

Staff Summary Report



Hearing Officer Hearing Date: July 6, 2010

Agenda Item Number: 8

SUBJECT: This is a public hearing for a request by **ARIZONA #1 GOLD BUYERS** located at 2105 South Rural Road for one (1) use permit.

DOCUMENT NAME: 20100706dsng02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **BROADWAY MARKETPLACE – ARIZONA #1 GOLD BUYERS (PL100172)** (Roman Babayev, applicant; Weingarten Nostat Inc., property owner) located at 2105 South Rural Road in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP10064 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) *SEA*

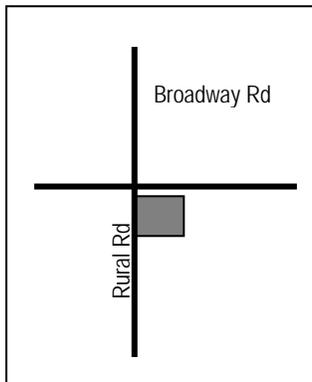
LEGAL REVIEW BY: N/A

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 southeast of the intersection of Broadway Road and Rural Road at 2105 South Rural Road in the PCC-1, Planned Commercial Center Neighborhood District. According to the applicant's letter of intent, the business is a jewelry store that buys gold and silver and sells white gold, yellow gold, platinum and silver jewelry purchased brand new from companies. 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/Description
4. 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 southeast of the intersection of Broadway Road and Rural Road at 2105 South Rural Road in the PCC-1, Planned Commercial Center Neighborhood District. According to the applicant's letter of intent, the business is a jewelry store that buys gold and silver and sells white gold, yellow gold, platinum and silver jewelry purchased brand new from companies. The hours of operation will be from 10 a.m. to 6 p.m. Sunday through Thursday, and 10 a.m. to 5 p.m. on Fridays. There will be two people working at the store. 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 PCC-1, Planned Commercial Center Neighborhood 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 Arizona #1 Gold Buyers 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 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. Contact the Crime Prevention Department at 480-858-6330.
8. Replace missing landscaping in front of tenant space with another dwarf cultivar of natal plum.

HISTORY & FACTS:

- September 2, 1966 Certificate of Occupancy issued for 1 of 4 retail sales units.
- September 25, 2002 BA020216 – The Board of Adjustment approved the request by Broadway Marketplace – U-Save Auto Rental for a use permit to allow car rentals (involving the storage of a maximum of fifteen (15) cars on site) located at 937 E Broadway Rd.
- September 15, 2009 ZUP09124 – The Hearing Officer approved the request by Goodwill Donation Express Center located at 937 E Broadway Rd

DESCRIPTION:

Owner – Weingarten Nostat Inc.
Applicant – Roman Babayev
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Parcel Size – 324,827 s.f. / 7.457 acres
Building Area – 88,287 s.f.
Tenant Area – 896 s.f.
Parking Required – 3 spaces
Parking Provided – 451 spaces

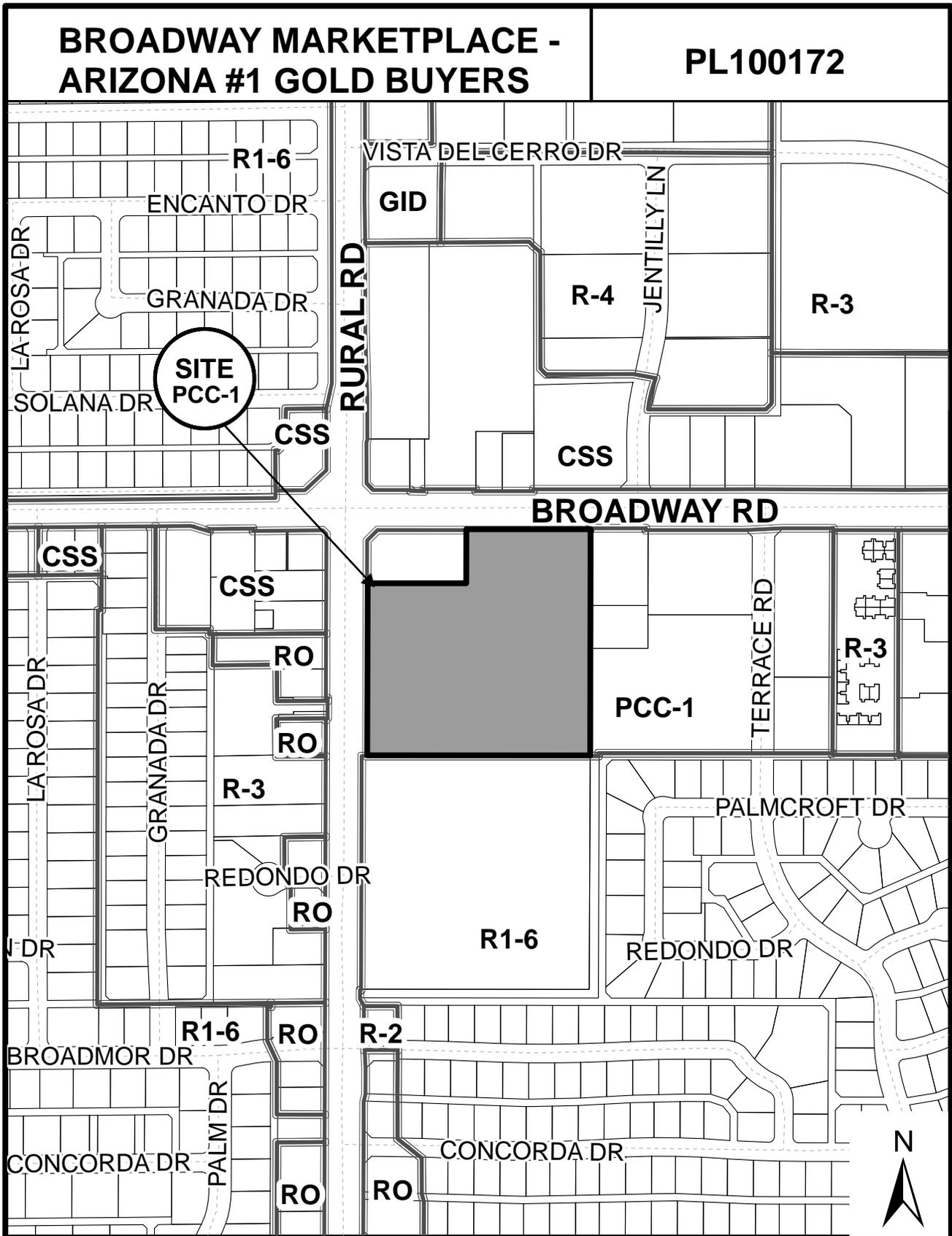
**ZONING AND
DEVELOPMENT**

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



BROADWAY MARKETPLACE - ARIZONA #1 GOLD BUYERS (PL100172)

Graves, Nick

From: Mikhail Burminskiy [mburminskiy@yahoo.com]
Sent: Friday, June 25, 2010 8:05 AM
To: Graves, Nick
Subject: Letter of Explanation from AZ #1 Gold Buyers

Dear Mr. Graves,

The store will carry white gold, yellow gold, platinum and silver jewelry. All jewelry will be brand new purchased from companies.

We will be purchasing gold & silver as well, but they will go to refinery.

Store will be open 10:00 am to 6:00pm Sunday to Thursday. Friday we will be open 10:00 am to 5:00 pm.

There will be two people working at the store, myself, Roman Babayev, and 1 employee.

We will make sure to replace the bush by next week.

If you have any further questions please feel free to call me at 480-464-0000

Thank you,
Roman Babayev

Hi Mr. Babayev,

I just wanted to remind you that in order to still continue forward with your request I will need a letter of explanation basically explaining your business proposal and intent on obtaining a use permit (i.e. hours of operation, will you resell jewelry on site, what kind of items do you buy, is it gold only or other types of jewelry as well, what is done with the jewelry after purchase, are they taken to a refinery, refined on site, how many employees will you have working there at any given time..etc.) Any other information you would be able to provide would be greatly appreciated.

Also I will be including a condition of approval as mentioned earlier to replace missing landscaping in front of tenant space with another dwarf cultivar of natal plum. All other conditions of approval are standard for this type of use permit request.

If you have any questions or concerns please feel free to let me know.

Thank you,

Nick Graves

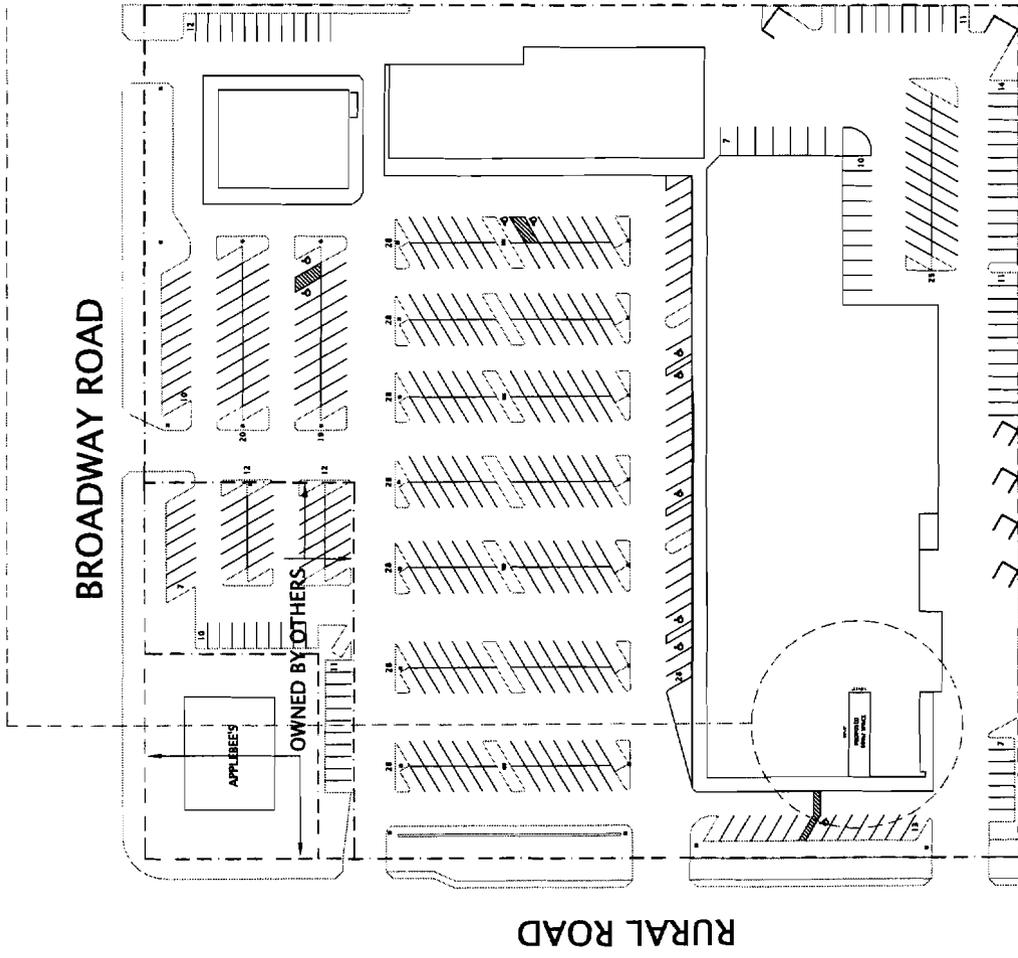
City of Tempe | Planning Intern
480.350.8690

06/25/2010

ATTACHMENT 3

BROADWAY MARKETPLACE

Broadway Road & Rural Road
Tempe, Arizona 85282



60'-0"

14'-11"
**PROPOSED
896sf SPACE**

Note: All measurements to be field verified and square footage shall be subject to modifications based on actual measurements.

WEINGARTEN REALTY
PHOENIX OFFICE
(602) 263 1166 TOLL FREE (800) 600 0886
CORPORATE OFFICE (713) 866 6000
www.weingarten.com

Scale: NO SCALE
Rev.: 06-09-2010

0167

Land Area: 325,532 sf./ 7.47 Acres
Building Area: 82,756 sf.
Parking: 381 Spaces @ 4.60 /1000sf.

This site plan is presented solely for the purpose of describing the approximate location and use of the building. It is not intended to be used for building permits, zoning, or other regulatory purposes. All dimensions, setbacks, and other information are subject to change without notice and are intended for use as a reference only. Unit numbers as indicated are not necessarily the actual unit numbers and are intended for use as a reference only.

60'-0"

14'-11"



Scale: 3/16" = 1'



BROADWAY MARKETPLACE – ARIZONA #1 GOLD BUYERS

2105 SOUTH RURAL ROAD

PL100172

FRONT OF BUSINESS

