

Staff Summary Report



Hearing Officer Hearing Date: 12/07/10

Agenda Item Number: 2

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: 20101207cdng01 **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 pawn shop at an existing gold buyer establishment.

PREPARED BY: Nick Graves, Planner (480-350-8690)

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

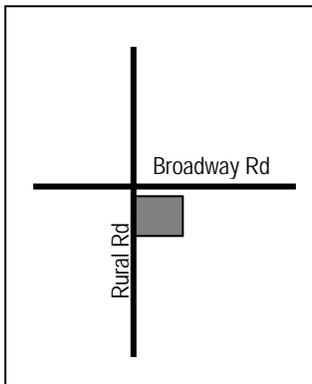
LEGAL REVIEW BY: N/A

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

FISCAL NOTE: There is no fiscal impact on City funds.

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO: The applicant is requesting approval of a use permit to allow a pawn shop at an existing gold buyer establishment. The existing business is 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 proposed additional use of the business will be to buy precious metals and electronics and to sell jewelry and electronics. Staff is recommending approval of the request with conditions. To date, staff has received one (1) phone call of opposition regarding this request.



PAGES:

1. List of Attachments
2. Comments
3. Reasons for Approval; 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 pawn shop at an existing gold buyer establishment. 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 proposed additional use of the business will be to buy precious metals and electronics and to sell jewelry and electronics. There will be no display or sales of firearms, knives, or other weapons of any kind. The hours of operation are currently from 9:30 a.m. to 6 p.m. Sunday through Thursday, and 9:30 a.m. to 4 p.m. on Fridays. Staff is recommending approval of the request with conditions.

To date, staff has received one (1) phone call of opposition regarding this request. The neighbor in opposition had concerns with the management of the business, stating that if the business can not comply with rules regarding signage (see History & Facts), how are they to follow any rules and regulations regarding a pawn shop.

Use Permit

The Zoning and Development Code requires a pawn shop 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 an update to the existing security plan with the Tempe Police Department.

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 update the Security Plan for the business. Please contact Officer Dan Brown at 480-858-6330.

HISTORY & FACTS:

- | | |
|--------------------|---|
| September 2, 1966 | Certificate of Occupancy issued for 1 of 4 retail sales units. |
| September 25, 2002 | <u>BA020216</u> – 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 | <u>ZUP09124</u> – The Hearing Officer approved the request by Goodwill Donation Express Center for a use permit to allow a donation center located at 937 E Broadway Rd. |
| July 6, 2010 | <u>ZUP10064</u> – The Hearing Officer approved the request by Broadway Marketplace – Arizona #1 Gold Buyers for a use permit to allow a resale retailer (precious metal buyer) located at 2105 S Rural Rd. |
| July 20, 2010 | <u>CM100591</u> – Complaint reported to the City of Tempe Code Compliance Division regarding illegal signs and flags; still pending. |

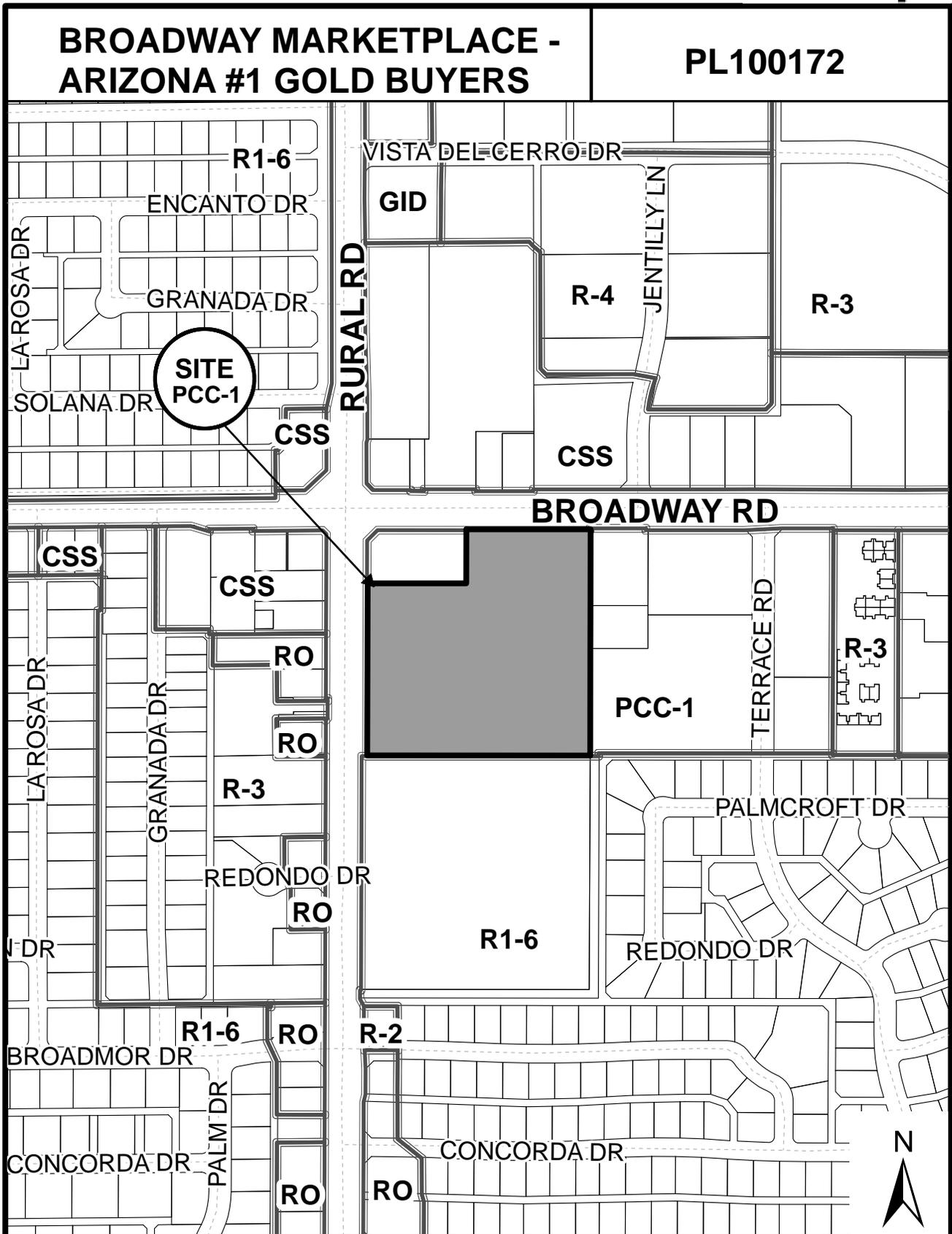
DESCRIPTION:

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: Thursday, November 11, 2010 8:03 PM
To: Graves, Nick
Subject: AZ # 1 Gold Buyers

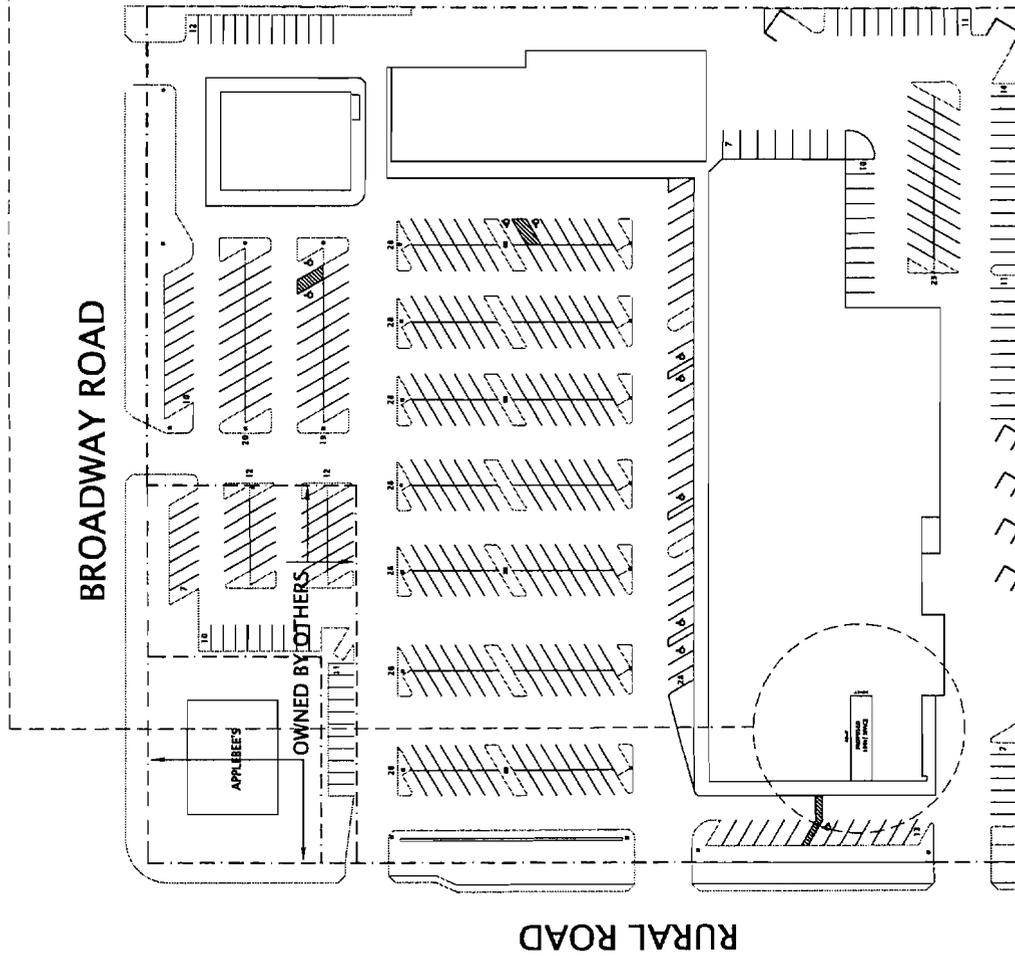
To whom it may concern,

AZ # 1 Gold Buyers buys precious metals and electronics, and sells jewelry,electronics. We currently hold a secondhand dealer license, in addition to this we would like to offer pawn shop service's, excluding display or sales of firearms, knives or other weapons of any kind, to ensure that our business is of family oriented nature. Operating hours will be the same, from 9:30 am to 6:00 pm Sunday to Thursday, and 9:30 am to 4:00 pm on Friday.

Thank you.

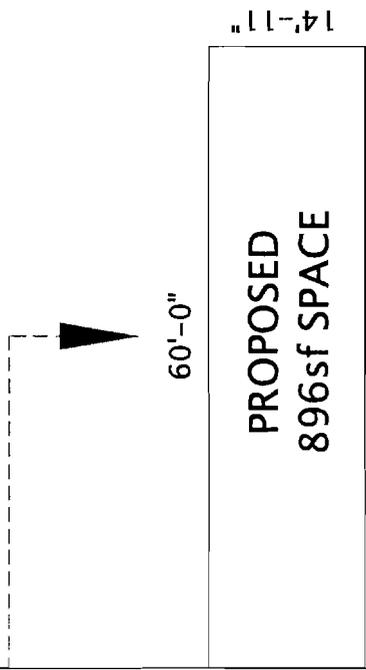
BROADWAY MARKETPLACE

Broadway Road & Rural Road
 Tempe, Arizona 85282



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

This site plan is prepared solely for the purpose of providing the information to you and does not constitute a contract. The building footprint, building area, building area, and parking area are subject to change without notice and at the owner's discretion. Lot numbers as indicated are not necessarily the actual lot numbers and are intended for use as a reference only.



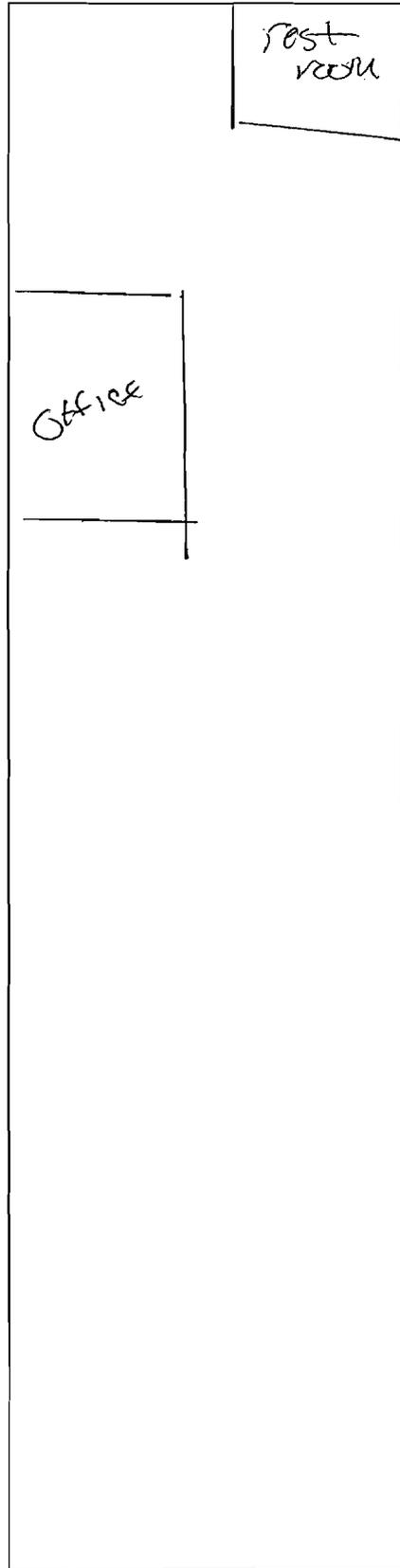
Note: All measurements to be field verified and square footage shall be subject to modifications based on actual measurements.

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

60'-0"



14'-11"

Scale: 3/16" = 1'



BROADWAY MARKET PLACE – ARIZONA #1 GOLD BUYERS

2105 SOUTH RURAL ROAD

PL100172

FRONT OF BUSINESS

