

# Staff Summary Report



Hearing Officer Hearing Date: October 7, 2008

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by **JUST WATER ARIZONA INC. (PL080333)** located at 502 South College Avenue for one (1) use permit.

**DOCUMENT NAME:** 20081007dssd03

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by **JUST WATER ARIZONA INC. (PL080333)** (Paul Pokatello, applicant; Studios 5C, property owner) located at 502 South College Avenue in the CC, City Center District for:

**ZUP08141** Use permit to allow outdoor retailing (located in the patio).

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

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

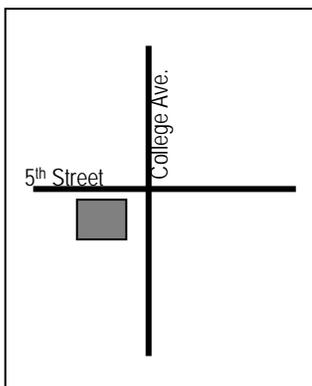
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL 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 outdoor retailing of bottled water at the Studios 5C building located at 502 South College Avenue in the CC, City Center District. Staff recommends approval of the use permit subject to conditions. To date, no public input has been submitted for 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. Letter of Intent
4. Site plan
- 5-6. Staff Photograph(s)

## COMMENTS:

The applicant, Just Water Arizona, is requesting approval of a use permit to allow outdoor retailing of bottled water at the Studios 5C building located at 580 South College Avenue in the CC, City Center District. The request includes selling water on ASU Football game days, Insight Bowl, and other special events around Sun Devil Stadium. The sales of bottled water will be done at the two (2) patios near the corner of College Avenue and 5<sup>th</sup> Street. The vendor will have no more than 2 to 3 employees selling water at one time and will remain within the perimeter of the two patios.

To date, no public input has been submitted for this request.

## Use Permit

The Zoning and Development Code requires a use permit for outdoor retailing in the CC District.

Evaluating the use permit, the proposal meets the use permit criteria 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;
  - The use should not create any nuisances to neighboring properties.
- 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.
- d. Compatibility with surrounding structures and uses;
  - The proposed use appears to be compatible with surrounding uses.

## Conclusion

Staff recommends approval of this use permit subject to the conditions.

## 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.

**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 for Just Water Arizona and is valid on ASU Football Game days, Insight Bowl, and other special events only.
2. The use permit is valid for (2) two years. The applicant shall return for an administrative review of this use permit in (2) two years (**October 7, 2010**).
3. Any intensification or expansion of this use shall require that a new use permit be applied for and obtained.
4. All required permits and clearances shall be obtained from the Tax and Licensing Division of the City of Tempe prior to the use permit becoming effective.
5. All required clearances and encroachment permits shall be obtained from the City of Tempe Engineering Department prior use permit becoming effective.
6. A clear path for pedestrians along the sidewalk must be maintained. It shall meet the provisions of the Americans with Disabilities Act.
7. The vending area must be kept neat, clean and hazard-free during hours of operation. Vendor is responsible for the fifty (50) foot area surrounding the vending area. Vendor shall remove trash off-site.
8. 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.
9. Outdoor retail display signage shall not exceed a total of three (3) square feet and are limited to normal hours of operation.

**HISTORY & FACTS:**

None pertinent to this request

**DESCRIPTION:**

Owner – Studios 5C  
Applicant – Paul Pokatello  
Existing Zoning – CC, City Center District

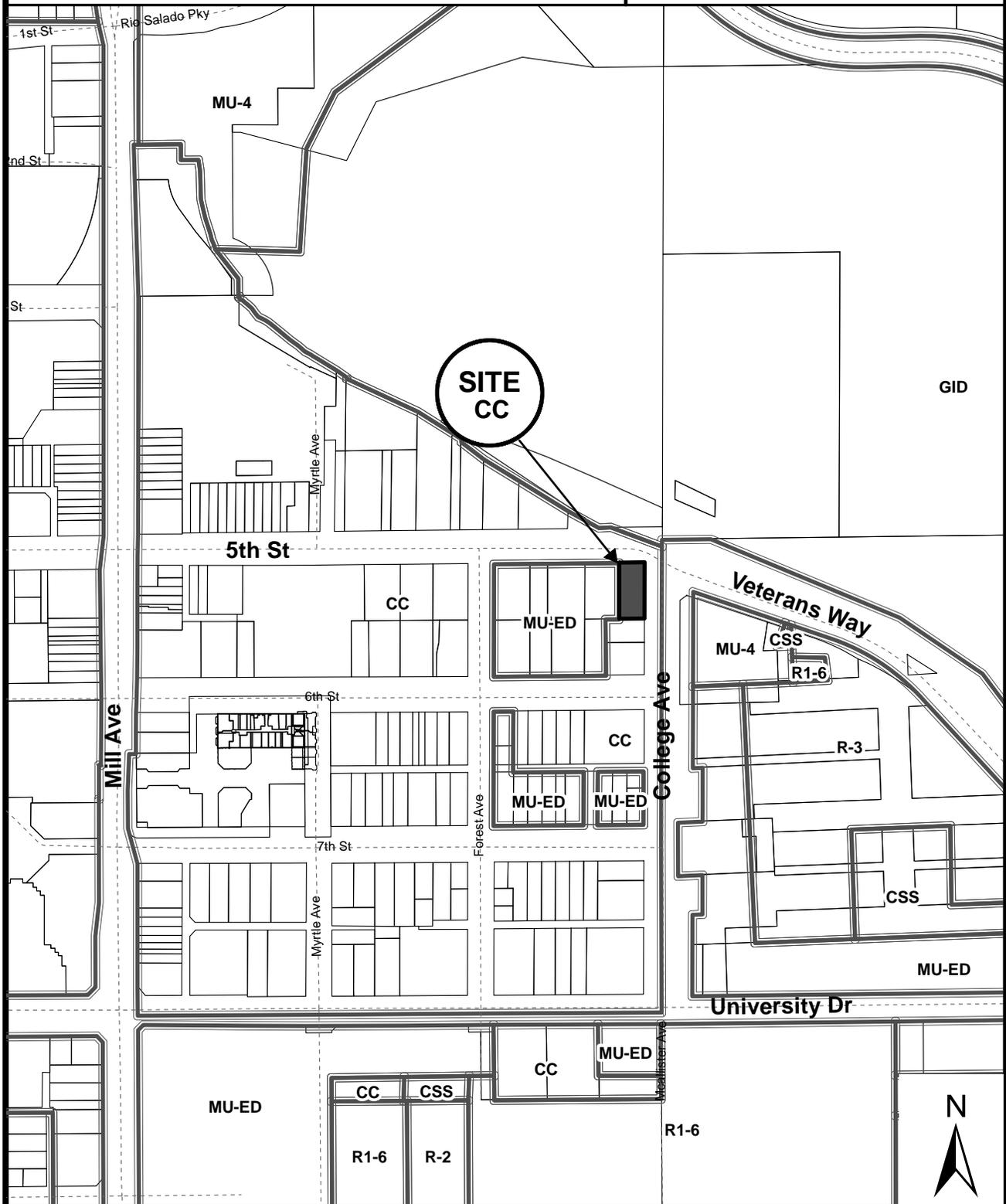
**ZONING AND  
DEVELOPMENT**

**CODE REFERENCE:**

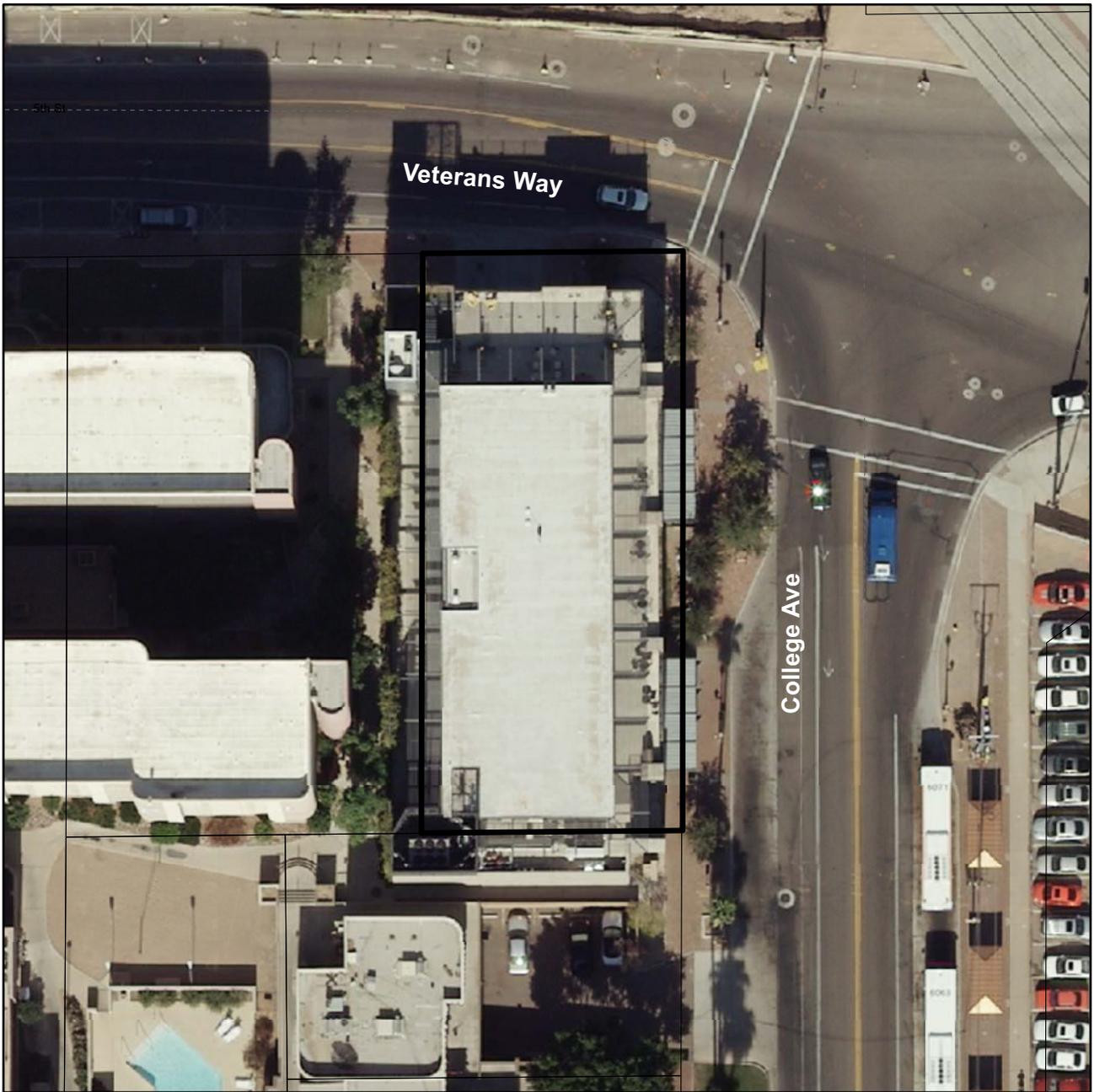
Part 3, Chapter 2, Section 3-202A – Permitted Land Uses  
Part 3, Chapter 4, Section 3-417 – Outdoor Retailing  
Part 6, Chapter 3, Section 6-308 – Use Permit

**JUST WATER ARIZONA INC.**

**PL080333**



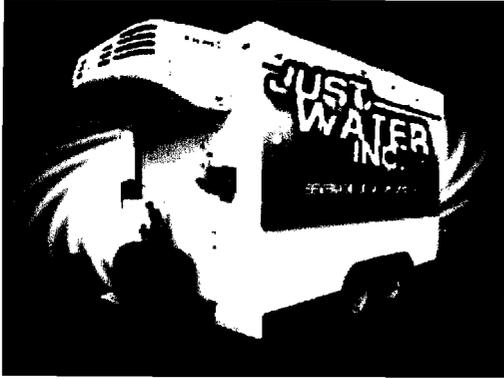
**Location Map**



**JUST WATER ARIZONA INC (PL080333)**

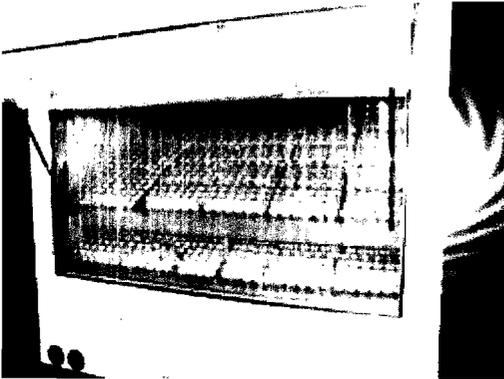
## BEVERAGE DELIVERY SYSTEM

### IT'S ICE COLD!!



Just Water Inc. has designed and developed a superior delivery system that guarantees **ICE COLD** bottled water and beverages in large quantities for sale at high-volume warm and hot weather outdoor events.

Our state-of-the-art diesel/electric powered ThermoKing refrigeration unit, along with our insulation system allows us to continuously chill 10,000 bottles of water and/or beverages to 33 degrees and maintain that temperature with minimal effort.



The Just Water Beverage Delivery System represents a simple and effective model – a model that gives customers what they want – **ICE COLD** Bottled Water and **ICE COLD** Beverages.

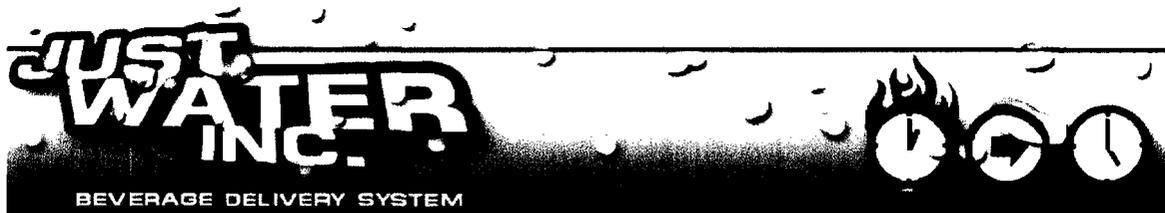
Our only goal is to provide your event with the highest standard of beverage quality and service that exist – period. Nobody can deliver on that promise like we can.

No more long lines of unsatisfied customers. No more concerns about keeping your bottled water and beverages cold. We keep the “**ICE**” in “**ICE COLD**”!

Contact us today to discuss how Just Water Inc. will dramatically increase both customer satisfaction and sales at your next event.

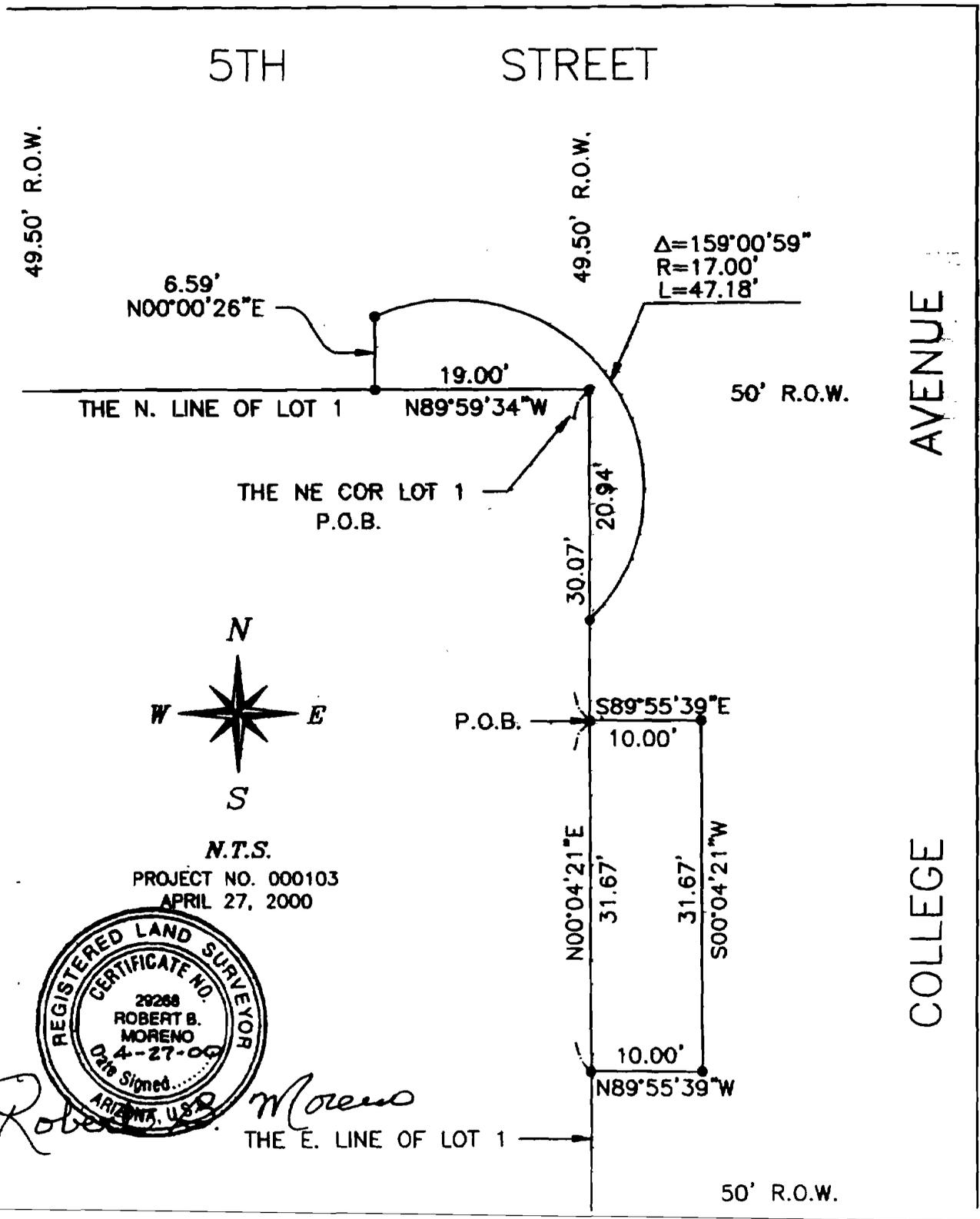
Target markets include: fairs, sporting, charitable, and golfing venues, outdoor concerts, beaches, city and state parks, corporate outings, and city, town or village events.

**IT'S SIMPLE. IT'S COLD.  
IT'S THE JUST WATER, INC.**



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# EXHIBIT A-1





**JUST WATER ARIZONA INC.**

**502 SOUTH COLLEGE AVENUE**

**PL080333**

**FRONT OF BUSINESS (PATIO)**



**JUST WATER ARIZONA INC.**

**502 SOUTH COLLEGE AVENUE**

**PL080333**

**EAST SIDE OF BUSINESS (PATIO)**