

# Staff Summary Report



Hearing Officer Hearing Date: August 4, 2009

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by **ARC OF TEMPE THRIFT SHOP (PL090241)** located at 3400 South Mill Avenue, Suite No. 39 for one (1) use permit.

**DOCUMENT NAME:** 20090804dsdp02

**PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **DANELLE PLAZA - ARC OF TEMPE THRIFT SHOP (PL090241)** (Ellen Reiland/The Arc of Tempe, applicant; The Arc of Tempe, property owner) located at 3400 South Mill Avenue, Suite No. 39 in the CSS, Commercial Shopping and Services District for:

**ZUP09104** Use permit to allow outdoor retail display.

**PREPARED BY:** Derek Partridge, Planner I (480-350-8867)

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

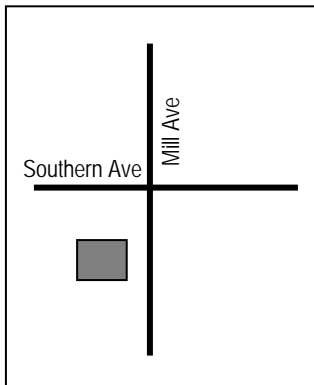
**LEGAL REVIEW BY:** N/A

**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 outdoor retail display, located at 3400 South Mill Avenue in the CSS, Commercial Shopping and Services District. The request is for outdoor retail display to be located on the sidewalk in front of the store, approximately 10 to 12 times per year and in the parking area for the Annual Holiday Sale. 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(s)
2. Aerial Photo(s)
3. Letter of Intent
- 4-5. Site plans
- 6-8. Applicant Photographs
9. Staff Photograph(s)

## COMMENTS:

The applicant, The Arc of Tempe Thrift Shop, is requesting a use permit to allow outdoor retail display, located at 3400 South Mill Avenue, Suite No. 39, in the CSS, Commercial Shopping and Services District. The outdoor retail display will be located on the sidewalk in front of the store, for twelve (12) events each year; during normal business hours between 8:00 a.m. and 5:00 p.m. Additionally, they wish to expand the sales display area to the parking area on the first Saturday after Thanksgiving Day for their annual Holiday Sale. The expanded display area includes approximately 6 parking spaces of the common shopping center, west of the store (located approximately 25 feet from the store entrance). The sales event will occur be 8:00 a.m. and 2:00 p.m. and will be fully monitored by store personnel.

## Use Permit

The Zoning and Development Code requires a use permit for outdoor retail display in the CSS, Commercial Shopping and Services District. This use permit request meets 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;
  - The retail use is similar to others in the area; outdoor retail will be secured indoors each day.
- 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 requested use would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed requested use is 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 be disruptive.

## Conclusion

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

## REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. This use will not result in the deterioration of the neighborhood or downgrading of property values.
3. The use appears to be compatible with the surrounding structures and uses.

**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 outdoor display shall not conflict with pedestrian or vehicular traffic.
2. The use permit is valid for The Arc of Tempe Thrift Shop and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
3. 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.
4. 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.
5. Any outdoor signage associated with the display shall be limited to three (3) square feet.
6. No sound amplification shall be used for the outdoor display.
7. Outdoor display to be located within the length of the exterior tenant space; abutting the exterior wall or window and must allow for a minimum six (6) foot wide pedestrian path across the building frontage, and to and from the building entrances and exits.
8. The outdoor display area may be expanded the first Saturday after Thanksgiving Day to include the parking area west of the suite, utilizing up to six parking spaces.
9. All outdoor display areas to be monitored by store personnel and all display racks and merchandise to be removed during non business hours.

**HISTORY & FACTS:**

2003

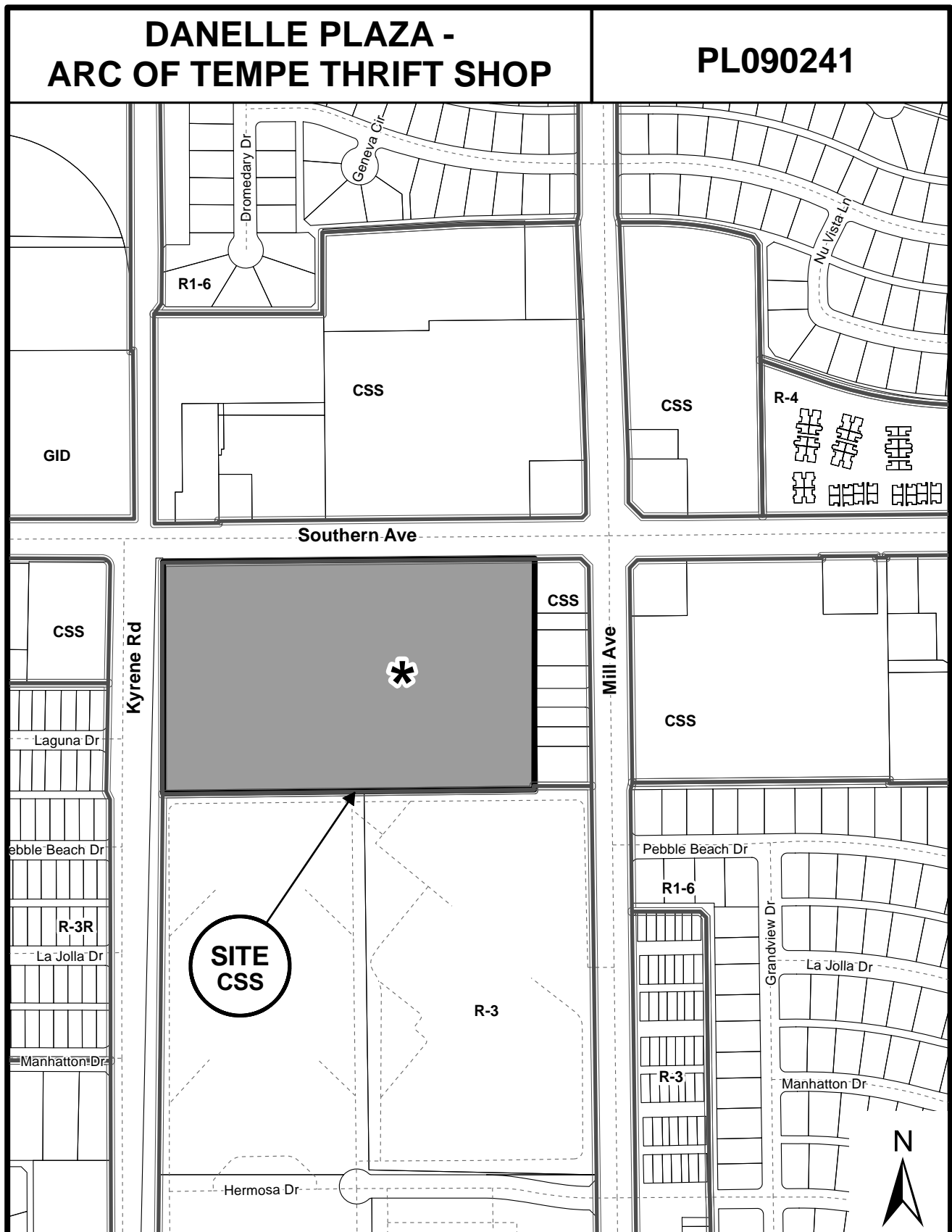
BA030285 – Approval of a use permit to allow a thrift store in a commercial district.

**DESCRIPTION:**

Owner – The Arc of Tempe  
Applicant – Ellen Reiland/The Arc of Tempe  
Existing Zoning – CSS, Commercial Shopping and Services District

**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

Part 3, Chapter 2, Section 3-202: Permitted Uses in Commercial and Mixed Use Districts.  
Part 3, Chapter 4, Section 3-417: Outdoor Retailing  
Part 6, Chapter 3, Section 6-308: Use Permit



**Location Map**



**DANELLE PLAZA - ARC OF TEMPE THRIFT SHOP (PL090241)**

**The  
Arc**  
Of Tempe

3400 S. Mill Ave., #39  
Tempe, AZ 85282  
Ph 480-967-0303  
Thriftstore @ tempearc.org

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April 24, 2009

Ms. Sherri Lesser  
City of Tempe Arizona  
Development Services and Planning  
31 East Fifth Street  
Tempe, AZ 85281

Dear Ms. Lesser:

We are applying for a Use Permit for The Arc of Tempe Thrift Shop located in Danelle Plaza at 3400 S. Mill Ave., Tempe, Arizona 85282.

We would like to have selected sales outside on our sidewalk approximately 10 to 12 times per year. This would involve tabled merchandise as well as small furniture items. These items would be located on the sidewalk directly in front of our building.

Our staff would set up and supervise these sales during business hours from 8:00 am to 5:00 pm.

We would like to have our Annual Holiday Sale also include approximately 6 parking spaces. This sale is generally the first Saturday after Thanksgiving. We would like to set up tables with canopies in front of the store or approximately 25 feet from the entrance of the store. This is an abbreviated sale that runs from 8:00 am to 2:00 pm. We use 6' to 8' tables shaped into a horse-shoe. The sale is set up and monitored by store personnel.

Please do not hesitate to contact me with any questions or concerns. Our telephone number is 480-967-0303 and our e-mail address is [thriftstore@tempearc.org](mailto:thriftstore@tempearc.org).

Thank you very much.

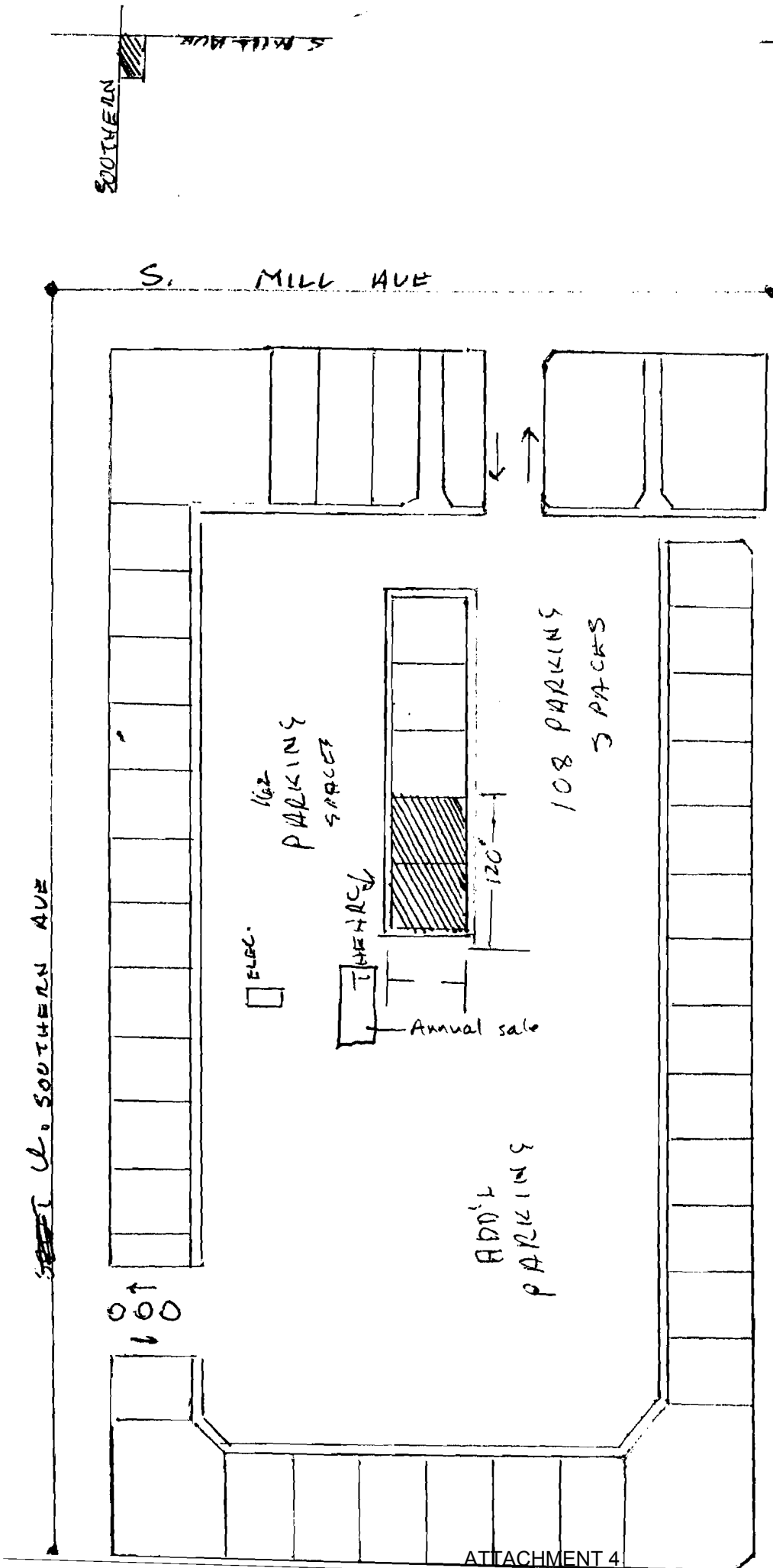
Sincerely,



Ellen Reiland  
Store Manager

**Advocating for people with mental retardation and other developmental disabilities and their families.**

Site plan 1



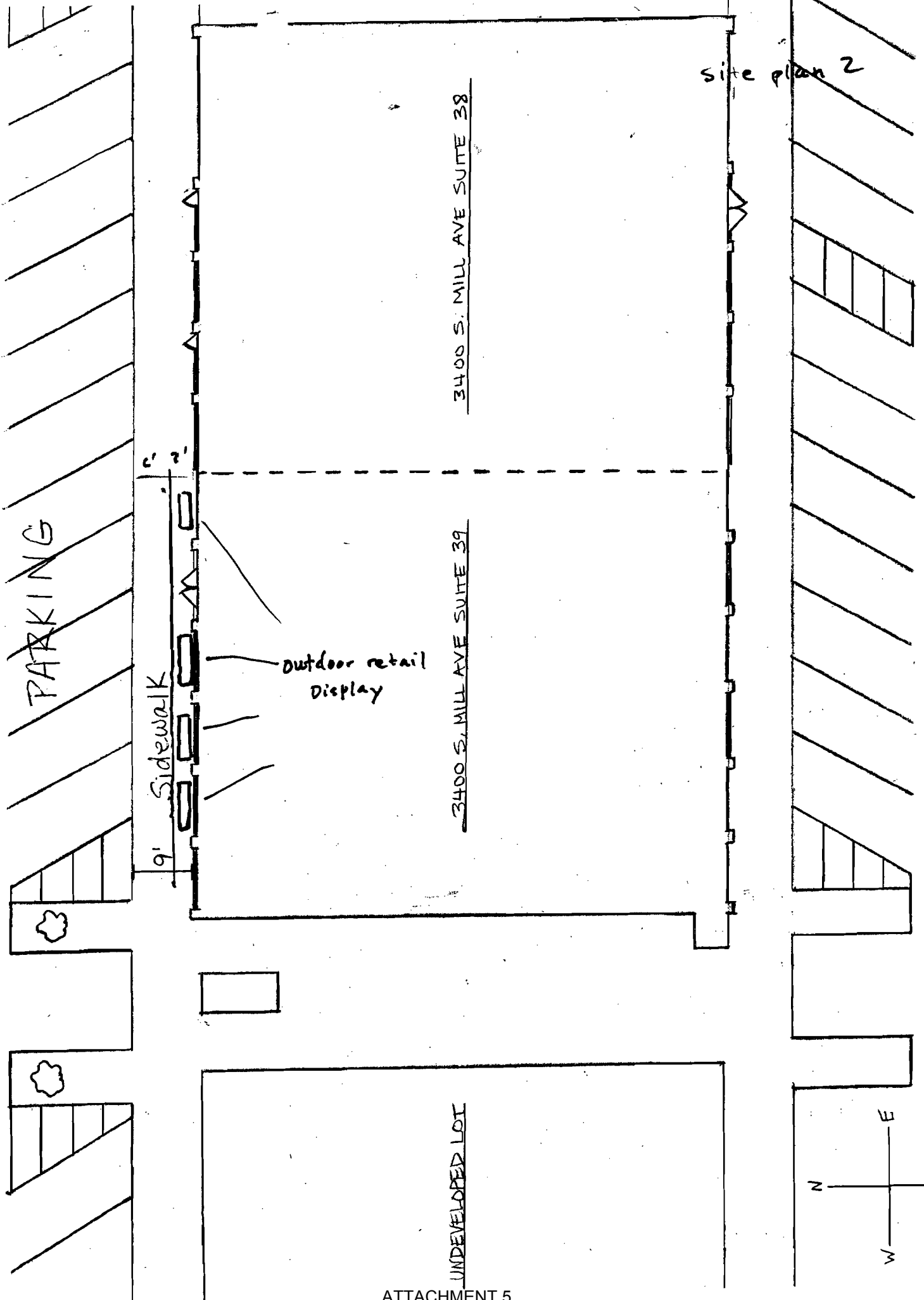
Site Plan: The Arc of Tempe Thrift Shop

Danelle Plaza  
3400 South Mill Avenue  
Unit 39  
Tempe, Az 85282

Legal Description: Lots 40 and 41, Danelle Plaza, according to  
Book 101 of Maps, page 15, records of Maricopa  
County, AZ.

Assessor's Tax Parcel No. 133-58-040A and 041A





Site plan 2

3400 S. MILL AVE SUITE 38

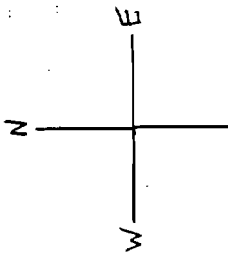
3400 S. MILL AVE SUITE 39

Outdoor retail Display

9' Sidewalk

PARKING

UNDEVELOPED LOT

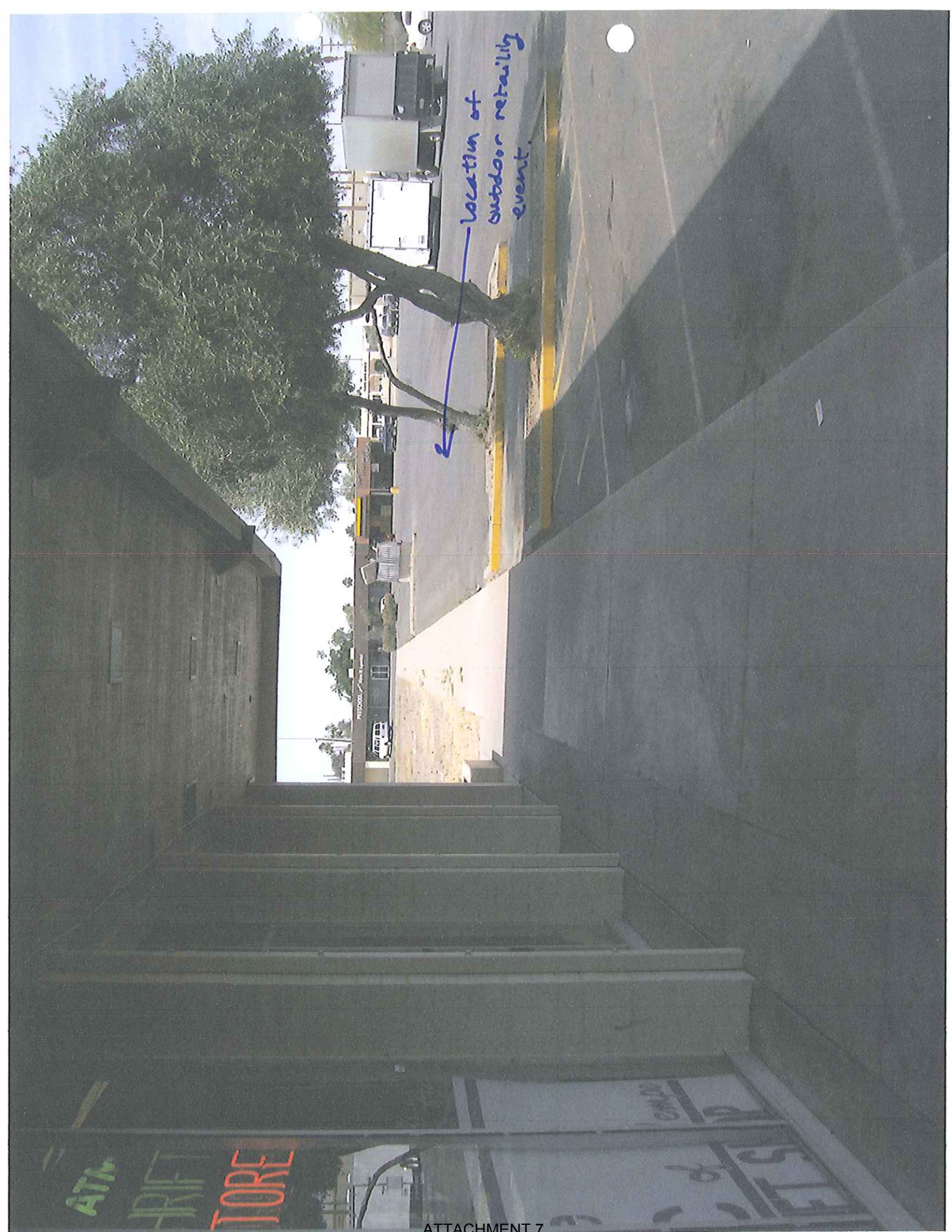


Thrift Shop



Store front.









Adjacent stone front.



**DANELLE PLAZA – ARC OF TEMPE  
THRIFT SHOP**

**3400 SOUTH MILL AVENUE, SUITE NO. 39**

**PL090241**

**FRONT OF BUSINESS**

