

Staff Summary Report



Hearing Officer Hearing Date: 12/06/11

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by **TURN STYLE STORES INC.** located at 6426 South McClintock Drive, Suite No. 104, for one (1) use permit.

DOCUMENT NAME: 20111206cdsl08 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **TEMPE SQUARE - TURN STYLE STORES INC. (PL110399)** (Lewis Kennedy/Consignment Ventures Inc., applicant; Keith Moser, property owner) located at 6426 South McClintock Drive, Suite No. 104 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP11106 Use permit to allow resale retail (consignment).

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

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

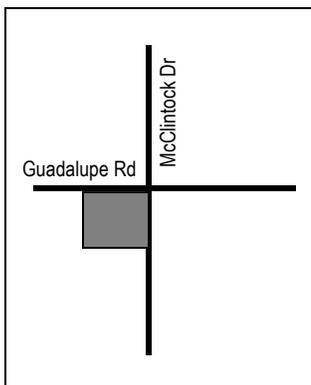
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: **Staff – Approval, subject to conditions**

ADDITIONAL INFO:



Turns Style Stores is opening a resale retail use (Consignment Shop) in the Tempe Square Center. The business will open in the space vacated by Steinmart. The company currently operates 16 stores, 14 in Minnesota and 2 in Arizona. They are expanding to locate a store in Scottsdale and the proposed store in Tempe. Staff supports the use permit with the finding that it meets the criteria for approval as identified in the Zoning and Development Code-Use Permits Part 6, Chapter 3, Section 6-308 E. Staff received one telephone inquiry regarding this request. They stated that they reviewed the company website and had their concerns addressed.

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. Floor plan

COMMENTS:

Turn Style Stores is a consignment store featuring clothing, accessories,, furniture and décor. According to the applicant's letter of explanation they are an upscale furniture and clothing store. They accept items for consignment daily and have all storage of items within the interior of the building. Their business hours are 10 am to 9 pm M-F, 10 am to 7 pm Sat, and 12 pm to 6 pm Sun. They will employ two (2) full time managers and 10-15 associates working full and part time.

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.
- 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 will not create a nuisance for the surrounding area.

Conclusion

Staff recommends approval of the request with 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.
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.

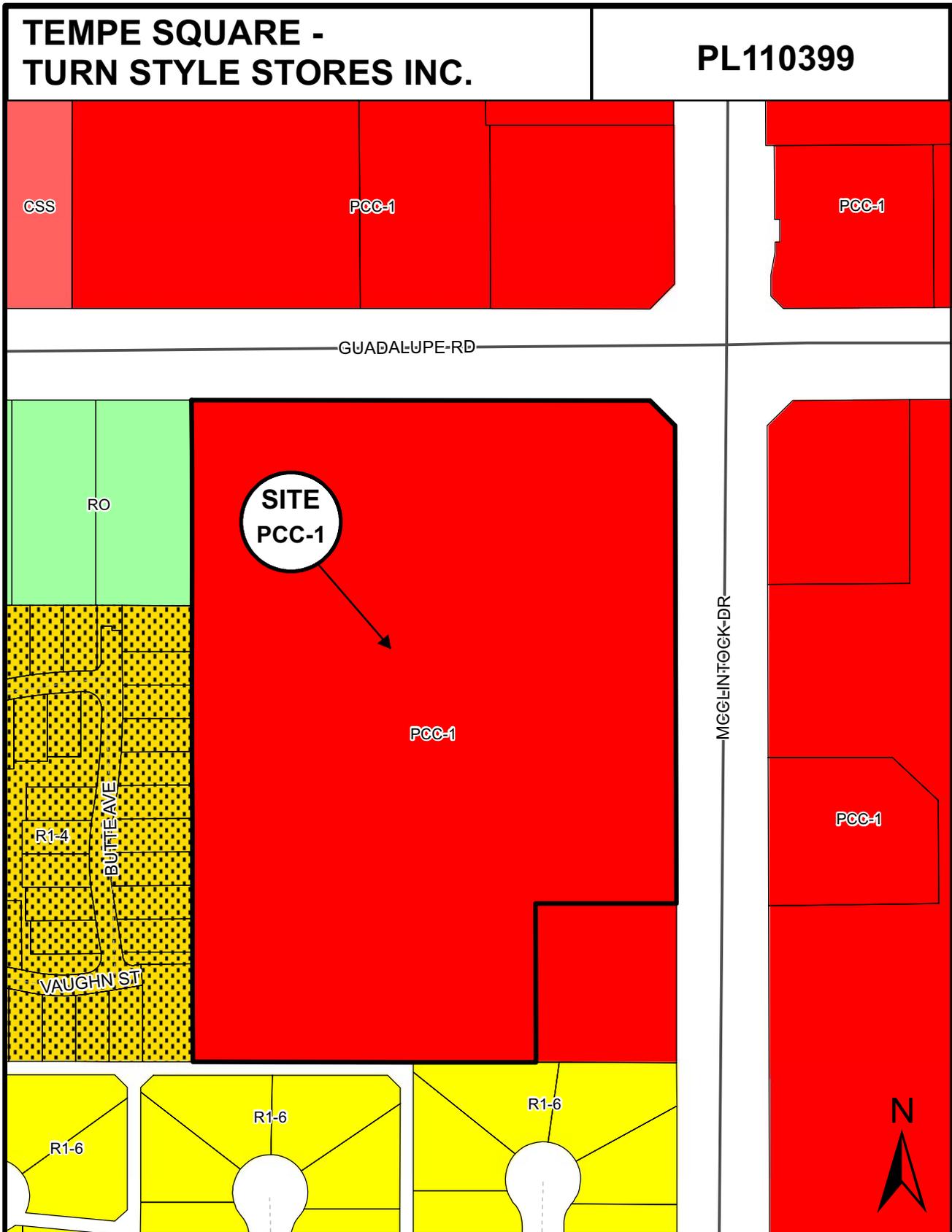
**CONDITION(S)
OF APPROVAL:**

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 Turn Style Stores and may be transferable to successors in interest through an administrative review with the Community Development Manager, or designee.
3. No outdoor storage of inventory will be allowed.
4. All business signs shall receive a Sign Permit. Please contact Dean Miller at (480) 350-8435.
5. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
6. A sales tax license from the City of Tempe Tax and License Division shall be obtained prior to the use permit becoming effective.

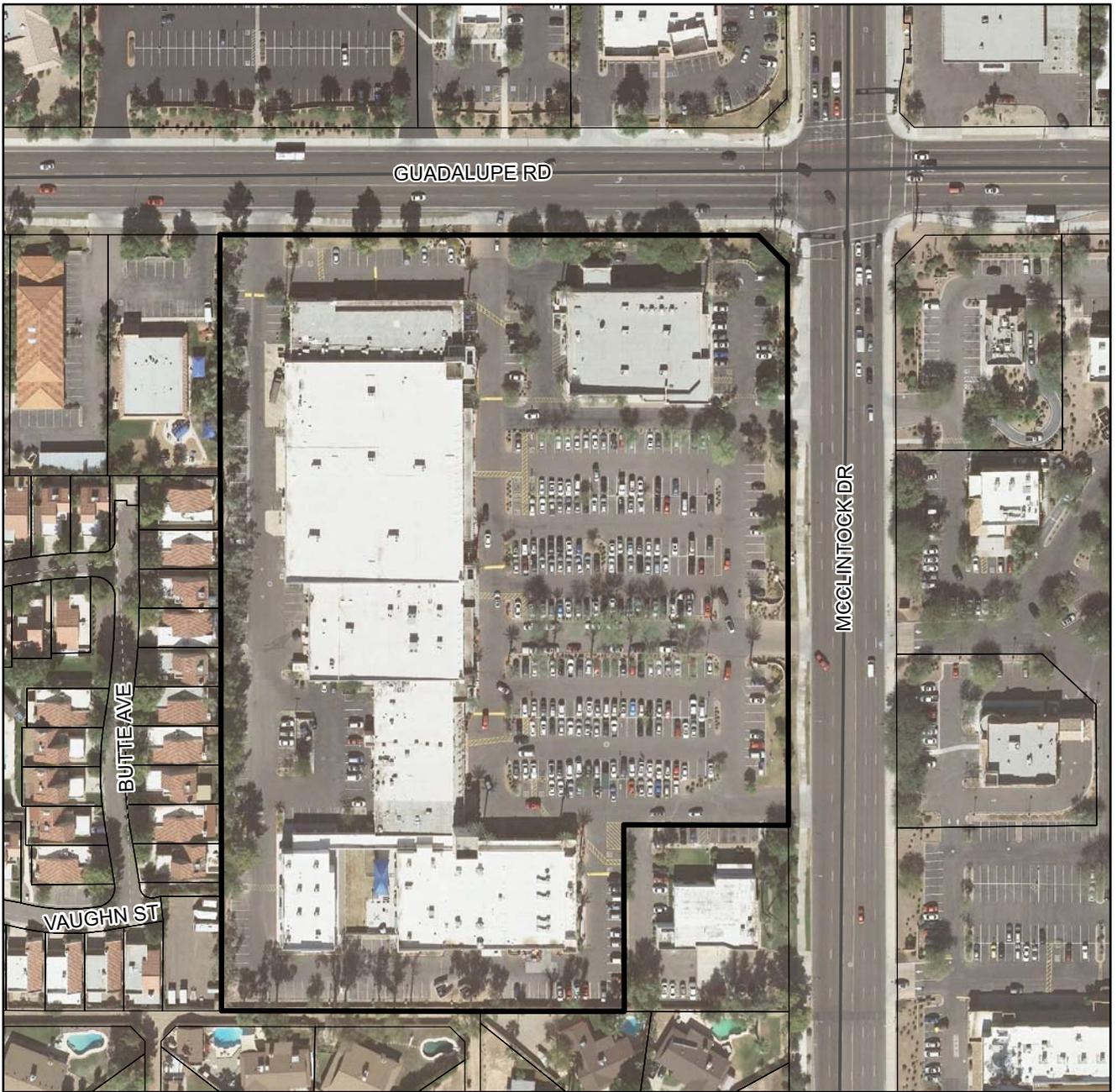
HISTORY & FACTS: None pertinent to this case.

DESCRIPTION: Owner – Keith Moser
Applicant – Lewis Kennedy/Consignment Ventures Inc.
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District

**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



Location Map



TEMPE SQUARE - TURN STYLE STORES INC. (PL110399)

Ms Sherri Lessor
Senior Planner
Development Services Department
City of Tempe
31 East Fifth Street
Tempe, Arizona 85281

November 28, 2011

Dear Ms Lesser;

Pursuant to your request regarding an explanation of how Turn Style conducts its business of operating upscale Clothing and Furniture Consignment Stores. Consignment Ventures Inc, doing business as Turn Style Stores operates 16 stores. 14 in Minnesota and 2 in Arizona. The two Arizona stores are in Ahwatukee at I 10 and Ray Rd and Phoenix at Tatum and Bell Rd. The Company has leased space to open two new stores in the spring of 2013, one in Tempe Square located at Guadalupe and McClintock and the second one block north of Shea Blvd on Scottsdale Rd.

Both stores will be large well designed and well lit stores featuring both clothing and accessories for the entire family and furniture and home accents.

Turn Style operates its stores M-F from 10am to 9pm, Saturday 10am to 7pm and Sunday 12am to 6pm. Consigning M-F does not require an appointment and consignors may bring in 25 items or less without an appointment. Saturday and Sunday consignors may make an appointment and bring in more than 25 items.

Turn Style is fully computerized and records are kept for all consignors and the items brought in and accepted for consignment. When items are sold, the consignor's share of the transaction is automatically credited to the Consignor's account. Consignors may use their portion against purchases or accept a full cash payment. Consignors have the option of accepting cash and they receive 45% of the selling price or accepting credit 55% to be used against future purchases. However with higher price furniture, Consignor portions rise based on retail.

Turn Style stores accept any season merchandise at all times, storing next season merchandise in the back room out of site of shoppers.

In our large clothing and furniture combo stores each store has a manager and assistant manager. Total number of Associates hired and working is based on store volume and consists of both 10-15 full time and part time Associates.

Turn Style offers benefits to full time Managers and hourly Associates working a minimum of 32 hours weekly. Benefits include health and medical insurance, paid vacations and the opportunity to participate in the Company's 401-k retirement program after 12 months of full time service.

Sincerely;

Lewis Kennedy
President/CEO

Site Plan – Tempe Square

- 1701A Vacant 2,500 sf
- 1701B Vacant 1,000 sf
- 1709 Vacant 1,000 sf
- 1711 Shelly's Pet Grooming 1,000 sf
- 1713 Miller Barbershop 1,000 sf
- 1715 Baskin Robbins 1,000 sf
- 6404 Walgreen's 13,905 sf
- 6424 Vacant 29,933 sf
- #TBD Turnstyles Consignment 11,160
- 6426 Wildflower Bread Company 2,962 sf
- 6428 Changing Hands Books 12,267 sf
- 6432 Mac's Broiler 3,163 sf
- 6434 Hoodlum's Records 1,600 sf
- 6436 Regency Cleaners 1,600 sf
- 6440 House of C-Fu 3,200 sf
- 6442 Backstage Salon 1,591 sf
- 6444 Love Child 1,591 sf
- 6448 Express MIE 5,130 sf
- 6454 Triple R Childcare 5,007 sf
- 6460 Trader Joe's 12,300 sf

