

# Staff Summary Report



Hearing Officer Hearing Date: May 19, 2010

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by the **GOLD EXCHANGE** located at 13 West Baseline Road for one (1) use permit.

**DOCUMENT NAME:** 20100519dsng01 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the **GOLD EXCHANGE (PL100117)** (Camille Massih/KC Jewelry Inc., applicant, BYS Company, property owner) located at 13 West Baseline Road in the CSS, Commercial Shopping and Services District for:

**ZUP10039** 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)

A handwritten signature in black ink, appearing to read 'SEA'.

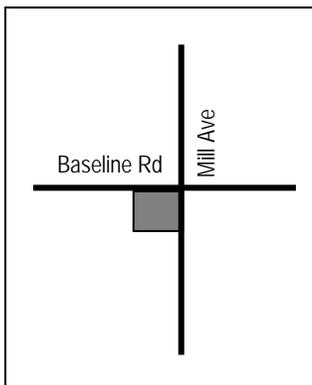
**LEGAL REVIEW BY:** N/A

**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 13 West Baseline Road in the CSS, Commercial Shopping and Services District. According to the applicant's letter of intent, the business is a jewelry store that buys and sells gold, diamonds, and silver. 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
4. 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 is requesting approval of a use permit to allow a resale retailer (precious metal buyer). The proposed business will be located at 13 West Baseline Road in the CSS, Commercial Shopping and Services District. According to the applicant's letter of intent, the business is a jewelry store that buys and sells gold, diamonds, and silver. They also do repairs and offer jewelry cleaning services. The hours of operation will be from 10 a.m. to 5 p.m. Monday through Friday, 10 a.m. to 6 p.m. on Saturdays, and closed on Sundays. 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 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.

## 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 Gold Exchange 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 within 30 days; by June 18, 2010. Contact the Crime Prevention Department at 480-858-6330.
8. Replace nonconforming building lighting at the rear of the building with compliant light fixture. Details can be resolved during Building Safety Plan Review.

**HISTORY & FACTS:**

- October 27, 1993      BA930228 – The Board of Adjustment approved the request by Mr. Anthony's Italian Restaurant located at 37 W Baseline Rd for the following:
- a. Use permit to allow a restaurant use in the CCR zoning district.
  - b. Variance to reduce the number of required on-site parking spaces from 152 spaces to 145 spaces.
- May 17, 1994      BA940113 – The Hearing Officer approved the request by The Firepit located at 37 W Baseline Rd for the following:
- a. Use permit to allow a chicken rotisserie restaurant in the CCR zoning district
  - b. Variance to reduce the number of required on-site parking spaces from 152 spaces to 145 spaces.
- February 17, 2004      BA040009 – The Hearing Officer approved the request by Park Plaza – The Woodshed 1 Inc. for a use permit to allow an outdoor patio located at 19 W Baseline Rd.
- May 6, 2008      PL080110 – The Hearing Officer approved the use permit request by Arizona Labor Force Inc. d.b.a. Labor Systems to allow an employment agency located at 15 W Baseline Rd.
- August 19, 2008      PL080275 – The Hearing Officer approved the request by Park Plaza – Up in Smoke for a use permit to

allow a tobacco retailer located at 23 W Baseline Rd., Suite No. 2.

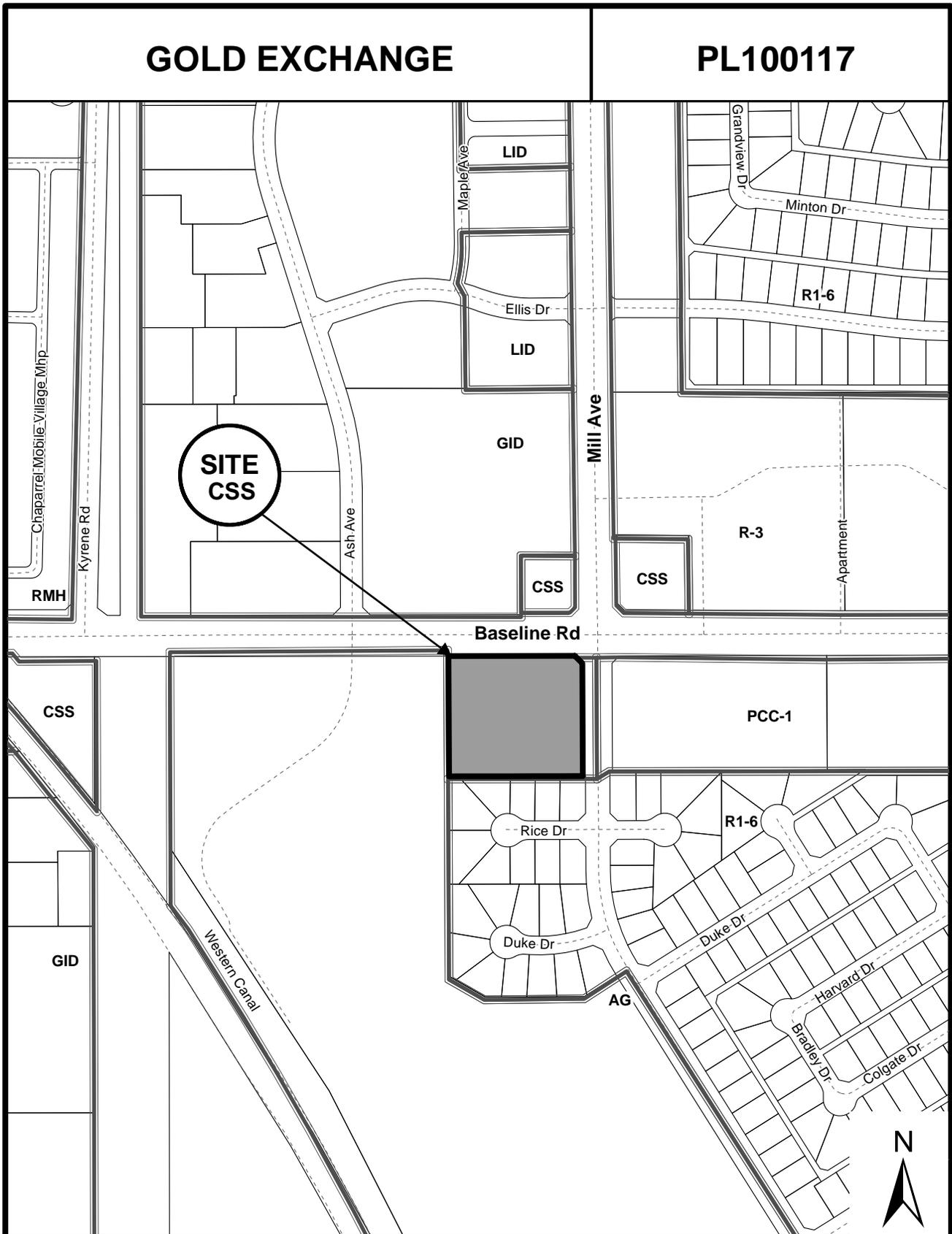
**DESCRIPTION:**

Owner – BYS Company  
Applicant – Camille Massih/KC Jewelry Inc.  
Existing Zoning – CSS, Commercial Shopping & Services District  
Parcel Size – 116,211 s.f. / 2.67 acres  
Building Area – 13,517 s.f.  
Tenant Area – 960 s.f.  
Parking Required – 3  
Parking Provided – 130

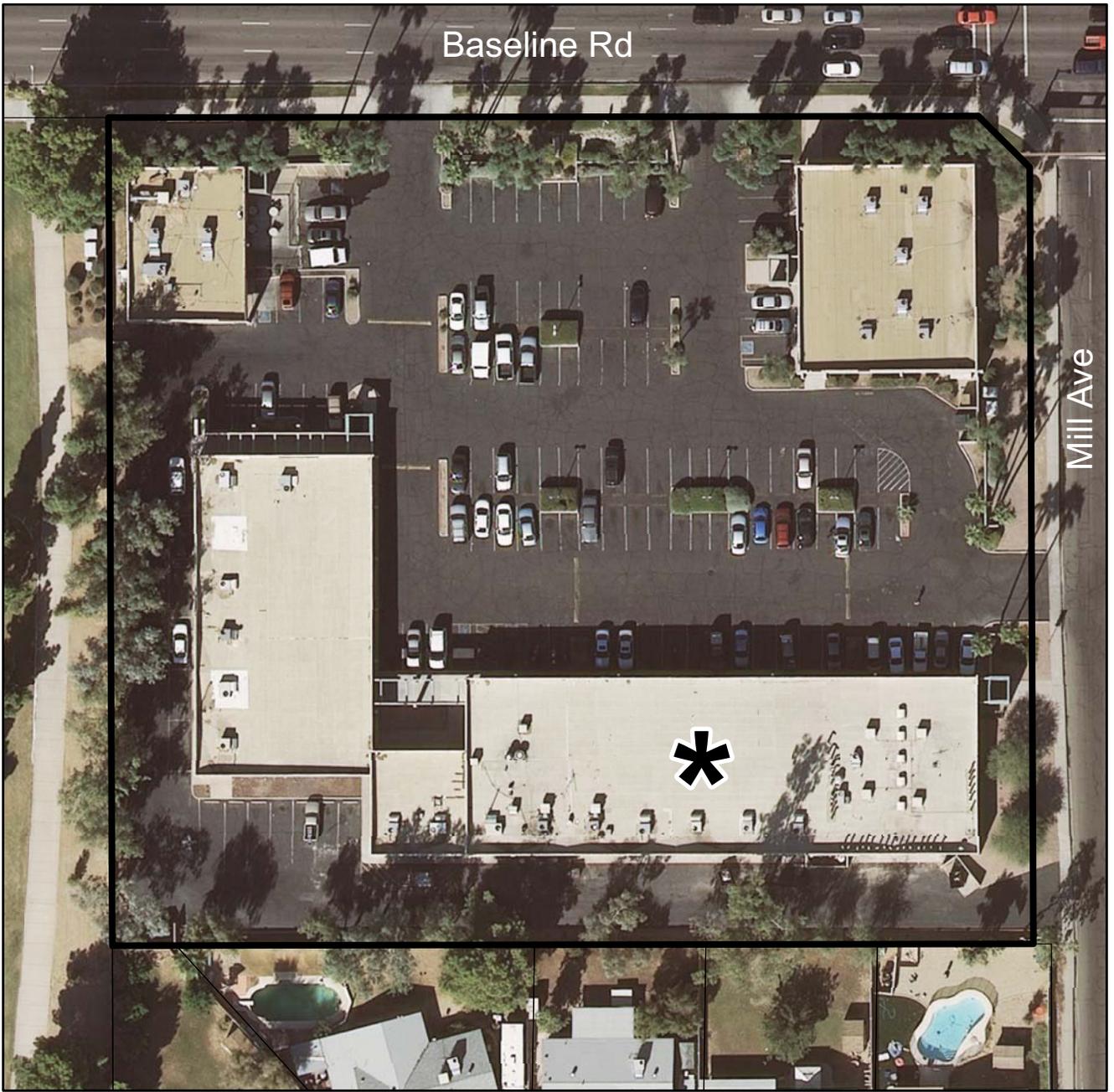
**ZONING AND  
DEVELOPMENT**

**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



**Location Map**



**GOLD EXCHANGE (PL100117)**

KC Jewelry Inc. dba Gold Exchange  
13 W. Baseline Rd.  
Tempe, AZ 85283

April 26, 2010

Sherri lesser  
Senior Planner  
City of Tempe  
PO Box 5002  
Tempe AZ 85280

RE: Development Services - Letter of Explanation

Dear Ms. lesser,

The establishment is a jewelry store that buys and sells gold, diamonds, and silver. We take repairs and offer jewelry cleaning services. If you require additional information please give me a call at 480-966-0052.

Sincerely,

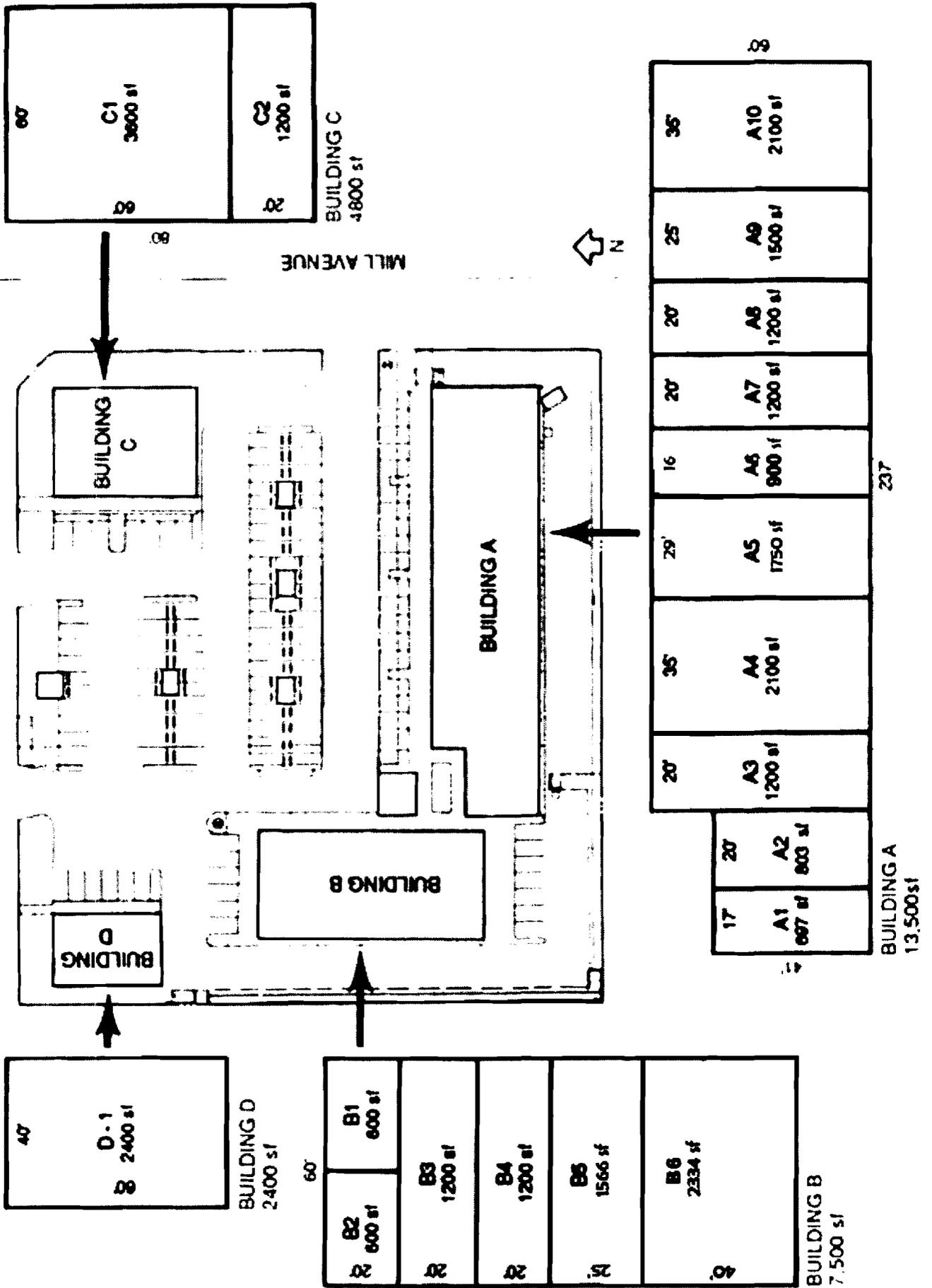
Camille Massih

10-7 5 day

10-6 Saturday

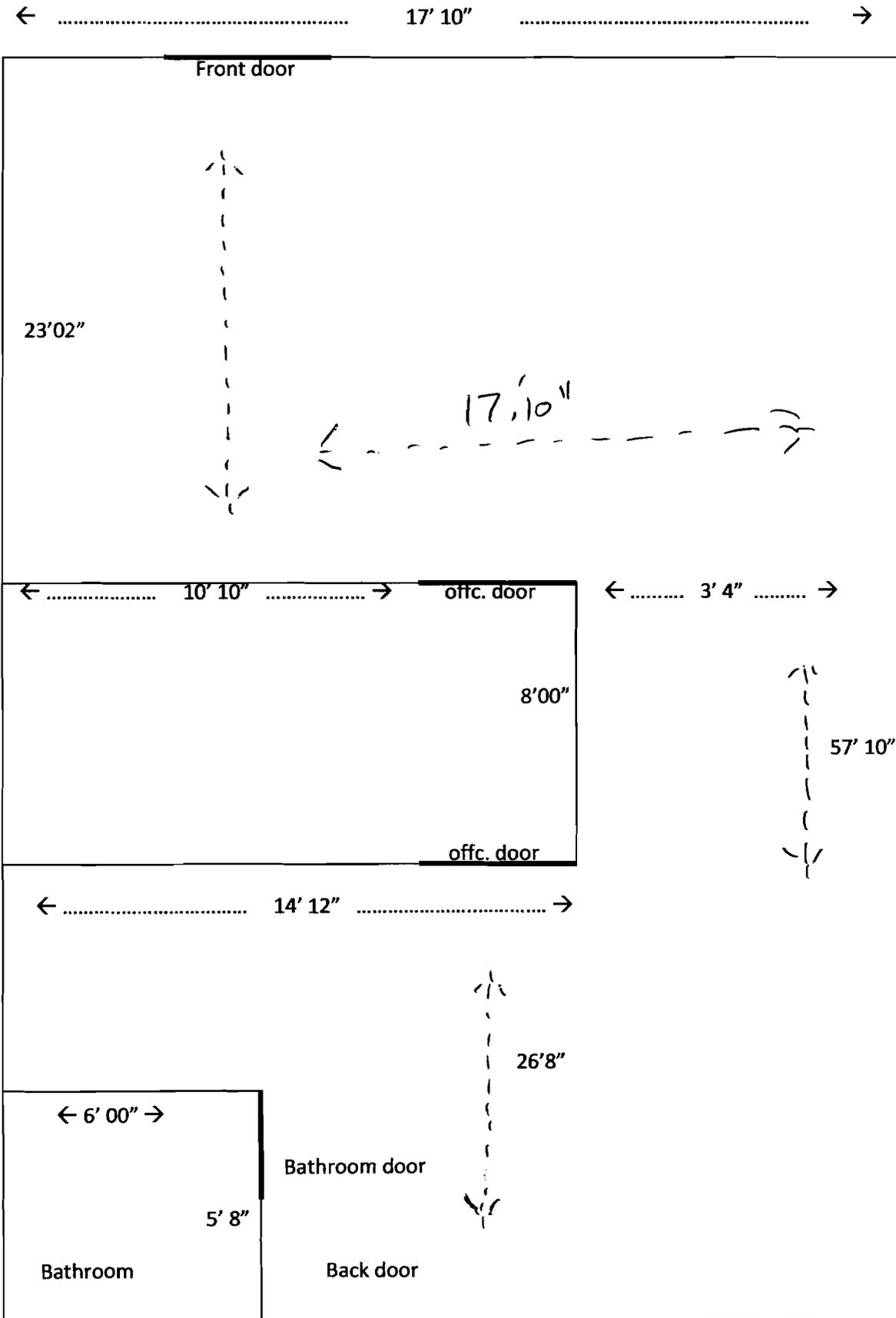
Sunday closed

BASELINE ROAD



Received  
5-4-10

**Gold Exchange**  
13 W. Baseline Rd, Tempe, AZ 85283





**GOLD EXCHANGE**

**13 WEST BASELINE ROAD**

**PL100117**

**FRONT OF BUSINESS**

