

# Staff Summary Report



Hearing Officer Hearing Date: September 21, 2010

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for a request by **LAW ENFORCEMENT & GOVERNMENT SALES LLC** located at 1435 East University Drive, Suite No. C-104 for one (1) use permit.

**DOCUMENT NAME:** 20100921cdkko01 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **UNIVERSITY PLAZA – LAW ENFORCEMENT & GOVERNMENT SALES LLC (PL100259)** (David Ginsberg, applicant; University Plaza BPT LLC, property owner) located at 1435 East University Drive, Suite No. C-104 in the GID, General Industrial District for:

**ZUP10091** Use permit to allow the sale of firearms in the GID, General Industrial District.

**PREPARED BY:** Kevin O'Melia, Senior Planner (480-350-8432)

**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:**

	University Dr.		
Rural Road	Dorsey Ln.	■	McClintock Dr.
	Apache Blvd.		

The applicant is requesting approval of a use permit to operate a retail sales firearms and law enforcement equipment business in the General Industrial District.

Notification of the request was made by mail and the site has been posted. As of publication of this report, there has been two inquiries regarding the use permit request.

**PAGES:**

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

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site plan
5. Floor Plan
- 6-7. Staff Photographs

## COMMENTS:

The applicant is requesting approval of a use permit to allow the sale of firearms in the General Industrial District. Primary customers for this business will be law enforcement personnel and government agents. Services include weapons inspection and certification, sales of ammunition and security and surveillance equipment, mobile cleaning and armorer services including repair, assembly and testing of firearms. Retail sales of security systems to the public will be a part of the proposed business, however, general sales of firearms and ammunition to the public is not part of this business. The business will be located on the east side of University Plaza at 1435 East University Drive in Suite C-104. University Plaza is an attractive one story business development on the south side of University Drive. To the west of University Plaza is the Quality Inn motel. The east boundary of University Plaza—which is the side of the proposed business location—abuts a multi-family residential development. Law Enforcement and Government Sales LLC is a Federal Firearms License holder operation with daytime and weekday hours of business operation. The applicant has indicated there is no nighttime business activity.

Staff is recommending approval of the request with conditions. As of the publication of this report, there has been one call and one e-mail of inquiry from citizens regarding the use permit request. The inquiries did not indicate opposition to the use but expressed interest in learning more about the business. Staff referred the citizens to the websites for Law Enforcement and Government Sales and directly to the business representative.

## USE PERMIT

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

### Section 6-308 E 2. Approval Criteria for Use Permits

- a. *Any significant increase in vehicular or pedestrian traffic.* There will be no significant increase in vehicular or pedestrian traffic over that of any other retail business.
- b. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* Work done on premises including placement of lettering, striping and safety lighting equipment on police vehicles will be done indoors with doors closed by condition of approval in order to control noise. The layout of the premises includes a person door and a roll up warehouse door on the east elevation, facing the multi-family residential development.
- 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 addition of a retail sales firearms and police equipment business tenant, among other business tenants, is an enhancement to University Square. Business hours for Law Enforcement and Government Sales are in the daytime and equipment installation will be indoors.
- d. *Compatibility with existing surrounding structures and uses.* There is no conflict between this business and surrounding businesses. The proposed use will not decrease property values or otherwise contribute to neighborhood deterioration.
- e. *Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.* Business will be conducted on premises during daylight hours on weekdays—9am to 6pm on Monday through Friday. The proposed use requires creation of a security plan with the Tempe Police Department by condition of approval.

## Conclusion

Staff recommends approval of the use permit with conditions of approval that address potential concerns regarding public safety associated with the sale of firearms and ammunition.

**REASONS FOR APPROVAL:**

1. No apparent nuisance resulting from noise, smoke, odor, dust, vibration or glare.
2. The apparent hazards to persons or property from possible explosion are proposed for mitigation by conditions of approval.
3. Traffic generated by the use should not be excessive but would be normal for a daytime business operation. The business will not generate nighttime or weekend traffic.
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.**

**CONDITIONS OF APPROVAL:**

1. Repair existing screw-mount security light fixture directly over "C-104" rear person entrance door so covering is re-mounted on the fixture. Provide maximum 1,700 lumens from this fixture with an opal lens or replace the fixture with a full cut-off security light. In either case, comply with Part 4, Chapter 8 of the Zoning and Development Code.
2. Provide minimum 5.0 foot-candles of light at the base of the "C-104" rear person door sill and at center of sill of the "C-104" roll up door. Provide minimum 2.0 foot-candles of light at a 15 foot radius from the center of each door. Provide illumination continuous from dusk to dawn. Demonstrate that this illumination level is attained with existing full cut off metal halide fixtures on east elevation of building in addition to the fixture directly over the east person door. Repair existing metal halide light fixtures and if necessary, add a light fixture to this elevation to ensure minimum light levels. Provide house side shields if necessary to limit light trespass over east property line to multi-family residences beyond.
3. Place "C-104" identifier sign on exterior side of rear person door. Use vinyl dye cut characters or similar durable material. Provide characters of minimum 6" height that highly contrast with color of door.
4. Equip rear person door with two 360 degree exterior viewers along the vertical centerline of the door (one at 60" a.f.f. and one at 36" a.f.f. for disabled accessibility). Do not install a vision panel in this door.
5. Repair damaged corrugated metal canopy above "C-104" front entrance storefront on west elevation of building.
6. Absolutely no exterior storage of ordnance; equip doors including service doors with self-closing hardware and do not prop doors open at any time.
7. Do striping and equipment installations inside with doors closed to allay assembly-related noise to adjacent multi-family development.
8. Work out a Security Plan with the Tempe Police Department. Contact Bill Gallauer (Police Department / Licensing Specialist, 480-350-8749 or bill\_gallauer@tempe.gov) within 30 days of approval of use permit to initiate process. Failure to complete security plan within 90 days of approval of use permit will result in initiation of proceeding by the Code Compliance Section to suspend the use permit.
9. The use permit is valid for Law Enforcement and Government Sales, LLC and may be transferable to successors in interest through an administrative review with the Community Development Manager, or designee.
10. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
11. Any expansion or intensification of the use will require a new use permit.

**HISTORY & FACTS:** None pertinent to this case.

**DESCRIPTION:**

Owner – University Plaza BPT LLC (Cal Johnson)  
Applicant – Law Enforcement and Government Sales LLC (David Ginsberg)  
Existing Zoning – GID, General Industrial District

**ZONING AND  
DEVELOPMENT**

**CODE REFERENCE:**

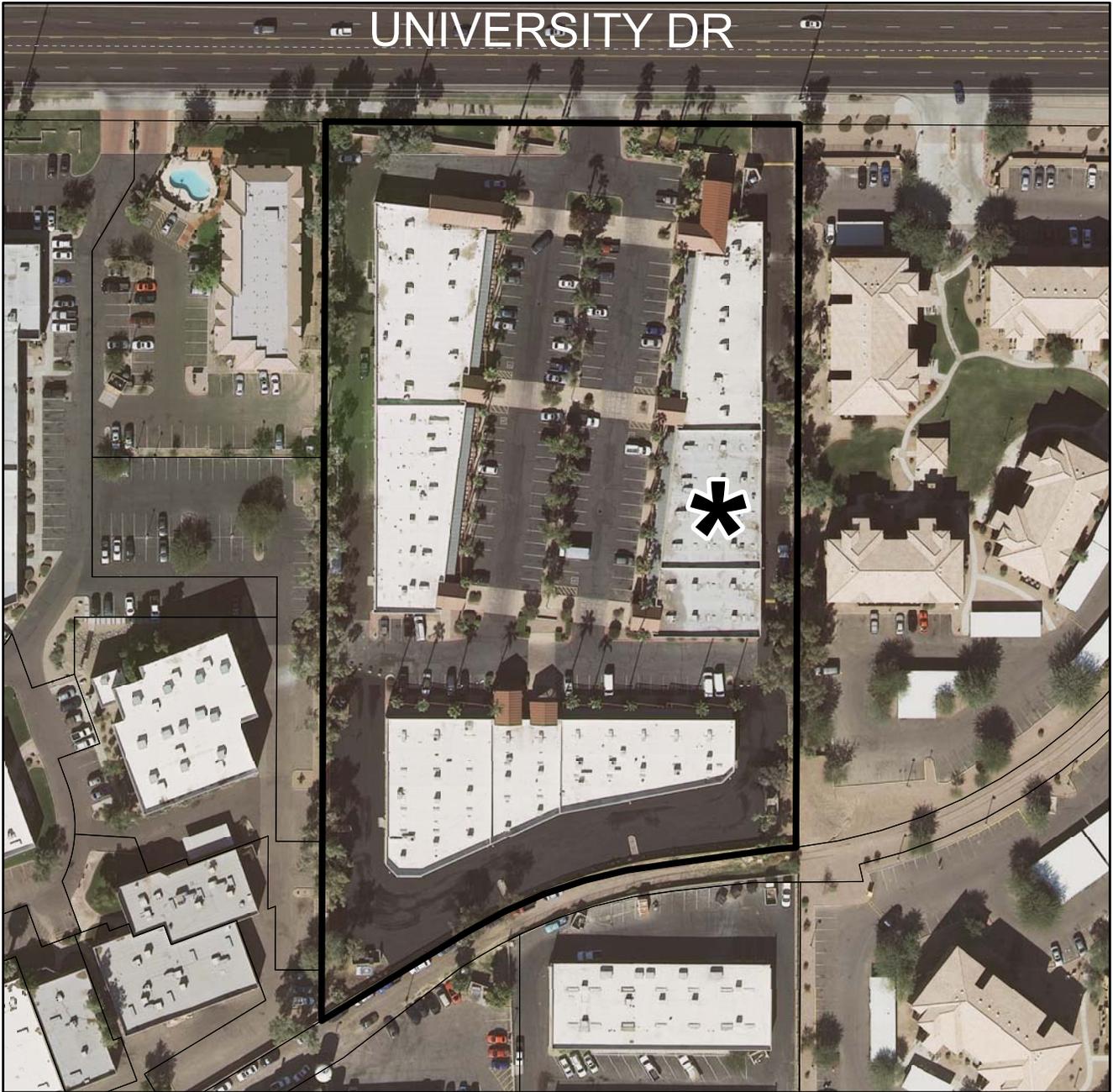
Part 3, Chapter 2, Section 3-302 – Permitted Uses in Office/Industrial Districts  
Part 6, Chapter 3, Section 6-308 – Use Permit

**UNIVERSITY PLAZA - LAW ENFORCEMENT  
& GOVERNMENT SALES LLC**

**PL100259**



**Location Map**



**UNIVERSITY PLAZA - LAW ENFORCEMENT & GOVERNMENT SALES LLC (PL100259)**



## Law Enforcement & Government Sales, LLC

City of Tempe  
Development Services Department  
31 E. 5<sup>th</sup> Street Garden Level  
Tempe, AZ 85281  
Attn: Planning

Hello,

We are a Federal Firearms License holder and it is our intention to operate a retail sales firearms and police equipment business at 1435 E. University Drive, Suite C-104 Tempe, AZ 85281.

Our primary customers will be Law Enforcement Personnel and Government Agents. We will be open for business normal business hours of 9am-6pm Mon-Fri. We will also be installing lettering, striping, and safety lighting -equipment on Public Safety Vehicles.

We are required by many companies and distributors to have a minimal retail presence so we are requesting a use permit so that we can operate the retail sales portion of our business.

If you have any questions or I may be of assistance to you in any manner please do not hesitate to contact me.

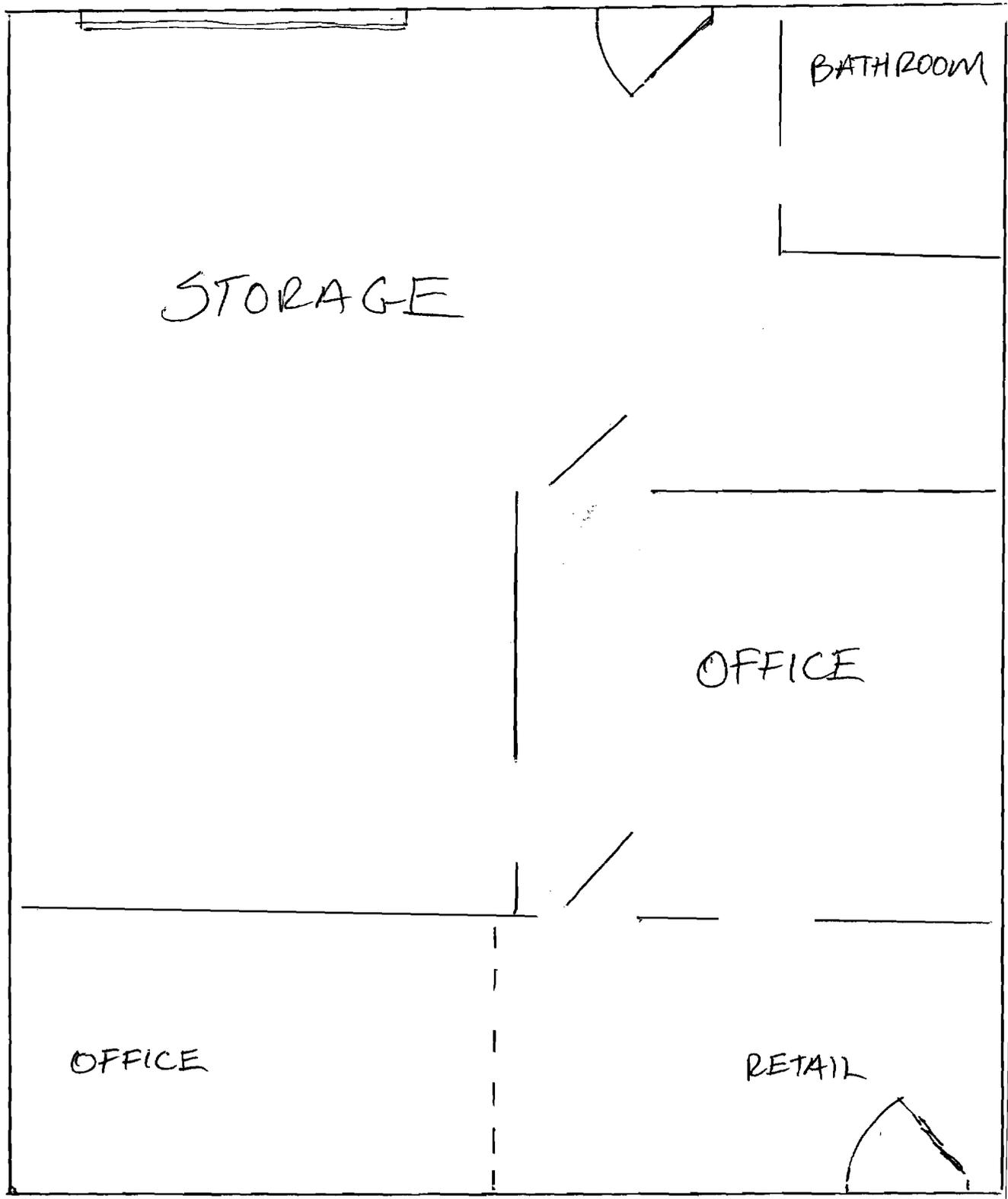
  
Thank You,  
David DiFabio, COO

1435 E. University Drive Suite C 104  
480-440-6971  
866-480-2963 Fax  
[info@le-govtsales.com](mailto:info@le-govtsales.com)  
[www.le-govtsales.com](http://www.le-govtsales.com)

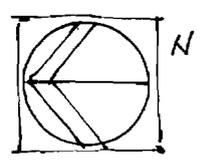
ATTACHMENT 3



Suite - C - 104 - FLOOR PLAN



1435 E. University Drive





**UNIVERSITY PLAZA – LAW ENFORCEMENT  
& GOVERNMENT SALES LLC**

**1435 E UNIVERSITY DR., SUITE NO. C-104**

**PL100259**

**FRONT OF BUSINESS**





**UNIVERSITY PLAZA – LAW ENFORCEMENT  
& GOVERNMENT SALES LLC**

**1435 E UNIVERSITY DR., SUITE NO. C-104**

**PL100259**

**REAR OF BUSINESS**

