

# Staff Summary Report



Hearing Officer Hearing Date: June 5, 2007

Agenda Item Number: 10

**SUBJECT:** This is a public hearing for a request by **SUNSET CLOTHING XCHANGE (PL070207)** located at 601 West University for one (1) use permit.

**DOCUMENT NAME:** 20070605dssa03

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the **SUNSET CLOTHING XCHANGE (PL070207)** (Oswaldo Fuentes, applicant; David Frye, property owner) located at 601 West University Drive in the CSS, Commercial Shopping and Services District for:

**ZUP07058** Use permit to allow the resale of clothing and accessories.

**PREPARED BY:** Steve Abrahamson, Planning and Zoning Coordinator (480-350-8359)

**REVIEWED BY:** N/A

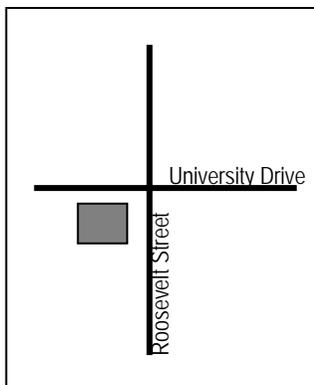
**FINAL REVIEW BY:** Lisa Collins, Planning Director (480-350-8989) *LC*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions (1 – 6).

**ADDITIONAL INFO:** Sunset Clothing Xchange is seeking a use permit to allow the resale of clothing and accessories in the CSS, Commercial Shopping and Services District. The proposed location is a free-standing building on the southwest corner of University Drive and Roosevelt Street. The proposed use complies with criteria for approval of a use permit. To date, there has been no public input to the request. Staff recommends approval of the use permit with conditions.



**ATTACHMENTS:**

- 1 List of Attachments
  2. Comments; Reason(s) for Approval
  3. Conditions of Approval
  - 3-4. History & Facts
  4. Description; Zoning & Development Code Reference
- 
- A. Location Map(s)
  - B. Aerial Photo
  - C. Letter of Intent
  - D. Site Plan & Floor Plan
  - E. Photographs

## COMMENTS:

Sunset Clothing Xchange is seeking a use permit to allow the resale of clothing and accessories. The proposed business will occupy location is a free-standing building on the southwest corner of University Drive and Roosevelt Street at 601 West University Drive in the CSS, Commercial Shopping and Services District. Additional properties zoned CSS are located to the north, east and west of the location. Further, the property is immediately adjacent to the R-3, Multi-Family Residential District to the south. This building has housed a laundry, retail flooring sales, sporting goods store, antique furniture store (resale use) and a bedding store in the past.

The business plan states the store is a moderate to upscale. The applicant indicates personnel will consist of four (4) to eight (8) employees. The hours of operation will be Monday through Saturday, from 11:00 a.m. until 8:00 p.m. and Sunday, from 11:00 a.m. to 6:00p.m..

To date, there has been no public input regarding this request.

## Use Permit

The Zoning and Development Code requires a resale merchandise shop to obtain a use permit in the CSS, Commercial Shopping & 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 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 is a retail use, similar to others in the area; there should be no 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 store is similar to others that have occupied the same building and 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.

## Conclusion

Staff recommends approval of the request for the use permit subject to the attached conditions of approval.

## REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S)  
OF APPROVAL:

1. Any intensification or expansion of this use shall require that a new use permit be applied for and obtained.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
4. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
5. 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 to re-evaluate the appropriateness of the use permit.
6. All business signs shall be Development Review staff approved and permits obtained.

HISTORY & FACTS:

- |                   |  |
|-------------------|--|
| May 1959          | Building Permit issued for a laundry.  |
| September 1, 1976 | Design Review Board approved a two-story structure to house electronic sales and service company.  |
| 1989 – 1991       | Advance Floor Covering, Inc. occupied the building.  |
| September 1984    | Advance Floor Covering, Inc. terminated business at this location.   |
| January 9, 1996   | David Frye, the current owner, purchased the subject property.   |
| April 24, 1996    | Board of Adjustment approved request for the following by APZ Sporting Goods with conditions: <ol style="list-style-type: none"><li>a. Variance to reduce the required off-street parking from 17 spaces to 6 spaces.</li><li>b. Variance to allow the following non-conforming conditions to remain:<ol style="list-style-type: none"><li>1. Reduce the front yard building and landscaping setback from 15' to 4'.</li><li>2. Reduce the street side yard landscaping width from 15' to 0'.</li><li>3. Allow off-street parking / maneuvering to encroach into the street side yard setback.</li></ol></li></ol> |

4. Allow vehicles to ingress and egress the site by other than a forward motion.
5. Partially waived the required parking lot landscaping end stalls and accompanying landscape material.
6. Allow parking and maneuvering to encroach into the area defined by a 40' radius drawn from the intersection of the projected property lines parallel to Roosevelt Street and University Drive.
7. Eliminate the required parking lot screening wall.

November 21, 2000 Board of Adjustment approved a use permit request by ReZurrection Gallery, LLC to allow the sale of antique furniture along with home accessories, artworks and furniture refinishing.

2006 ReZurrection Gallery, LLC terminated business at this location.

July 2006 American Bed began operation as a bedding (mattresses and beds) retailer at this location. The only planning processing required was a sign permit

2007 American Bed terminated business at this location

**DESCRIPTION:**

Applicant – Oswaldo Fuentes  
 Owner – David Frye  
 Existing zoning – CSS, Commercial Shopping and Services District  
 Site Area – 10,400 s.f. / .23 acres  
 Building Area – 4,930 s.f.  
 Parking Required – 17 spaces  
 Parking Provided – 6 spaces (through variance – 04/26/96)

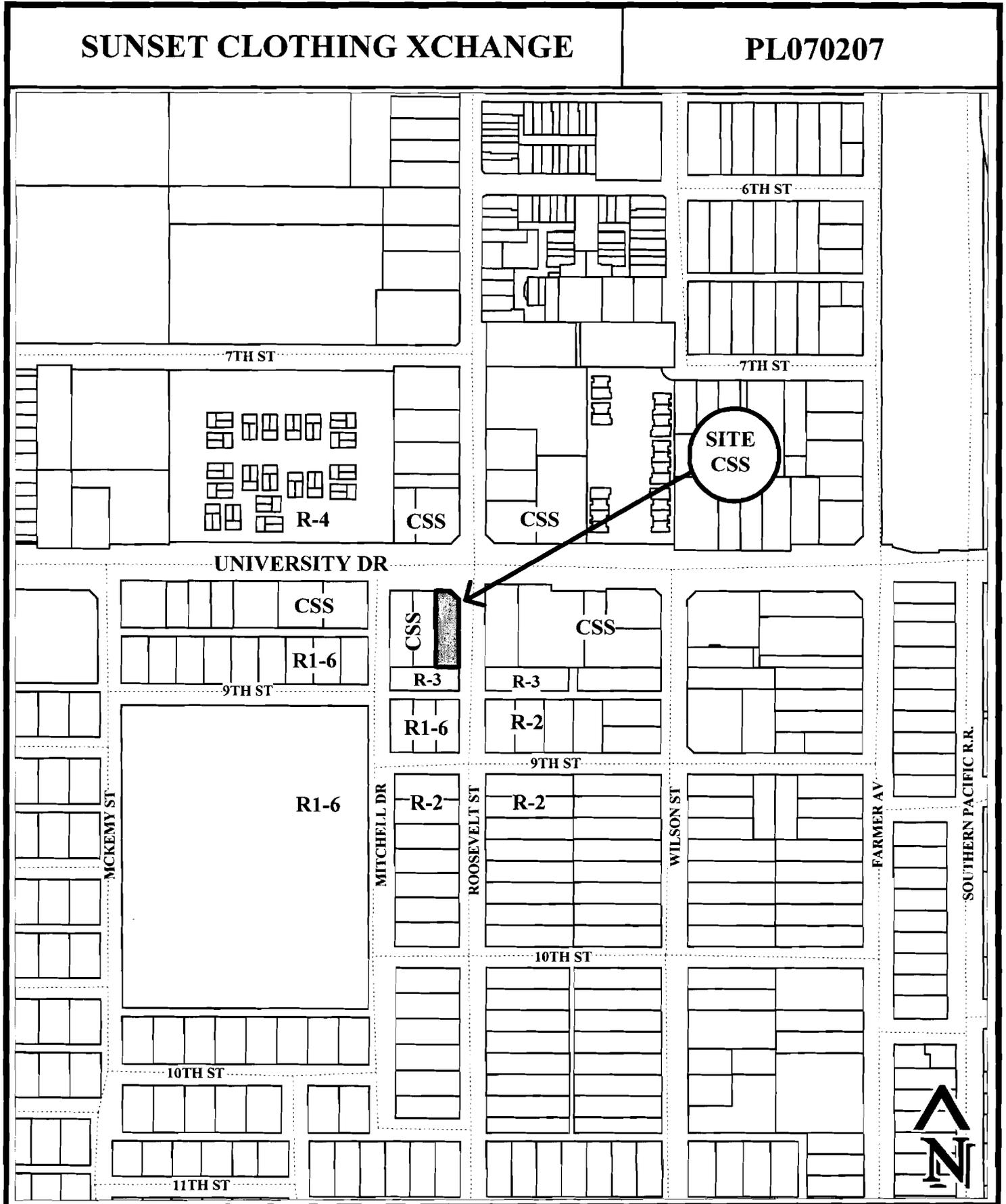
**ZONING AND  
 DEVELOPMENT  
 CODE REFERENCE:**

Part 3, Chapter 2, Section 3-202  
 Permitted Uses in Commercial and Mixed-Use Districts – Table 3-202A – Resale Items Shop in CSS, Commercial Shopping and Services District requires a use permit;

Part 6, Chapter 3, Section 6-308  
 Use Permit.

# SUNSET CLOTHING XCHANGE

PL070207



Location Map



SUNSET CLOTHING XCHANGE (PL070207)

Sunset Clothing Xchange LLC.  
601 West University Drive  
Tempe, AZ 85281

Sunset Clothing Xchange LLC.  
601 West University Drive  
Tempe, AZ 85281

May 8, 2007

City of Tempe  
Development Services  
31 East Fifth Street  
Tempe, AZ 85280

To Whom It May Concern:

Sunset Clothing Xchange is a moderate to upscale retail store for new and previously owned fashions. Our previous location on Southern and McClintock in the Southern Palms Shopping Center allowed the business to establish itself as one of the valley's most forward-thinking and unique shopping experiences. Our business hours are compatible with the neighboring businesses, 11am to 8pm Monday through Saturday and 11am to 6pm on Sunday. During these hours of operation, four to eight employees will be on sight.

After our June 1<sup>st</sup> occupancy, we will delay opening for business to allow for upgrades to the store's interior including: new flooring and ceiling treatments to provide our customers with the vibrant shopping experience they have come to expect from us.

Sunset Clothing Xchange's clothing sales activity is quiet and nuisance-free. We predict moderate customer traffic that is attuned with its commercial neighbors like Oregano's, Cowtown Skateboards, Mucho Gusto and surrounding retailers and businesses. We are confident that the addition of our business to downtown Tempe will compliment that growth and revamping of the University Drive experience and amplify the existing synergy of the area.

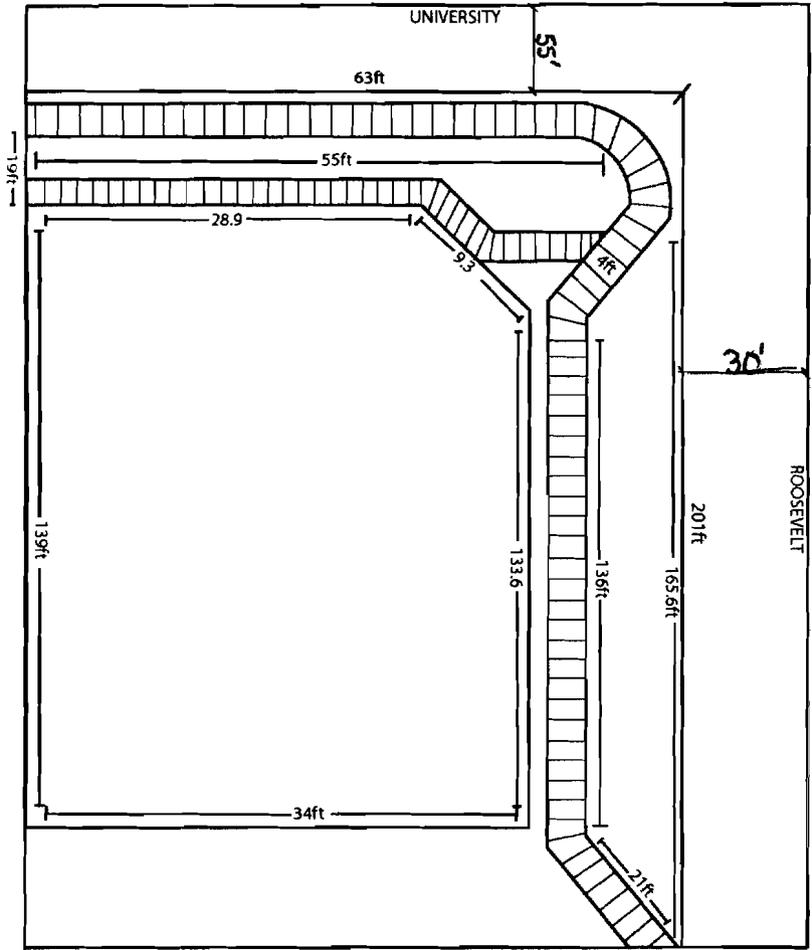
Sunset Clothing Xchange's store suits well with downtown Tempe, one of the Valley's fastest growing and most exciting destinations.

Sincerely,

Oswaldo Fuentes  
Owner

A handwritten signature in black ink, appearing to read 'Oswaldo Fuentes', with a long horizontal flourish extending to the right.

# Sunset Clothing Exchange Site Plan



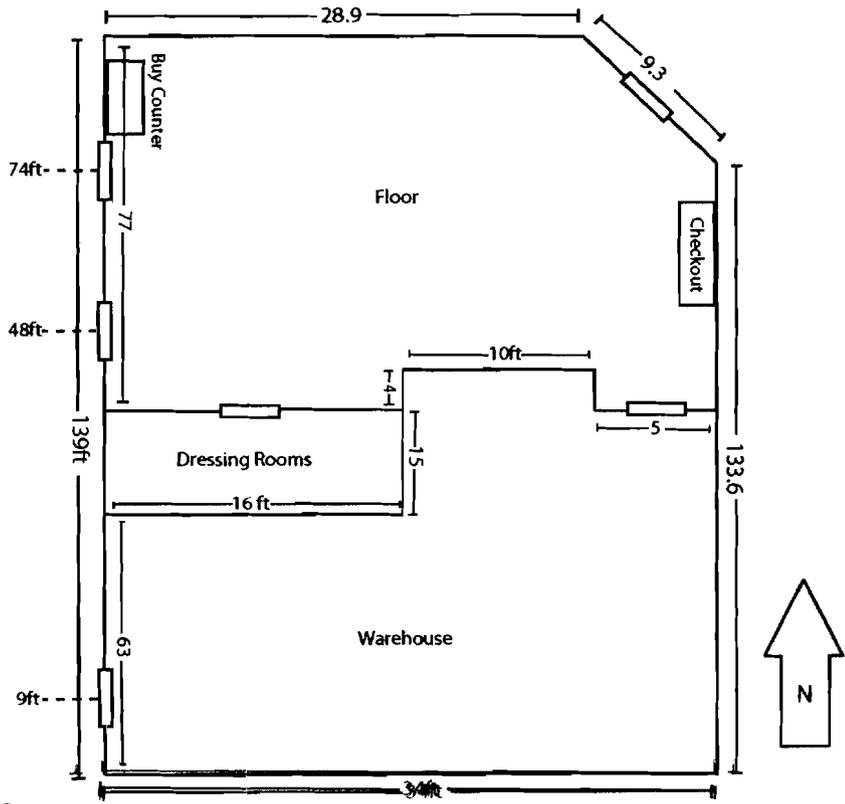
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 07 MAY 25 PM 1:33  
 TEMPE DEVELOPMENT  
 SERVICES DEPARTMENT

601 W. University Dr.  
 Tempe AZ 85281

## SITE DATA

Zoning	C-1	
Building	Use	Sq. Ft.
Ground Level	Retail	Front - 2900 Back - 2000
Parking Provided		13

# Sunset Clothing Exchange Floor Plan



D1



**SUNSET CLOTHING XCHANGE**

**601 W UNIVERSITY DR**

**PL070207**

**FRONT OF BUSINESS**