

Staff Summary Report



Hearing Officer Hearing Date: August 17, 2010

Agenda Item Number: 5

SUBJECT: This is a public hearing for a request by the **GOLD EXCHANGE** located at the Arizona Mills Mall, 5000 South Arizona Mills Circle for one (1) use permit.

DOCUMENT NAME: 20100817dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **ARIZONA MILLS MALL – GOLD EXCHANGE (PL100227)** (Justin Ballard/Gold Exchange Stores; Arizona Mills LLC, property owner) located at 5000 South Arizona Mills Circle in the RCC, Regional Commercial Center District for:

ZUP10075 Use permit to allow a resale retailer (precious metal buyer).

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

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

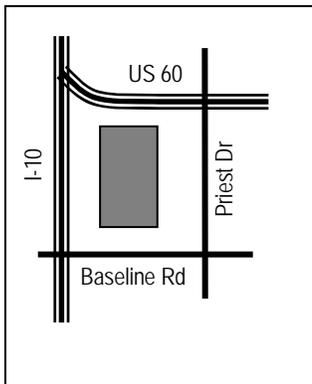
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: 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 inside Arizona Mills Mall at the northwest corner of the intersection of Priest Drive and Baseline Road at 5000 South Arizona Mills Circle in the RCC, Regional Commercial Center District. According to the applicant's letter of intent, the business will be operating a kiosk at the Arizona Mills Mall and will conduct business by purchasing precious metals. 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; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. LH Elevation
6. Cash Wrap
7. End View
8. Counter Top Views
9. Reflected Ceiling Plan
10. Sign Detail

COMMENTS:

The applicant is requesting approval of a use permit to allow a resale retailer (precious metal buyer). The proposed business will be located inside Arizona Mills Mall at the northwest corner of the intersection of Priest Drive and Baseline Road at 5000 South Arizona Mills Circle in the RCC, Regional Commercial Center District. According to the applicant's letter of intent, the business will be operating a kiosk at the Arizona Mills Mall and will conduct business by purchasing precious metals from customers over the age of 18 with proper identification for cash. Staff notes that the items will be held for a period of time before they are sent to a refinery in Pennsylvania. The hours of operation will be during normal mall hours from 10 a.m. to 9 p.m. Monday through Saturday, and 11 a.m. to 6 p.m. on Sundays. There will be three (3) part-time employees.

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 RCC, Regional Commercial 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.

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.

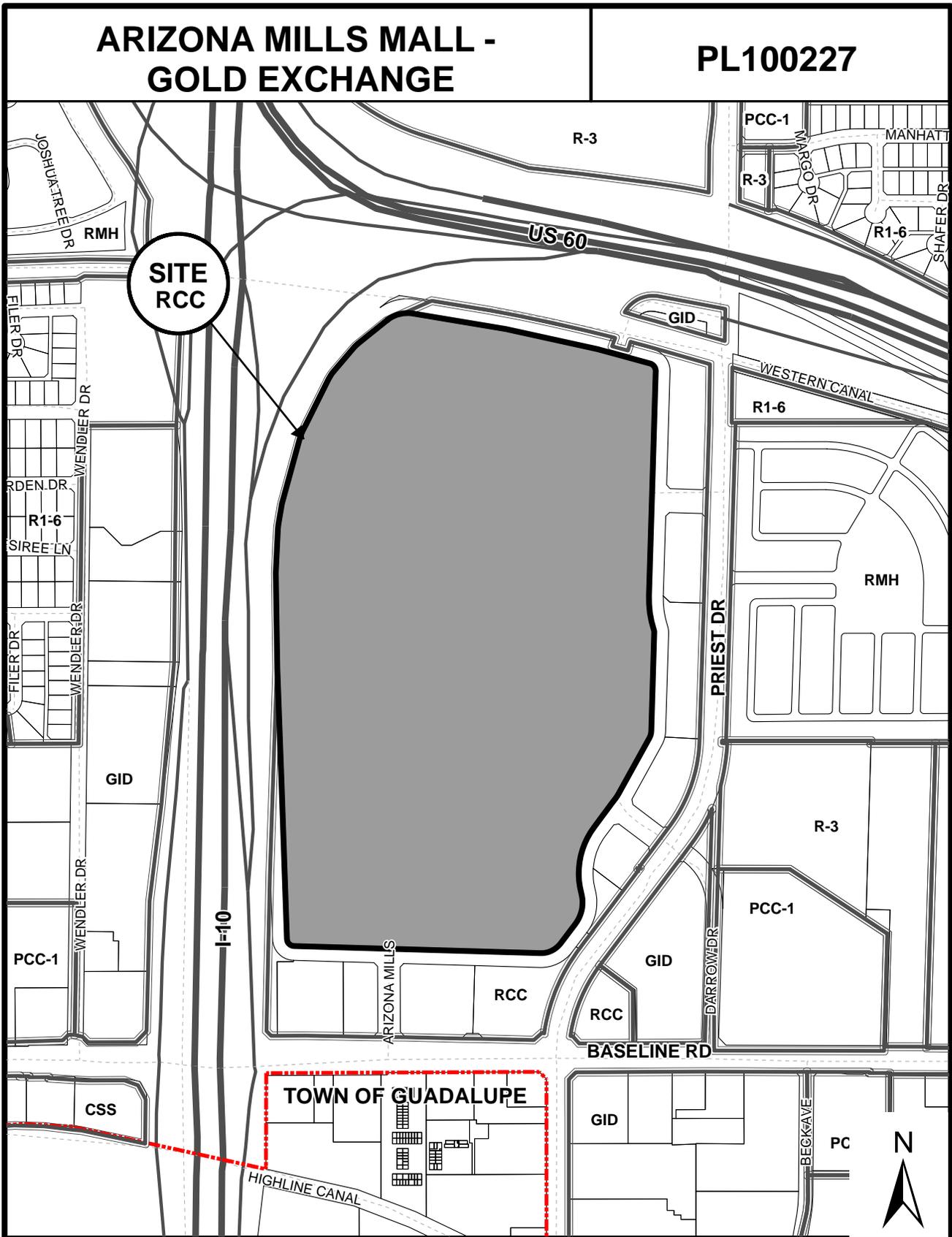
**CONDITIONS
OF APPROVAL:**

1. The use permit is valid for Gold Exchange II AZ, LLC 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.

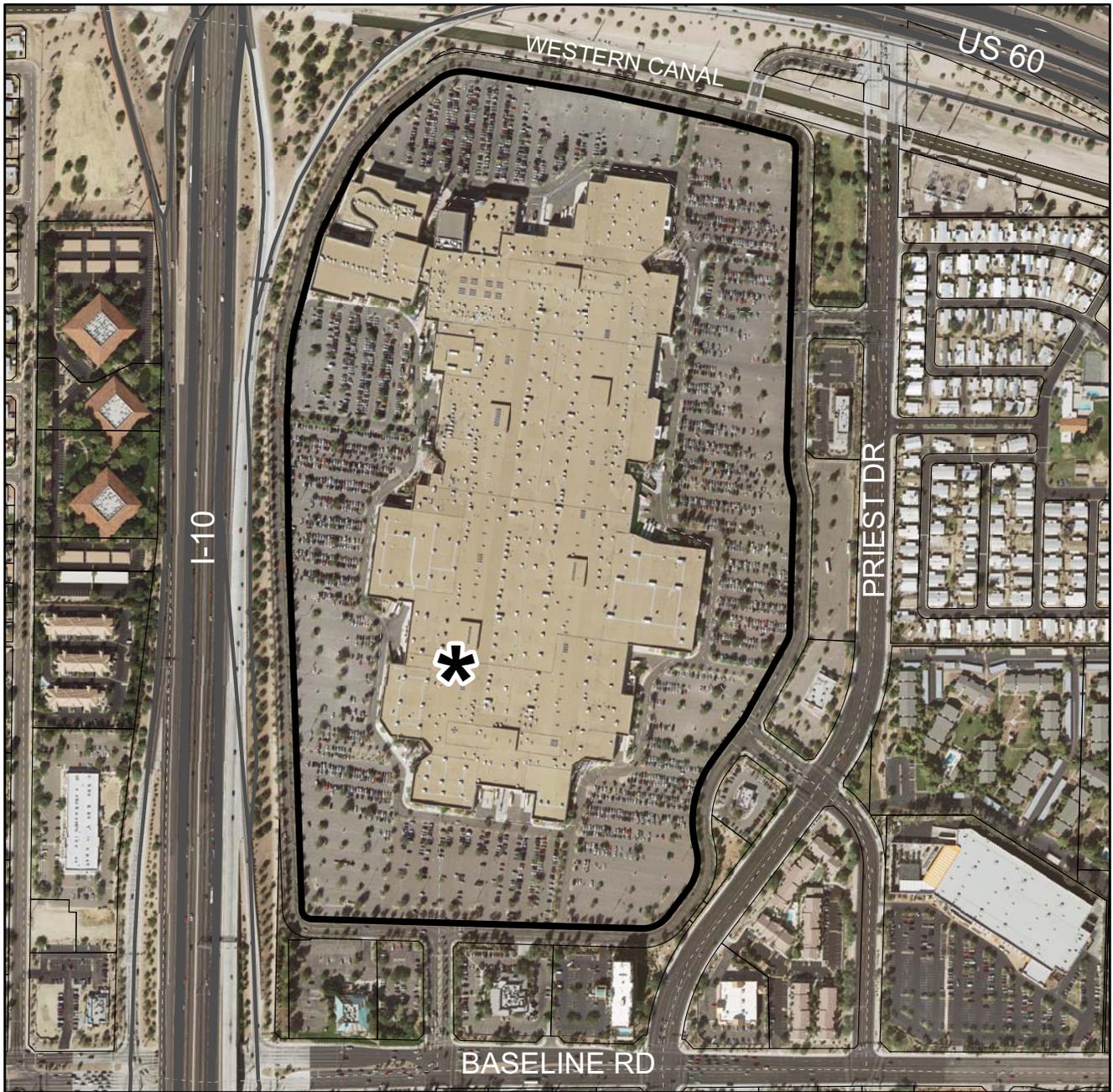
HISTORY & FACTS: None pertinent to this case.

DESCRIPTION: Owner – Arizona Mills LLC
Applicant – Justin Ballard/Gold Exchange Stores
Existing Zoning – RCC, Regional Commercial Center District
Parcel Size – 3,700,747 s.f. / 84.957 acres
Building Area – 1,214,950 s.f.
Tenant Area (Kiosk Size) – 37 s.f.

**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



ARIZONA MILLS MALL - GOLD EXCHANGE (PL100227)

To Tempe Planning Commission:

Gold Exchange Stores II AZ, LLC, DBA Gold Buyers America, will be operating a kiosk at the Arizona Mills Mall, 5000 S. Arizona Mills Circle, Tempe, AZ 85282. We have been offered a lease agreement from mall management to purchase precious metals. There will be a total of three employees. These three part-time employees will report to District Manager Matthew Roberts. These employees will purchase precious metals from customers over the age of 18 and with proper identification for cash. The items will be held for the required hold period before they are sent to a refinery in Pennsylvania.

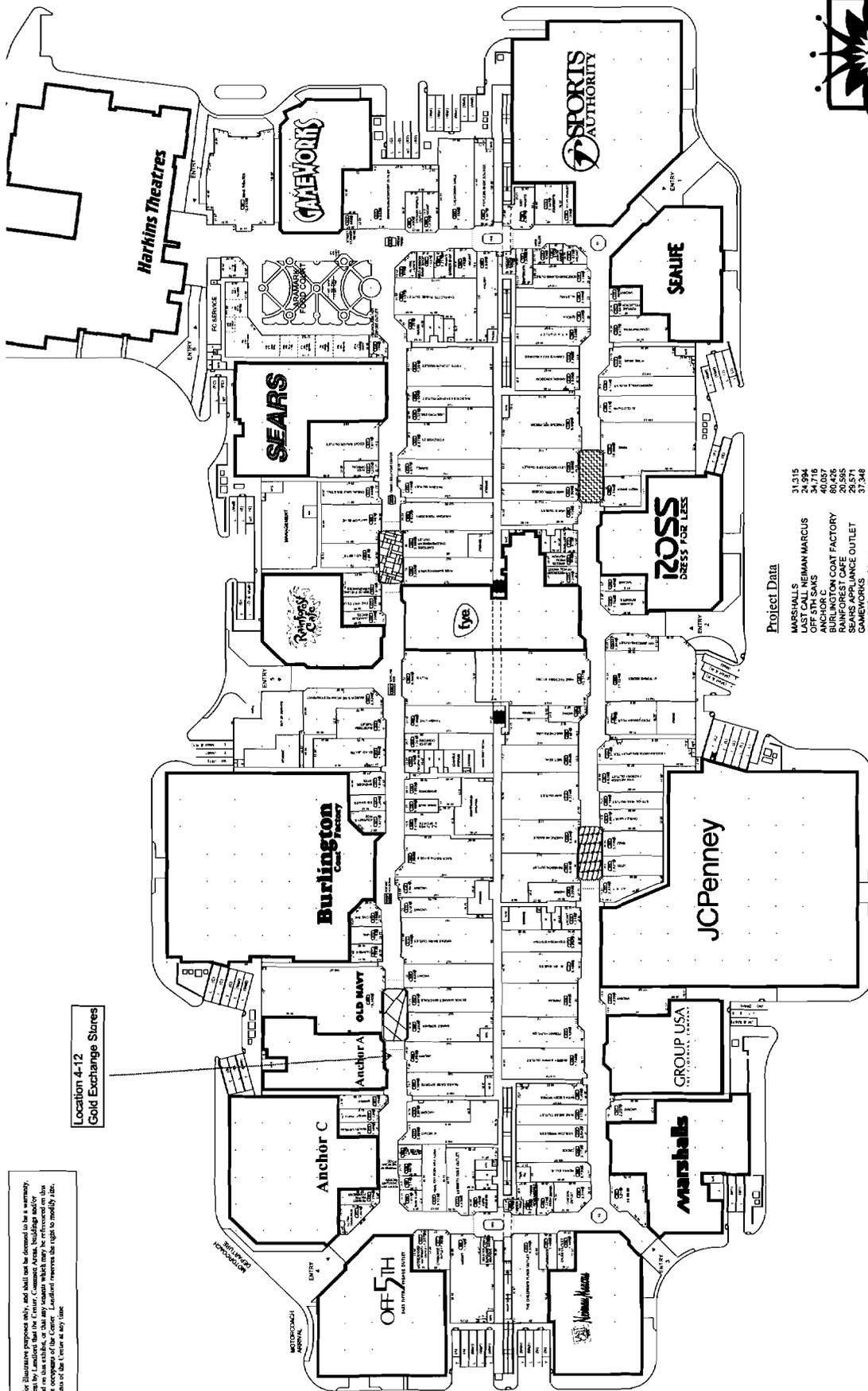
Gold Buyers America will operate only during mall hours; Mon to Sat: 10:00am - 9:00p, Sun: 11:00am - 6:00pm. We will be complying with both the mall's requirements, as well as any municipality requirements.

We will not cause any significant vehicular or pedestrian traffic, nor will we cause deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City. We will be compatible with existing surrounding structures, will not cause any nuisance (odor, dust, etc.) exceeding that of ambient conditions, and will not result in any disruptive behavior which may create a nuisance to the surrounding area or general public.

We currently do business in 200+ locations globally; USA, Canada, Australia, Europe, etc. We always look forward to opening in a new location and becoming part of the mall community. The nature of our business, providing cash on the spot, generally helps increase the mall's traffic and overall sales.

A copy of the cart and its dimensions are included in our packet.

We have spoken with Officer Dan Brown, badge #154, of the Tempe Police Department, and he will do a physical inspection once we get approval from the planning hearing.



Arizona Mills
 5000 Arizona Mills Circle
 Tempe, AZ 85282
 CORP # 5200

Project Data

MARSHALLS	31,315
LAST CALL NEMAN MARCUS	24,994
OFF 5TH S&S	34,716
RAINBOW	10,000
BURLINGTON COAT FACTORY	80,426
RAINFORREST CAFE	20,585
SEARS APPLIANCE OUTLET	29,571
SEARS	100,000
SPORTS AUTHORITY	85,018
ROSS DRESS FOR LESS	29,845
JC PENNEY OUTLET	104,697
ANCHOR A	17,276
HARKINS THEATERS	17,381
ANCHOR A	82,320
FYE	30,822
SEA LIFE CENTRE	25,590
Total Department Store GLA	891,444
Total Small Shops GLA	527,509
Total GLA	1,318,953

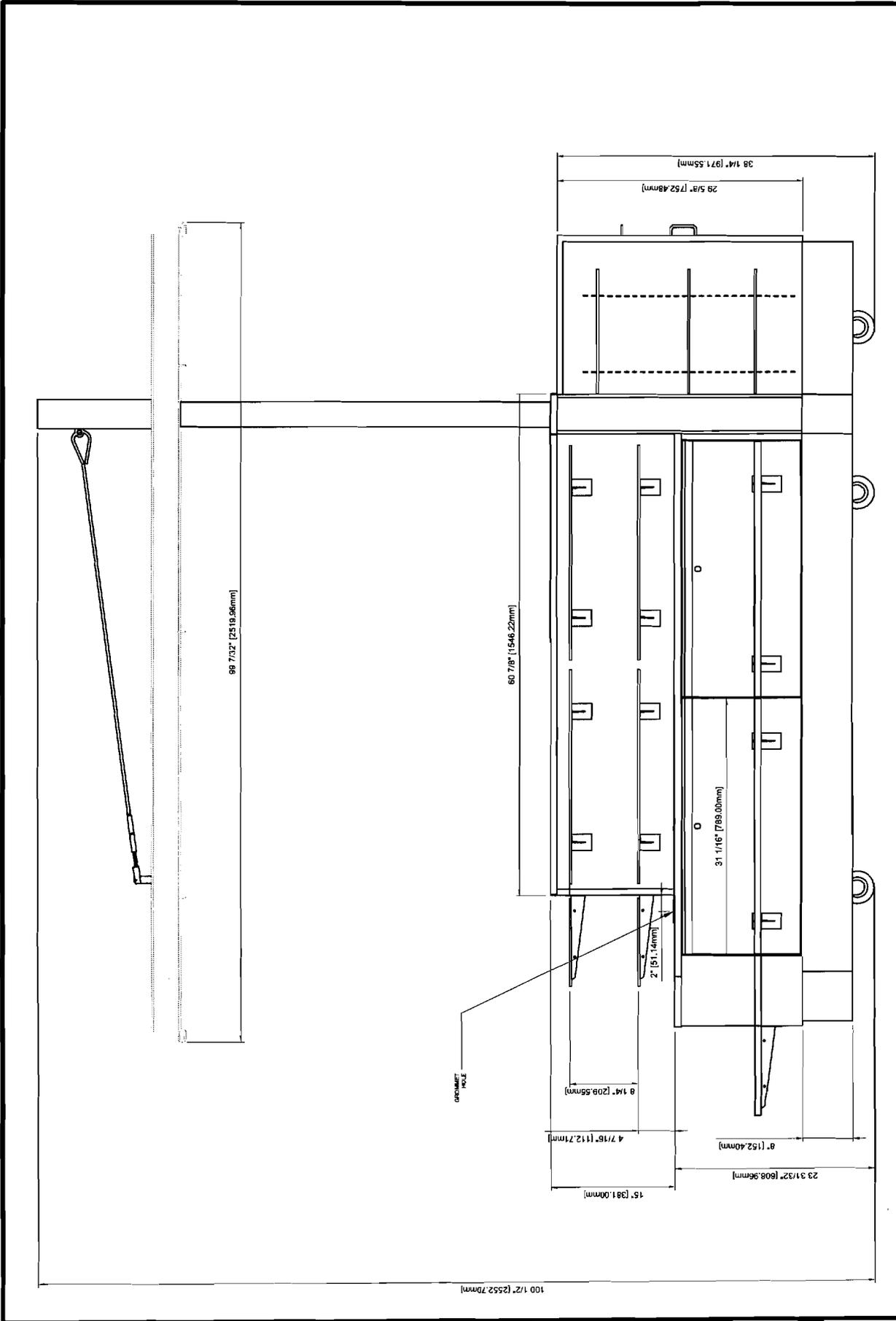
This exhibit is provided for illustrative purposes only, and shall not be deemed to be a warranty, representation or agreement by Landlord that the Center, Common Areas, building and/or structure will be as illustrated on this exhibit, or that any tenant which may be referenced on this exhibit will be as shown. Landlord reserves the right to modify, amend, alter, delete, add, change and/or delete any portion of this exhibit at any time.

Location 4-12
 Gold Exchange Stores



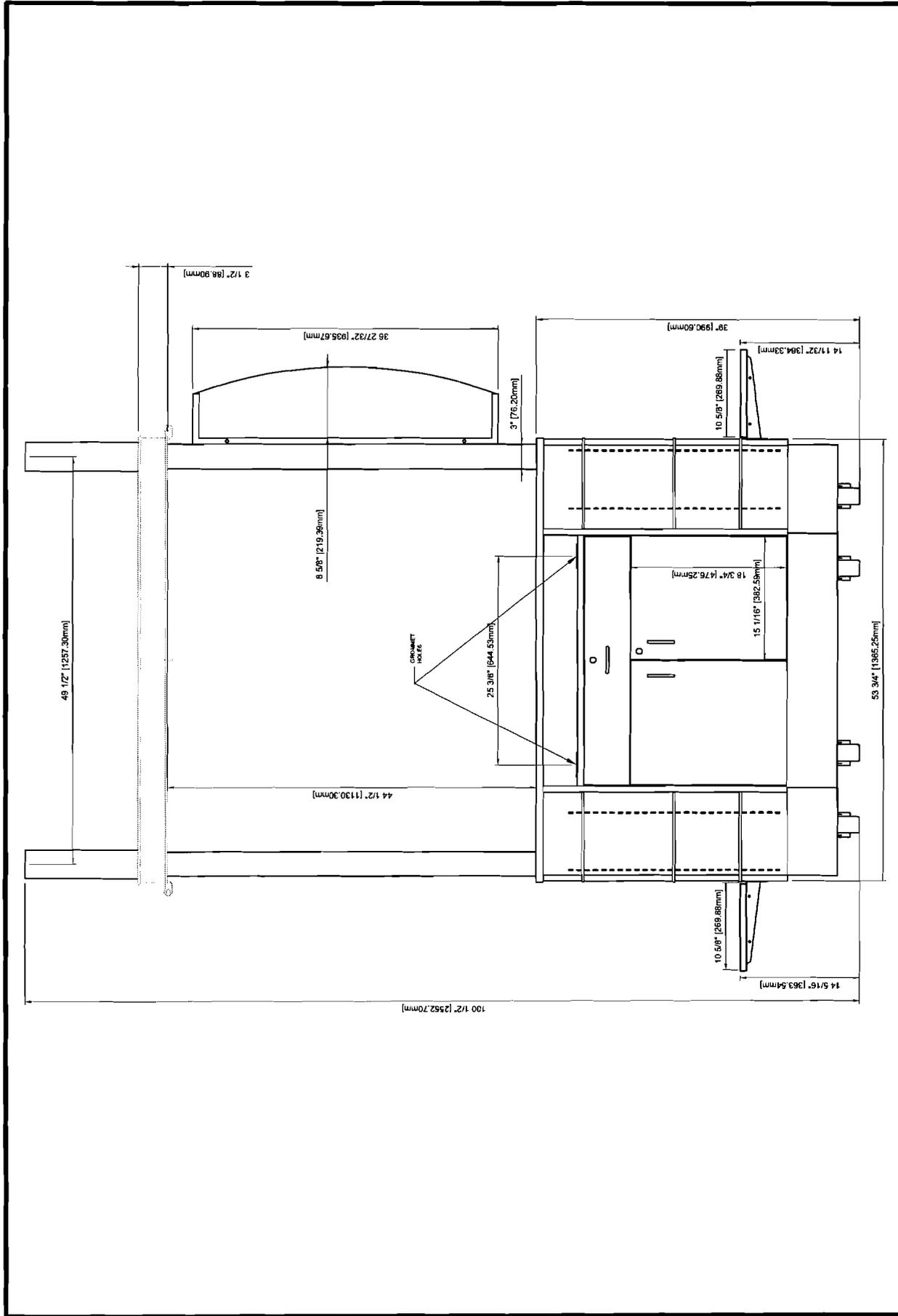
Center Plan

Modified: June 02, 2010

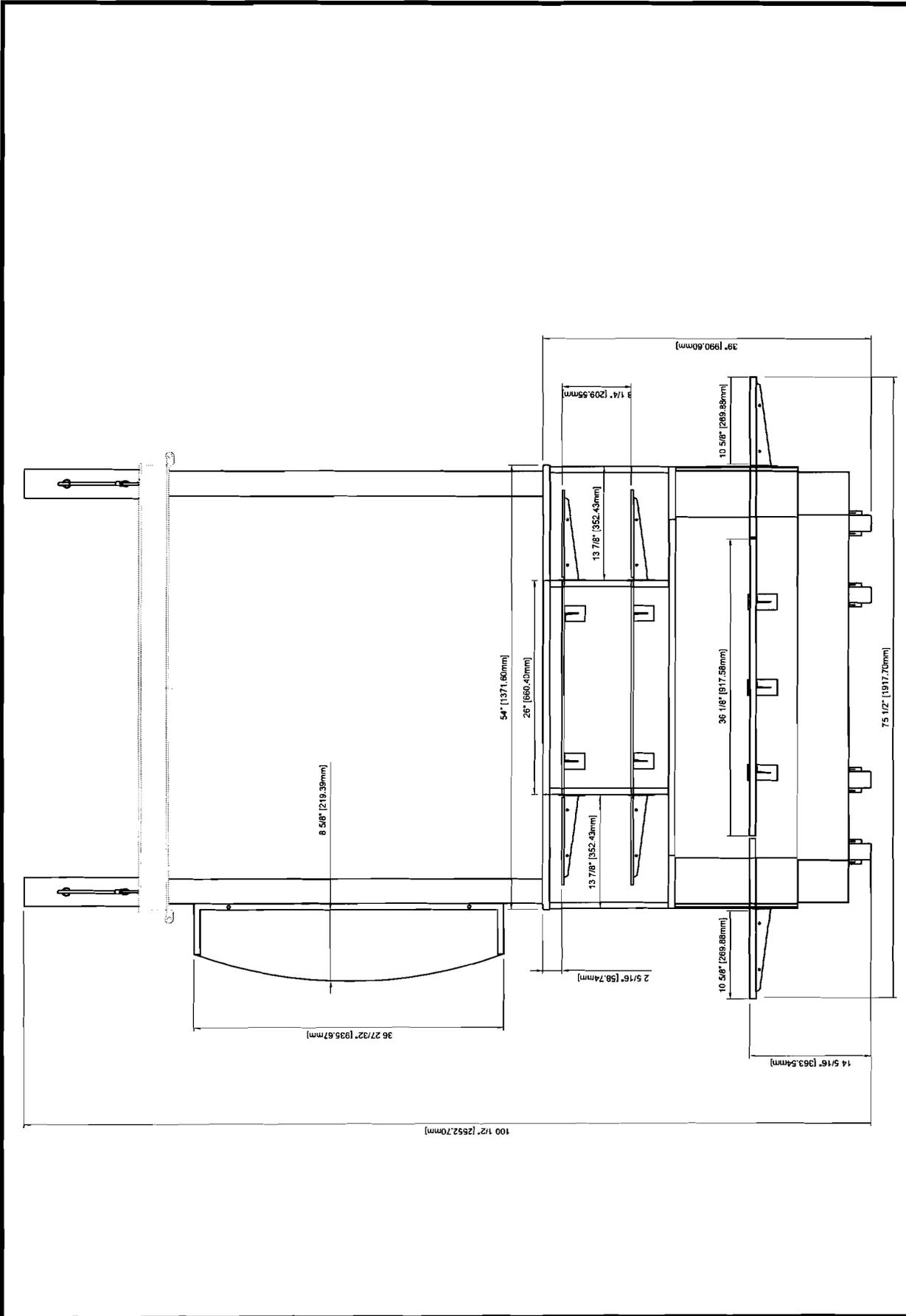


CREATIONS AT DALLAS 12750 Perimeter Drive, Suite #120 Dallas, Texas 75228 (972) 686-7836		Project: LH ELEVATION PUSHCART 2901EX Drawn by: Rsk G. Checked by: KTH Scale: - Date: 01/16/08		Job No.: STD	Drawing: ASSY
				Revision: -	Page: 1 of 6

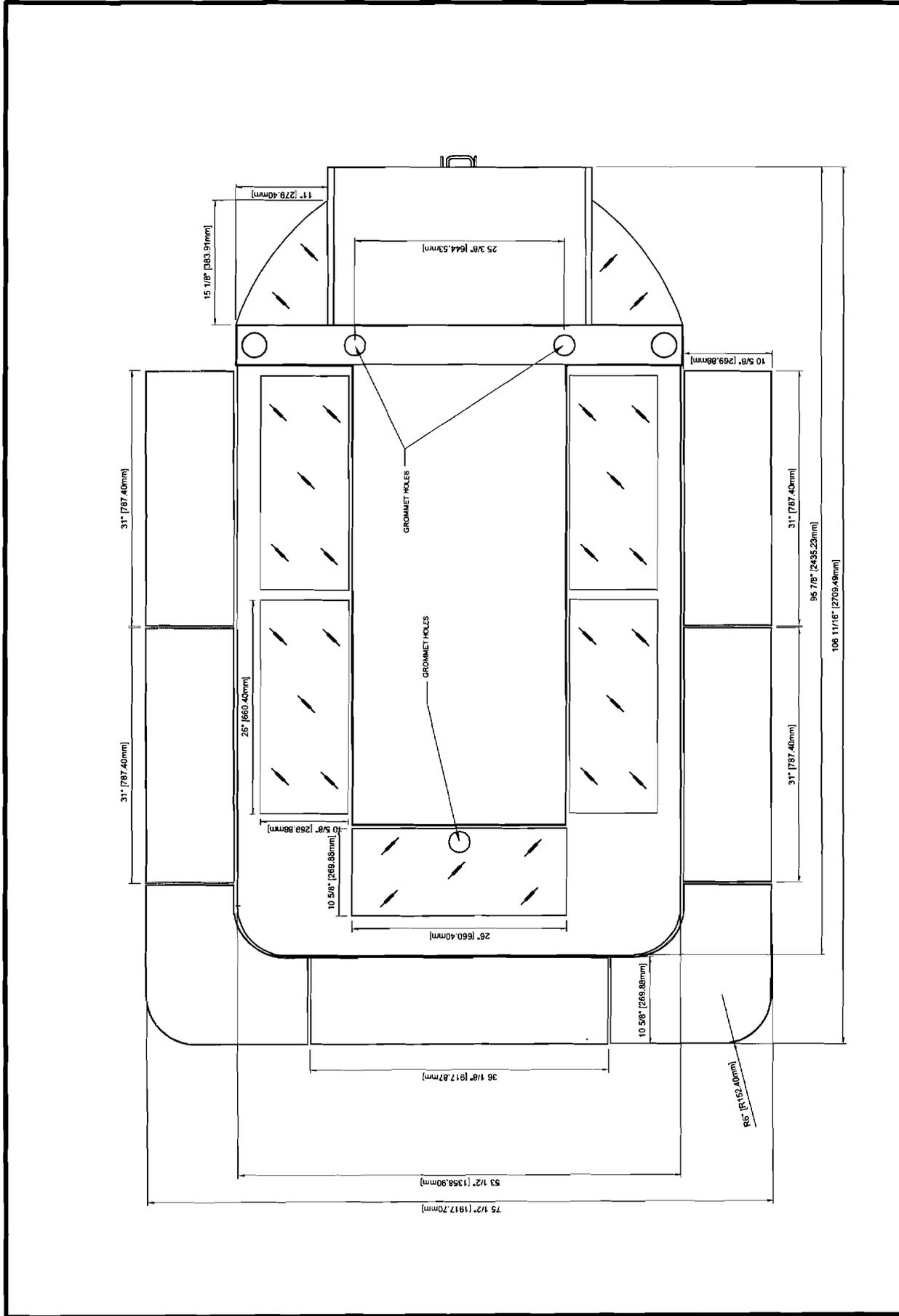
CREATIONS AT DALLAS, 12750 PERIMETER DRIVE, SUITE #120, DALLAS, TEXAS 75228. TEL: (972) 686-7836. FAX: (972) 686-7837. WWW.CREATIONSATDALLAS.COM



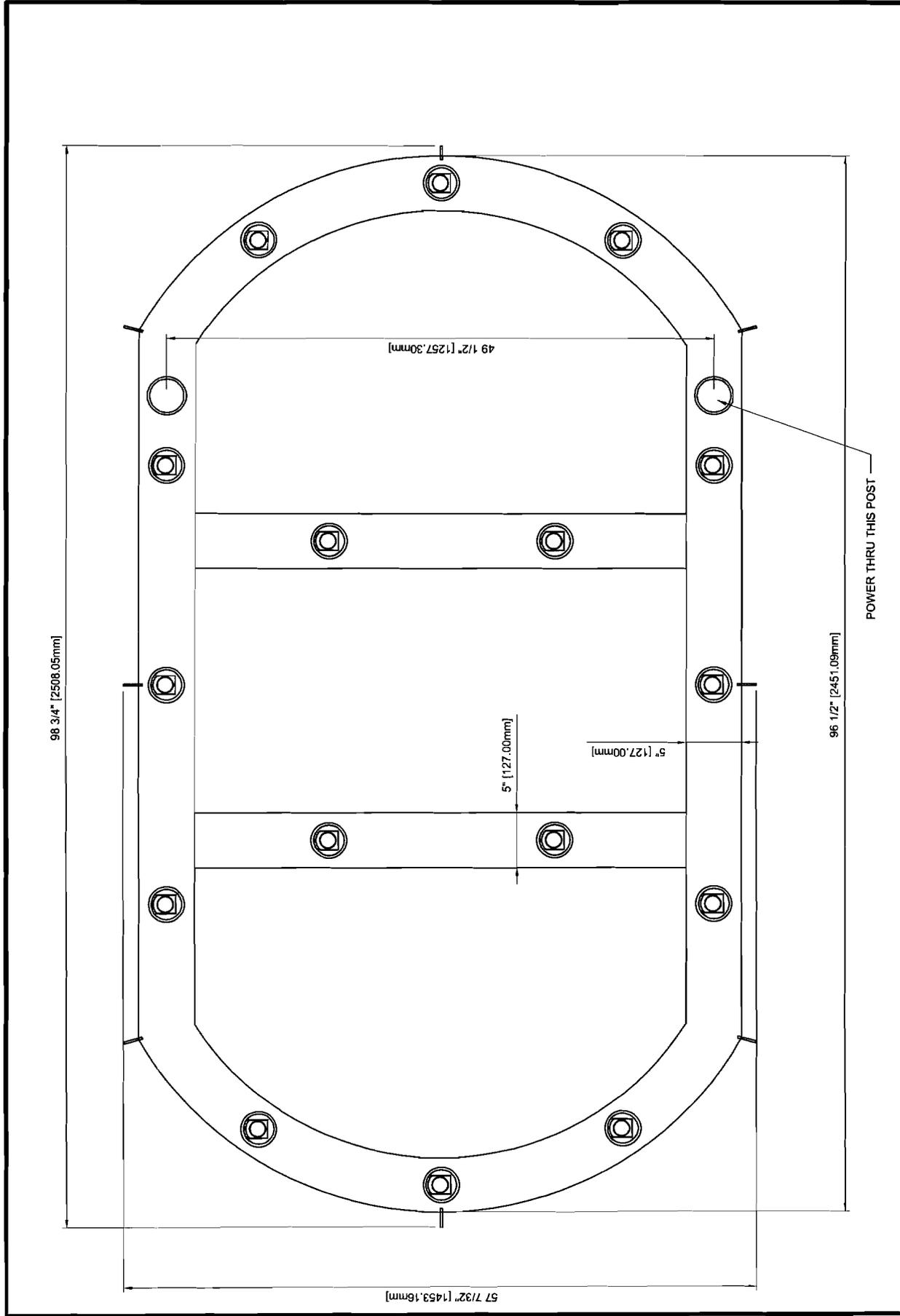
CREATIONS AT DALLAS 12750 Perimeter Drive, Suite #120 Dallas, Texas 75228 (972) 686-7836	Project: CASH WRAP PUSHCART 2901EX		Date: 01/16/09
	Job No.: STD	Drawing: ASSY	Revision:
		Drawn by: Rak G.	Checked by: KTh
		Scale:	Page: 2 of 6



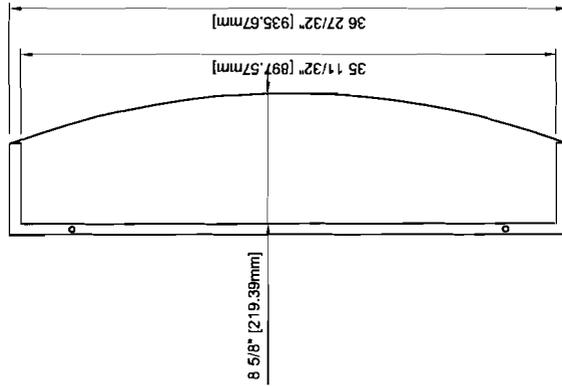
CREATIONS AT DALLAS 12750 Perimeter Drive, Suite #120 Dallas, Texas 75228 (972) 686-7836	Project: END VIEW PUSHCART_2901EX Drawn by: Rsk. G. Checked by: KTH Scale: -		Job No.: STD	Drawing: ASSY
	Date: 0/1/60X		Revision: -	Page: 3 of 6



CREATIONS AT DALLAS 12750 Perimeter Drive, Suite #120 Dallas, Texas 75228 (972) 686-7836	Project:	COUNTER TOP VIEWS PUSHCART 2901EX	Job No.:	STD	Drawing:	ASSY
	Drawn by: Rick G. Checked by: KTR Scale:	Date: 01/16/08	Revision:	-	-	Page: 4 of 6



CREATIONS AT DALLAS 12750 Perimeter Drive, Suite #120 Dallas, Texas 75228 (972) 686-7836	Project: REFLECTED CEILING PLAN PUSHCART 2901EX Drawn by: Rick G. Checked by: KTH Scale: - Date: 01/16/08	Job No.: STD Revision: -	Drawing: ASSY Page: 5 of 6
	POWER THRU THIS POST		



CREATIONS
AT DALLAS
 12750 Perimeter Drive, Suite #120
 Dallas, Texas 75228 (972) 686-7836

Project:

SIGN DETAIL
 PUSHCART, 2901EX

Drawn by: JAL | Checked by: KTH | Scale: - | Date: 3/15/2008

Drawing:

ASSY

Job No.:

STD

Revision: -

Page: 5 of 6