

Staff Summary Report



Hearing Officer Hearing Date: February 16, 2010

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **AGAVE BUSINESS CENTER- EXTRA INNINGS (PL100018)** located at 8945 South Harl Avenue for one (1) use permit.

DOCUMENT NAME: 20100216dssl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Hold a public hearing for a request by **AGAVE BUSINESS CENTER – EXTRA INNINGS (PL100018)** (Jay R. Jolley/K & I Architects & Interiors, applicant; MEPT Agave Center LLC, property owner) located at 8945 South Harl Avenue, Suite 106 in the GID, General Industrial District for:

ZUP10006 Use permit to allow an indoor baseball training facility with retail sales.

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

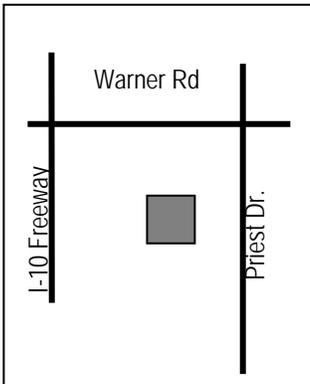
DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:

The applicant is requesting a use permit to allow and indoor baseball training facility with retail sales, located at 8945 South Harl Avenue, Suite 106 in the GID, General Industrial District. The facility will include an indoor training facility, offices and a retail sales area. To date no public input has been received. Staff supports approval of the use permit.



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
- 3-4. Letter of Intent
5. Site Plan
6. Floor Plan
7. Parking Calculation
8. Staff Photograph

COMMENTS:

The applicant is requesting a use permit to allow an indoor baseball training facility in the GID, General Industrial District. The facility includes an indoor baseball instruction or practice area; office area and a retail sales area. The tenant space is approximately 11661 square feet. The hours of use will be weekday evenings from 11:00 am to 9 pm Sunday thru Saturday. To date, no input has been received from neighboring tenants or property owners.

Use Permit

The Zoning and Development Code requires a use permit for a sports facility in the GID, General Industrial 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 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;
 This is a training facility for volleyball practice and should not create a nuisance from emission of odor, dust, gas, noise, vibration, smoke, heat or glare.

- 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 would 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.

- e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;
 The proposed use appears to have adequate control of disruptive behavior.

Conclusion

Staff recommends approval of the use permit 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.

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

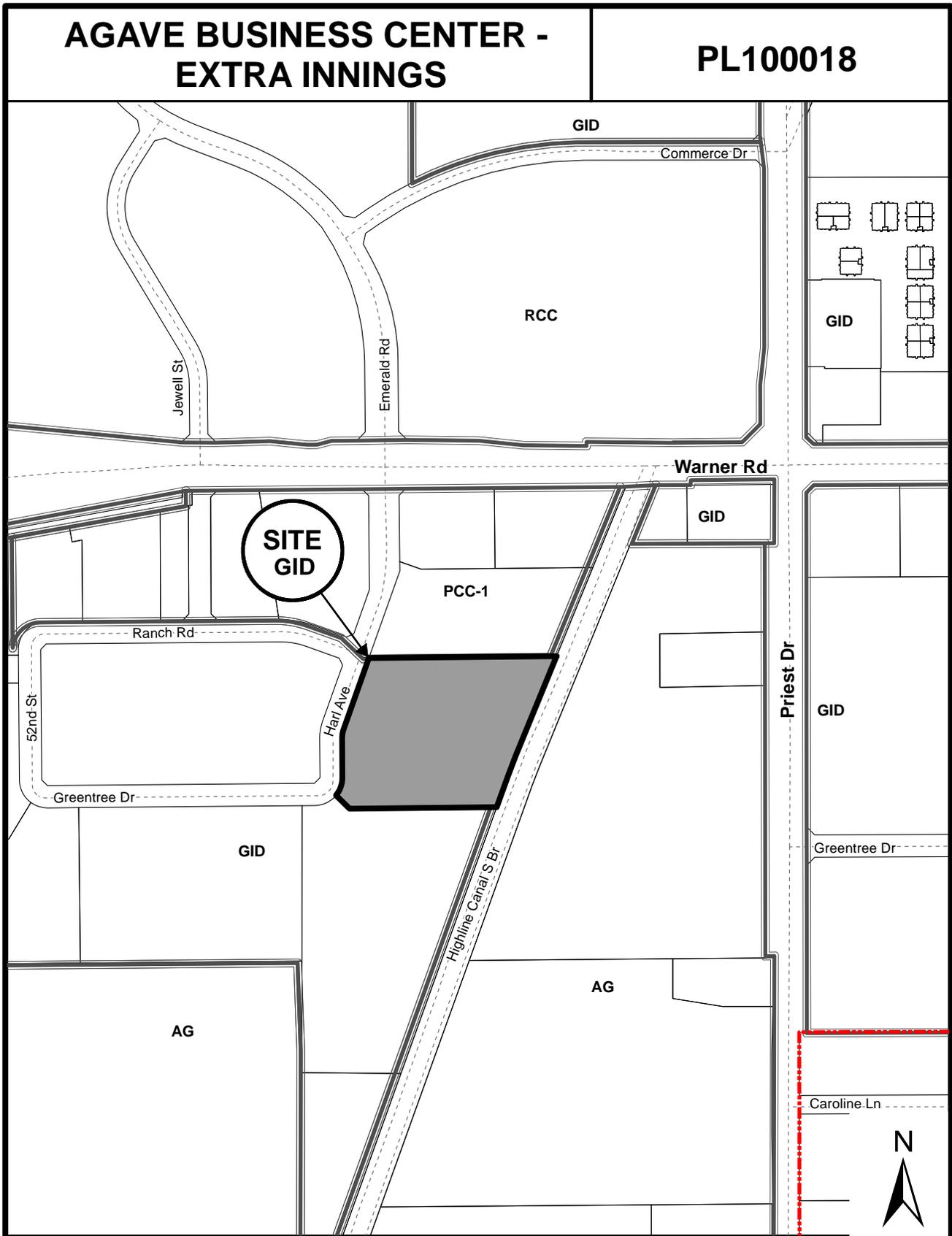
**CONDITIONS
OF APPROVAL:**

1. The use permit is valid for Extra Innings and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. Obtain all necessary clearances from the Building Safety Division.
3. Any intensification or expansion of the use would require the use permit to be reheard by the Hearing Officer.
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. The use permit is valid for the plans as submitted within this application.
6. All business signs shall receive a Sign Permit. Please contact Planning staff at (480) 350-8331.

HISTORY & FACTS: None pertinent to this case.

DESCRIPTION: Owner –Brian Urback/ MEPT Agave Center LLC
Applicant – Jay R. Jolley/K & I Architects and Interiors
Existing Zoning – GID, General Industrial District

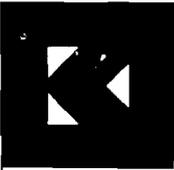
**ZONING AND
DEVELOPMENT
CODE REFERENCE:** Part 3, Chapter 3, Section 3-301 – Permitted Uses in Industrial Districts
Part 6, Chapter 3, Section 6-308 – Use Permit



Location Map



AGAVE BUSINESS CENTER - EXTRA INNINGS (PL100018)



Date: 01/22/10

K&I Architects and Interiors
1850 N. Central Ave., Suite 200
Phoenix, AZ. 85004

City of Tempe
Planning Department
31 East Fifth Street
Tempe, AZ. 85280-5002
Ph: 480-350-8331

Subject Business / Property;
Extra Innings Retail Use Permit
Agave Business Center
8945 S. Harl Dr., Suite 106
Tempe, AZ. 85284

To The Committee;

Extra Innings desires to obtain a Use Permit to establish a business for indoor baseball training and retail sales in a site being zoned I-1.

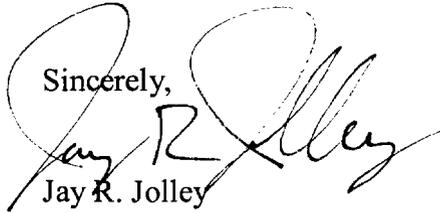
The subject property is currently built out as +/-2,000 S.F. of office layout that houses a built-in reception desk, conference room, two private offices, fax/copy room, bull pen area, restrooms and a break room. The Warehouse area is +/- 9,500 S.F. that houses 6 roof top evaps and high bay light fixtures. With minor modifications to the existing interior layout we can transform these spaces into highly functional spaces that meet Extra Innings needs. Another huge benefit that this site offers is parking, the existing parking is more than adequate for Extra Innings intended use. These improvements make Extra Innings business plan feasible to work, in an otherwise unfeasible situation.

In order for Extra Innings business to work they need all the pieces of the puzzle. The Training Facility needs the sales of the retail portion and the retail portion needs the exposure of people from the Indoor Training Facility. The office area needs to be in place to manage the business as a whole. Extra Innings will be open from 11:00 am to 9:00 pm Sunday thru Saturday they expect most of there traffic from 3:00 pm to 9:00 pm Monday thru Friday and all day on the weekends.

Extra Innings business is not going to be a burden on the I-1 zoning; it is only going to help this center thrive. Extra Innings will expose the Agave Center to a whole new realm of people that may have not known about its existence. In return we could see less vacancy in which help's all the tenants businesses. We hope the City can see the benefit in allowing Extra Innings use at the Agave Center.

We appreciate the time you have taken reviewing our letter of explanation. Please give me a call if you have any questions or concerns at 602-262-3820.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay R. Jolley". The signature is fluid and cursive, with a large initial "J" and "R".

Jay R. Jolley
Principal
K&I Architects and Interiors

EXTRA INNINGS

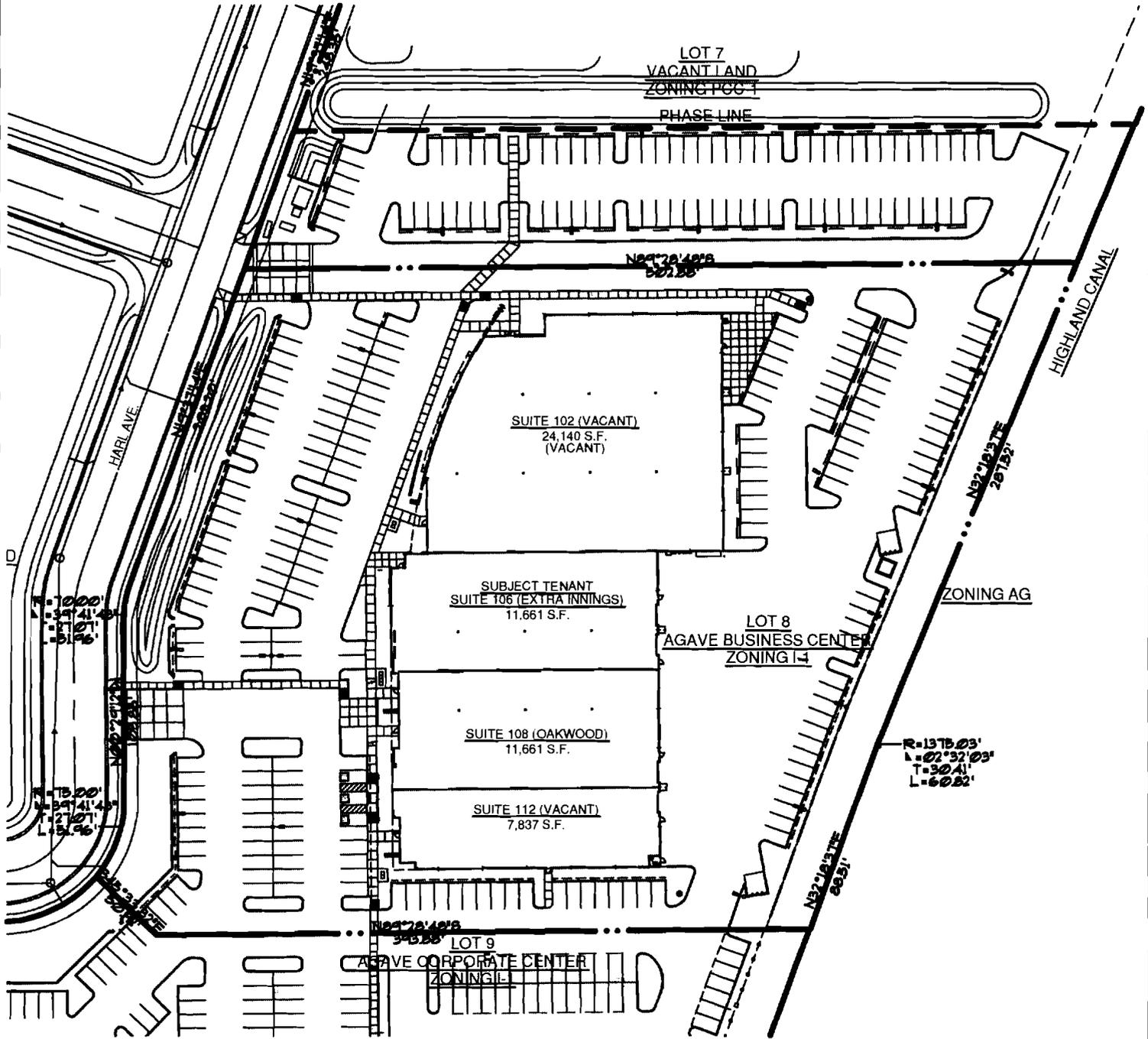
8945 S. HARL DRIVE, SUITE 106
TEMPE, AZ. 85284

094301

DATE: 01/21/10

SITE PLAN

SCALE: N.T.S.



K & I

ARCHITECTS & INTERIORS LLC.

1850 N. CENTRAL AVE. #200

PHOENIX, AZ. 85004

PH: 602-262-3838

FAX: 602-262-3938

EXTRA INNINGS

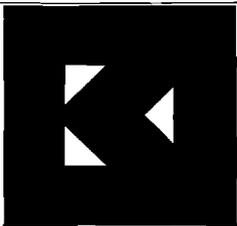
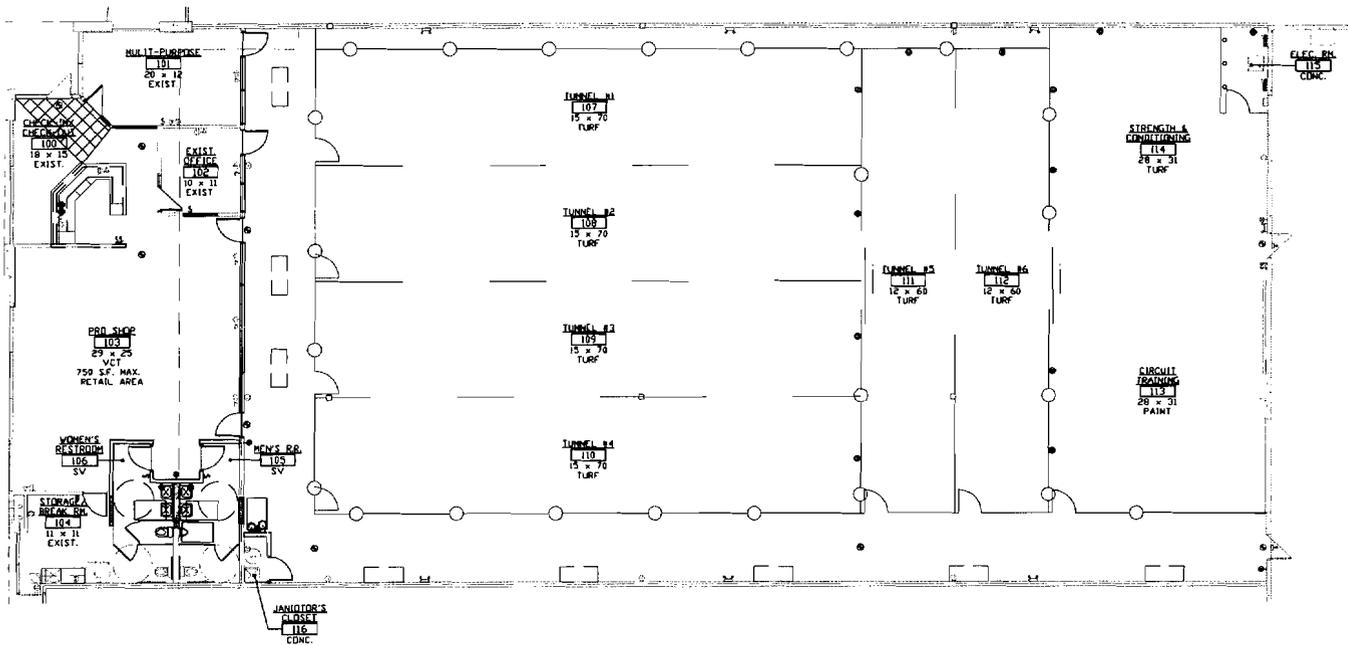
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TEMPE, AZ. 85284

094301

DATE: 01/21/10

FLOOR PLAN

SCALE: N.T.S.



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8945 S. HARL DRIVE, SUITE 106
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094301

DATE: 01/21/10

PARKING CALCULATION

SCALE: N.T.S.

PARKING:

PARKING (TOTAL EXISTING BUILDING AREA 55221 SF.)

SUITE 102 (VACANT)

OFFICE:	6,905 SF. / 300	▪ 23
SCHOOL:	17,235 SF. / 200	▪ 86

SUITE 106 (EXTRA INNINGS)

GYM:	7,571 SF. / 125	▪ 61
OFFICE:	3,340 SF. / 300	▪ 11
RETAIL:	750 SF. / 300	▪ 3

SUITE 108 (OAKWOOD)

WAREHOUSE:	5,994 SF. / 500	▪ 12
OFFICE:	5,589 SF. / 300	▪ 17

SUITE 112 (VACANT)

WAREHOUSE:	5,279 SF. / 500	▪ 11
OFFICE:	2,558 SF. / 300	▪ 9
TOTAL PARKING REQUIRED:		233

TOTAL EXISTING PARKING PROVIDED (LOT 8) ▪ 204

TOTAL EXISTING PARKING PROVIDED (LOT 7) ▪ 78

TOTAL PARKING PROVIDED (LOT 7 AND 8) = 282 (THIS NUMBER
INCLUDES 3 ADA
ACCESSIBLE SPACES)

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AGAVE BUSINESS CENTER – EXTRA INNINGS

8945 S HARL AVE., SUITE NO. 106

PL100018

FRONT OF BUSINESS

