

Staff Summary Report



Hearing Officer Hearing Date: November 4, 2009

Agenda Item Number: 4

SUBJECT: This is a public hearing for a request by **THE GOLD GUY (PL090390)** located at 840 East Southern Avenue, Suite No. 102 for one (1) use permit.

DOCUMENT NAME: 20091104dsng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **THE GOLD GUY (PL090390)** (Larry Cohen, applicant; Kirk Edward & Diane Heiser Trust, property owners) located at 840 East Southern Avenue, Suite No. 102 in the CSS, Commercial Shopping and Services District for:

ZUP09137 Use permit to allow a second hand retailer (gold buying business).

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

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

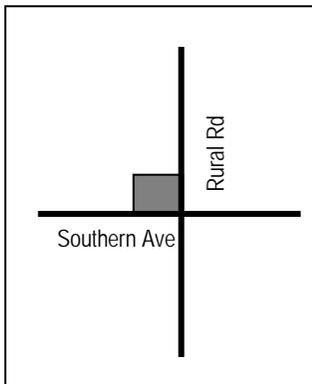
LEGAL REVIEW BY: N/A

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 second hand retailer (gold buying business). The proposed business will be located at the northwest corner of Rural Road and Southern Avenue at 840 East Southern Avenue, Suite No. 102 in the CSS, Commercial Shopping and Services District. It is proposed to occupy one (1) tenant space previously approved as a non-chartered financial institution. 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; Reasons for Approval
3. Conditions of Approval; History & Facts/Description
4. Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-4. Letter of Intent
5. Site plan
6. Floor Plan
7. Staff Photograph

COMMENTS:

The Gold Guy is requesting approval of a use permit to allow a second hand retailer (gold buying business). The proposed business will be located at the northwest corner of Rural Road and Southern Avenue at 840 East Southern Avenue, Suite No. 102 in the CSS, Commercial Shopping and Services District. The proposed business will be a gold buying business only in that no resale of any items will take place at this location. After a determined amount of time, in which the items bought are, held on site, they will be sent to a refinery. All transactions will require I.D. and a purchase log will be maintained on the premises as well. The proposed hours of operation are Monday through Friday from 10:00 a.m. to 7:00 p.m. and from 10:00 a.m. to 5:00 p.m. on Saturday and Sunday. There will be one (1) to two (2) staff personnel on hand during store hours. Staff notes that the applicant is working with the City of Tempe Police Department to create a security plan for the business.

To date, staff has received one (1) phone call of opposition regarding this request.

Use Permit

The Zoning and Development Code requires a second hand retailer 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.

Conclusion

Staff recommends approval of the use permit, subject to the 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 The Gold Guy 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 for tenant improvements 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 use permit is valid for the purchasing of gold and jewelry items only. No resale of any items will be allowed and all items must be sent to a refinery after a determined amount of time.
8. The applicant shall work with the Tempe Police Department to create a Security Plan for the business. Contact the Crime Prevention Department at 480-858-6027.

HISTORY & FACTS:

- March 17, 2004 DRB03249 – The Design Review Board approved the request by Southern Plaza for building elevations, site plan and landscape plan.
- September 5, 2006 ZUP06037 – The Hearing Officer approved the request by Southern Plaza / Dollar Financial Group Inc. d.b.a. Money Mart to allow a deferred check presentment (check cashing/payday loan) company.

DESCRIPTION:

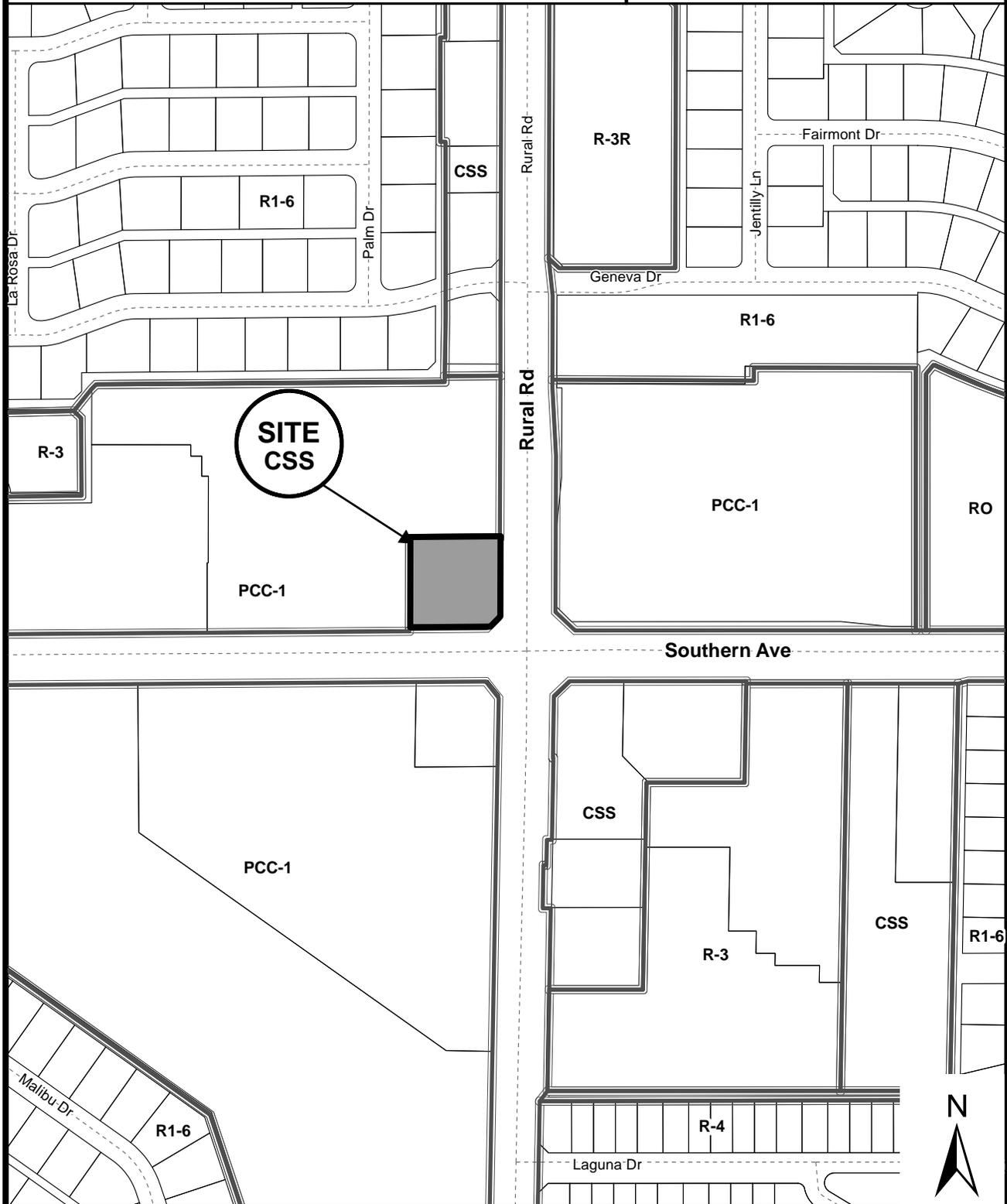
Owner – Kirk Edward & Diane Heiser Trust
Applicant – Larry Cohen
Existing Zoning – CSS, Commercial Shopping and Services District
Lot Size Area – 31,493 s.f. / .723 acres
Tenant Space Area – 1,494 s.f.
Required Parking – 5 spaces
Provided Parking – 33 spaces

**ZONING AND
DEVELOPMENT**

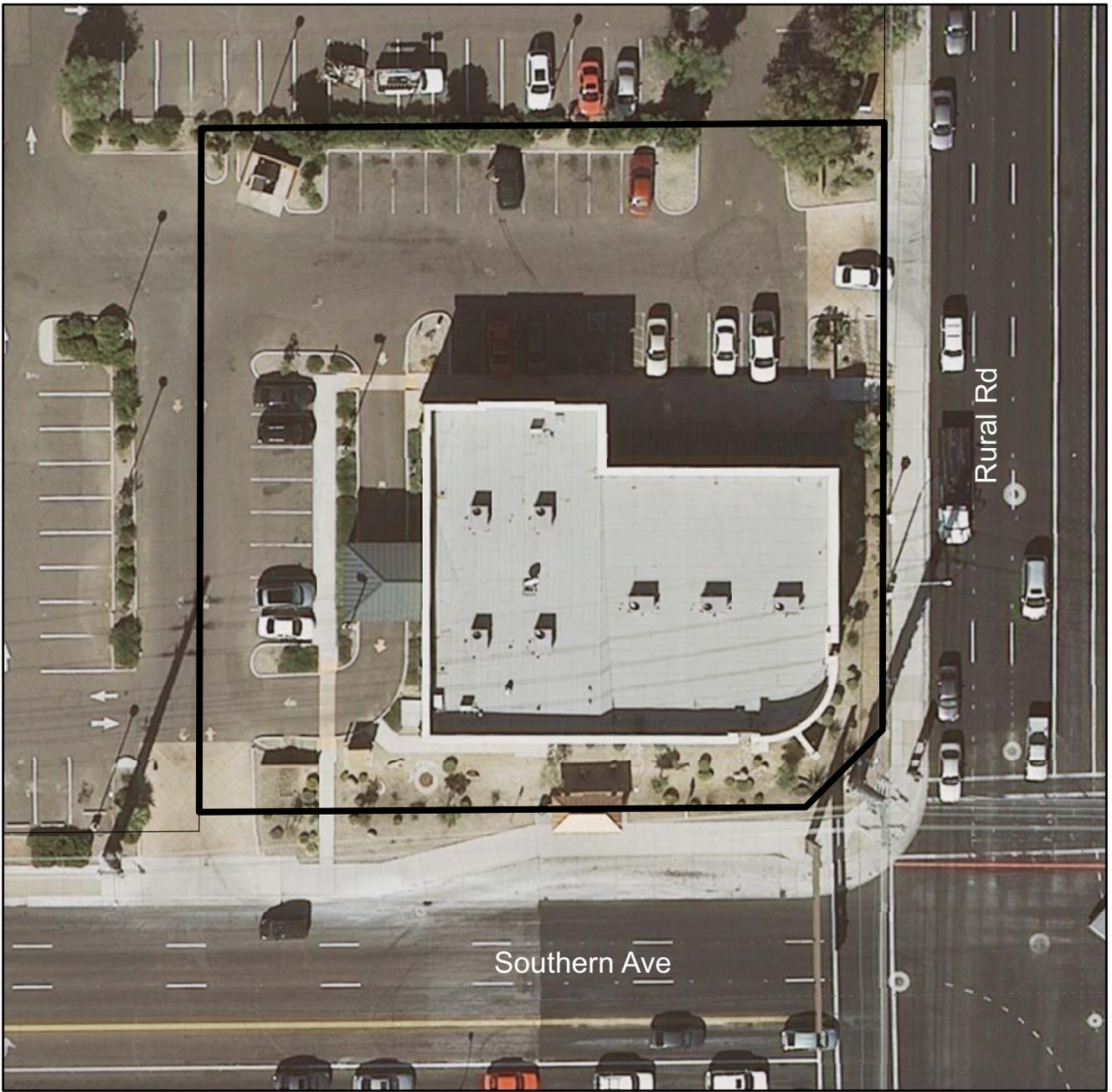
CODE REFERENCE: Part 3, Chapter 2, Section 3-202 – Permitted Uses in Commercial and Mixed-Use Districts
Part 6, Chapter 3, Section 6-308 – Use Permit
Part 6, Chapter 3, Section 6-313 – Security Plan

THE GOLD GUY

PL090390



Location Map



THE GOLD GUY (PL090390)

October 1, 2009

City of Tempe Arizona
Development Services
31 East 5th Street
Tempe, AZ 85280-5002

Re: USE PERMIT

To Whom It May Concern:

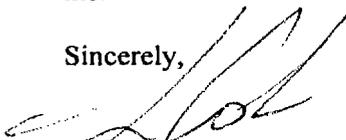
I want to thank you for the opportunity to explain my intentions for the proposed business that I would like to open at 840 E. Southern (formerly Money Mart).

My proposal is to open a location that would be purchasing gold jewelry from the individual consumer. Due to economic conditions, I feel it is only feasible at this time to be only purchasing gold and diamonds. Below will address our operations:

1. The location will not cause any significant vehicular or pedestrian traffic in this location because we usually have no more than 1 to 2 people in the location at any given time and the parking lot does have considerable parking for the center.
2. The location will not create any nuisance (odor, dust, gas, noise, vibration, smoke, heat, or glare) from this location because nothing pertaining to this business would generate any reason for any of these concerns.
3. The location will not have any detrimental effects on the area or neighborhood because we are not a high volume location causing customers to "stack up" waiting for service. We also work with the police dept. with taking proper id, reporting full descriptions of the items we purchase, holding the items for a determined amount of time and we issue checks for any purchases we make in the location. I have been in the Jewelry Buy & Sell business for over 35 years and have always had a welcome presence in all the locations I have operated.
4. Our store will be compatible with the other stores in the area because we all have the basic same customer base. Also there is no change to the interior or exterior of the location other than signage.
5. Our location will not result in any disruptive behavior because our type of business doesn't cause any disturbance.
6. Our store will operate from the hours of 10:00am to 7:00pm, Monday thru Friday and 10:00am to 5:00pm Saturday and Sunday. The store will be staffed with 1 to 2 persons during store hours. Our store will also be equipped with state of the art video surveillance with off premise monitoring. We will also be equipped with a full alarm system central station monitoring for hold-ups and burglar alarm. We also use a door entry system in and out of the location

If you have any further questions regarding this application, please feel free to contact me.

Sincerely,



Larry Cohen
312-437-0203



I PROPOSE TO DO THE FOLLOWING
Gold Exchange business
FOR A ~~SEMI-RAND DEALERS LICENSE~~.

- ① OPERATE A FULL CAMERA SYSTEM w/ BACK UP
- ② I.D. ALL TRANSACTIONS
- ③ WORK WITH TEMPE POLICE.
- ④ OPERATE NORMAL STORE HOURS 10:00-7:00
- ⑤ MAINTAIN A LOG ON PREMISE OF ALL TRANSACTIONS OF PURCHASE
- ⑥ Take in merchandise (gold) and send all to refinery (no resale to items)

Larry Cohen
812-437-0203

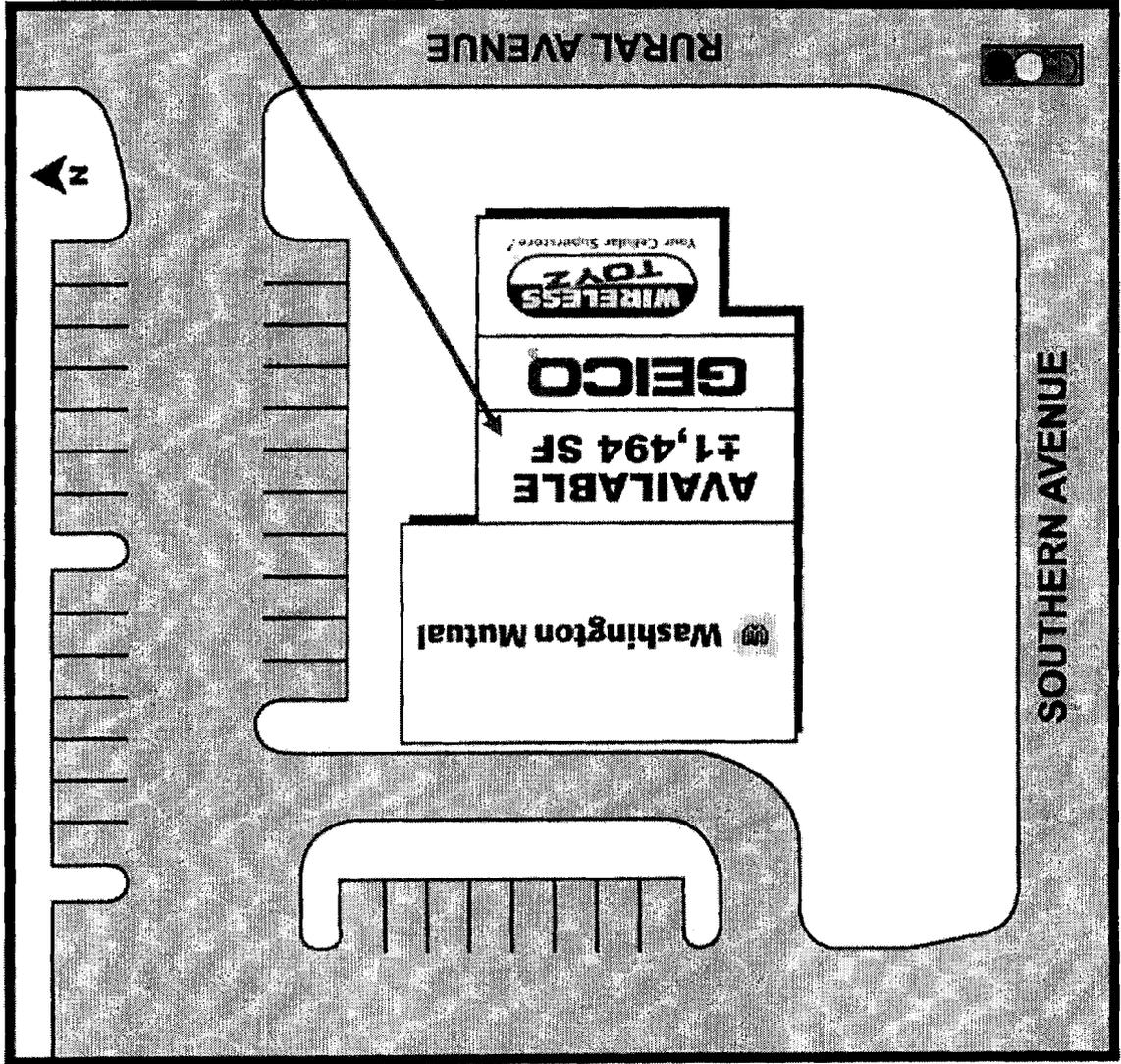


1778 West Algonquin Road
Arlington Heights, IL 60005

847.368.1600
Fax: 847.368.1617
www.abbyjewelryandloan.com

**CASH Loans on all
Articles of Value**
Dinero al instante en tus artículos de valor

SITE PLAN | 840 East Southern Avenue, Tempe, AZ



Suite 102
"SUBJECT"



THE GOLD GUY

840 E SOUTHERN AVE., SUITE NO. 102

PL090390

FRONT OF BUSINESS

