

# Does a Thrift Store Really Need a 40-Page Zoning Decision?

Addison Del Mastro – March 15<sup>th</sup>, 2022

Strong Towns



Back when I was in graduate school at the University of Maryland, College Park, I used to shop at [the area's thrift stores](#) on a pretty regular basis. My occasional retro finds elevated my tiny apartment, and sifting through lots of old stuff in a former [big-box store](#)—these were massive thrift stores!—was a great diversion from (or alternative to) studying.

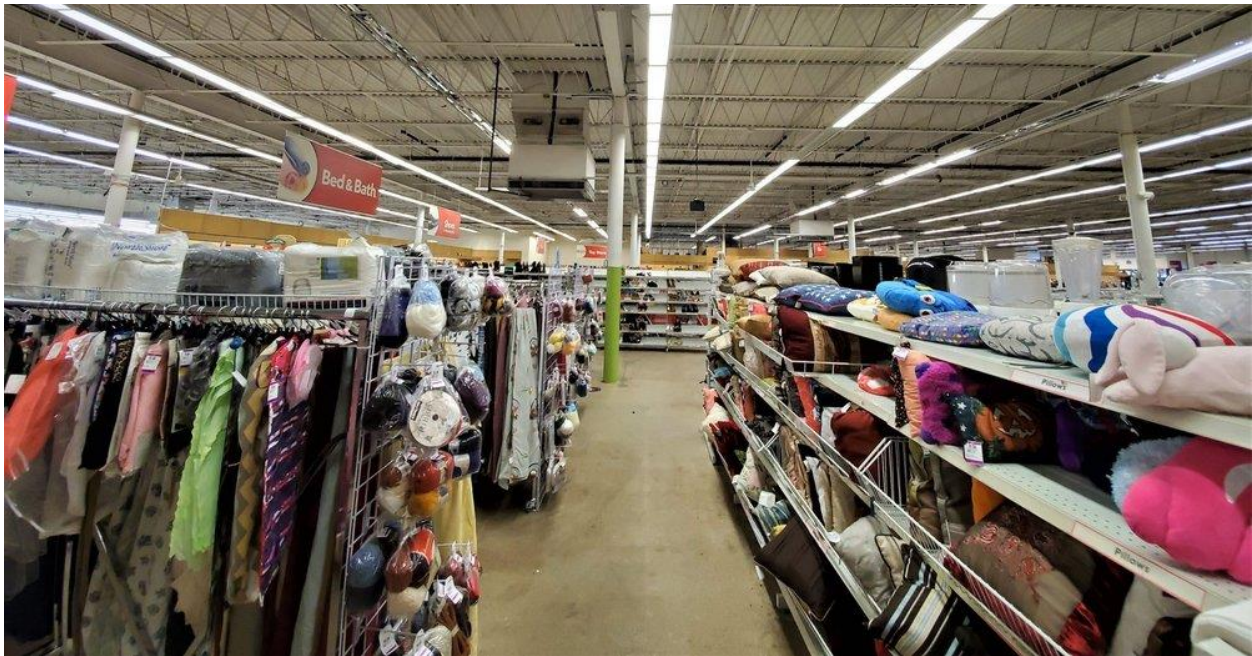
I never thought very much about my favorite thrift store, an old anchor space in the Hillandale Shopping Center in suburban Silver Spring, Maryland. It's kind of neat—technically it's two stores under one roof, each one a different brand within the thrift chain, and it has a “bazaar” in the middle and a little built-in restaurant. There's a Safeway supermarket in the plaza, too, where I used to do some basic food shopping. A dollar store, liquor store, fantastic Indian restaurant, old-school sew-and-vac shop (now closed), and a few other businesses round it out. It's a pretty standard strip plaza out in a pretty standard stretch of post-war suburbia.

...Which is why I was shocked when I came across a [document from 2007](#), detailing a big zoning and permitting fight that preceded the store's opening. Eileen Finnegan of the [Hillandale Citizens Association](#)—who, an area planner told me, is a well-known “professional [NIMBY](#)”—filed an appeal against the store's permitting, arguing that a thrift store should not have been permitted under the strip plaza's C-1 (neighborhood commercial) zoning.

The document reads like a dispatch from a country without a system of free enterprise. It goes to show just how many hoops developers and business owners have to jump through to get anything done. And paradoxically, there's a good argument to be made that [the more complexity and red tape there is, the more relative advantage the largest developers have in the process](#). A land-use lawyer loves a document like this; a homeowner or small business owner's eyes glaze over. This document is a perfect encapsulation of the byzantine development process, as well as a window into the emotions and arguments that arise as places change.

In this article, I've included a few pictures I took of the thrift store in question. These are just to demonstrate that this store is quite ordinary, which is very important for what's to follow.

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On to the appeal document, from which all of the following quotes are drawn. Early on, in the board's summary of findings, we learn that in addition to the zoning/permitting issue, the Safeway in the plaza has raised an objection as well. “Safeway's standard lease prohibits the location of flea markets, used goods or thrift stores in any shopping center in which a Safeway is located,” the document reports. (This does not actually apply to the vacant space/thrift store, because the former

tenant's lease predated the Safeway.) However, the agent for Safeway "stated that this type of use [thrift store] draws 'people looking for opportunities that can [lead to some unsavory associations](#), all of which may ... make our customers apprehensive in general.'"

That's not an auspicious introduction, but it gets worse. At one point, the document details an argument over whether *individual goods sold within the thrift store* are permissible under the definition of C-1 zoning. (This is a silly thing to analyze too much, because thrift stores mostly sell whatever they receive as donations.) Eileen Finnegan even had to clarify that she was not arguing that her understanding of the zoning code prohibited the sale of used goods anywhere in the county.

This is a good illustration of why describing zoning as "separation of uses" glosses over an incredible amount of red tape and unnecessary [complication](#). A Montgomery County planning department official, for example, "testified that the C-2 zone allows shopping malls, department stores, auto dealers, and delicatessens, which he testified are not allowed in the C-1 zone." Neither, apparently, are flea markets, and while a thrift store is not a flea market, the appellants tried to argue that, for the purposes of zoning, it was.

Now it's worth noting that Ames, the former big-box tenant in the thrift store building, was absolutely a discount department store, though a state senator calls it a "convenience store." (One reason so many mid-sized structures sit vacant now is that this retail segment has largely gone extinct, having given way to larger competitors like Walmart.) It's also worth noting that in many neighborhoods, delicatessens are practically the definition of [local neighborhood businesses](#). But perhaps the bigger question is why any of this is regulated at all.

Here's a little bit more on C-1 zoning: "When asked from a planning standpoint whether uses that are geared to attract from the metropolitan area rather than the neighborhood would meet the goals of the C-1 zone, he confirmed that that was not the purpose of the C-1 zone. He stated that the facility in question was larger than they would normally find in the C-1 zone, and that as a planner, he would like to see it broken into smaller stores."

Buried deep in here is the idea of using these arcane land-use regulations to create some kind of simulacra of towns or neighborhoods, in an environment where that is [no longer allowed to happen un-self-consciously](#).

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Later in the document, a community member is quoted as saying she would “prefer a bookstore” to the thrift store, and another member of the Hillandale Citizens’ Association points out that there are no gyms, hardware stores, or arts and crafts stores in the immediate neighborhood.

Zoning can permit or not permit these types of businesses, and sometimes local governments can lure businesses with incentives (not that they should). But it’s almost as if the appellants think that the desired businesses can be conjured into existence. There are much larger economic and demographic factors that determine what businesses locate where.

There's also the issue of what "community" or "neighborhood" means. Another appellant, for example, "stated that she likes to be a patron of her community, and that in her opinion it is important to have neighborhood-friendly shops and retailers. She testified that in her opinion, the proposed use [thrift store] serves a different type of community and has a different draw." Huh.

A representative for the thrift store company pushed back on this characterization. He expected 80 percent of the thrift store's customers to come from within three miles—importantly, the general expected or intended range for C-1 retail—and that there are 200,000 people within that range. He also noted how few of those 200,000 locals live under the community association that filed the appeal.

Then, of course, there's traffic. After the exchange over what the trade area of the thrift store would be and how much traffic it would bring into the immediate area, a state senator proposed a [traffic study](#).

All of this is to determine whether an unremarkable chain thrift store was allowed to open up shop in a defunct big-box store that had been sitting empty in a major area shopping center for about five years. In other words, something that to most people should require virtually no deliberation, planning, or regulation at all.

This is how buildings deteriorate until they cannot be reused at all, without major renovation. It also means that *no* business fills that spot, which is not good for local residents or for the rest of the stores in the plaza. There's no indication in almost 40 pages of hairsplitting legalese that any of these actual, concrete costs and opportunity costs are being considered.

If this is making your head swim or your eyes glaze over, well, that's the point.

It's also a lesson in how the [dry, arcane, technocratic language of zoning](#) and permitting conceals values and assumptions about what people and activities belong where. Do the people who shop in a thrift store not belong in the neighborhood? What does it mean to say that a store selling used, heavily discounted goods, in an area that has a large working-class immigrant population, is not, as Eileen Finnegan put it, "community-oriented"?

The Hillandale community is no longer a newly built, mostly white, middle-class neighborhood. The types of stores that older residents would like—a replacement for Ames, a small hardware store, a bookstore—have largely ceased to exist for reasons far above anything at the neighborhood level. "The neighborhood" is not a constant thing over time, but the sum of the people who live in the area. These suburban

communities will change in ways nobody can fully predict, with or without the approval of the old guard.

If this sounds dismissive of the people who have lived there the longest and perhaps are the most invested in their place, remember what the thrift store's spokesman said. Very few locals belong to any of these neighborhood associations, and even fewer took any time to protest the arrival of this new store. And the only thing the land-use regime did was to introduce choke points and veto points, and delay a reasonable and unobjectionable adaptation in a place that is evolving, to the extent that its development pattern allows it to do so.