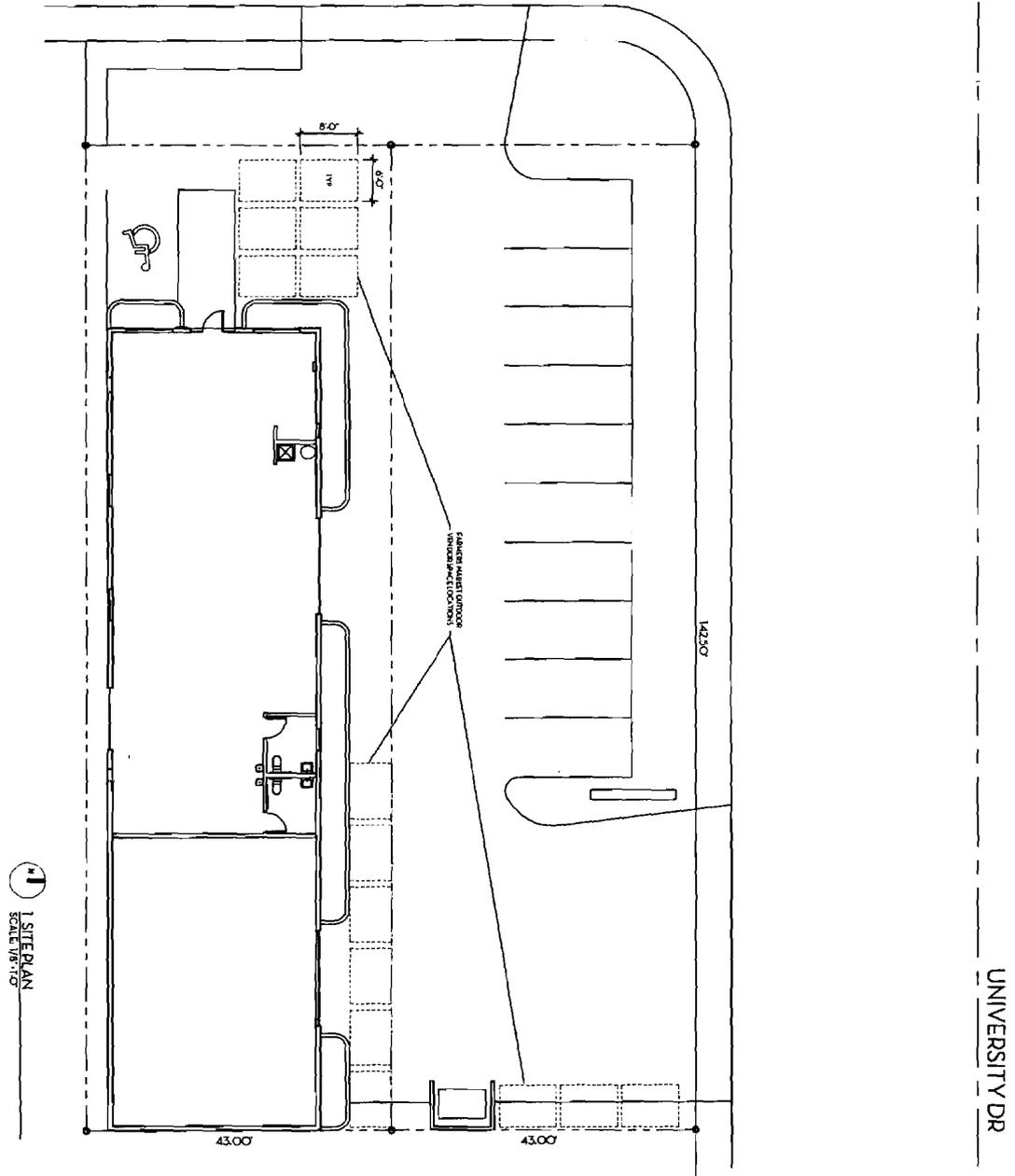
A handwritten signature in black ink, appearing to read "Daryle Brett Dutton". The signature is fluid and cursive, with the first name being the most prominent.

Daryle Brett Dutton

Market Manager & Owner

[TempeFarmersMarket.com](http://TempeFarmersMarket.com)

FARMER AVE  
805 S FARMER AVE TEMPE AZ 85281



1 SITE PLAN  
SCALE 1/8"=1'-0"

TEMPE FARMER'S MARKET (PHASE I)  
SITE PLAN

09.0222 VERGE JOB NUMBER: TFM-09

DESIGNER BUILD  
DATE: 11/20/2019  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DATE: 11/20/2019



# Alleluia Lutheran Church & Student Center

*"making new friends... for life"*

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1034 south mill avenue • tempe, arizona  
480.894.2610 • www.azalleluia.com

December 11, 2008

The City of Tempe  
To Whom It May Concern

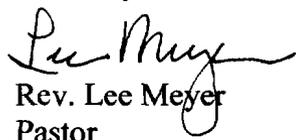
RE: Daryle Brett Dutton and TempFarmersMarket.com

We at Alleluia Lutheran Church are delighted to hear of Mr. Dutton's investment in the community by bringing us a local farmer's market!

Having had a relationship with Daryle for a number of years now—observing his friendly, creative, entrepreneurial spirit—I am convinced that this new project will be of great benefit to the Tempe community. A farmer's market has the potential for bringing people together in a way that is unique and beneficial to everyone.

We at Alleluia Lutheran Church are in full support Mr. Dutton and this new project.

Sincerely,

  
Rev. Lee Meyer  
Pastor



Maple  
Ash  
Neighborhood  
Association

**Karyn Gitlis**  
**1206 South Ash Avenue**  
**Tempe, AZ 85281**  
**(480) 967-5226**  
**kgitlis@interwrx.com**

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Hearing Officer  
Development Services  
City of Tempe  
31 East Fifth Street  
Tempe, AZ 85281

January 8, 2009

**Regarding: Use permit to allow a farmers market retail business (ZUP08192)**

Dear Hearing Officer:

The Maple Ash Neighborhood Association is excited about Mr. Dutton's business plan for Tempe Farmers Market at 850 S. Farmer. The products he proposes to sell are at the very top of our long-standing wish list of neighborhood friendly goods and services. In one fell swoop he covers basic daily needs such as fresh bread, fresh produce, oils and local delectables. He then adds the gravy – the access to seasonal and local commodities, art, classes, information about sustainable goods and practices, networking and much more.

We look forward to Tempe Farmers Market being part of our community.

Thank you for your consideration.

Sincerely,

Karyn Gitlis, Chair  
Maple Ash Neighborhood Association

09 JAN -9 AM 11:55  
SERVICES DEPARTMENT



**TEMPE FARMERS MARKET**

**805 SOUTH FARMER AVENUE**

**PL080462**

**FRONT OF BUSINESS – VIEW TO EAST**

