

Staff Summary Report



Hearing Officer Hearing Date: December 16, 2008

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **STAR OF INDIA (PL080425)** located at 1038 West Southern Avenue for one (1) use permit.

DOCUMENT NAME: 20081216dsng01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **BROADWAY INDUSTRIAL PARK – STAR OF INDIA (PL080425)** (Randy Horton, applicant/property owner) located at 1038 West Southern Avenue in the GID, General Industrial District for:

ZUP08176 Use permit to allow outdoor retail/display.

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

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions

ADDITIONAL INFO: The applicant is requesting a use permit to allow outdoor retail/display at an existing clothing retail store. The proposed display area will be located adjacent to the retail main entrance utilizing ten (10) parking spaces during the weekends. To date, there has been no public input regarding the request. Staff recommends approval of the proposal with conditions.



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. Site plan
5. Floor plan
6. Staff Photograph

COMMENTS:

Broadway Industrial Park – Star of India is requesting a use permit to allow outdoor retail/display at an existing clothing retail store. The proposed display area is to be located adjacent to the main retail entrance utilizing ten (10) parking spaces. This site does not have any excess parking spaces to use for outdoor retail on a regular basis. After a parking count was done to determine how many required parking spaces were needed, it was determined that there were seventy (70) spaces required on site. Currently there are only sixty-eight (68) parking spaces provided on site. However, a shared parking model for this site shows that weekends would support the parking required. Staff supports the use of outdoor retail display on the weekends only, since the main corporate office would be closed. This would allow for parking spaces to be available to be utilized for retail display. To date, there has been no public input regarding the request. Staff recommends approval of the proposal with conditions.

Use Permit

The Zoning and Development Code requires a use permit for outdoor retail/display within the GID, General Industrial District. This use permit request appears to meet all applicable tests in the following manner:

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.
- 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 would not create nuisances within the industrial zoned area.
- 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.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval subject to conditions of approval.

REASONS FOR APPROVAL:

1. There should be no significant increase in vehicular or pedestrian traffic in adjacent areas.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. The proposed development should not contribute to neighborhood deterioration or downgrade property values.
4. The proposed use appears to be compatible with surrounding uses.
5. 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. The outdoor display shall not conflict with pedestrian or vehicular traffic.
2. The use permit is valid for the plans as submitted to and approved by the Hearing Officer, any expansion of the outdoor display would require a new use permit.
3. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the Development Services office, the use permit may be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
4. Any outdoor signage associated with the display shall be limited to three (3) square feet.
5. No sound amplification shall be used for the outdoor display.
6. No outdoor display shall be permitted within landscape areas.
7. Any display must allow for a minimum six foot (6') wide pedestrian path across the building frontage and to and from building entrances and exits.
8. The use permit is valid for weekends only when office and warehouse uses are closed.

HISTORY & FACTS:

- April 2, 2007 CM070445 - Outdoor retail displays in front of the store - Star of India.
- October 31, 2008 CM081536 - Illegal banners, Outdoor retail displays - Star of India.

DESCRIPTION:

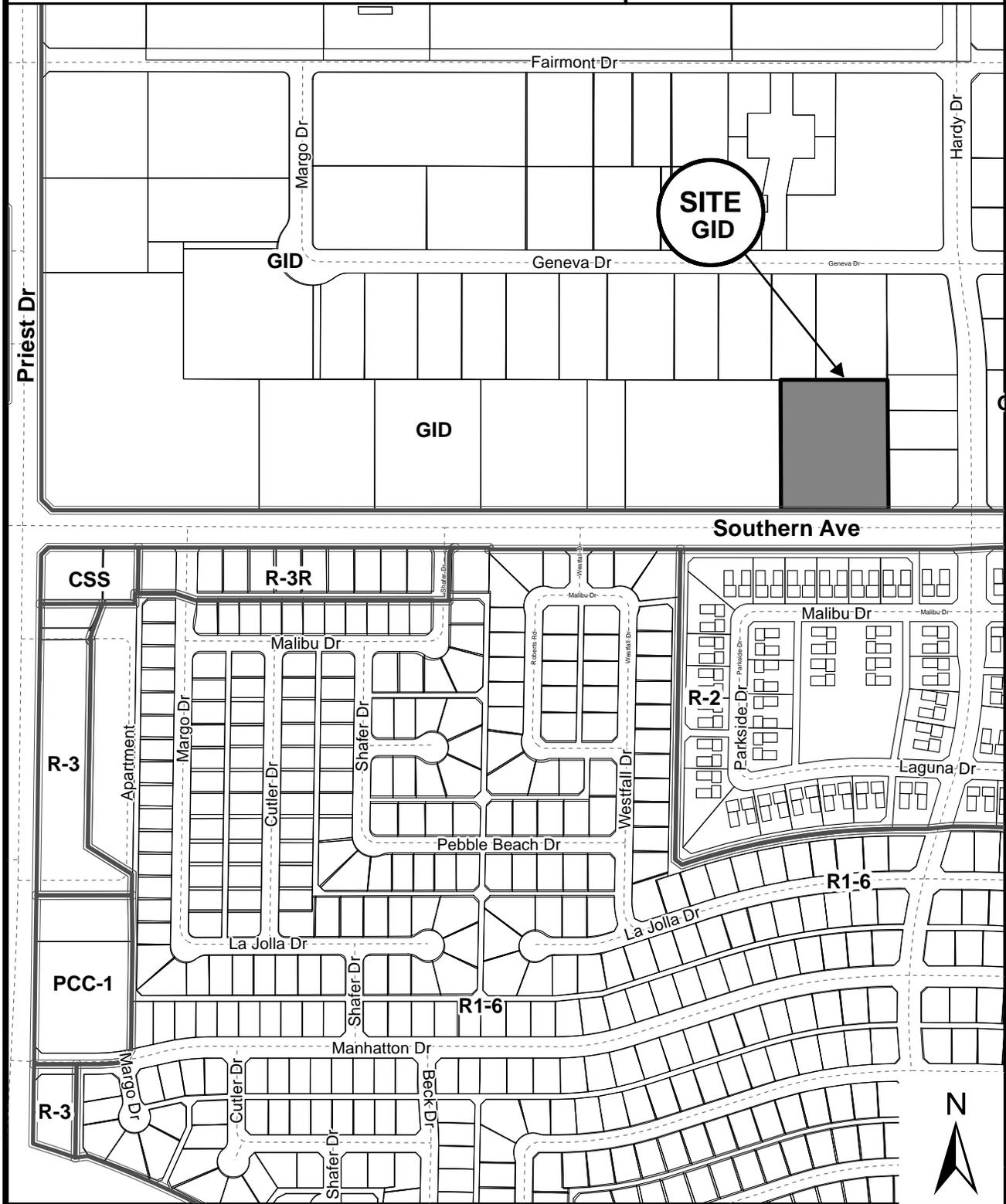
Owner – Randy Horton
Applicant – Randy Horton
Existing Zoning – GID, General Industrial District
Site Area – 109,631 s.f. / 2.52 acres
Building Area – 48,200 s.f.
Parking Required – 70 spaces
Parking Provided – 68 spaces

ZONING AND DEVELOPMENT

- CODE REFERENCE:** Part 3, Chapter 3, Section 3-302 – Permitted Uses in Office/Industrial Districts
 Part 3, Chapter 4, Section 3-418 – Outdoor Retail Display
 Part 6, Chapter 3, Section 6-308 – Use Permit

**BROADWAY INDUSTRIAL PARK
STAR OF INDIA**

PL080425



Location Map



BROADWAY INDUSTRIAL PARK - STAR OF INDIA (PL080425)

STAR OF INDIA FASHIONS, INC.
1038 W SOUTHERN AVE
TEMPE, AZ 85282

Date: November 13, 2008

Permit Use: To conduct retail sales in our parking lot.

Layout: We will be placing 10 to 15 clothing racks (4'X4') in front of our retail store. They will be spaced 3 feet apart and 3 feet from the curb of the parking area to allow for pedestrian traffic.

Days: The parking lot sales will be conducted weekly on Fridays and Saturdays.

Time: During regular business hours from 10:00AM to 5:30PM.

Longevity: For the foreseeable future.

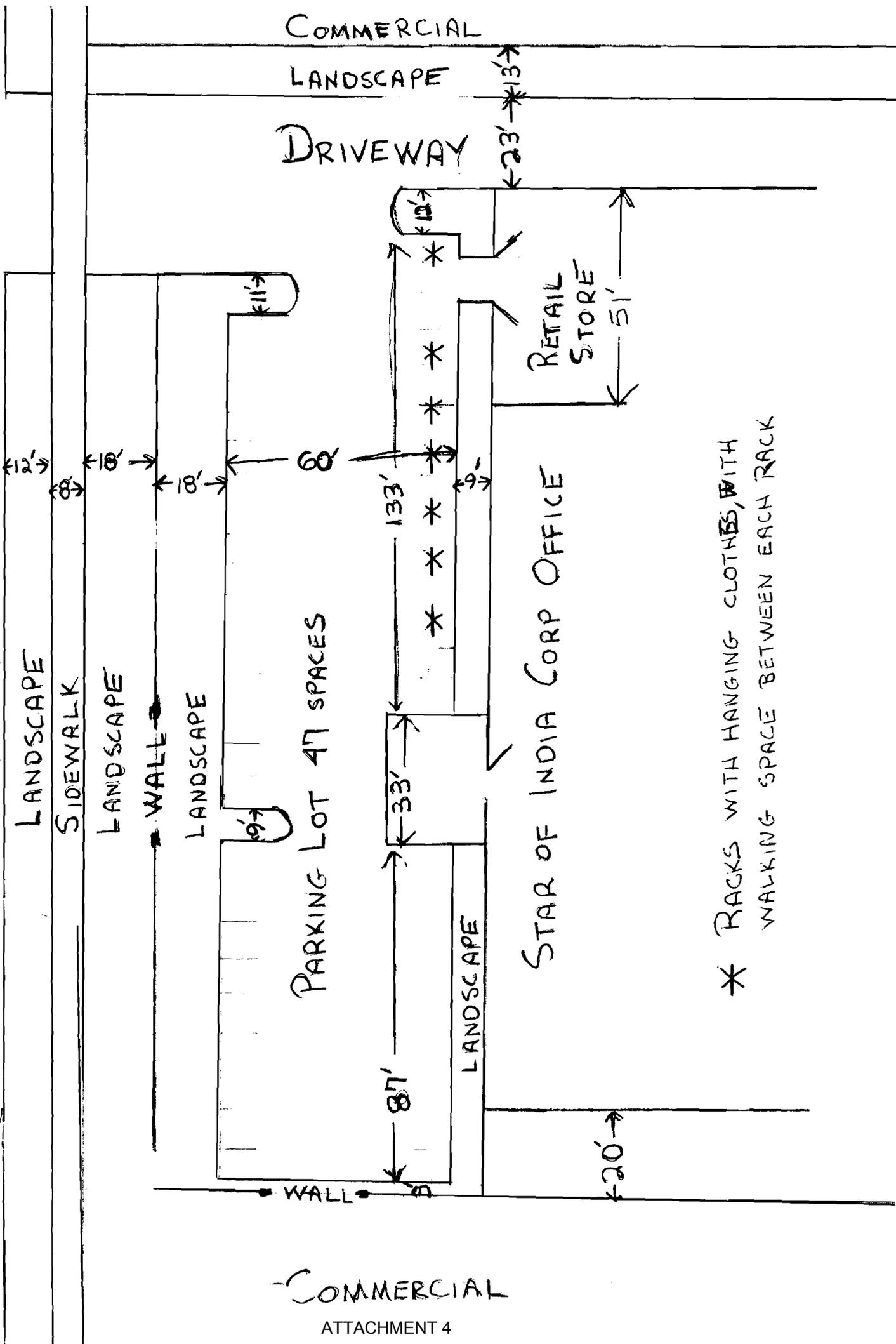
Parking: Our parking lot sales will not be a major event. Our history with these events shows that a maximum of 4 customer's vehicles will accumulate at any one time. Our employees currently occupy only 24 parking spaces and that number will be reduced shortly. The front of our building has 47 designated parking spaces and there is also addition parking located in the rear on the building for employee parking if necessary. There will only be 2 employee vehicles present during the Saturday event, the corporate office is closed on the weekend.

Receipts: The cash register will continue to be located inside the store at its regular location.

Merchandise: The merchandise for sale on the outside racks will be the same as the merchandise located inside the store, which is women's apparel.

1" = 32'

SOUTHERN AVE



STAR OF INDIA CORP OFFICE

RETAIL STORE

COMMERCIAL

* RACKS WITH HANGING CLOTHES, WITH WALKING SPACE BETWEEN EACH RACK

21 SPACES AVAILABLE IN
Merlin Legend BACK

- 3 408 GS/LS MLX Modules
- 1 408 GS/LS ATL Module
- 1 008 MLX Module
- 1 012 Module
- 24 MLX 10BD Sets
- 1 MLX 20L Set
- 1 DSS
- 1 MLX 5 B Set
- 6 10 BIS Sets
- 2 9030 Wireless Sets

NOTE: All telephone sets and modems in this RED PRINT require new wire runs.

○ = New Modem Location

WAREHOUSE

(Password Unrestricted Set)

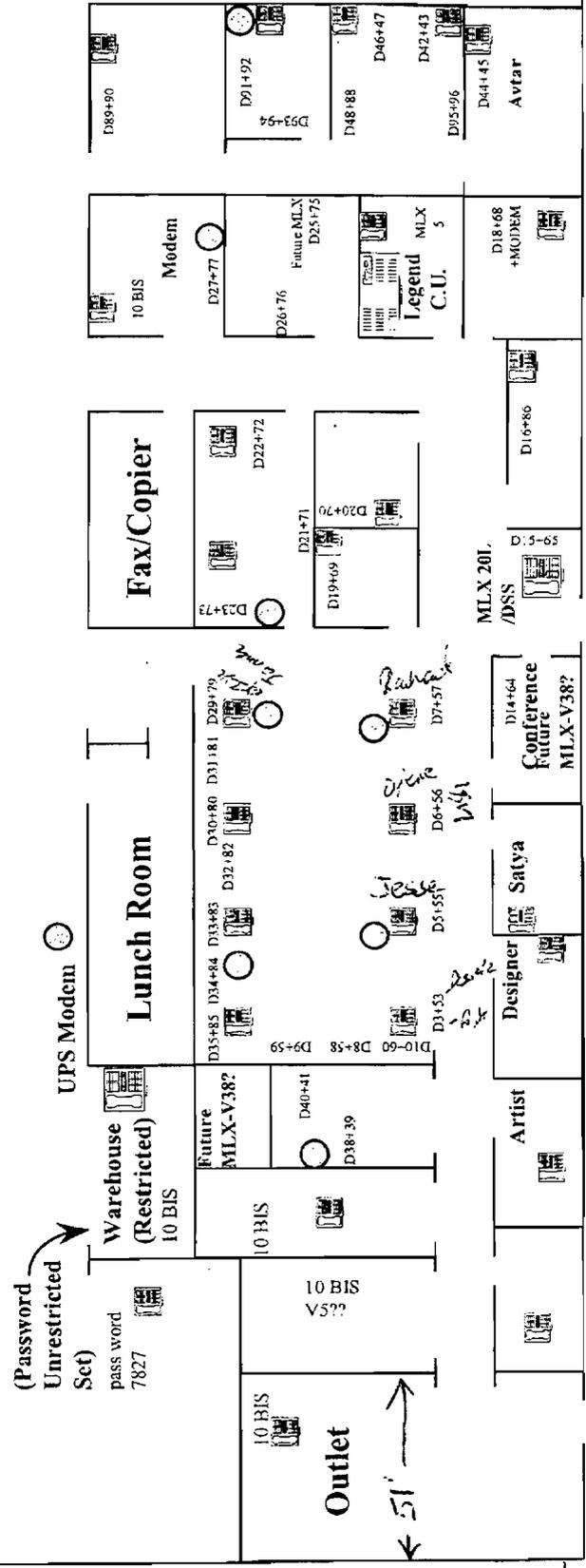
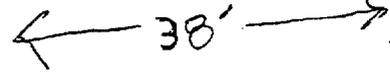
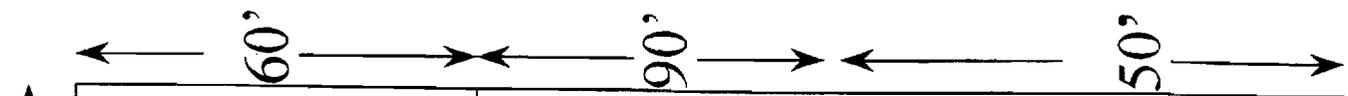
Warehouse (Restricted)

10 BIS

SYSTEM MAIL BOXES:
LOCAL-9991
800LINES-9992
PASS WORD 147258

ALL SETS ARE MLX10DS EXCEPT WHERE INDICATED

WAREHOUSE



10 SPACES REQUIRED



**BROADWAY INDUSTRIAL PARK – STAR
OF INDIA**

1038 WEST SOUTHERN AVENUE

PL080425

FRONT OF BUSINESS

