

Staff Summary Report



Hearing Officer Hearing Date: 9/06/11

Agenda Item Number: 10

SUBJECT: This is a public hearing for a request by **APACHE PAWN OF MESA INC.** located at 2155 East University Drive, Suite No. 107 for one (1) use permit.

DOCUMENT NAME: 20110906cdsl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **OMNI CENTER - APACHE PAWN OF MESA INC. (PL110300)** (Walter Cheeseman, applicant; Mr. Kim Commons, property owner) located at 2155 East University Drive, Suite No. 107, in the CSS, Commercial Shopping and Services District for:

ZUP11078 Use permit to allow a pawn shop.

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

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

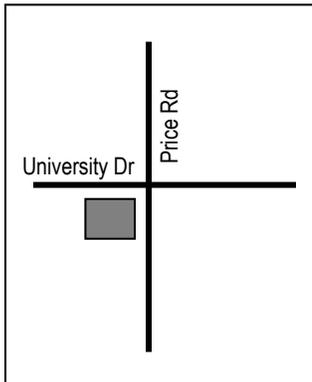
LEGAL REVIEW BY: N/A

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

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

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

ADDITIONAL INFO:



The applicant is requesting approval of a use permit to allow a pawn shop within the Omni Center. Pawn Shops are uses allowed in the CSS District subject to a use permit. Staff recommends approval of this use permit based on the criteria to warrant support of use permit. To date, no public input has been received regarding this request.

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

COMMENTS:

The applicant is requesting approval of a use permit to allow a pawn shop. The proposed business will be located southwest of the intersection of University Drive and Price Road in the CSS, Commercial Shopping and Services. According to the applicant's letter of intent, the proposed use buys, sells, trades and makes secured loans on merchandise. They anticipate serving 20-30 customers per day. The hours of operation are currently from 9:30 a.m. to 6 p.m. Monday through Friday, and 10-6 Saturdays, closed Sundays. 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 pawn shop to obtain a use permit in the CSS- Commercial Shopping and Services 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 a security plan with the Tempe Police Department.

Conclusion

Staff recommends approval of the use permit.

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 Apache Pawn 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 Dean Miller at 480-350-8435.
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 the Security Plan for the business. Please contact Bill Gallauer 480-350-8749.

HISTORY & FACTS:

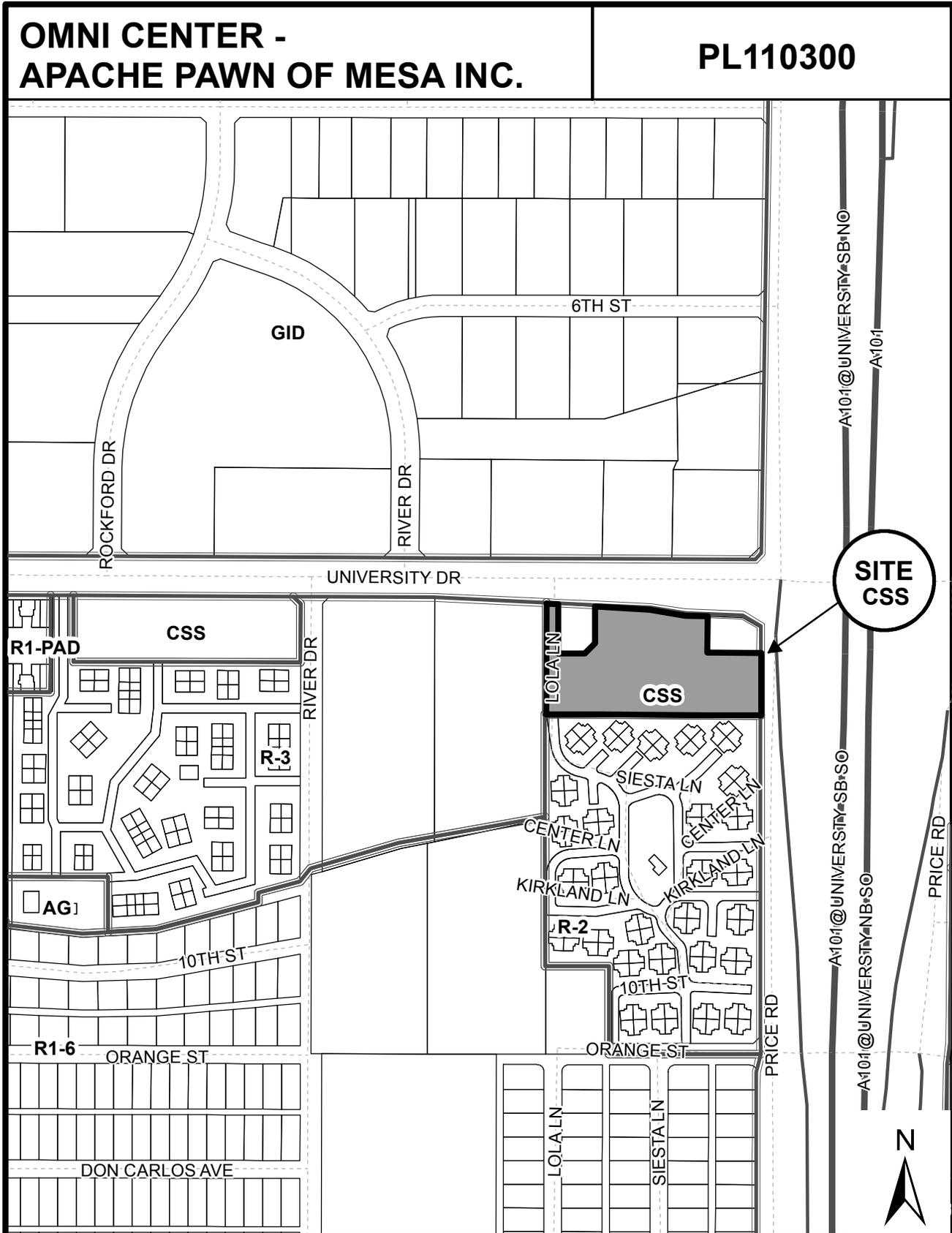
None pertinent to this case

DESCRIPTION:

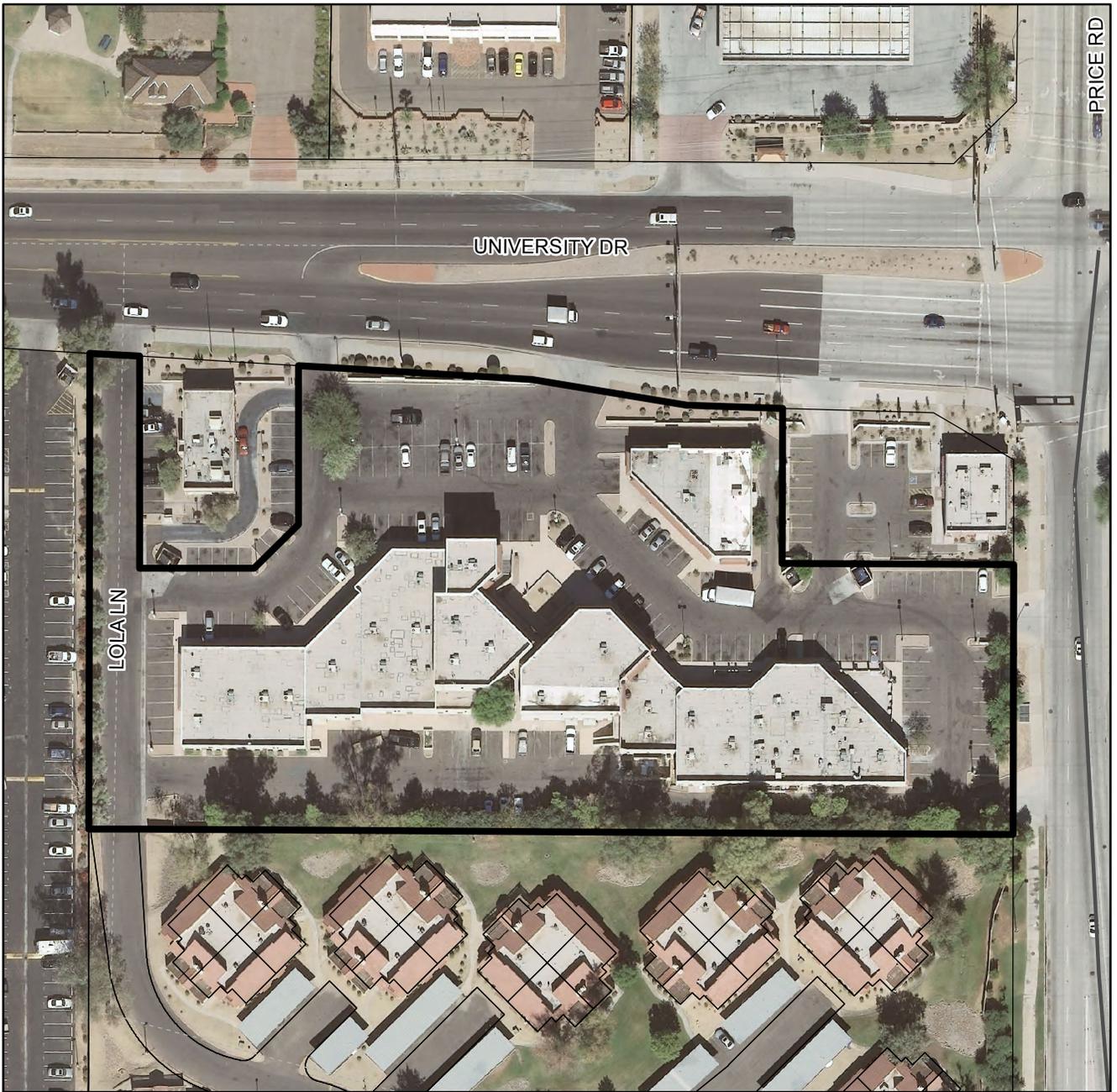
Owner – Mr. Kim Commons
Applicant – Mr. Walter Cheeseman
Existing Zoning – CSS, Commercial Shopping & Services District

**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
Part 6, Chapter 3, Section 6-313 – Security Plan



Location Map



OMNI CENTER - APACHE PAWN OF MESA INC. (PL110300)

**APACHE PAWN**

2655 W Guadalupe Rd Suite 30
Mesa, AZ 85202

(480) 839 8084- Business

(602) 570 9345- Cell Phone

August 7, 2011
City of Tempe
Development Service
31 East 5th St.
Tempe, AZ 85280-5002

To Whom it May Concern,

Apache Pawn of Mesa Inc. has been in business for over twenty years and is considered to be a model business in the aforementioned city. We also hold licenses in Pinal County for A-Nice Pawn, and Florence Trading Post and Pawn, under the Good Guys lending Group. We are fully licensed and insured in every aspect of our dealings with customers. We are in good standing with all of our various licenses (city, county, state, and federal) and have maintained this for the entirety of our dealings in the pawn business. We employ a knowledgeable and courteous staff who are well versed in the various laws and regulations that govern our business. We currently employ seven people at our Mesa location. Our hours of operation are Monday through Friday 9AM until 6:30PM, Saturday 10AM until 6PM, and we are closed on Sundays. We have anywhere from 20 to 30 customers daily, this translates to 2 to 3 customers on average, per hour. They conduct their standard business and are usually in-and-out of our store in fifteen minutes or less. There is plenty of parking on the premise. The amount of vehicular or pedestrian traffic generated by our business will have no adverse on the layout and will not present any significant changes to the existing road patterns in place. We would not be the cause of any type of odors, gas, noise, vibrations, smoke, heat, glare, or any other disruptive behavior or nuisance to the surrounding area or the general public near our location. We are a viable part of today's service related business. We buy, sell, trade, and make secured loans for our clientele. There are no credit ramifications to our customers and 80 percent of them redeem their merchandise within the terms of the loan. We have a long term customer base from the east valley to the Tempe area. We are seeking to move our existing store from Mesa to Tempe to the Omni Center, 2155-61 Suite 107, East University Drive, Tempe AZ 85281, a well established center owned by Kim Commons. Our store is a well organized, clean, safe, and modern working environment. Our objective is to operate at the highest standards and to be a community asset in Tempe, just as we have been in Mesa for over 20 years. Our customers and some of our employees reside in the community in which we operate. This instills a sense of community pride and obligation, in our minds. Our owners are respected in the industry and have worked with many city governments over the years in positive ways on issues regarding our industry and have made great strides towards better business practices because of it. We would, in no sense, be in conflict of any city policies or objectives by moving our location to Tempe. We would consider ourselves more of an asset to the city of Tempe in the fact that we run our business to the highest of standards and have a true sense of community obligation and pride. We look forward to many years working hard in the Tempe community.

Thank You for Your Consideration,

Walter Cheeseman

Omni Center Site Plan
2155-2161 E. University Drive, Tempe

