



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 03/27/2019
Agenda Item: 02

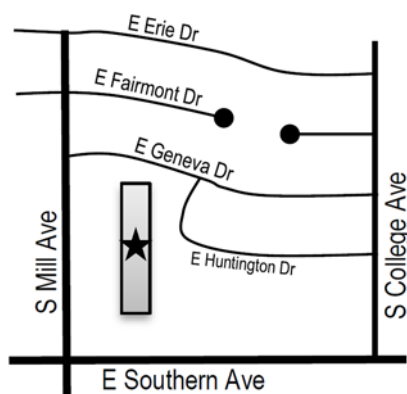
ACTION: Request approval for a Use Permit to allow a second-hand store in the PCC-1 (Planned Commercial Center) for ZIA RECORD EXCHANGE, located at 3201 South Mill Avenue. The applicant is ZIA Enterprises Inc.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: ZIA RECORD EXCHANGE (PL190020), an established retail store, is looking to acquire a Use Permit for a second-hand store to allow them to start buying and selling items at a larger capacity. Zia Record Exchange currently holds a second-hand dealer license with the City of Tempe Tax and Licensing department. The request includes the following:

ZUP190007 Use Permit to allow a second-hand store in the PCC-1 (Planned Commercial Center) zoning district.



Property Owner	Hanley Properties I, LLC
Applicant	Tom Weintraub, Zia Enterprises, INC.
Zoning District	PCC-1
Site Area	52,241 s.f.
Building Area	10,380 s.f.
Vehicle Parking	NO CHANGE IN DEMAND/300 spaces (35 min. required)
Bicycle Parking	NO CHANGE IN DEMAND
Hours of Operation	10 a.m. to 12 a.m., Daily

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Blake Schimke, Planning Technician (480) 350-8245

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Blake Schimke, Planning Technician
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The retail component is existing and will remain. The new added use will not affect the parking requirements for the site.

PUBLIC INPUT

To date, staff has received no public comment.

POLICE INPUT

N/A

USE PERMIT

The proposed use requires a Use Permit to operate a second-hand store within the PCC-1, Planned Commercial Center zoning district.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic;* There is no expected increase of traffic above the current pedestrian and vehicular traffic conditions
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;* The retail space and use are located indoors which will not create any nuisances.
3. *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 use is permitted with a use permit in the PCC-1, Planned Commercial Center zoning district. The projected land use for the site is commercial, which with a use permit, this use would also be allowed.
4. *Compatibility with existing surrounding structures and uses;* The center and surrounding centers are Commercial.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public;* This proposed use is not expected to create any disruptive behaviors.

REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received and the above analysis staff supports approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL:

1. The Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.
3. All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained or the Use Permit is void.

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, which may result in termination of the Use Permit.
5. Any intensification or expansion of use shall require a new Use Permit.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The Use Permit is valid for [Business Name] and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts

Section 4-203 Development Standards for Commercial and Mixed-Use Districts

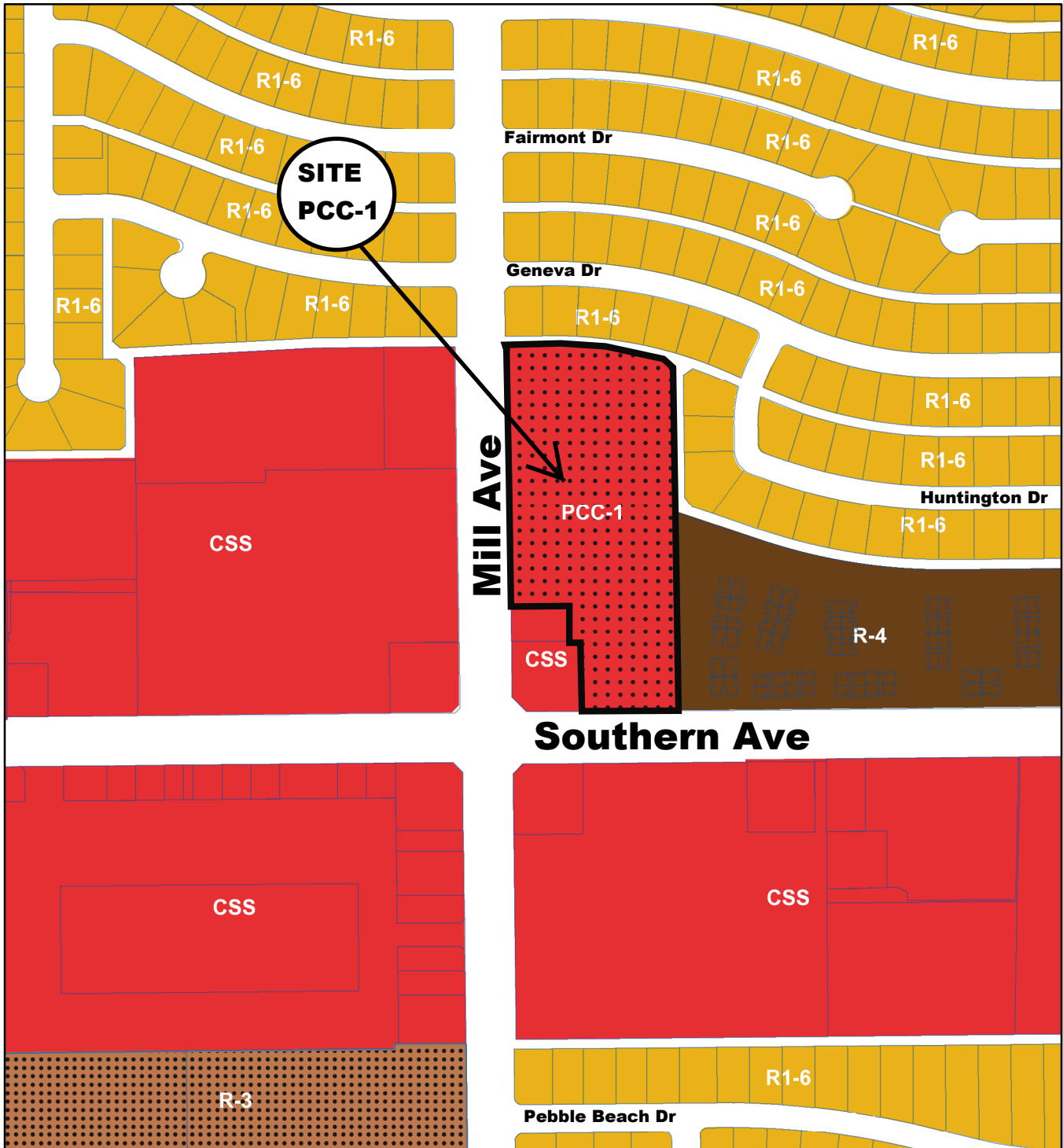
Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE
for
ZIA RECORD EXCHANGE
PL190020

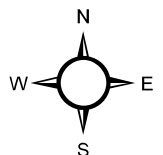
ATTACHMENTS:

1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Floor Plan



City of Tempe, Community Development Department, Enterprise GIS Group

- Commercial Shopping and Services (CSS)
- Planned Commercial Center Neighborhood (PCC-1)
- Single-Family Residential (R1-6)
- Multi-Family Residential Limited (R-3)
- Multi-Family Residential General (R-4)

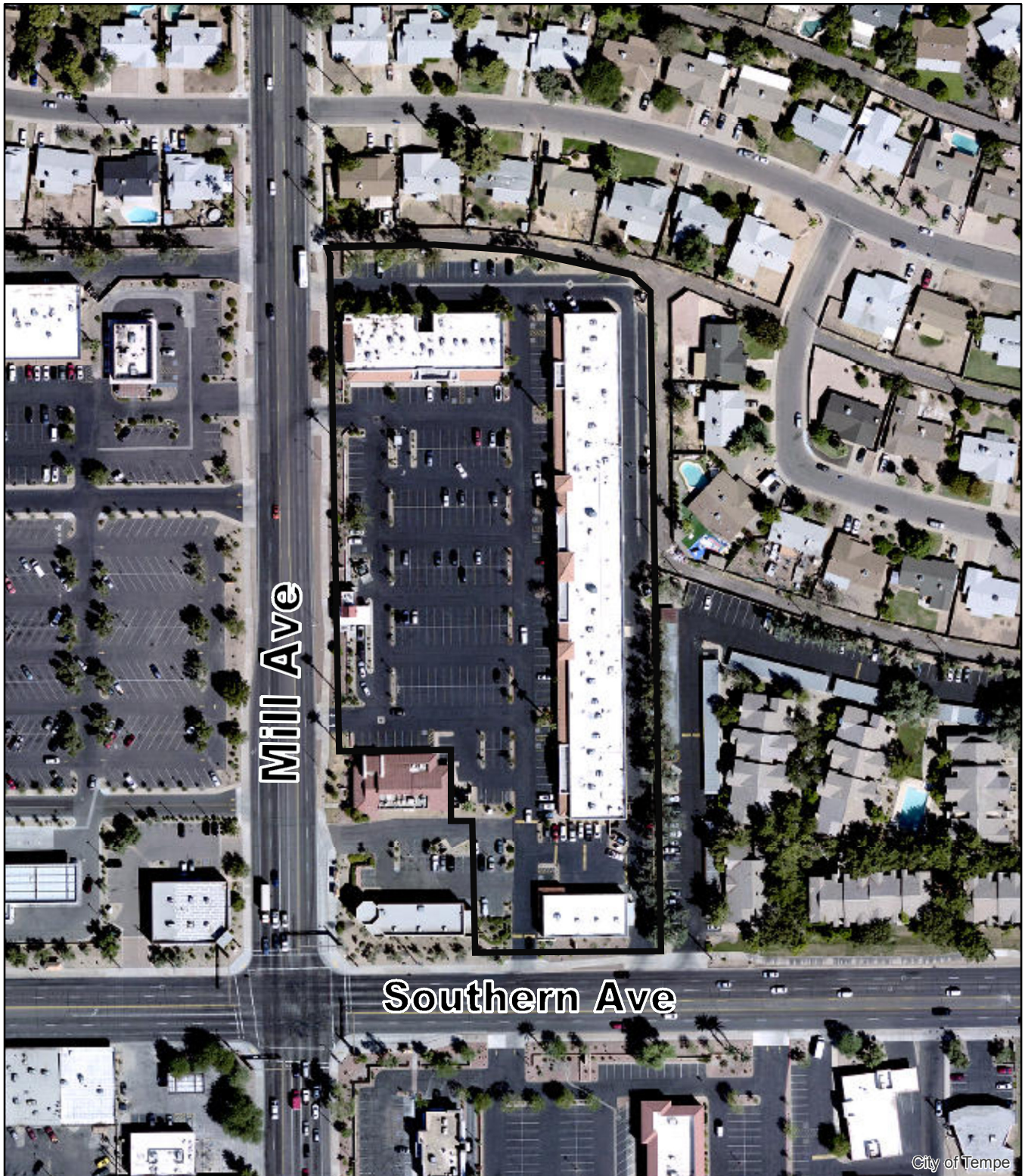




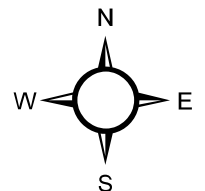
Tempe

ZIA Record Exchange

PL 190020



Aerial Map





Zia Enterprises, Inc.
3839 N 16th Street
Phoenix, Arizona 85016
(623) 580-4942 Fax: (623) 581-9420

February 7, 2019

Letter of Explanation for Use Permit Application

To Whom It May Concern:

Zia Record Exchange would like obtain a Use Permit for secondhand retail sales at 3201 S Mill Ave in Tempe. This location is open from 10AM to Midnight every day. This location employs 25 people and serves hundreds of customers daily. The impact to the surrounding area would essentially be unchanged as we have been in business at this location since 2013. In addition, we're already a license secondhand dealer in the city of Tempe. The use permit would simply allow us to begin buying and selling items that are not exempt under the city codes for secondhand dealers (i.e. musical instruments, electronics, etc.). We have fully researched and communicated with the Tempe Police Department in order to prepare for compliance with the secondhand activity reporting requirements.

Vehicular and pedestrian traffic would be ultimately unchanged due to our current presence. There is no anticipated increase in traffic, rather an increase in the categories of products we're able to exchange.

There would be no nuisance arising from the emission odor, dust, gas, noise, etc. as these secondhand retail activities require no use of chemicals or tools that we don't already employ.

We feel that not only would this not contribute to the deterioration of the neighborhood or property values, but we believe Zia is an asset to the Tempe community and has been since 1980 when we were founded in Tempe. We are proud to be a part of the Tempe business community and think this would help further our growth in the community and increase our service to our Tempe customers.

The compatibility of Zia with surrounding structures and uses would remain unchanged, in effect.

We maintain, to the best of our ability, adequate control of disruptive behavior inside and outside the premises and we plan to continue that control in an unchanged manor. The goal is to always maintain a positive presence in all communities that we are located in.

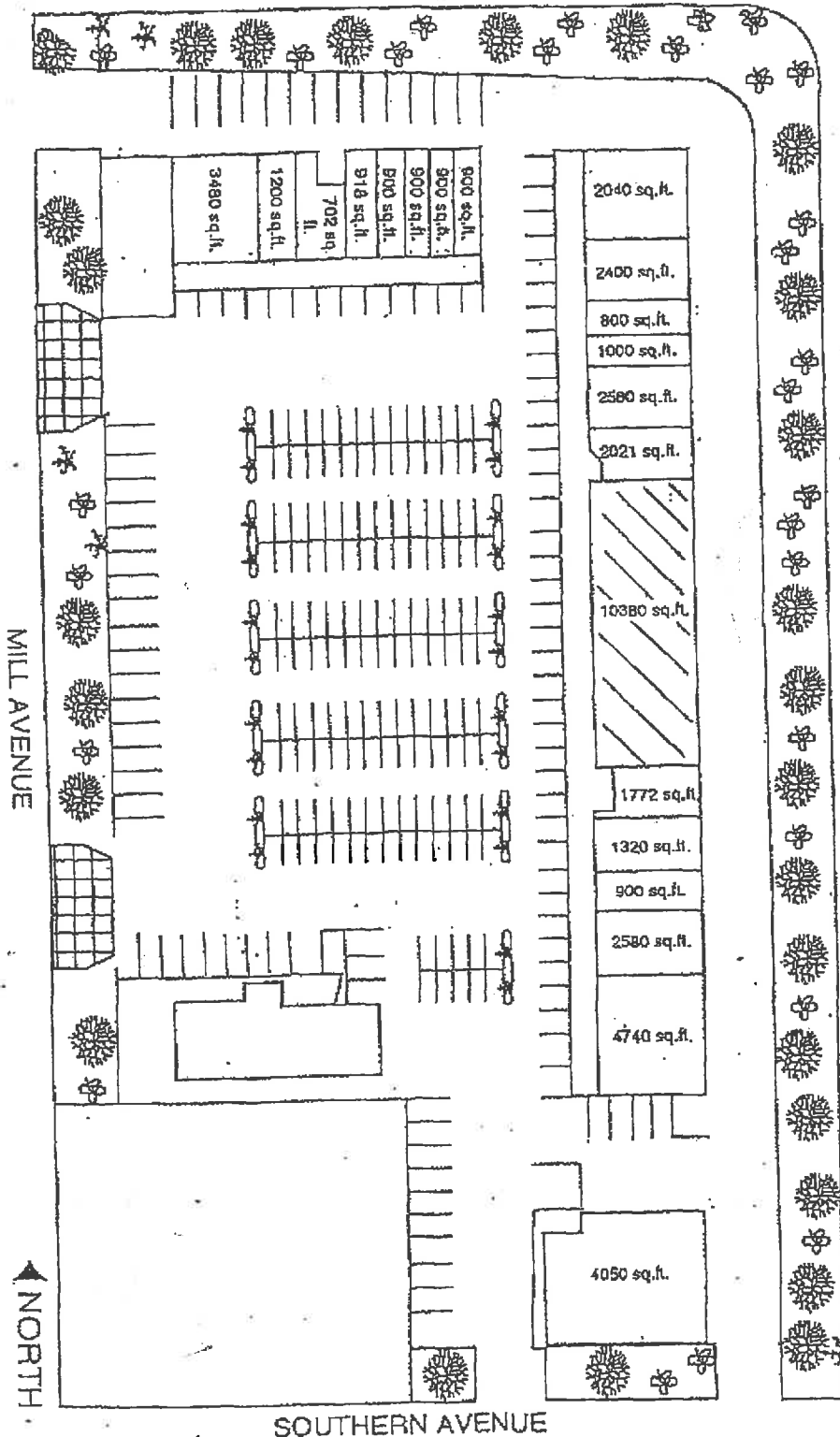
We sincerely appreciate your time and consideration.

Tom Weintraub

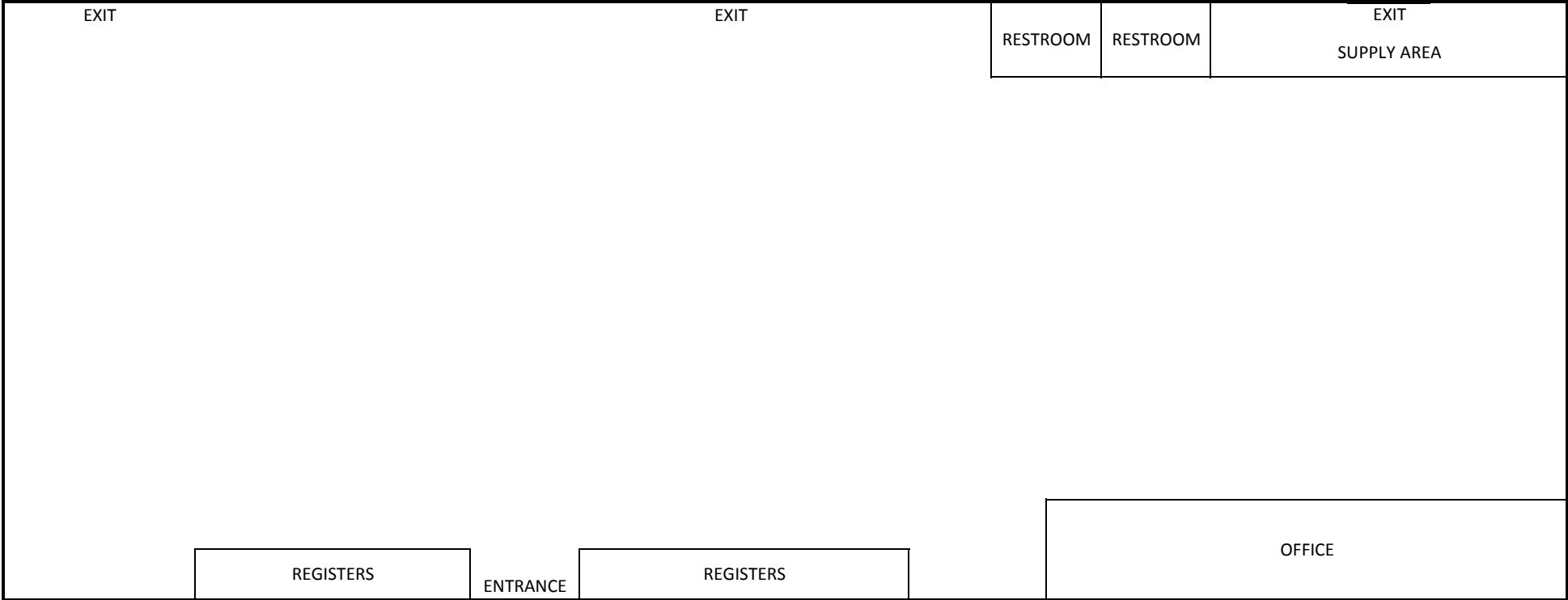
CFO, Zia Record Exchange

EXHIBIT "A"
SHOPPING CENTER SITE PLAN
SHOWING PREMISES CROSSHATCHED

The site plan shown below is for general informational purposes only. Any and all features, matters and other information depicted thereon are for illustrative purposes only and subject to the provisions of the Lease, are subject to modification without notice, are not intended to be relied upon by Tenant and are not intended to constitute representations, warranties or covenants as to the size and nature of the improvements to be constructed (or that any improvements will be constructed) or as to the identity or nature of any occupants thereof.



INITIAL



EXIT

EXIT

RESTROOM

RESTROOM

EXIT
SUPPLY AREA

REGISTERS

ENTRANCE

REGISTERS

OFFICE