

Staff Summary Report



Hearing Officer Hearing Date: 12/06/11

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by **CASH FOR GOLD** located at 2060 East Southern Avenue for one (1) use permit.

DOCUMENT NAME: 20111206cdsl04 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **SHALIMAR PLAZA - CASH FOR GOLD (PL110382)** (Esfir Uvaydov, applicant; Susan Colunga/Shalimar Plaza, property owner representative) located at 2060 East Southern Avenue in the CSS, Commercial Shopping & Services District for:

ZUP11102 Use permit to allow a resale retailer (precious metal buy business).

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

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

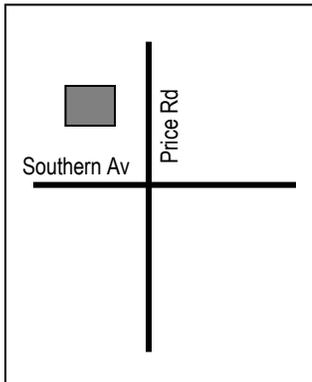
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: **Staff – Approval, subject to conditions**

ADDITIONAL INFO:



The applicant is requesting approval of a use permit to allow a resale retailer (gold buying business). The proposed business will be located in the Shalimar Shopping Center located on the north side of Southern Ave east of McClintock, between Country Club Drive and Price Rd. The center is zoned CSS, Commercial Shopping and Services District. There has been no public input to date regarding this request. Staff is in support of this use permit request with the finding that it meets the Zoning and Development Code criteria for approval of a use permit.

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)
- 3-4. Letter of Intent
5. Site plan
6. Floor plan

COMMENTS:

Cash for Gold a.k.a. G & I Diamond and Jewelry LLC is requesting approval of a use permit to allow a resale retailer (precious metal buyer). According to the applicant’s letter of intent, the business will be operating within a tenant space in the center. They purchase gold, silver, platinum and diamonds in any shape or form. The hours of operation will be from 8 am- 5pm, Monday through Saturday. There will be two (2) employees. 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 use permit for resale retail in the CSS, Commercial Shopping and 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 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

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. 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.

**CONDITION(S)
OF APPROVAL:**

1. The use permit is valid for Cash for Gold/ G & I Diamond and Jewelry LLC and may be transferable to successors in interest through an administrative review with the Community Development Manager, or designee.
2. All permits and clearances required by the Building Safety Division 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 Dean Miller at 480-350-8435.
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 480-858-6333.

HISTORY & FACTS:

None pertinent to this case.

DESCRIPTION:

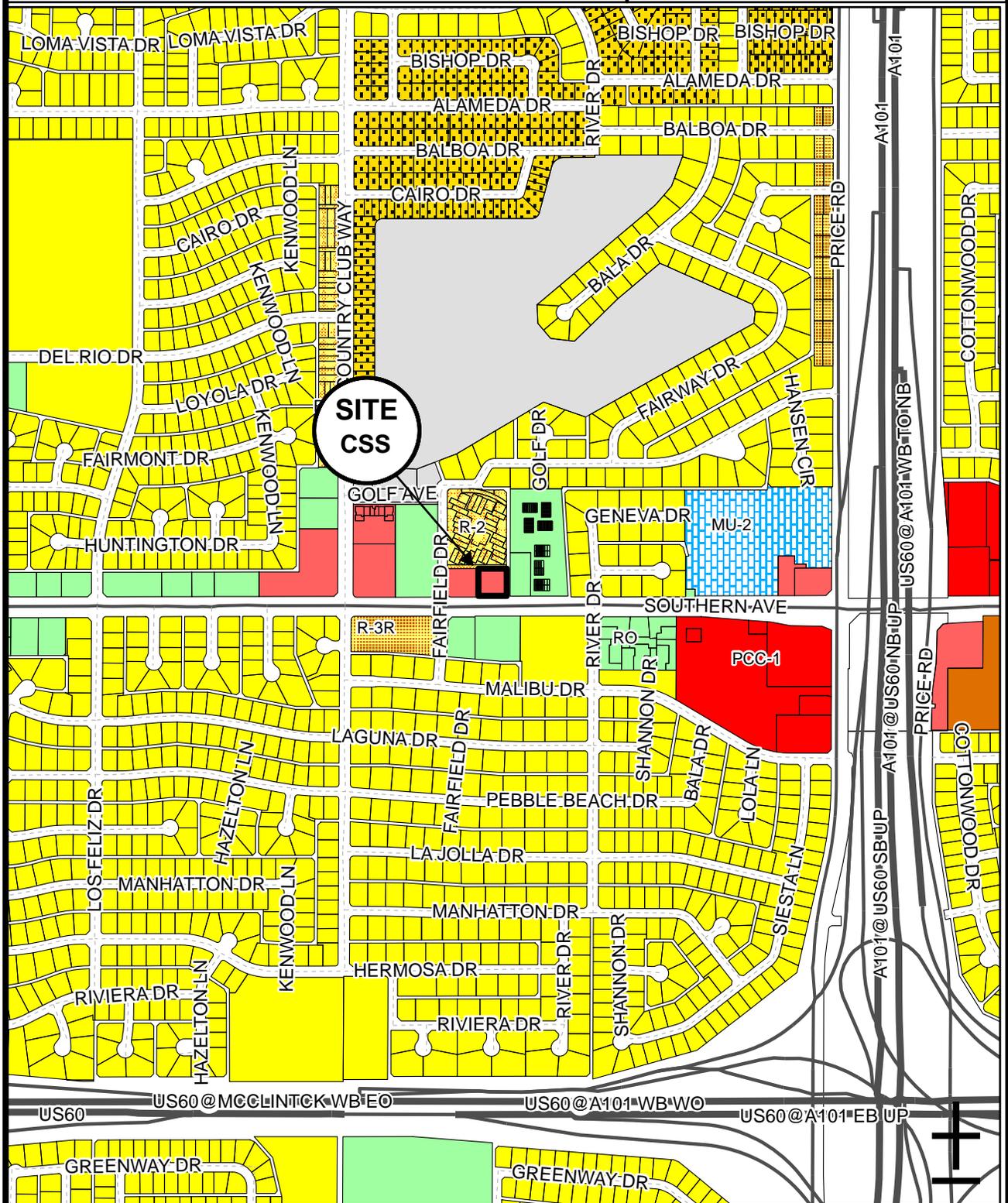
Owner – Shalimar Plaza
Applicant – Esfira Uvaydov
Existing Zoning – CSS, Commercial Shopping & Services District

**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

SHALIMAR PLAZA- CASH FOR GOLD

PL110382



Location Map



SHALIMAR PLAZA- CASH FOR GOLD (PL110382)

G & I Diamond and Jewelry LLC
1932 E Renee Dr
Phoenix, AZ 85024
(602) 790-0058
(602) 432-7232

RE: Letter of Explanation: (Use Permit)

To Whom It May Concern:

G & I Diamond and Jewelry LLC specialize in purchasing and buying gold, silver, platinum, diamonds in any shape or form, including earrings, bracelets, necklaces, scrap gold, broken jewelry and etc. Items are appraised and evaluated separately by our experienced and GIA certified appraisers that follow the gold cost standards at all times. Business hours are Monday-Saturday 8am-5pm. There are two employees and the customer base are middle class consumers in the surrounding area.

A. not cause any significant vehicular or pedestrian traffic in adjacent areas.

G & I Diamond and Jewelry LLC will be located in 2060 S. Southern Ave Tempe AZ 85282. Large business lot provides safe and easy access to pedestrians and vehicular traffic.

B. not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions.

G & I Diamond and Jewelry LLC business deals strictly with jewelry and jewelry related objects that do not produce nor result of its daily business activities cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions.

C. not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City.

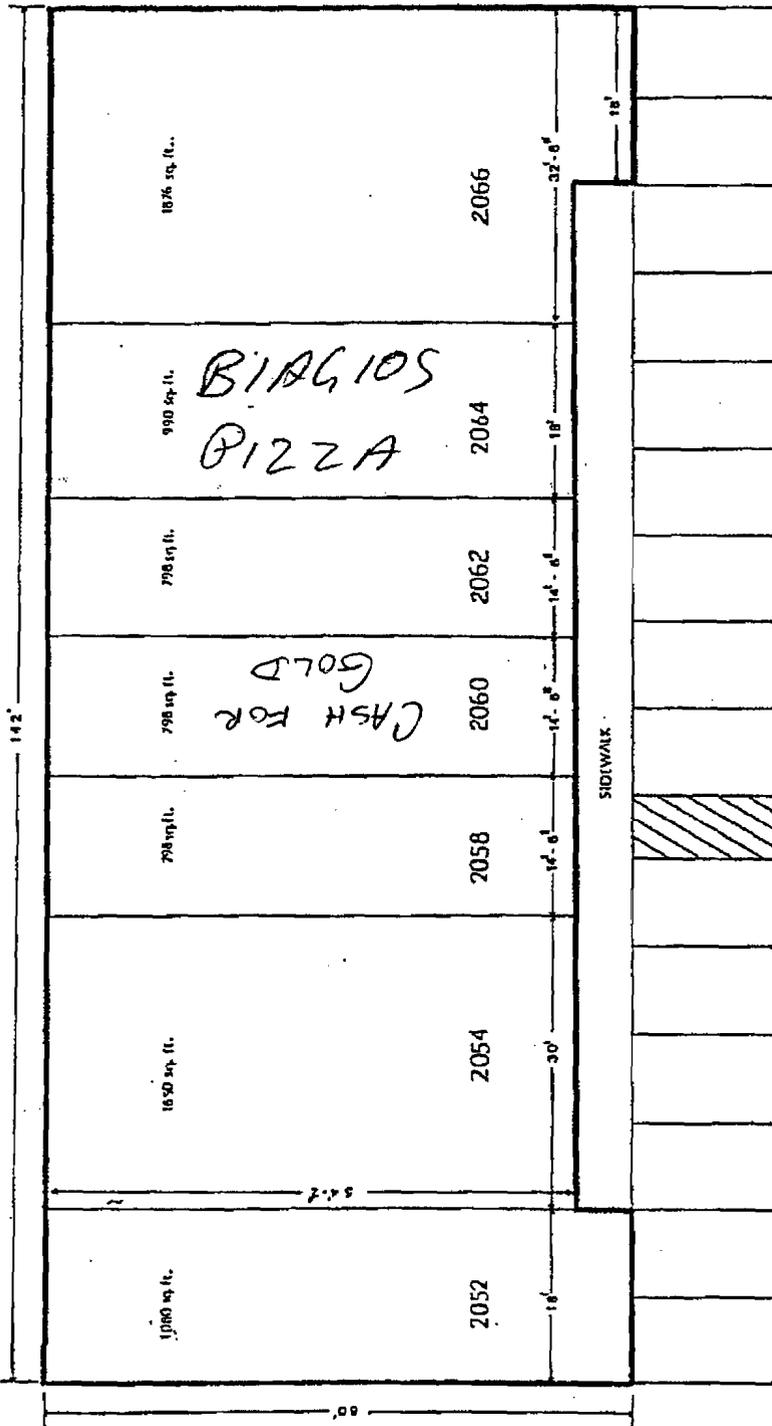
G & I Diamond and Jewelry LLC is a small business that will contribute to the City of Tempe's economy and uphold the business standards similarly to that of the surrounding businesses as stated in the City of Tempe objective and business policies.

D. be compatible with existing surrounding structures.

G & I Diamond and Jewelry LLC will be leasing its location in the same building offices as the surrounding area businesses. It will use the existing structures that's already at the location of 2060 S. Southern Ave Tempe AZ 85282 that was pre approved by the city of Tempe, and has passed all the safety regulations by OSHA. The business is compatible with existing surrounding structure nearby.

E. not result in any disruptive behavior which may create a nuisance to the surrounding area or general public.

G & I Diamond and Jewelry LLC business traffic will be catered to the older, middle class customers in the area. As a precaution, G & I Diamond and Jewelry LLC will also install cameras visual surveillance system both inside and outside of the business building. The surveillance cameras will enhance & increase safety for both the customers and employees. This will deter any disruptive behavior to the general public and increase the safety of the surrounding area and its adjacent businesses.



PARKING LOT

SIDEWALK AND LANDSCAPE STRIP

SOUTHERN AVENUE

Site Data:
 Zoning: C-7
 Total Footage: 2,990 sq. ft.
 Footage of 2054: 1,650 sq. ft.
 Location: Shiloh Shopping Plaza
 2052 - 2066 L. Southern Ave

