

Staff Summary Report



Hearing Officer Hearing Date: August 7, 2007

Agenda Item Number: 13

SUBJECT: This is a public hearing for a request by **BICYCLE WHEELERS INC. (PL070305)** located at 2010 South Rural Road for one (1) use permit.

DOCUMENT NAME: 20070807dsjc03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **BICYCLE WHEELERS INC. (PL070305)** (Judy Malvestato, applicant/property owner) located at 2010 South Rural Road in the CSS, Commercial Shopping and Services District for:

ZUP07096 Use permit to allow outdoor retail display.

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

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

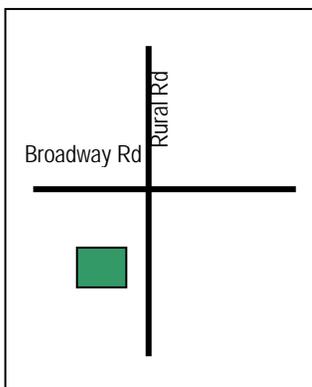
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions (1 - 2).

ADDITIONAL INFO: The applicant is requesting a use permit for outdoor bicycles (retail) sales (outdoor racks) and display at an existing retail store. The business making this request is a bicycle store that sells a full range of styles and types of bicycles. To date, there has been no public input regarding the request. Staff recommends approval of the request as submitted, with conditions.



PAGES:

1. List of Attachments
2. Comments; Reason for Approval
3. Conditions of Approval; History & Facts/Description
4. Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Site plan
- 6-7. Staff Photograph(s)

COMMENTS:

The applicant is requesting a use permit for an outdoor bicycles sales and display of range bicycles at an existing store. The site is located 2010 South Rural Road in the CSS, Commercial Shopping and Services. The subject property is situated on the south west corner of Rural Road and Broadway Road between Big O Tires store site and Phoenix Flower Shops. It is bounded on the west, south and north by CSS (Commercial Shopping and Services). Across Rural Road are retail businesses within the PCC-1 (Planned Commercial Center – Neighborhood District)

The bicycle shop hours are Monday – Thursday 9 am – 7 pm, Friday 9 am – 6 pm, Saturday 9 am – 5 pm and Sunday closed during summer. The business is staffed by five (5) other employees aside from the owner. The proposal indicates bicycles to be displayed six (days) during the week. The applicant states the display of bicycles will not affect the surrounding area and will not affect vehicular traffic. To date staff has not received any public input.

Use Permit

The Zoning and Development Code requires a use permit for outdoor retail display within the CSS, Commercial Shopping and Services District. This use permit request meets all applicable tests in the following manner:

- 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 use, with conditions, should not create nuisances within the commercial 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 would not contribute to neighborhood deterioration or downgrade property values. The requested use permit will not be detrimental to the surrounding area.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.
The proposed development would not contribute to neighborhood deterioration or downgrade property values. The requested use permit will not be detrimental to the surrounding area.

Conclusion

Staff recommends approval of the use permit with conditions

REASON(S) FOR APPROVAL:

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
2. The use appears to be compatible with the site and adjacent property.
3. 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. This use permit is valid for "Bicycle Wheelers, Inc." and may be transferable. Should the business be sold, the new owners must contact the Board of Adjustment/Hearing Officer staff for review of the business operations.
2. The display of bicycles shall not be located in public right of way or landscape areas.

HISTORY & FACTS:

- April 2, 1986 The Design Review Board continued a request to modify building elevations and sites plan for A. Wayne Smith to create an office building.
- April 16, 1986 The Design Review Board approved building elevations, site and landscape plans for A. Wayne Smith .
- April 23, 1986 The Board of Adjustment approved variances for A. Wayne Smith and Associates as following;
- a. Variances to reduce the required number of off – street parking spaces from 25 to 22;
 - b. Variances to reduce the required front yard setback from ten feet (10'- 0") to 9 feet by six inches (9'- 6") to accommodate parking and maneuvering encroachment;
 - c. Variance to reduce the required on-site driveway depth from twenty feet (20'- 0") to nine feet by six inches (9'- 6");
 - d. Variance to reduce the required width of a on - site driveway along the south property line from eighteen feet (18" – 0") to twelve feet (12" – 0");
 - e. Variance to increase the maximum allowable height of screen wall within a portion of the front yard setback along north property line from six feet (6' – 0") to seven feet (7' – 0");
 - f. Variance to reduce the required landscaping strip adjacent to the front property line from ten feet (10' – 0") to nine feet by six inches (9" – 6").
- July 2, 1986 The post session discussion the Tempe Design Review Board approved modified site and landscape for A. Wayne Smith and associates.
- May 23, 1989 The Design Review Board building elevation modification and a sign for Domenic Malvestuto.

DESCRIPTION:

Owner – Judy Malvestato
Applicant – Judy Malvestato
Existing Zoning – CSS, Commercial Shopping and Services District
Total Lot Area – 16,074 s.f. / .37 acres

ZONING AND
DEVELOPMENT
CODE REFERENCE:

Part 3, Chapter 2, Section 3-302

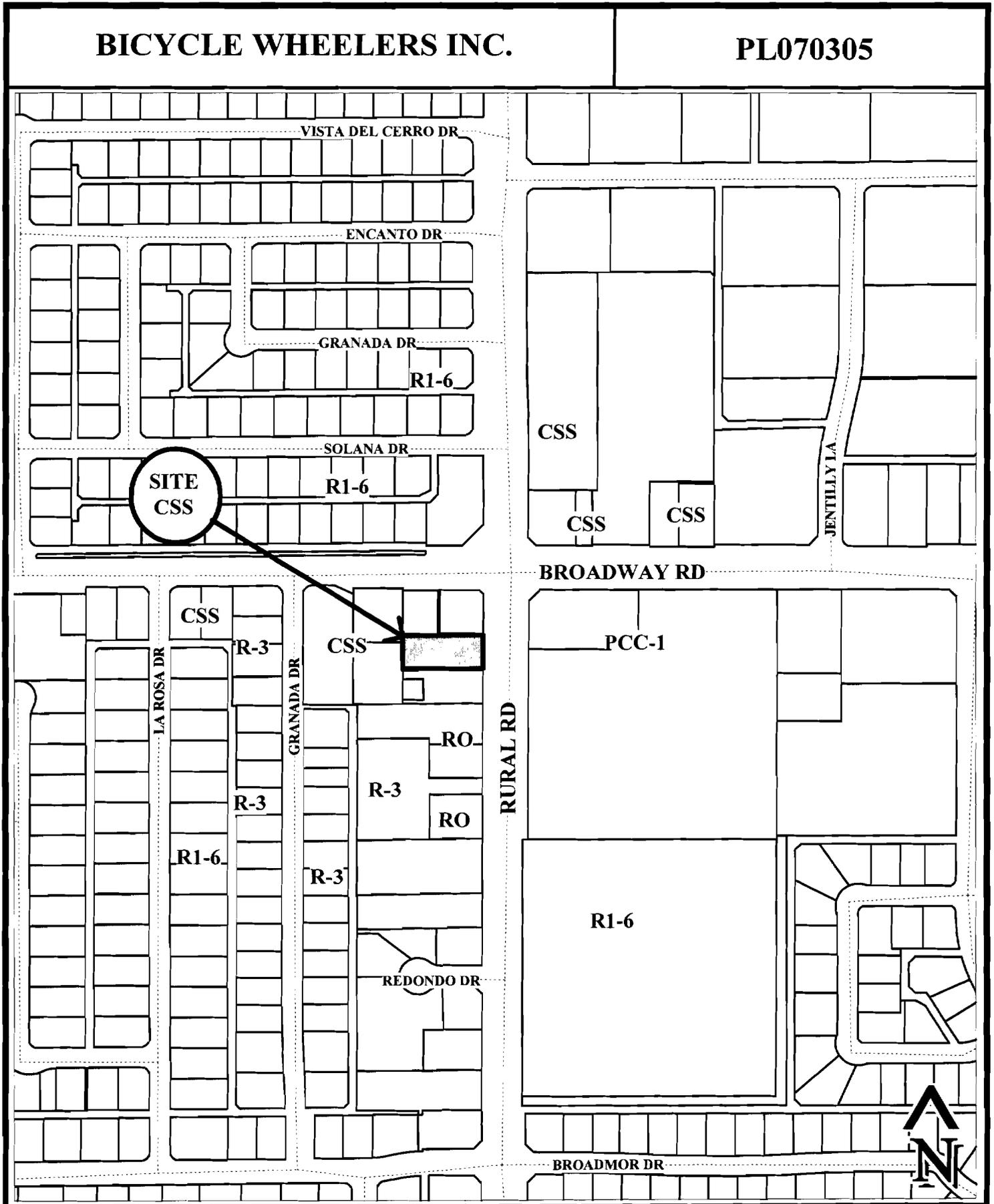
Permitted Uses in Commercial and Mixed-Use Districts – Table 3-302A – Outdoor Retail Display in CSS (Commercial Shopping and Services District) requires a use permit;

Part 6, Chapter 3, Section 6-308

Use Permit.

BICYCLE WHEELERS INC.

PL070305





BICYCLE WHEELERS INC. (PL070305)

7-9-07

To: The City of Tempe
31 E 5th St.
Tempe, Ariz. 85281

Ref. Bicycle Wheelers
Use Permit

Bicycle Wheelers has been in Tempe for 18 years, and doing business for that time. We would like to continue keeping our bicycles (a few) outside on the side of the entry way. We've always had bicycles outside because its letting people know we're a bicycle shop. We have no windows in the front so we really have no way of advertising that were a bike shop other than the bikes out front. In all our years of being in Tempe we've never had anyone complain or get hurt on our premises. We take great pride in keeping our property safe, clean

(2)

and safe from all objects, including bikes that will not block the entry or walkway, to our business.

I think the city of Tempe should allow us the bikes outside, and we should be allowed to purchase a use permit.

Our building is small looking from the front, and we really need some bikes outside to let people ~~to~~ know we're a bicycle shop.

Thank you for your early cooperation to this matter. Should you have any questions, please feel free to contact me.

Sincerely
Judy Malvestuto
owner
Bicycle Wheelers

Enclosures: Paperwork
for Use Permit

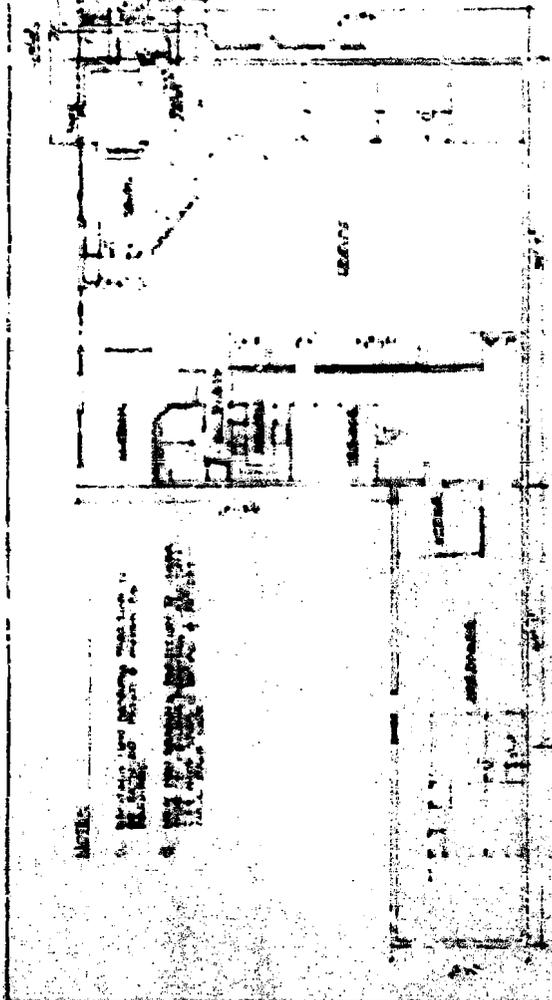
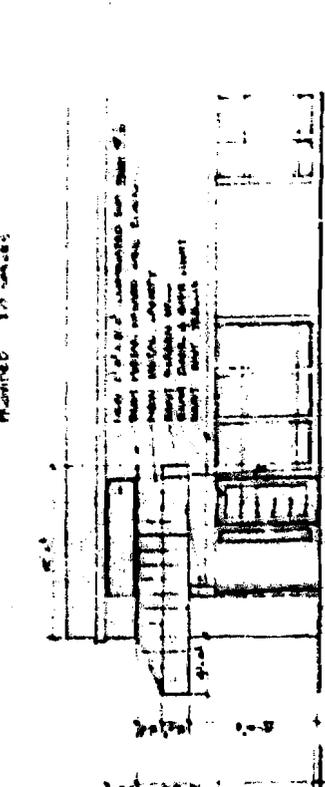
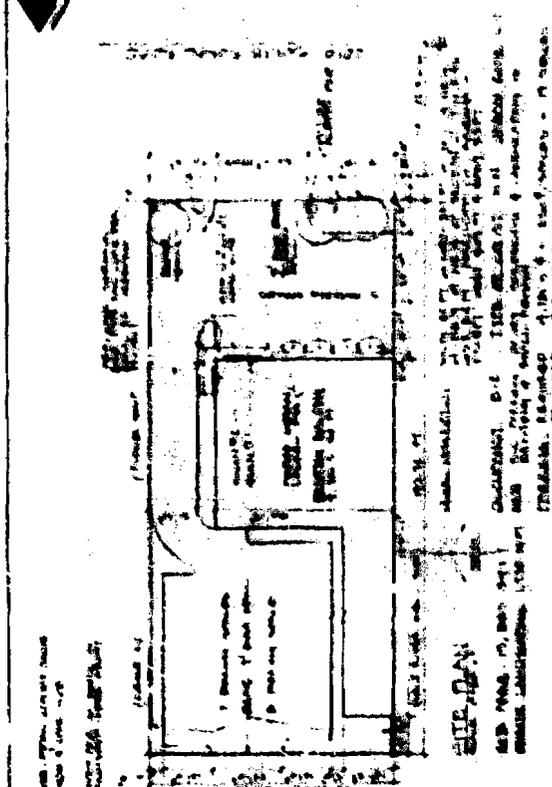


ASSET HELDON NORTH

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NOTES:
 The drawings are based on the information provided by the client and are intended for general reference only. The client is responsible for the accuracy of the information provided.

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 REGISTERED PROFESSIONAL ARCHITECT
 JOHN J. WILSON
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 FAX: 617-552-1235

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BICYCLE WHEELERS

2010 S. RURAL RD

PL070305

FRONT ENTRANCE TO BUSINESS



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