

Staff Summary Report



Hearing Officer Hearing Date: July 7, 2009

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by the **GOLD RUSH STORE (PL090216)** located at 814 North Scottsdale Road for one (1) use permit.

DOCUMENT NAME: 20090707dssa02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **THE GOLD RUSH STORE (PL090216)** (Kelly Carlucci, applicant; Juan Cruz, property owner) located at 814 North Scottsdale Road in the **GID, General Industrial District** for:

ZUP09094 Use permit to allow a gift shop, jewelry and second hand retail store.

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

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

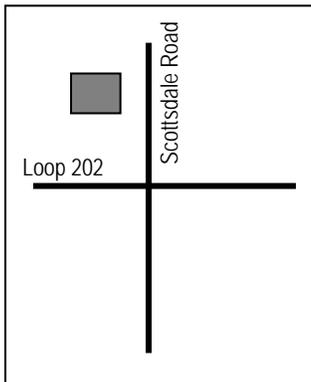
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The Gold Rush Store is requesting approval of a use permit to allow a retail store selling jewelry and gifts and purchasing secondhand jewelry from its customers. The proposed business will located at 814 North Scottsdale Road. The Zoning and Development Code requires commercial and retail uses located in the **GID, General Industrial District** to obtain a use permit. The proposed business will occupy a tenant space previously approved as a used automobile dealership. Staff is recommending approval of the request with conditions. To date, one anonymous call of opposition has been received regarding this request.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description
4. Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Floor Plan
5. Staff Photograph(s)

COMMENTS:

The Gold Rush Store is requesting approval of a use permit to allow a retail store selling jewelry and gifts and purchasing secondhand jewelry from its customers. The proposed business will be located at 814 North Scottsdale Road. The proposed hours of operation are Monday through Saturday from 10:00 a.m. to 6:00 p.m.. There will be three to six employees (depending on necessity) as well as a contracted security guard.

The site, where this business is to be located, is old and needs an upgrade. The applicant is proposing to upgrade the site over an 18-month time period. Staff is recommending approval of the phasing of the upgrades and will request date-specific conditions for the work to be completed.

To date, one letter supporting this request has been received and as per the writing of this report the applicant will be generating more petitions and letters in support.

Use Permit

The Zoning and Development Code requires a use permit for all retail use in the GID, General Industrial District. This use permit request meets all applicable tests in the following manner:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will 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;
 - No potential nuisances.
- c. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with the surrounding uses.

Conclusion

Staff supports the use permit as described in the letter of explanation. This use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. The proposed business is compatible with the building and the adjacent businesses and will occupy a tenant space previously approved for retail uses. The site has ample parking spaces available to accommodate this use.

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 to the public welfare in general.

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

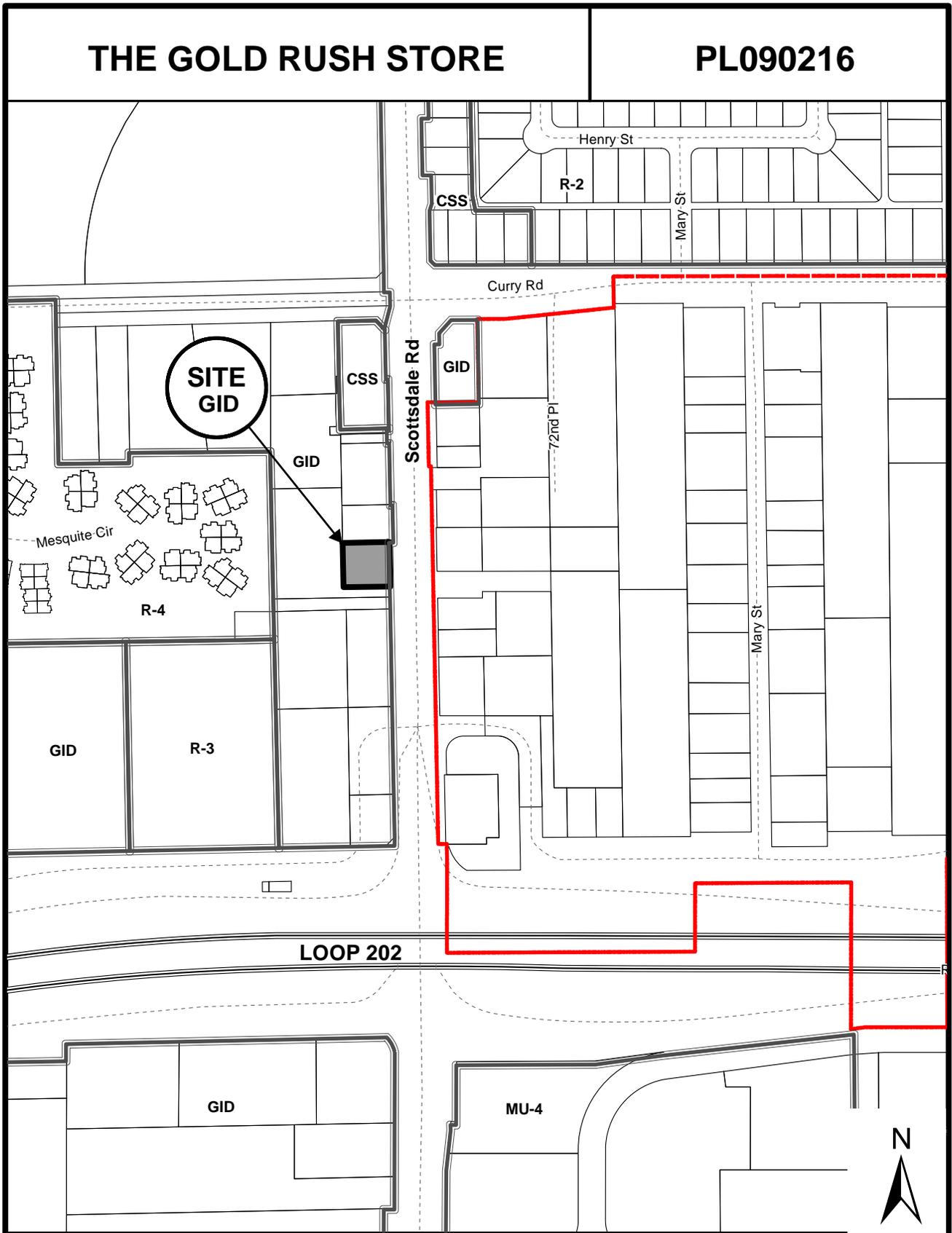
**CONDITION(S)
OF APPROVAL:**

1. The use permit is valid for The Gold Rush Store and may be transferable with approval from the Development Services staff. Should the business be sold, the new owners must contact the Development Services staff for review of the business operation.
2. Obtain all necessary clearances from the Building Safety Department for tenant improvement plans.
3. Any intensification or expansion of the use shall require the applicant to return to the Hearing Officer for further review.
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. Obtain a sales tax license from the City of Tempe Tax and License Division.
7. The use permit is valid for the plans as submitted within this application.
8. The applicant shall work with the Tempe Police Department to update the Security Plan for the business. Contact the Crime Prevention Department at 480.858.6027.

HISTORY & FACTS: None pertinent to this request.

DESCRIPTION: Owner – Juan Cruz
Applicant – Kelly Carlucci
Existing Zoning – GID, General Industrial 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.



Location Map



Scottsdale Rd

THE GOLD RUSH STORE (PL090216)

**The Gold Rush Store
814 N. Scottsdale Rd.
Tempe, AZ 85281**

Letter of Explanation:

To Whom It May Concern:

The Gold Rush Store is a jewelry & gift store directly north of Country Inn & Suites on the west side of Scottsdale Rd. The Gold Rush Store will be selling jewelry & gifts and purchasing secondhand jewelry from its customers. The store will be open Monday - Saturday and hours of operation are 10:00am-6:00pm. There will be approximately 3-6 employees (depending on necessity) as well as a contracted security guard. The parking lot is more than enough to accommodate our customer base and should not interfere with traffic in any way. The store will not cause any nuisance to the surrounding area. The Gold Rush Store will provide a safe and environmentally friendly shopping experience to its customers.

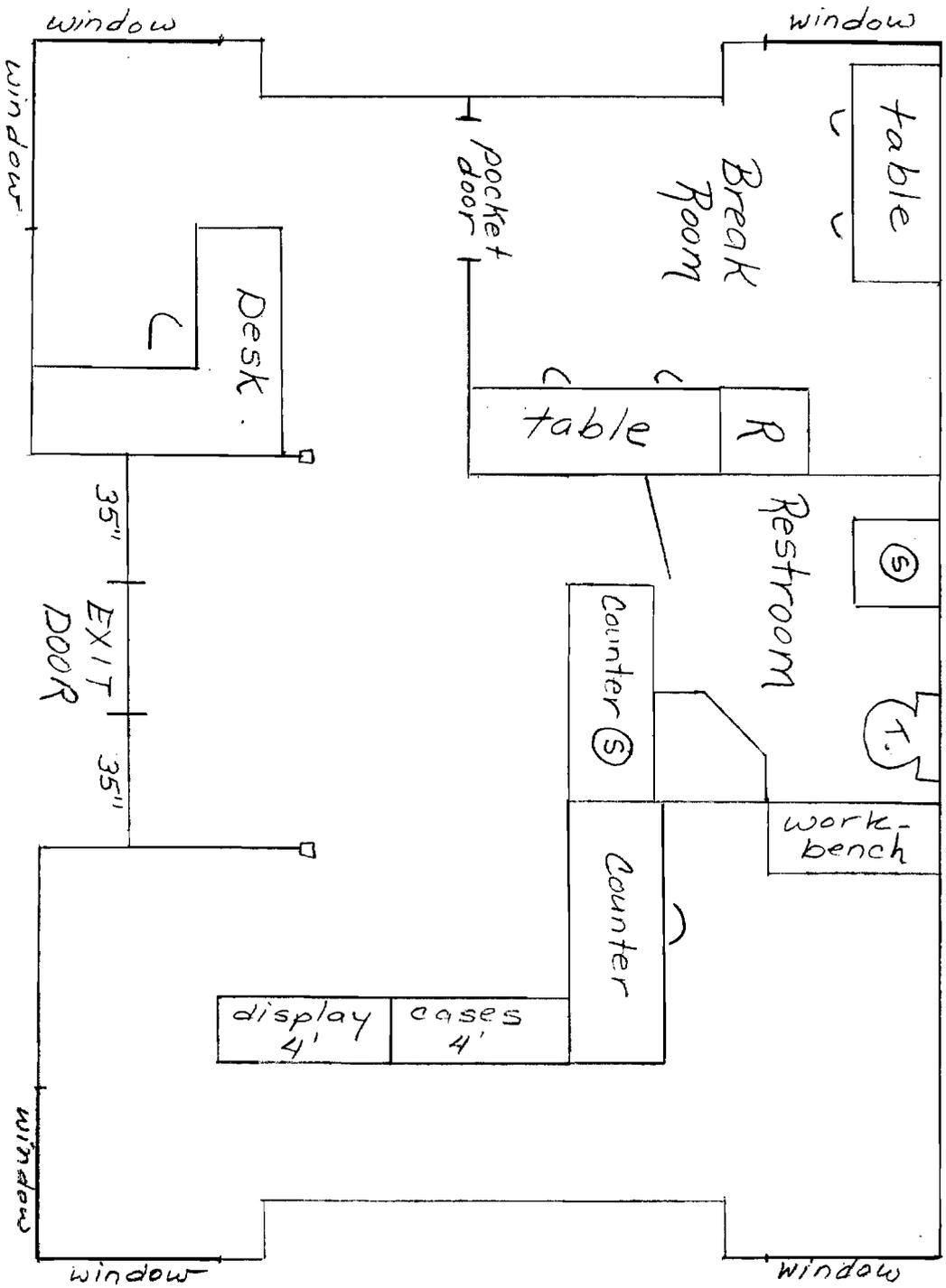
Sincerely,

**Thomas Gravelle
The Gold Rush Store**

BACK-(W)

key.
□ = 1'

(S)



FRONT-(E)

(N)



THE GOLD RUSH STORE

814 NORTH SCOTTSDALE ROAD

PL090216

FRONT OF BUSINESS

