



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 08/09/2022
Agenda Item: 3**

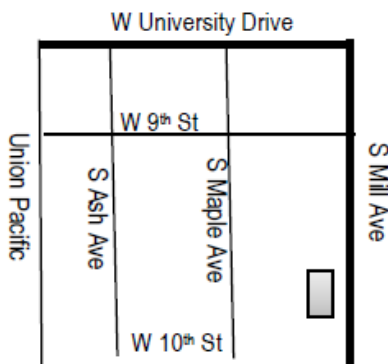
ACTION: Request a Use Permit to allow a second-hand store for **SUBJECTIVE VINTAGE**, located at 944 South Mill Avenue. The applicant is Subjective Vintage LLC.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: **SUBJECTIVE VINTAGE (PL220168)** is requesting a Use Permit to allow a second-hand store in an existing building located within the CC, City Center zoning district. The request includes the following:

ZUP220031 Use Permit to allow a second-hand store.



Property Owner
Applicant
Zoning District
Building Area
Vehicle Parking
Hours of Operation

Mill Properties Two LLC
Xoe McAleece, Subjective Vintage LLC
CC
479 s.f
8 total on-site (2 dedicated)
Tuesday-Friday 11am-7pm, Saturday 10am-8pm,
Sunday and Monday closed

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lily Drosos, Planner I (480) 350-8245

Department Director: Jeff Tamulevich, Community Development Director
Legal review by: N/A
Prepared by: Lily Drosos, Planner I
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

Subjective Vintage will be a new business located at 944 South Mill Avenue on the northwest corner of Mill Avenue and 10th Street. The proposed store is located within the CC (City Center) zoning district. The building area totals 1,740 square feet, and the business will occupy 479 square feet of building. There are three other tenants who occupy the remaining area of the building including: Foxfire Salon, Beauty By Cindy, and The Beauty Operator. The previous tenant occupying the space was Vanity on Mill Gallery and Spa. The applicant indicates that they are a vintage shop which sells second-hand items such as vinyl records, cassette tapes, clothing, home decor, and other collectables.

PUBLIC INPUT

Staff has received no public comments as of the publishing of this report.

USE PERMIT

The proposed use requires a Use Permit to allow a second-hand store within the CC, City Center zoning district.

Section 6-308(E) Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic;* The property has designated parking on-site which is adequate for the anticipated traffic from the neighborhood. Therefore, any significant increase in vehicular or pedestrian traffic is not expected for the proposed use.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;* The proposed use is not expected to cause any nuisances exceeding ambient conditions. The applicant has indicated that music played will only be audible when inside the store.
3. *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 applicant has indicated that they are not planning on significant changes to existing building and is willing to work with the landlord and other tenants to maintain the building's condition. Therefore, there will be no contribution to deterioration of the neighborhood.
4. *Compatibility with existing surrounding structures and uses;* The proposed use is compatible with the existing surrounding commercial businesses.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public;* The applicant has indicated that the daily operations of the business will not facilitate any disruptions to the general public or surrounding area.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

USE PERMIT:

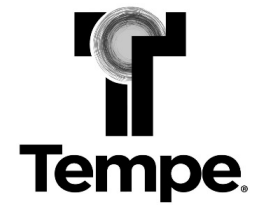
- The Use Permit is valid for SUBJECTIVE VINTAGE and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact Mike Scarpitta at 480-350-8435.
- Any intensification or expansion of use shall require a new Use Permit.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS:

August 11, 1964 The building was constructed and was intended for commercial use. At the time, the property was zoned C-2, General Commercial.

ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts](#)
[Section 6-308, Use Permit](#)

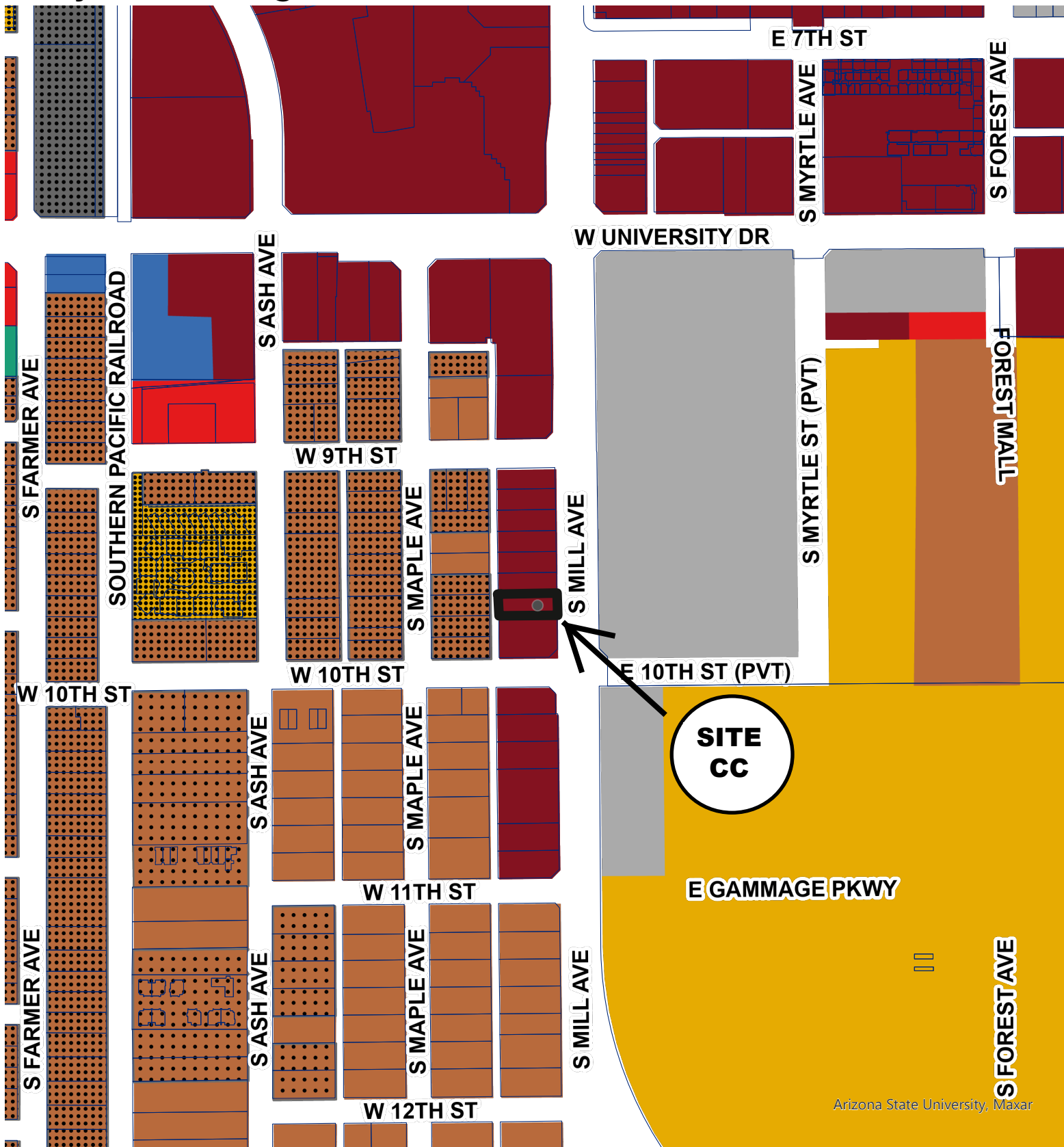


DEVELOPMENT PROJECT FILE
for
SUBJECTIVE VINTAGE
(PL220168)

ATTACHMENTS:

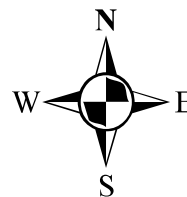
1. Location Map
2. Aerial Map
- 3-5. Letter of Explanation
6. Tenant List
7. Site Plan
8. Floor Plan
- 9-11. Context Photos

Subjective Vintage



- | | | | |
|--|--|--|---|
| | General Industrial District (GID) | | Single-Family Residential (R1-6) |
| | City Center (CC) | | Single-Family Residential Planned Area Dev (R1-PAD) |
| | Mixed Use High (MU-4) | | Multi-Family Residential (R-2) |
| | Mixed Use Educational (MU-ED) | | Multi-Family Residential Restricted (R-3R) |
| | Commercial Shopping and Services (CSS) | | Multi-Family Residential Limited (R-3) |
| | Residential/Office (RO) | | |

Arizona State University, Maxar



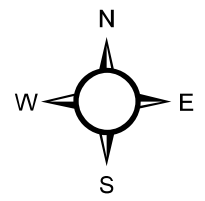


Subjective Vintage



Arizona State University, Maxai

Aerial Map



City of Tempe
Community Development Department
31 East 5th Street, Garden Level,
Tempe, Arizona 85281

06/17/22

To Whom It May Concern:

We are requesting a Use Permit to allow our company, Subjective Vintage LLC, to conduct business at 944 S. Mill Avenue, Tempe, AZ, 85281, an existing structure that is commercially zoned.

We are a vintage shop that sells second hand items such as vinyl records, cassette tapes, clothing, home decor, artwork, toys, ephemera, nostalgic items and collectables that we source locally from thrift stores, estate sale companies and on very, rare occasions, private individuals.

We are in the process of obtaining all necessary regulatory licenses for conducting business at this location. We are also working with the city to secure the required permits to install proper signage on the existing lightbox located in front of the building.

We intend to attract foot traffic from the university and downtown area by maintaining a store front window that already exists on Mill Avenue. Word of mouth amongst our existing customers, communicating with other local businesses and letting the residents of the community know we are open for business are other avenues that will be pursued to attract more customers.

Our goal is to gain additional customers via direct and online advertising, as well as sending press releases to local publications and websites.

The following is an explanation of how the commercially zoned building will be used:

- a. Our business shall be located within a shared space and will only occupy 27.5% of the building. Our business will be completely separate from the other occupants that provide professional services out of the additional square footage. There will be areas in the building that will be designated for use as "common spaces" to be shared by all of the building's tenants such as the bathroom, hallway and kitchen area. We will not be offering public restrooms for use to our customers on site.
- b. Our business shall not occupy more than 27.5% of habitable space (gross floor area of the building), not to exceed 594 square feet, as the building is 1,740 SF in size and the space we propose to use for our business is only 479 SF in size.
- c. We shall be owner-operated and plan to maintain business hours of Tuesday-Friday, 11a-7p and Saturday 10a-8p (closed Sunday and Monday).
- d. We shall have no outdoor activities or storage of materials on the property.

e. We shall have adequate parking available for the building's professional occupants and customers. There are eight (8) parking spots located behind the building. Two (2) parking spaces will be dedicated solely to our business.

f. Our business will not be detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or the public welfare in general and will conform to the following standards and Zoning and Development Code Criteria Section 6-308(E), as applicable:

a. Any significant 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; 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 of the city's adopted plans for General Plan; d. Compatibility with existing surrounding structures and uses; and e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

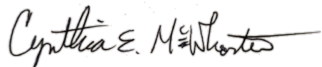
g. The attached floor plan depicts how our business will only use 27.5% of the gross floor area of the building to conduct business and shall comply with the city of Tempe's standards.

h. We have the permission of the property owner, Steve Tseffos, Owner, Mill Properties Two LLC, to use the area identified on the floor plan as described.

Based on the information and floor plan provided, you can see that our business is to be located in an existing structure that is already commercially zoned for businesses such as ours. The external activity level and impact is negligible and will stay in line with the residential character of the bordering neighborhoods.

Thank you for your assistance in this matter.

Sincerely,



Cynthia McWhorter, Owner, Subjective Vintage LLC



Xoë McAleece, Owner, Subjective Vintage LLC



Steve Tseffos, Owner, Mill Properties Two LLC

City of Tempe
Community Development Department
31 East 5th Street, Garden Level,
Tempe, Arizona 85281

7/1/22

To Whom It May Concern:

Please accept this amendment to our letter of intent for a Use Permit to allow our company, Subjective Vintage LLC, to conduct business at 944 S. Mill Avenue, Tempe, AZ, 85281, an existing structure that is commercially zoned.

Amendment to section f.:

Our business will not be detrimental to persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or the public welfare in general and will conform to the following standards and Zoning and Development Code Criteria Section 6-308(E), as applicable:

a. We plan to capture the existing pedestrian traffic from Mill Avenue retail district and ASU campus. We have designated parking accessible at the back of the building as well as on-street parking and parking garages within walking distance, if needed. As such, we do not anticipate any significant increase in vehicular or pedestrian traffic in adjacent areas.

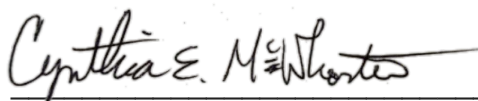
b. Our products and operations do not emit odors, dust, gas, vibration, smoke, heat or glare. Music will be played at low volumes, only audible when inside the business. Thus we will not create a nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;

c. We plan to increase the value of the neighborhood, by providing a business that does not already exist in the area. Our vintage shop will provide a unique shopping experience for neighbors and visitors alike. We are not making any significant changes to the existing structure. We will, in partnership with our landlord and the other tenants of the building maintain it in good condition. Due to this, we will not contribute to the deterioration of the neighborhood or to the downgrading of property values.

d. Our business is compatible with existing surrounding structures and uses as it neighbors a tattoo shop, other retail businesses, and food and beverage establishments. We will provide additional interest for those shopping in the Mill Avenue area.

e. We do not anticipate disruptive behavior which may create a nuisance to the surrounding area or general public for this proposed use. We will not be hosting live entertainment events. Should disruptive behavior occur inside or outside of the premises, we will work with the City of Tempe Police on a security plan.

Respectfully Submitted,



Cynthia McWhorter, Owner, Subjective Vintage LLC



Xoë McAleece, Owner, Subjective Vintage LLC

PROPERTY OWNER: Mill Properties Two, LLC

TENANTS

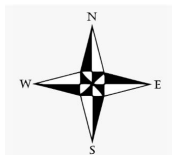
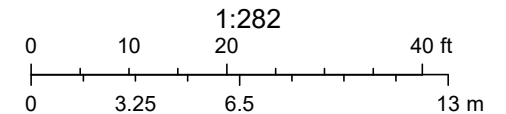
BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
SUBJECTIVE VINTAGE LLC	944 S. MILL AVENUE	TEMPE	AZ	85281
FOXFIRE SALON	944 S. MILL AVENUE	TEMPE	AZ	85281
BEAUTY BY CINDY	944 S. MILL AVENUE	TEMPE	AZ	85281
THE BEAUTY OPERATOR	944 S. MILL AVENUE	TEMPE	AZ	85281

Subjective Vintage Use Permit Application Site Plan

944 S Mill Ave, Tempe AZ 85281

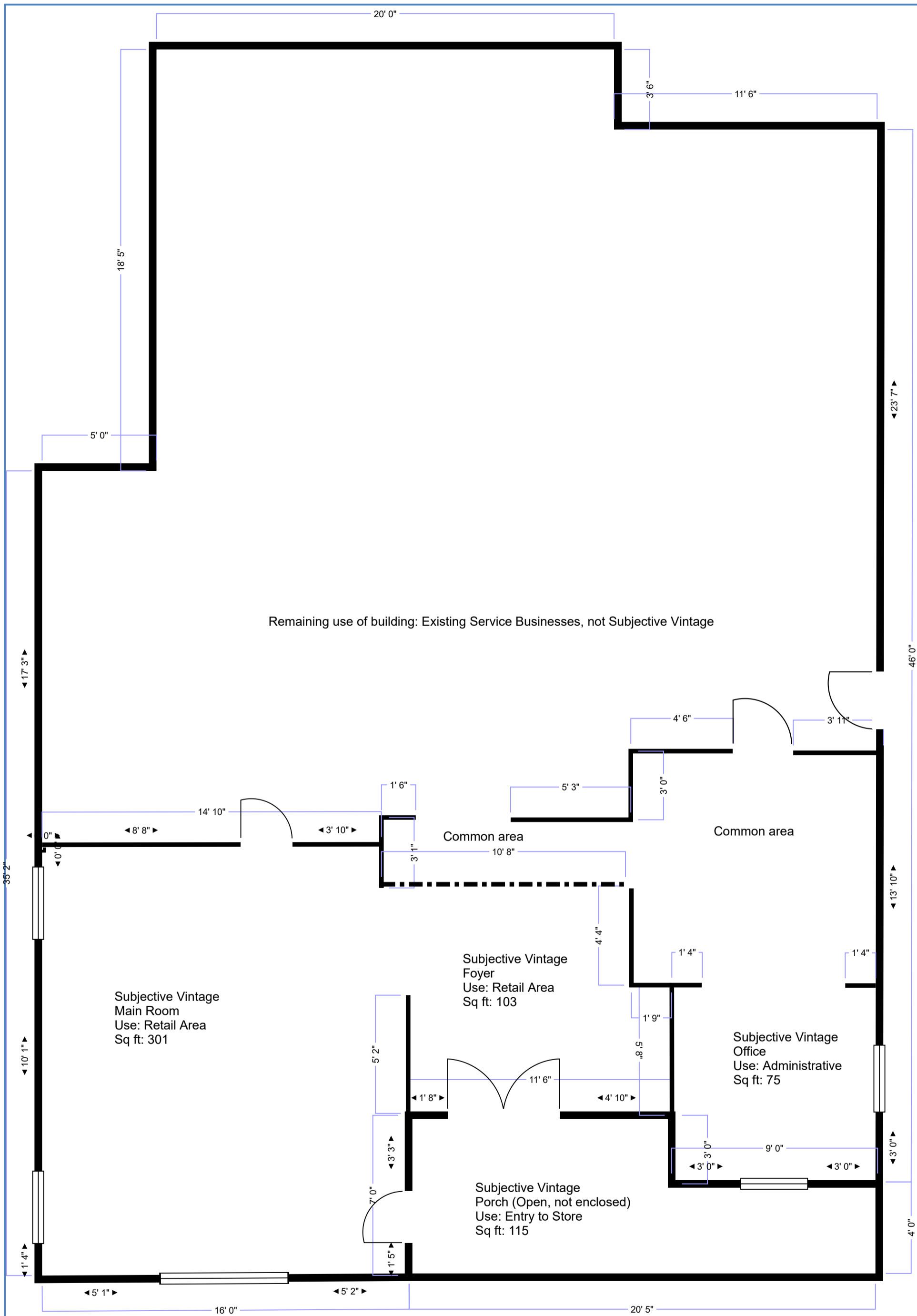


Contact: Xoe McAleece & Cynthia McWhorter	Address: 5021 N 20th Street #44634 Phoenix, AZ 85064	Phone: 602-391-8114	Email: subjectivevintage@gmail.com
Project Title: Subjective Vintage Use Permit	Site Address: 944 S Mill Ave, Tempe AZ 85281	Parcel: 132-42-07	Zoning: CC
Land Use: Secondhand Goods, Professional Services	Net Site Area: 7,140 sq ft / 0.16 Acre	Total Building Area: 1740 sq ft	



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),





Remaining use of building: Existing Service Businesses, not Subjective Vintage

Subjective Vintage
Main Room
Use: Retail Area
Sq ft: 301

Subjective Vintage
Foyer
Use: Retail Area
Sq ft: 103

Subjective Vintage
Office
Use: Administrative
Sq ft: 75

Subjective Vintage
Porch (Open, not enclosed)
Use: Entry to Store
Sq ft: 115

Total Subjective Vintage Sq ft without porch: 479
Total Subjective Vintage Sq ft with porch: 594

Site:
944 S Mill Ave Tempe, AZ 85281

Scale:
1/4":1'0"

Drawn:
Xoe McAleece

Title:
Use Permit Application

Date:
06/17/2022

Subjective Vintage
5021 N 20th Street #44634
Phoenix, AZ 85064

Subjective Vintage Use Permit Application
Context Photos
Photo Location Map

1. NE corner facing West
 - a. 2nd view
2. SE corner facing West
3. Front Entrance of building facing West
4. NW corner facing East
5. SW corner facing East
6. West side facing East
7. South side facing East
8. South side facing West
9. North side facing East

1. NE corner facing West



1a. 2nd view



2. SE corner facing West



3. Front Entrance of building facing West



4. NW corner facing East



5. SW corner facing East



6. West side facing East



7. South side facing East



8. South side facing West



9. North side facing east

