

Staff Summary Report



Hearing Officer Hearing Date: September 2, 2008

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **CAMPUS SCOOTERS BY BAJA (PL080293)** located at 690 South Mill Avenue for one (1) use permit.

DOCUMENT NAME: 20080902dssl01

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **CENTERPOINT ON MILL - CAMPUS SCOOTERS BY BAJA (PL080293)** (Coty Rudhe, applicant; Centerpoint Development Partners LP, property owner) located at 690 South Mill Avenue in the CC, City Center District for:

ZUP08128 Use permit to allow vehicle sales (scooters) with outdoor display.

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

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

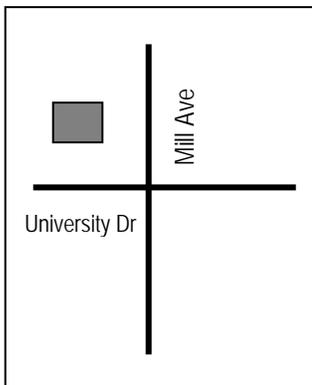
LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to conditions

ADDITIONAL INFO:

Campus Scooters by Baja is proposing to open a scooter and accessory retail store within the Centerpoint Development at the northwest corner of 7th Street and Mill Avenue. A use permit is required in the CC, City Center District, to allow the sale and outdoor display of road scooters and electric bicycles.



Staff recommends approval of the use permit subject to conditions. This request meets the necessary criteria to warrant approval of a use permit. To date no public input has been received.

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
- 6-7. Staff Photograph(s)

COMMENTS:

This is a request for a use permit to allow auto sales (scooters, electric bicycles) with outdoor display in the CC, City Center Zoning District. The proposed store will be located in the Centerpoint Development at the northwest corner of 7th Street and Mill Avenue. The applicant is proposing to occupy 1340 s.f. of space within Building C, Suite 121. The outdoor display will occupy an 8' x 16' area north of the front door; adjacent to the City Right of Way. The outdoor display, in the proposed location, will not impact the pedestrian flow in front of the store or between the buildings. According to the applicant's letter, the store will be strictly a showroom use with no repair or warehousing of merchandise occurring on site. Limited test drives will be allowed within the City right-of-way providing that the test driver possesses adequate credentials and obeys traffic laws. Staff is requiring, by condition, that the applicant create a security plan with the Tempe Police Department to address test drives from the business location.

Use Permit

The Zoning and Development Code requires a use permit for auto sales within the CC- City Central 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 will be no significant increase in vehicular or pedestrian traffic in adjacent areas. The use of the facility is a retail use consistent with area and the impact on traffic should be minimal.
- 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 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. 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.

Regarding the requirement for a security plan, the Zoning and Development Code allows for the requirement of a security plan to protect public health, safety and welfare through crime prevention measures that are tailored to a land use. The requirement for the security plan may be imposed at the discretion of the Development Services Manager or designee. Staff is requiring the plan due to the uniqueness of this type of business in the downtown area and for the management of test drives from the establishment to the City right-of-way.

Conclusion

Staff recommends approval of the use permit, subject to 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. 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. The use permit is valid for the Campus Scooters by Baja and may be transferable with approval from the Board of Adjustment staff. Should the business be sold, the new owners must contact the Board of Adjustment staff for review of the business operation.
2. Any intensification or expansion of the use shall require the applicant to return to Hearing Officer/Board of Adjustment for further review.
3. The applicant shall devise a security plan in conjunction with City of Tempe Crime Prevention Department (480-858-6027) prior to the use permit becoming effective.
4. 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 set to re-evaluate the appropriateness of the use permit.
5. Any new business signs are to have Development Plan Review approval, and permits are to be obtained prior to the installation of signs.

HISTORY & FACTS: None pertinent to this request.

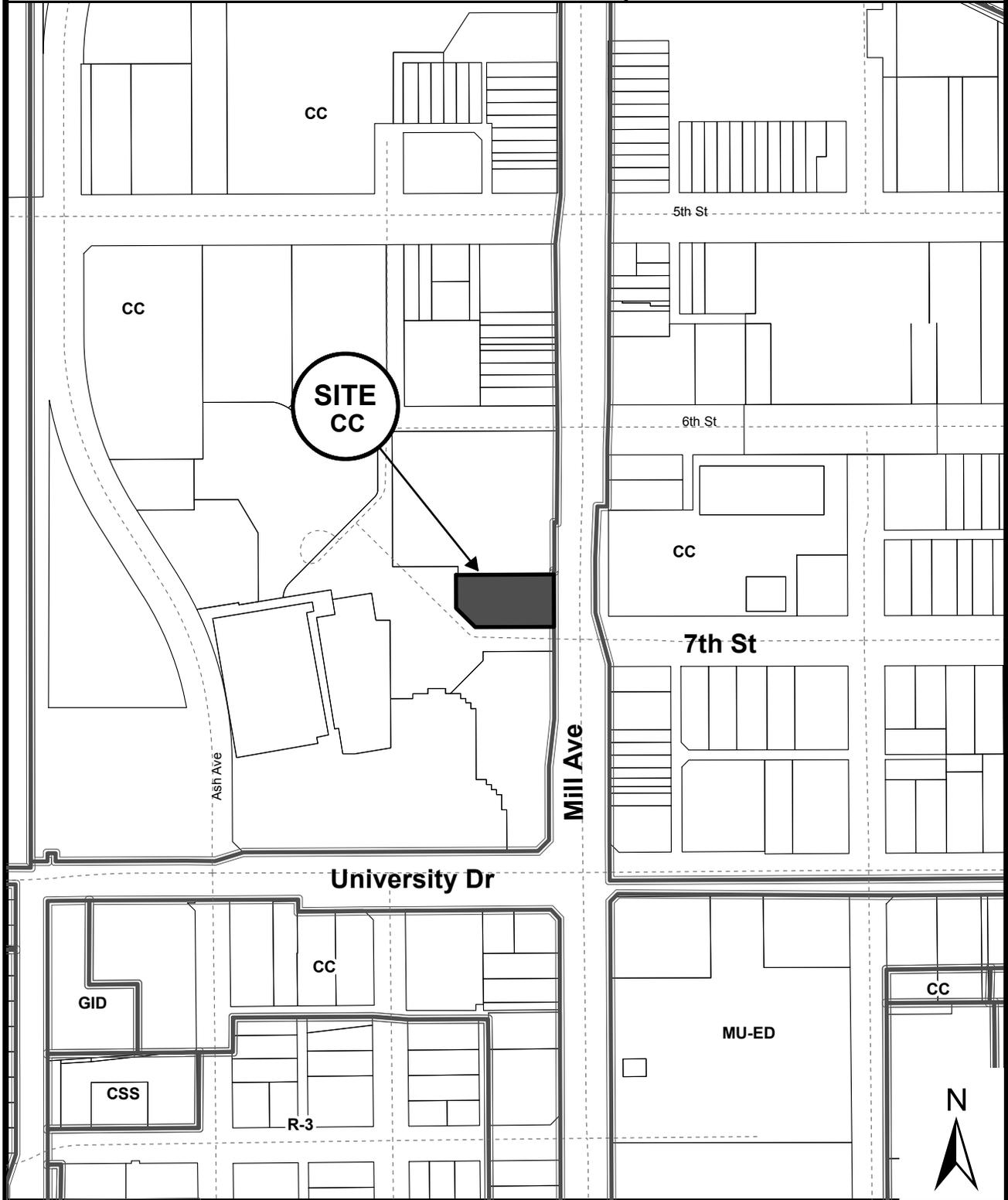
DESCRIPTION: Owner – Centerpoint Development Partners LP
Applicant – Coty Rudhe
Existing Zoning – CC, City Center District
Lease area- 1304 s.f.
Outdoor display area- 128 s.f.

**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
Part 6, Chapter 3, Section 6-313: Security Plans

**CENTERPOINT ON MILL-
CAMPUS SCOOTERS BY BAJA**

PL080293



Location Map



CENTERPOINT ON MILL - CAMPUS SCOOTERS BY BAJA (PL080293)

Baja Inc. DBA Campus Scooters by Baja
4602 E Hammond Ln
Phoenix, AZ 85034
602-443-9162

5 August 2008

City of Tempe
Planning & Zoning
31 E 5th Street
Tempe, AZ 85281

Letter of Explanation

Baja Inc., parent company of the proposed "Campus Scooters by Baja" is located at 4602 E. Hammond Lane, Phoenix, Arizona and was founded in 2004. Baja Motorsports manufactures and sells go-karts, dirt bikes, ATV's, and on road scooters to mass merchants such as Pep Boys, Costco Wholesale, Checker Auto, all of whom have a Valley presence. We have decided to try a new avenue of marketing our products and thus we have decided to open up a retail store. This retail store is going to specialize strictly in on road scooters, electric bicycles and small displacement motorcycles. Our location choice of Mill Avenue will allow our venture to rely mainly on foot traffic and advertising to ASU students in their school paper and online.

The store will be strictly a showroom with 7 different models of on road scooters, electric bicycles and light motorcycles in a different range of colors. All our models are US EPA and DOT approved for sale in the United States. We will also carry additional accessories such as DOT approved on road helmets, locks and bags or lock boxes for books and other personal belongings. We intend to have some models of scooters outside for display, a couple having minimal gas and oil for test drives. The amount of fuel will not exceed the maximum limit per ICC 2003 in an open system. These units will have plates on them for on road licensing.

Any unit with a displacement higher than 49cc will require the driver to have proof of a current motorcycle license to be able to test drive the unit. The test drive will begin from our location, heading south on Mill, west on University, north on Ash Ave, east on 5th St. and then South on Mill back to the store; a diagram of the route on attached site plan sheet A1.

Campus Scooters will have 2 tables with stools and a desk set up in the showroom with some filing cabinets able to be locked to carry any paperwork or personal items. We will have two to three employees in the store at all times. The store will have one trained and knowledgeable store manager and a more junior level employee.

Campus Scooters by Baja is applying for a use permit for Vehicle Sales with outdoor display of its merchandise.



CENTERPOINT ON MILL – CAMPUS SCOOTERS BY BAJA

690 SOUTH MILL AVENUE

PL080293

FRONT OF BUSINESS – VIEW TO WEST



CENTERPOINT ON MILL – CAMPUS SCOOTERS BY BAJA

690 SOUTH MILL AVENUE

PL080293

**NORTH SIDE OF BUSINESS – VIEW TO
SOUTHEAST**