

Staff Summary Report



Hearing Officer Hearing Date: June 22, 2010

Agenda Item Number: 7

SUBJECT: This is a public hearing for a request by **ARIZONA GOLD RUSH LLC** located at 707 South Forest Avenue for one (1) use permit.

DOCUMENT NAME: 20100622dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **ARIZONA GOLD RUSH LLC (PL100152)** (David Wolff, applicant; L & G Camery LLC, property owner) located at 707 South Forest Avenue in the CC, City Center District and TOD, Transportation Overlay District for:

ZUP10052 Use permit to allow a resale retailer (precious metal buyer).

PREPARED BY: Nick Graves, Planning Intern (480-350-8690)

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

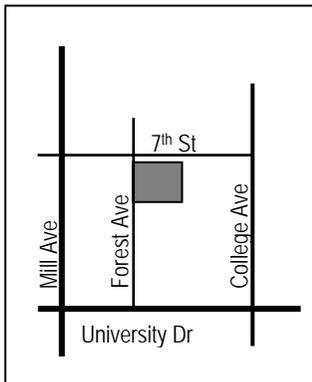
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The applicant is requesting approval of a use permit to allow a resale retailer (precious metal buyer). The proposed business will be located at 707 South Forest Avenue # D in the CC/TOD, City Center District/Transportation Overlay District. According to the applicant's letter of intent, the business proposes to purchase scrap gold from the public and resell it to a refinery. Staff is recommending approval of the request with conditions. To date, staff has received no public input regarding this request.

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
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. Floor Plan
6. Staff Photograph

COMMENTS:

The applicant, Arizona Gold Rush LLC, is requesting approval of a use permit to allow a resale retailer (precious metal buyer). The proposed business will be located at 707 South Forest Avenue # D in the CC/TOD, City Center District/Transportation Overlay District. According to the applicant's letter of intent, the business proposes to purchase scrap gold from the public and resell it to a refinery. They do not refine or sell any merchandise on site. The hours of operation will be from 10 a.m. to 5 p.m. Monday through Saturday and closed on Sundays. They plan to have one at least (1) employee present at all times. Staff is recommending approval of the request with conditions.

To date, staff has received no public input regarding this request.

Use Permit

The Zoning and Development Code requires a second hand retailer to obtain a use permit in the CC, City Center 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 should 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 commercial use and should not have any associated 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 use should not contribute to neighborhood deterioration or downgrade property values;
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with the surrounding uses.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public:
 - The proposed use requires the creation of a security plan with the Tempe Police Department to address transactions of precious metals and management of the establishment.

Conclusion

Staff recommends approval of the use permit, subject to conditions.

REASONS 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. Approval of the use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

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

**CONDITIONS
OF APPROVAL:**

1. The use permit is valid for Arizona Gold Rush LLC and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. All permits and clearances required by the Building Safety Division for tenant improvements shall be obtained prior to the use permit becoming effective.
3. Any expansion or intensification of the use will require a new use permit.
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 to re-evaluate the appropriateness of the use permit.
5. All business signs shall receive a Sign Permit. Please contact Planning staff at 480-350-8331.
6. A sales tax license from the City of Tempe Tax and License Division shall be obtained prior to the use permit becoming effective.
7. The applicant shall work with the Tempe Police Department to create a Security Plan for the business. Contact the Crime Prevention Department at 480-858-6330.
8. Replace nonconforming building lighting at the front of the building with compliant light fixture. Details can be resolved during Building Safety Plan Review.

HISTORY & FACTS:

December 15, 1965 Certificate of Occupancy issued for a commercial building.

DESCRIPTION:

Owner – L & G Camery LLC
Applicant – David Wolff
Existing Zoning – CC, City Center District & TOD, Transportation Overlay District
Parcel Size – 2,200 s.f. / .051 acres
Tenant Area – 375 s.f.
Parking Required – 1 space
Parking Provided – 5 spaces

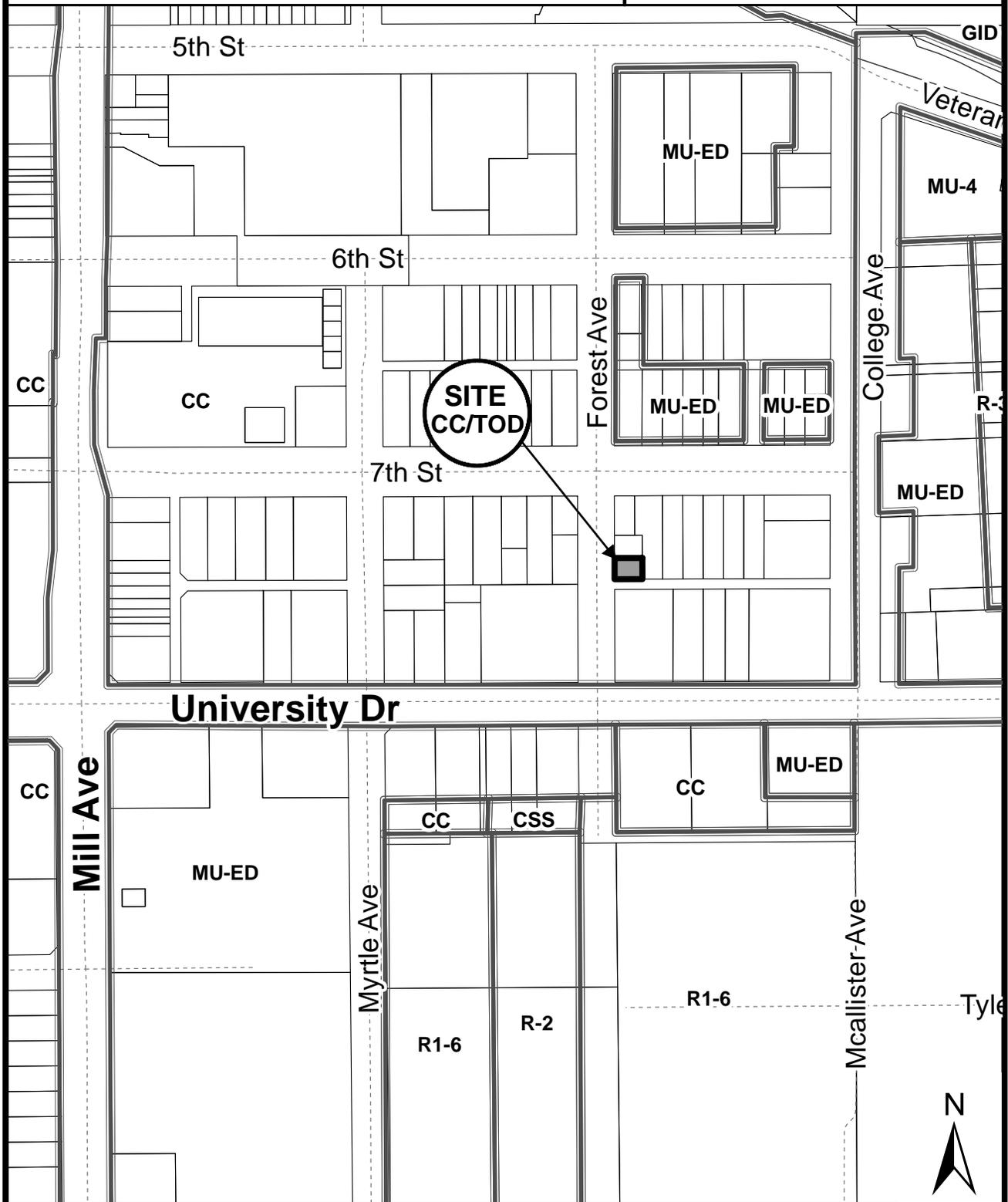
**ZONING AND
DEVELOPMENT**

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 Plan

ARIZONA GOLD RUSH LLC

PL100152



Location Map



ARIZONA GOLD RUSH LLC (PL100152)

ARIZONA GOLD RUSH LLC

May 17th, 2010

City of Tempe
Development Services Department
31 E 5th Street, Garden Level
Tempe, AZ 85281

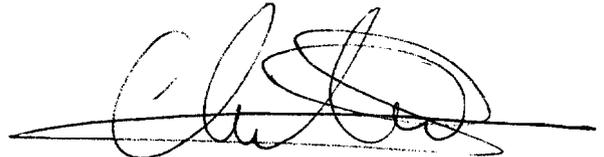
Greetings,

Herein we describe the nature of our business. Our company, Arizona Gold Rush, purchases scrap gold from the public and resells it to a refinery. These items may consist of jewelry, coins, nuggets, watches, or any item made of gold. We do not refine, nor do we sell any merchandise. Neither cash nor gold will be left on the premises over night. Currently, we are operating two successful locations and look to continue expanding, starting in Tempe. Please contact us with any additional questions.

Sincerely,



David Wolff
Owner



Chris Rufo
Owner

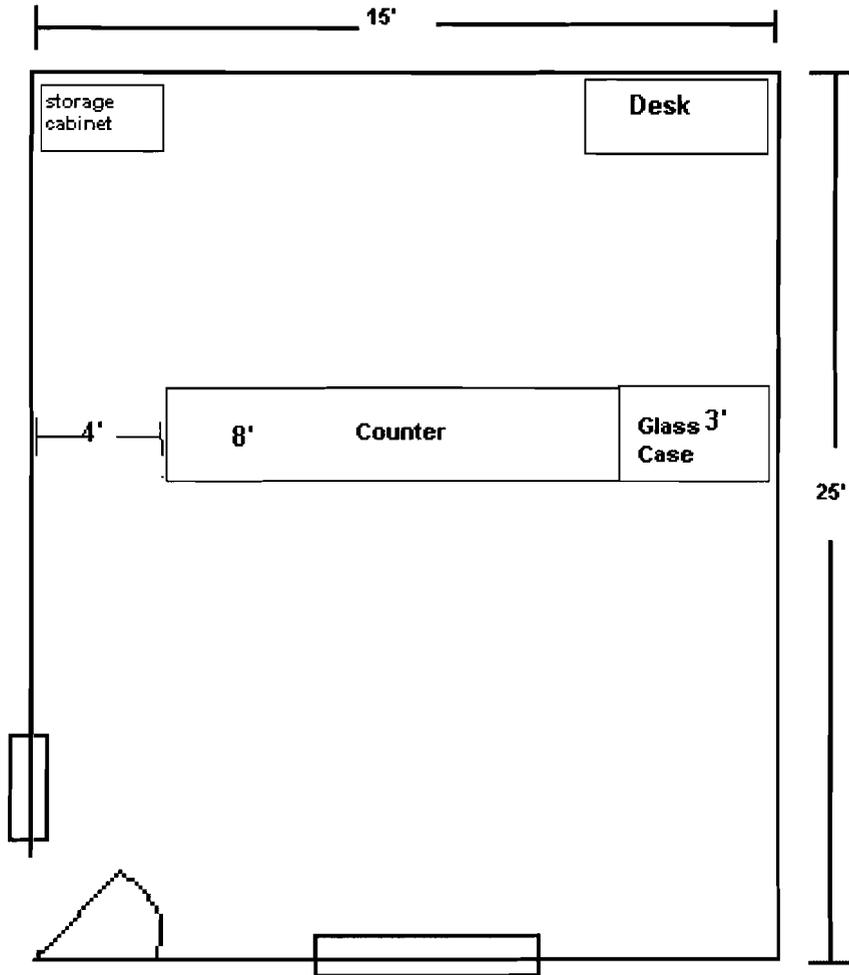
E 7th Street



S Forest

S FOREST

X = UNIT LOCATION



z ←



ARIZONA GOLD RUSH LLC

707 SOUTH FOREST AVENUE

PL100152

FRONT OF BUSINESS

