

# Staff Summary Report



Hearing Officer Hearing Date: September 21, 2010

Agenda Item Number: 6

**SUBJECT:** This is a public hearing for a request by **SURPLUS MANAGEMENT AUCTIONS** located at 1030 East Baseline Road, Suite No. 126, for one (1) use permit.

**DOCUMENT NAME:** 20100921cdsl02 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **LAKE COUNTRY VILLAGE - SURPLUS MANAGEMENT AUCTIONS (PL100264)** (John DeGraaf, applicant; Lake Country Village Property Inc., property owner) located at 1030 East Baseline Road, Suite No. 126 in the PCC-2, Planned Commercial Center General District for:

**ZUP10094** Use permit to allow an auction house (resale products).

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

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

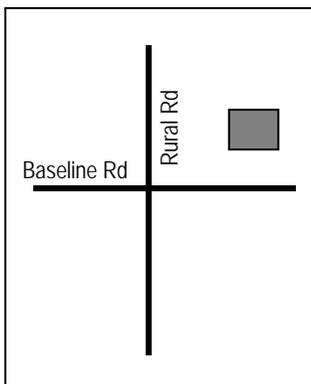
**LEGAL REVIEW BY:** N/A

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

**FISCAL NOTE:** N/A

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

**ADDITIONAL INFO:**



The applicant is requesting a use permit to allow an auction house, located at 1030 East Baseline Road in the PCC-1, Planned Commercial Center District. The proposed use is an auction house or resale retailer. Live auctions will occur on a weekly basis and online sales will occur weekly. The business will be open a few hours per week for public review. Staff supports approval of the use permit based on the criteria for approval of a use permit. To date, no public input has been received.

**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. Letter of Intent
4. Site plan
5. Floor plan
6. Staff Photograph(s)

## COMMENTS:

Sam Auctions is seeking a use permit to allow an auction house or a resale retailer. Their use will be located within a vacant tenant space within the Lake Country Village Shopping Center. They will hold one live auction per month and weekly internet sales. They will be open a few hours per week for customer "preview" of merchandise. They are not planning any upgrades to the vacant space. To date, no public input has been received.

### Use Permit

The Zoning and Development Code requires a use permit for resale retailers in the PCC-2, Planned Commercial General 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.

### 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 SAM Auction House 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 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.

**HISTORY & FACTS:**

None pertinent to this case.

**DESCRIPTION:**

Owner – Lake Country Village Property Inc.  
Applicant – John DeGraaf  
Existing Zoning – PCC-2, Planned Commercial Center General District

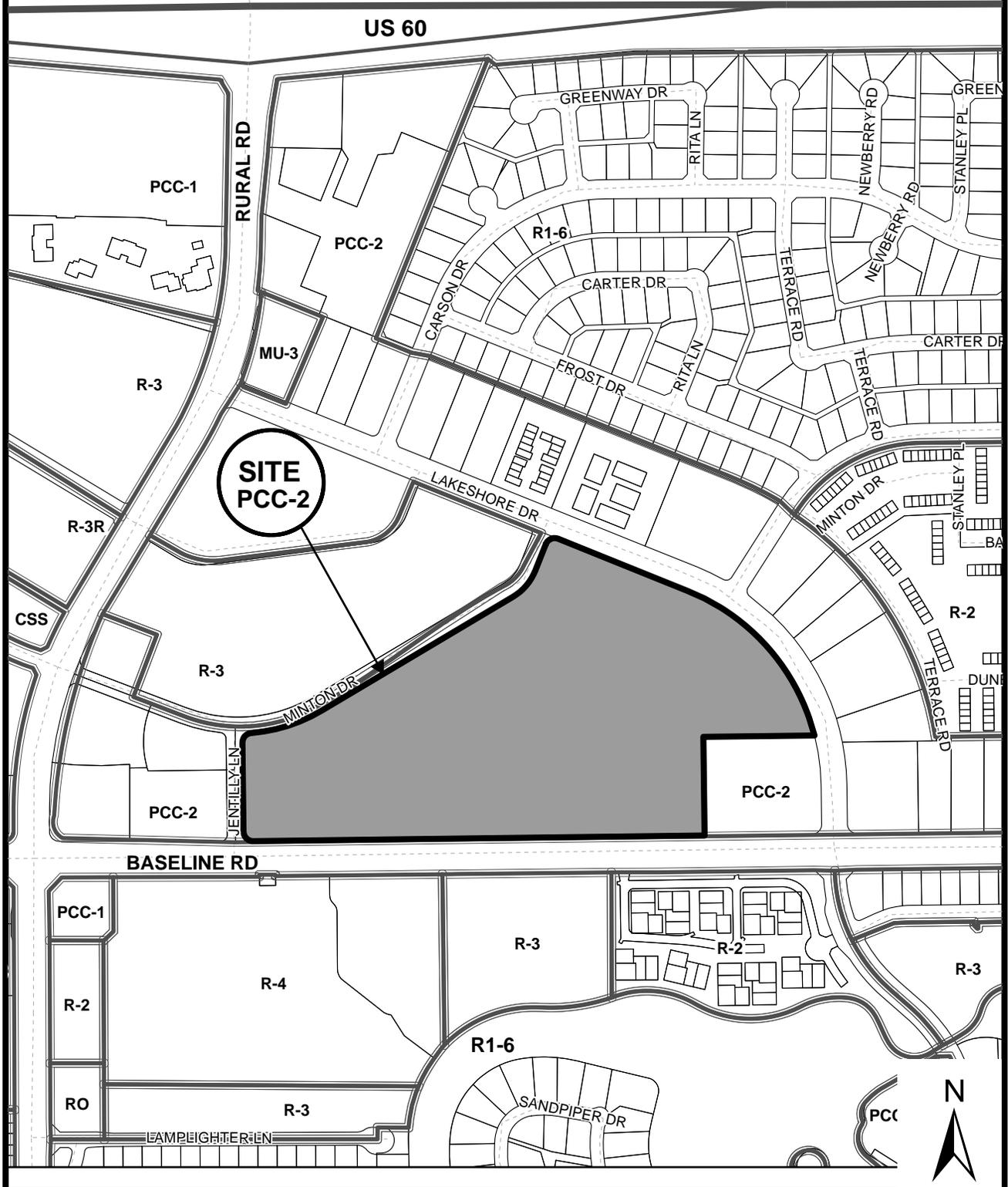
**ZONING AND  
DEVELOPMENT**

**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

**LAKE COUNTRY VILLAGE -  
SURPLUS MANAGEMENT AUCTIONS**

**PL100264**



**Location Map**



**LAKE COUNTRY VILLAGE - SURPLUS MANAGEMENT AUCTIONS (PL100264)**

Letter of Explanation

Surplus Asset Management is a wholesale and retail asset liquidation company for larger retailers, Manufacturers, Warehouses, Bankruptcy Trustees, Supermarkets, Municipalities and others. We offer several different methods of asset disposal that include: wholesale and complete inventory one bid sales, Live Auction sales and On-line computer Auction sales. We were the Auction house of choice for Bashas recent Chapter 11 liquidations, and currently conduct Auctions and online sales for Costco, Kroger, Bashas, Fry's and many others in the top ten.

This location will primarily be used for On-line Auctions and Live Auction sales or a combination of both. Live Auctions will be about once a month while Online Auctions will happen on a weekly basis depending on inventory.

The actual store hours will be limited to a few hours per week open to the public for "preview" of Auction items, while the majority of the time employees will be receiving, shipping, labeling and photographing inventory.

We will receive product from those listed above and accept consignments from other businesses and the general public as well.

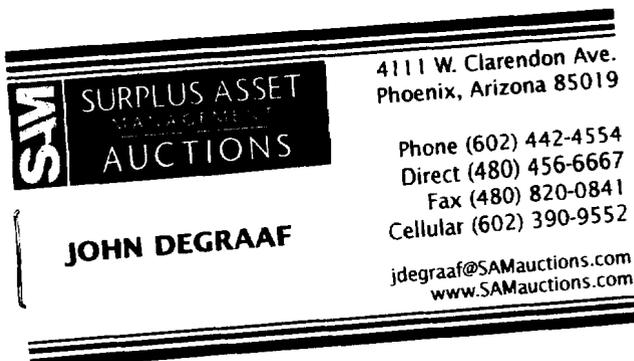
The interior of the building will remain as is as a shell with the existing offices and bathrooms as currently configured.

Why did we choose Tempe? We needed an East Valley presents and both the owner and I live in Tempe and looked for convenience. I am a member of the Tempe Diablos and wanted to see Tempe receive the benefits of our business from both employment and tax revenues instead of another city.



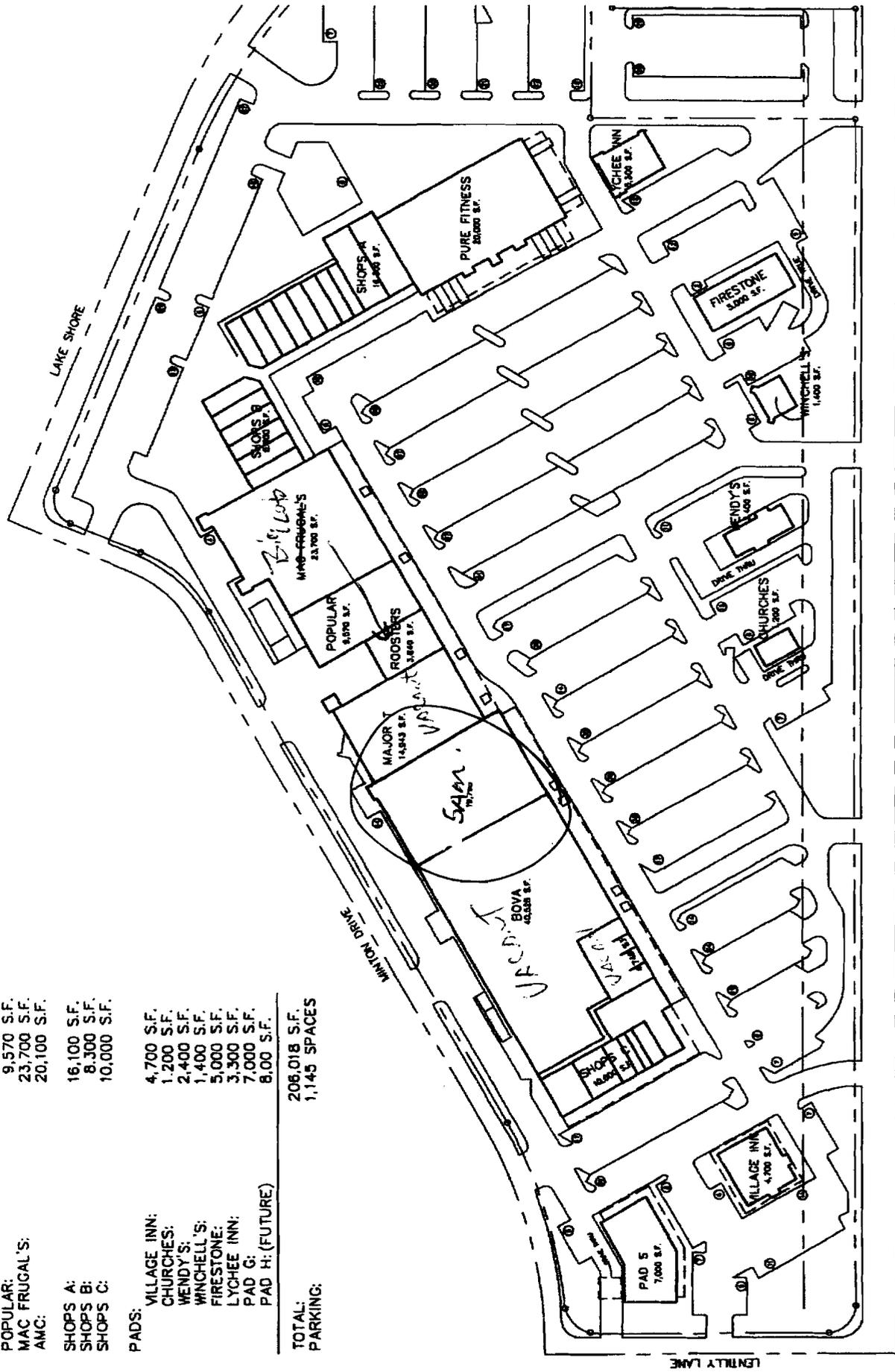
John DeGraaf  
SAM Auctions  
[www.SAMauctions.com](http://www.SAMauctions.com)  
[jdegraaf@SAMauctions.com](mailto:jdegraaf@SAMauctions.com)

**480-456-6667 direct**  
602-390-9552 cell



**SAM** SURPLUS ASSET MANAGEMENT AUCTIONS  
**JOHN DEGRAAF**  
4111 W. Clarendon Ave.  
Phoenix, Arizona 85019  
Phone (602) 442-4554  
Direct (480) 456-6667  
Fax (480) 820-0841  
Cellular (602) 390-9552  
[jdegraaf@SAMauctions.com](mailto:jdegraaf@SAMauctions.com)  
[www.SAMauctions.com](http://www.SAMauctions.com)

MAJOR A:	81,408 S.F.
ROOSTERS:	3,840 S.F.
POPULAR:	9,570 S.F.
MAC FRUGAL'S:	23,700 S.F.
AMC:	20,100 S.F.
SHOPS A:	16,100 S.F.
SHOPS B:	8,300 S.F.
SHOPS C:	10,000 S.F.
PADS:	
VILLAGE INN:	4,700 S.F.
CHURCHES:	1,200 S.F.
WENDY'S:	2,400 S.F.
WINCHELL'S:	1,400 S.F.
FIRESTONE:	5,000 S.F.
LYCHEE INN:	3,500 S.F.
PAD G:	7,000 S.F.
PAD H: (FUTURE)	8,000 S.F.
TOTAL:	206,018 S.F.
PARKING:	1,145 SPACES



PRELIMINARY SITE PLAN  
SCALE: 1" = 1'-0"

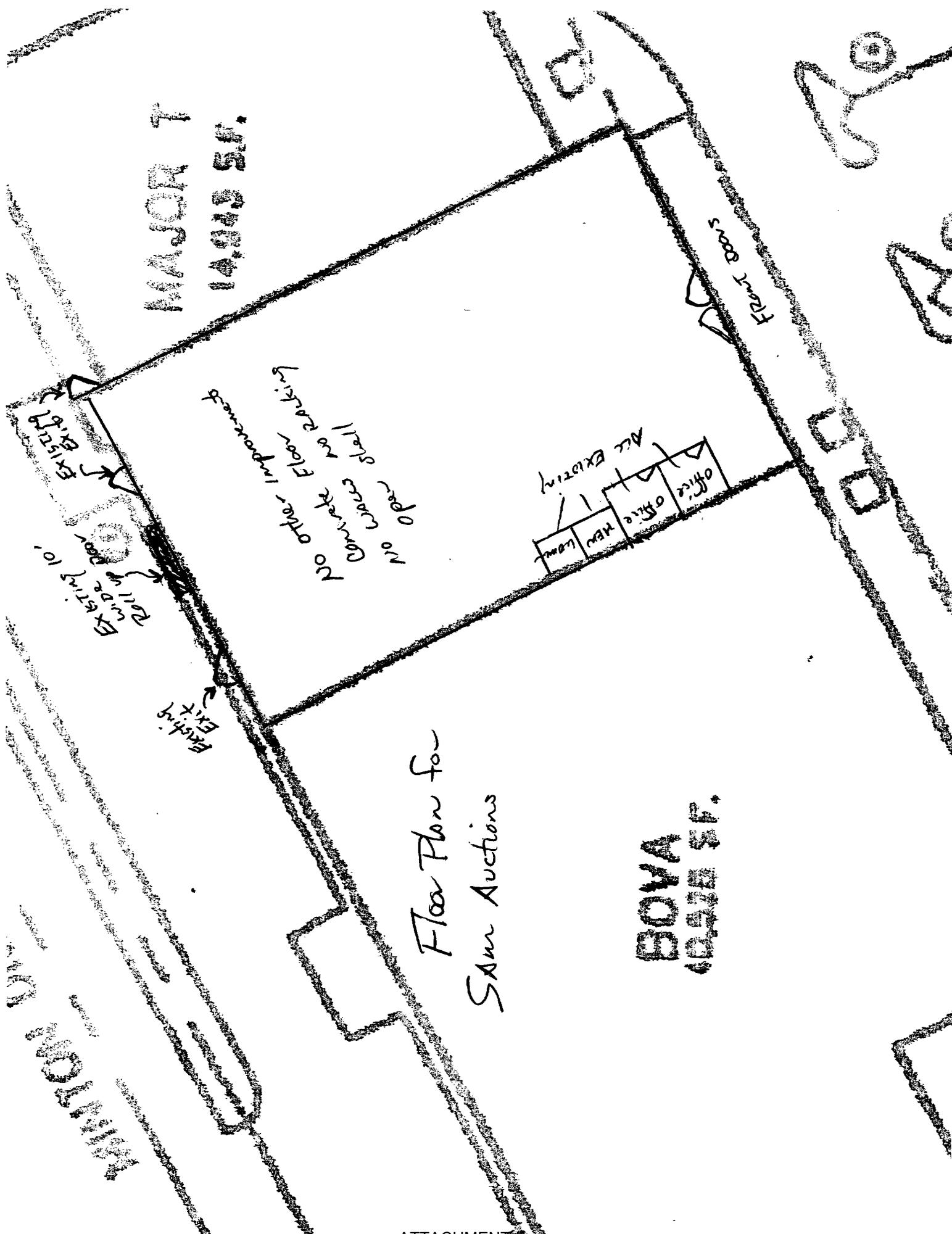
0 60 120

north

7-3-97

LAKE COUNTY VILLAGE  
NEC BASELINE ROAD & RURAL ROAD  
TEMPE, ARIZONA

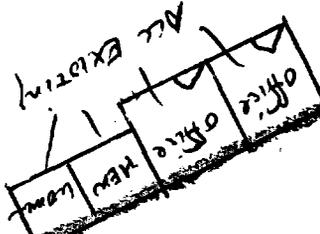
THIS IS THE PLUMBING



MAJOR T  
149th St.

Front Seams

No other improvements  
Concrete floor parking  
No cars No stall



Floor Plan for  
Sam Auctions

BOVA  
182nd St.



# **LAKE COUNTRY VILLAGE – SURPLUS MANAGEMENT AUCTIONS**

**1030 EAST BASELINE ROAD, SUITE NO. 126**

**PL100264**

**FRONT OF BUSINESS**

