

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 8/11/2020  
Agenda Item: 9**

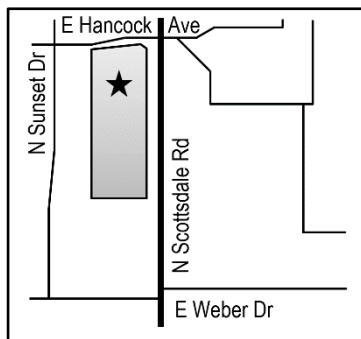
**ACTION:** Request a Use Permit to allow a gun shop for AZ GUNS, located at 1510 North Scottsdale Road. The applicant is Money Shot, LLC.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** AZ GUNS (PL200148) is proposing to operate a gun shop in Pollack Union Plaza located on the southwest corner of East Hancock Drive and North Scottsdale Road in the CSS, Commercial Shopping and Services District. The applicant has operated a gun shop in the City of Chandler for the past five years and wishes to open another shop in the City of Tempe. The applicant has maintained a valid Federal Firearms License since the spring of 2015 and fully complies with all FBI and ATF rules and regulations with zero infractions with local, state, and federal authorities. The Chandler shop employs eight (8) part-time and two (2) full-time employees. The applicant plans to have a similar setup for the Tempe location with hours of operation from 10 a.m. to 6 p.m. Monday through Saturday, and 12 p.m. to 6 p.m. on Sunday. The request includes the following:

ZUP200028 Use Permit to allow a gun shop in the CSS, Commercial Shopping and Services District.



Property Owner	Union Plaza Tempe LLC
Applicant	Marc Sepulveda, Money Shot, LLC
Zoning District	CSS
Site Area	120,250 s.f.
Building Area	18,937 s.f.
Suite Area	1,500 s.f.
Vehicle Parking	No change in demand
Bicycle Parking	No change in demand
Hours of Operation	10 a.m. to 6 p.m., M-Sa; 12 p.m. to 6 p.m. Su
Building Code Occupancy	M / S-2

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director  
Legal review by: N/A  
Prepared by: Lee Jimenez, Senior Planner  
Reviewed by: Steve Abrahamson, Principal Planner

## COMMENTS

Historically, Union Plaza had gun shop tenants at 1432 and 1438 North Scottsdale Road in the 1990s. The businesses operated under the names Great Guns and Command Post. Command Post fell victim to a crash and rob where a vehicle was used to damage the façade and gain entry into the shop. The shop eventually closed in 2001. Another crash and rob incident is known to have occurred but records and institutional knowledge is unclear whether it was Great Guns or Command Post whom fell victim. The proposed suite for AZ GUNS (PL200148) has passive barriers provided by means of the building columns. The applicant also plans to provide additional security measures to the store front system.

## PUBLIC INPUT

- A neighborhood meeting is not required for a use permit request; however, staff encouraged the applicant to conduct a neighborhood outreach based on previous experiences with this neighborhood to which he voluntarily accepted.
  - On May 5, 2020, the Mayor issued a proclamation authorizing alternatives to hosting physical neighborhood meetings during the COVID-19 pandemic such as virtual meetings or comment periods.
  - The applicant chose the comment period method. He posted the site and mailed letters to property owners within 600 feet of Union Plaza on July 16<sup>th</sup>, 2020, soliciting feedback on the proposed gun shop. Letters were also emailed to residential associations within 1,320 feet of Union Plaza. The comment period ran from Saturday, July 18<sup>th</sup> through Friday, July 24<sup>th</sup>, 2020.
  - The applicant received an email in support and a returned letter with a hand-written comment in opposition.
  - Staff received an email citing no major concerns with the proposed use other than thoughts that the gun shop lends to the idea of clustering of red light district uses and a preference to not use rod iron bars of any kind on the windows, but instead use security roll-down shades like the neighboring liquor store.
  - Neighborhood responses are provided in the staff report attachments.
- No comments were received by staff during the notification period of the public hearing item.

## POLICE INPUT

The proposed security for the storefront windows and doors is sufficient, but optimal is roll-down security doors. Also, dark security window tint is not recommended since it defeats the purpose of providing natural surveillance. No security plan is required at this time.

## USE PERMIT

The proposed use requires a Use Permit to operate a gun shop in the CSS zoning district

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use is not expected to generate more vehicular and pedestrian traffic than other types of retail and service uses allowed by right in the CSS zoning district.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; all business activities will take place indoors with no testing of firearms conducted on the premises, and is therefore not expected to generate emissions that would otherwise cause a nuisance.
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 proposed use is permitted subject to a use permit in the CSS zoning district which is in concert with the designated land use identified in the City of Tempe General Plan 2040.
4. *Compatibility with existing surrounding structures and uses*; no changes are anticipated to the exterior of the building. The proposed use is consistent with other retail and services located in the shopping center and nearby commercial centers/strips. Gun shops operated in Union Plaza in the 1990s with the last one closing in 2001.

5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public; steel bar barriers and security tinted windows are proposed at the storefront along with 24 hour a day security monitoring and real time video surveillance system; similar to the applicant's Chandler location which has not experienced break-ins or theft. Firearms will be secured in display cases and locked and secured afterhours.*

#### **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: (Non-standard conditions are identified in bold)**

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. This Use Permit is valid only after all required Building Permits or Clearances have been obtained and the required inspections have been completed, and a Final Inspection has been passed.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. All required Federal, State, County, and Municipal permits or clearances shall be obtained or the Use Permit is void.
4. The applicant shall contact the City of Tempe Crime Prevention Unit within 30 days of this approval to schedule and complete a site inspection to determine if a security plan is required to operate the business. Contact 480-858-6409 before September 10, 2020.
5. Hours of operation to begin no earlier than nine o'clock in the morning (9:00 a.m.) and end no later than seven o'clock in the evening (7:00 p.m.) on a daily basis.
6. **Storefront system shall be secured with roll-up security shutters; no folding security gates.**
7. **Security window film shall have a zero percent (0%) opacity.**

#### **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.

#### **USE PERMIT:**

- The Use Permit is valid for AZ GUNS and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.

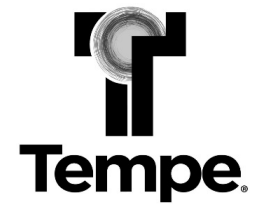
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <http://www.tempe.gov/zoning> or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- Any intensification or expansion of use shall require a new Use Permit.
- 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.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

**HISTORY & FACTS:**

- |                  |   |
|------------------|---|
| June 4, 1990     | Sign Permit issued for GREAT GUNS, located at 1432 North Scottsdale Road in the CSS, Commercial Shopping and Services District.   |
| November 1, 1993 | Sign Permit issued for COMMAND POST, located at 1448 North Scottsdale Road in the CSS, Commercial Shopping and Services District. |

**ZONING AND DEVELOPMENT CODE REFERENCE:**

- Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts
- Section 6-308 Use Permit
- Section 6-313 Security Plan



# DEVELOPMENT PROJECT FILE

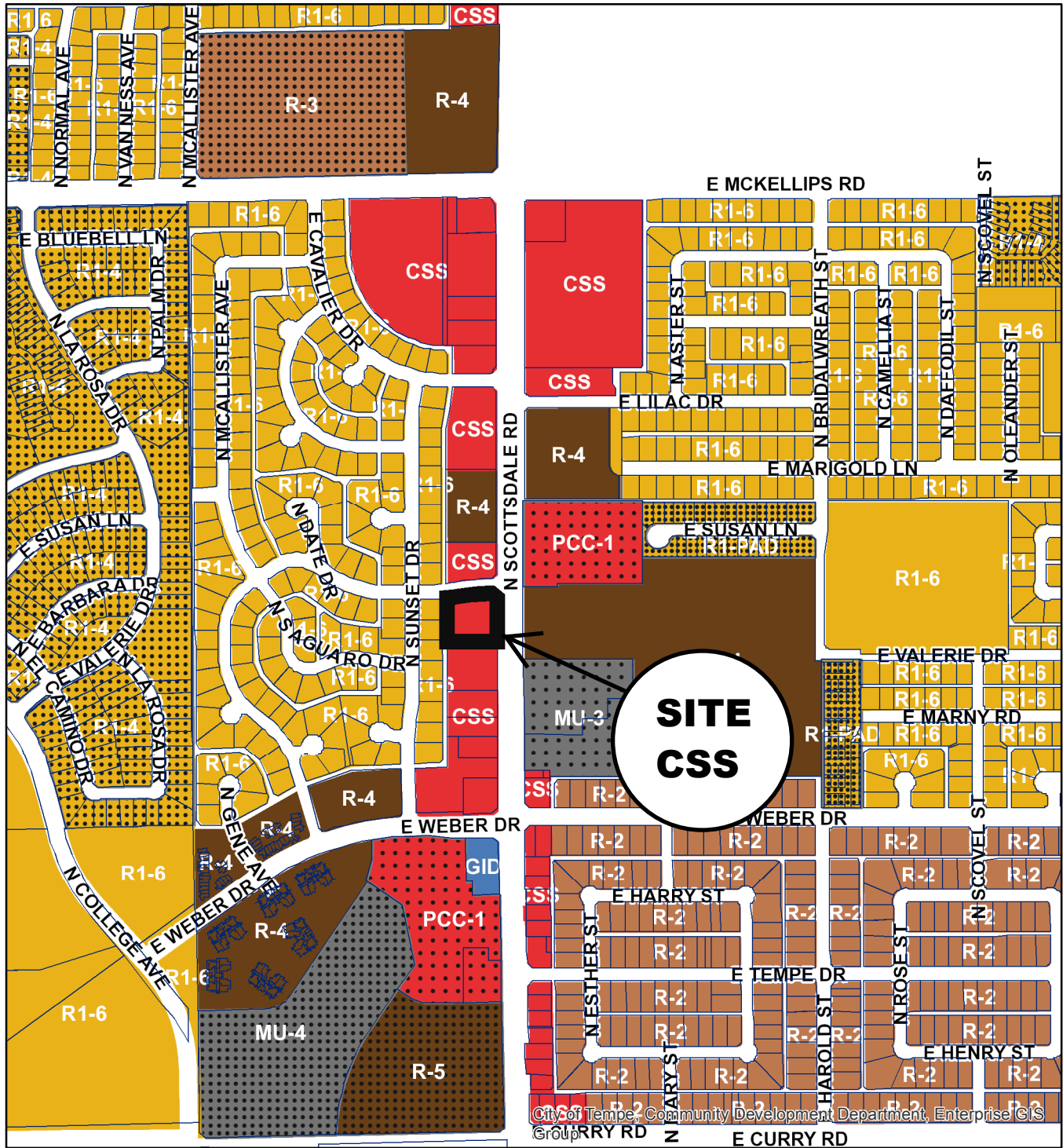
for  
AZ GUNS  
(PL200148)














## ATTACHMENTS:

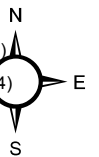
1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Building Elevations
6. Floor Plan
- 7-11. Neighborhood Outreach Summary and Comments

# AZ GUNS

PL200148

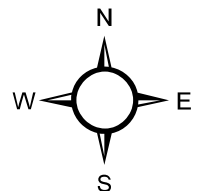


- |  |   |  |
|--|---|--|
|  General Industrial District (GID)              |  Agricultural (AG)                                   |  Multi-Family Residential Limited (R-3) |
|  Mixed Use Med-High (MU-3)                      |  Single-Family Residential (R1-6)                    |  Multi-Family Residential General (R-4) |
|  Mixed Use High (MU-4)                          |  Single-Family Residential (R1-4)                    |  Multi-Family Residential High (R-5)    |
|  Commercial Shopping and Services (CSS)         |  Single-Family Residential Planned Area Dev (R1-PAD) |  |
|  Planned Commercial Center Neighborhood (PCC-1) |  Multi-Family Residential (R-2)                      |  |





Aerial Map



To Whom It May Concern,

Az Guns is requesting a use permit at the location of 1510 North Scottsdale Road, within the municipality of Tempe, Arizona. The use permit would allow for retail sales of firearms during the hours of 10:00 AM to 6:00 PM Monday through Saturday and 12 PM to 6 PM on Sunday.

We currently maintain a location in Chandler, and employ 8 part time and 2 full time employees. Our business has been in operation for over five years, and have maintained a positive relationship with both the ATF as well as the Chandler Police Department. To date, we have had zero infractions that would result in the jeopardy of our federal licenses.

Our business is owned by Public Safety and Military Personnel and this is a direct reflection of a significant percentage of our current customer base. We currently offer firearms safety classes through a third party as we feel access to informed firearms ownership should be a priority. At the writing of this letter, our current location has generated over \$1.9 million dollars in taxable revenue for this calendar year.

For the proposed location, no changes to the exterior of the building or property's exterior are planned and therefore the aesthetic impact to the surrounding, visible area will be minimal.

The following bullet points address factors for the use permit request:

A: Our business will have a minimal impact to the ingress, egress, and parking situation as it currently exists. In a standard eight-hour business day, we average under 100 customers.

B: Our business will not generate or emit emissions of odor, gas, noise, vibration, smoke, heat, or glare. We will not perform any manufacturing or maintenance on site. There will be no firearms testing on premise. There are no nuisances created by our presence.

C: We will not require abnormal or excessively large monument signage. There will be no adverse impact or deterioration to the neighborhood as to affect property values or conflicts with the general plan.

D: Our use will be compatible with existing structures and uses within the immediate vicinity. Our current store is located within a similar inline retail space and has increased patronage of neighboring businesses as our customers tend to visit these other uses as part of their visit to our location.

E: We have adequate security features in place at our current location. We maintain steel bars barriers that are not visible from the exterior, security tinted windows to prevent breakage, 24 hour a day security monitoring, and real time video surveillance. To date we have not had an issue with break-ins or theft. We plan to replicate all security measures at our Tempe location. Firearms will be secured in display cases and the previously mentioned features will be locked and secured after hours.

We have maintained a valid Federal Firearms License since the spring of 2015. We fully comply with all FBI and ATF rules and regulations. We have had multiple unannounced site visits and have been without infraction. This has earned us a unique ability to engage with local field offices and officials, fostering that relationship. We have also participated in testing compliance software and programs to ensure better compliance with constantly evolving laws and regulations.

I appreciate the body's consideration of our application.

Respectfully,

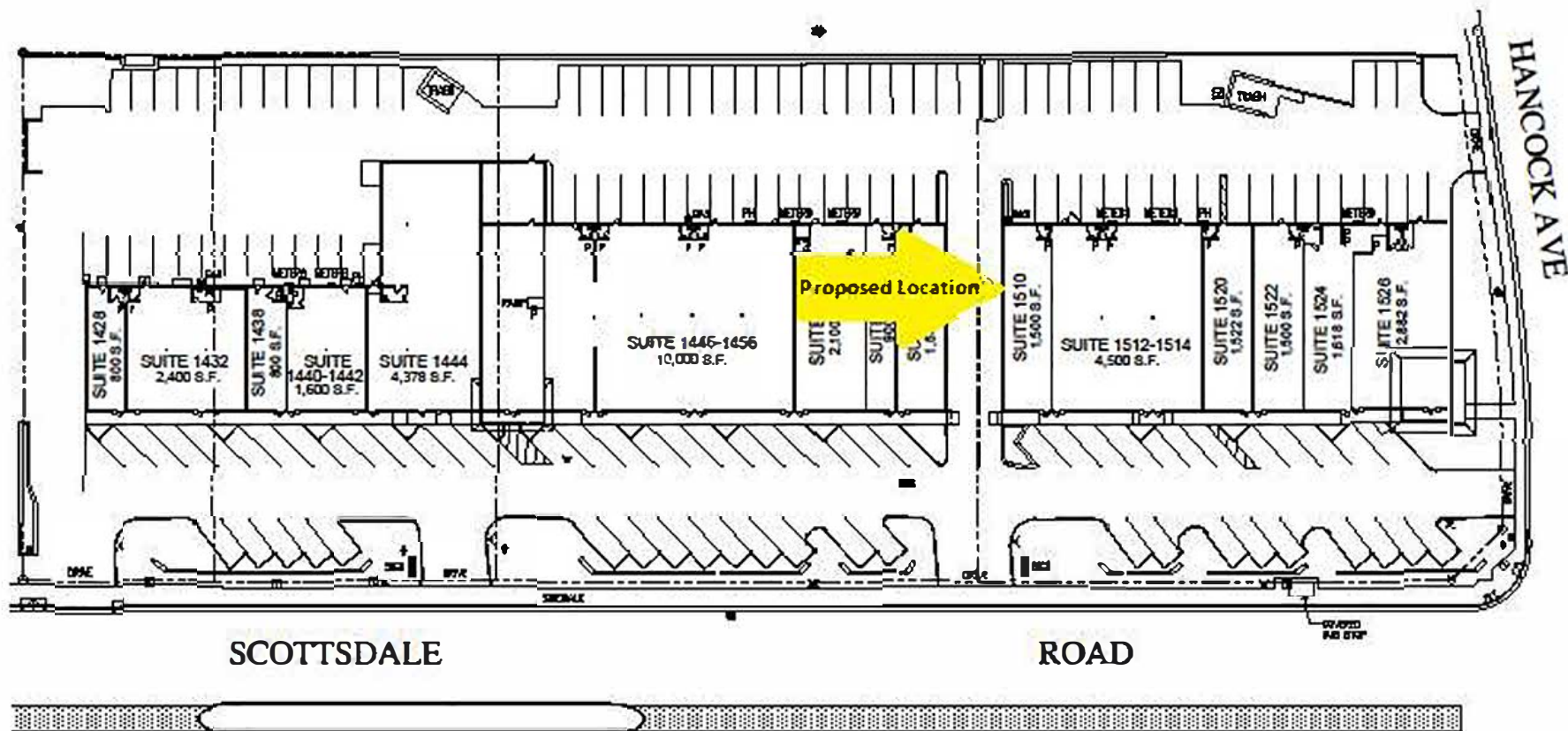
Marc Sepulveda



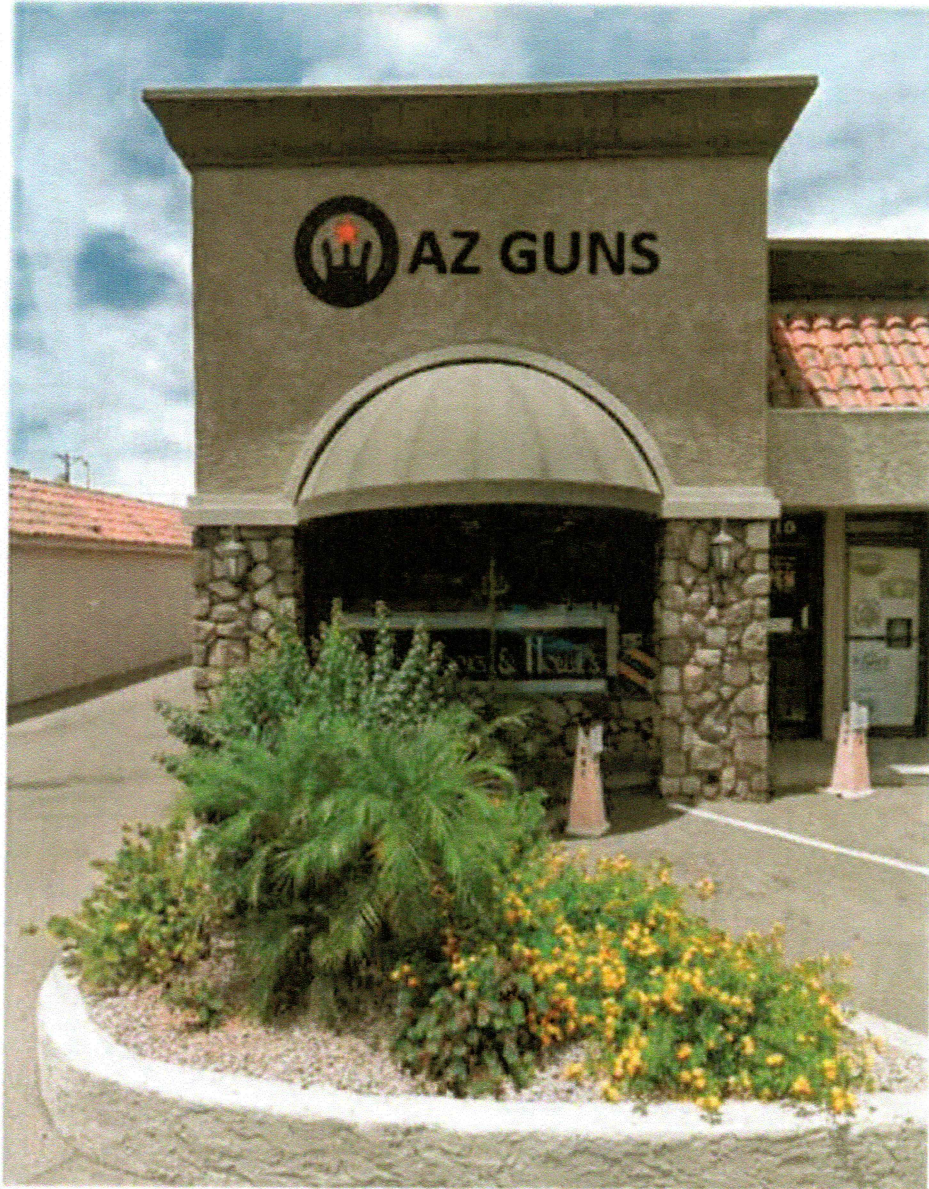
# UNION PLAZA

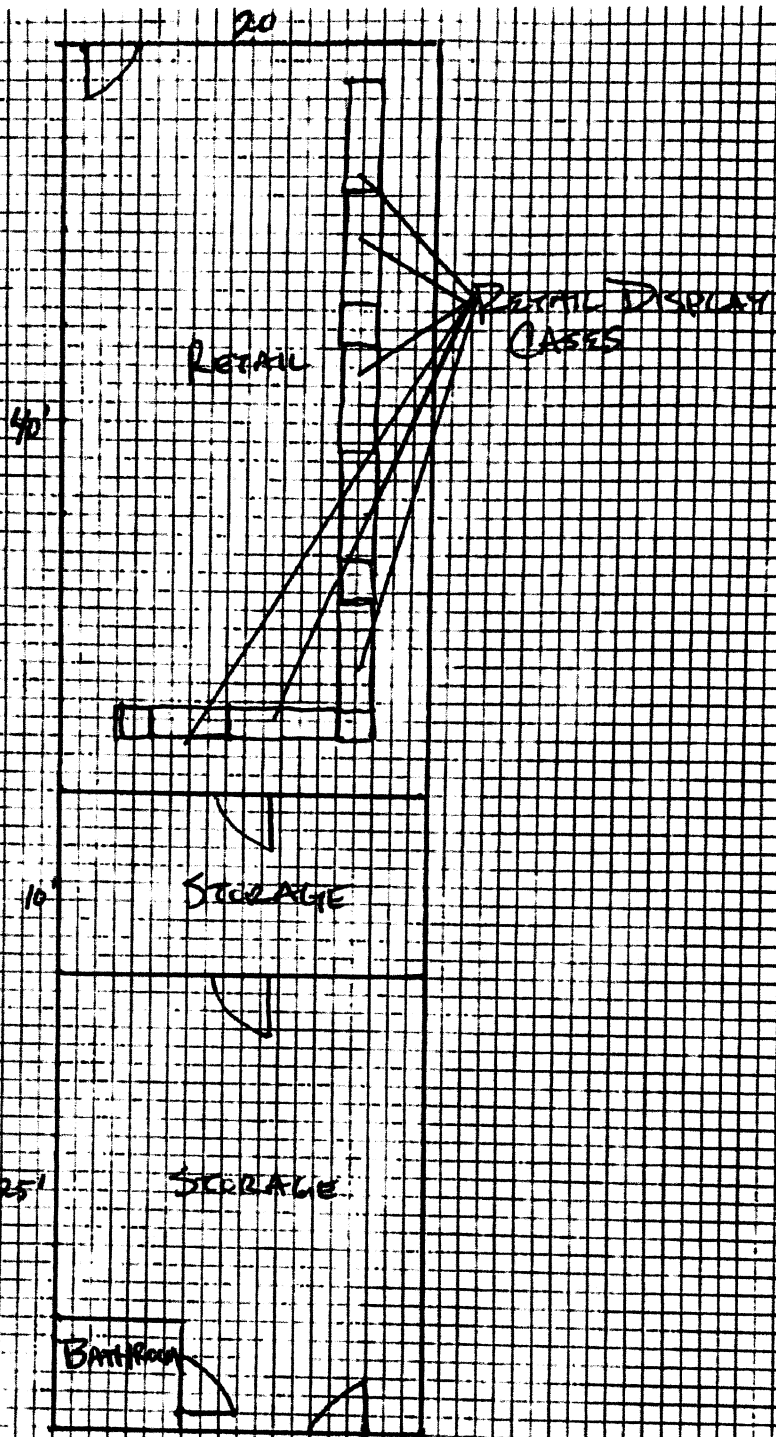
## LEASING PLAN

SWC SCOTTSDALE RD. & HANCOCK AVE.  
1428 - 1528 N. SCOTTSDALE RD., TEMPE, AZ 85281



*This center has approximately 20,000 s.f. and approximately 151 parking spaces. Any plan or exhibit attached to this property is intended to show only the general layout of the property or part thereof. Landlord reserves the right to alter, add to or omit in whole or in part the structures and/or common areas currently existing or hereafter constructed on the property or shown on any plan. The property is subject to change or modification as may be made by the landlord in its sole discretion or required by any authority having jurisdiction. Any and all measurements, distances or square footages are approximate. Landlord does not covenant or represent that any occupant currently or hereafter located at the property will remain a tenant. Landlord makes no representations, either expressed or implied as to the current or future condition or subjection of tenants and/or occupancy of the property or any surrounding properties. 11-21-14 (14-05)*





## Jimenez, Lee

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**From:** Marc S <marc@azguns.com>  
**Sent:** Thursday, July 30, 2020 9:54 AM  
**To:** Jimenez, Lee  
**Cc:** Brandon Johnson  
**Subject:** Neighborhood Outreach Summary  
**Attachments:** Resized\_20200724\_180842.jpg; Response to Store Opening.pdf; vmatxls06\_1170328567888-1-Resized\_20200724\_180833.jpg

Good Morning Lee,

The period allocated for response to the notice of intent to pursue a Use Permit for our Tempe location has closed. On July 16, 2020 approximately 110 letters were sent out by mail. Email correspondence to the associations occurred on 18 July with a PDF version of what was sent by mail to residents. The response window dates provided to the recipients of the letters were Saturday 18 July through Friday 24 July.

The summary of those actions are as follows:

- 1) 3 letters were returned to sender.
- 2) 1 email was returned as undeliverable.
- 3) One of our letters was repackaged in an envelope with our address without a return address. There were comments handwritten on our letter, but no means of correspondence was provided.
- 4) One email of support was received

The anonymous response as well as the email of support are attached to this email.

I have continuously asked the employees at our current location if there have been any means of communication in relation to this matter. Outside of what was included here, I know of no other attempts to make commentary on our Use Permit Application.

Please let me know how I can continue to be of assistance and work with your department through this process.

Feel free to contact me at any time.

Respectfully,  
Marc Sepulveda

**Marc Sepulveda**  
**AZ Guns**  
**480-745-2588 ext 802 Direct**  
**855-273-1000 Toll Free**  
[www.AZGUNS.com](http://www.AZGUNS.com)

CONFIDENTIALITY NOTICE: This e-mail (including attachments) is covered by the *ECP Act, 18 U.S.C. ss 2510-2521*. It is for the use of the intended recipient and may contain confidential and privileged information. Any unauthorized review, copy, use, disclosure, or

15 July 2020

*I am not interested  
or want you in my  
neighborhood*

Dear Property Owner and/or Tenant;

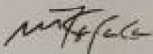
We are writing this letter to inform you that our company has recently filed an application for a Use Permit to operate a Retail Store to include sales of firearms at 1510 N Scottsdale Rd.

AZ Guns is a Veteran and Public Safety Personnel owned company that operates another retail location in Chandler. We have been in business for five years, and currently employ ten people. We pride ourselves on safety and customer service and have maintained stellar reviews, and an excellent safety record. While not required, we do want to proactively demonstrate our good faith in being a cooperative and value-added neighbor.

Due to COVID-19, and in lieu of the ability to hold a physical neighborhood meeting, we are asking all parties with questions, comments, or concerns to email [marc@azguns.com](mailto:marc@azguns.com). If electronic communication is not a feasible option, correspondence may be sent to 961 W Ray Rd #8, Chandler, AZ 85226. This communication intake period will last from **Saturday 07/18/2020 through Friday 07/24/2020**.

Included in this notification letter is an additional Letter of Explanation, Site Plan, Floor Plan, and Rendering of the Storefront. We are happy to answer any questions and hear any concerns that you may have regarding this proposal. Furthermore, you can contact me personally at 480-209-7949.

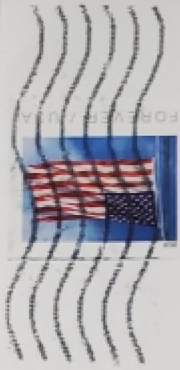
Very Respectfully,



Marc T. Sepulveda  
Owner, AZ Guns



[marc@azguns.com](mailto:marc@azguns.com) . [www.AZGuns.com](http://www.AZGuns.com) . 480-745-2588 ext. 802

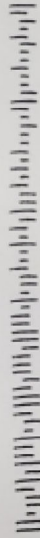


PHOENIX AZ 852

22 JUL 2020 PM 4 1

A2 Luna  
961 W. Ray Rd. #8  
Chandler, Az  
85225

85225-655308





Marc S &lt;marc@azguns.com&gt;

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**Response to new store opening**

1 message

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**abraham assad** <abeassadiv@gmail.com>  
To: marc@azguns.com

Sat, Jul 18, 2020 at 1:44 PM

Mr. Sepulvida and the team at AZGuns,

We received your letter about the new store opening down the street from our house and wanted to say congratulations on the expansion. We can't wait to see it. You will be making our favorite strip of stores even better.

Our only questions are;

1. When are you hoping to open?
2. Is there anything else we can do to help with the process of you obtaining your license?
3. Why in the world is your business the only one that has needed to, or felt obligated to announce their opening to us? (although in some cases it may be good marketing)

Look forward to having you as neighbors,

Abraham Assad IV

## Jimenez, Lee

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**From:** Abrahamson, Steve  
**Sent:** Thursday, July 30, 2020 3:46 PM  
**To:** Jimenez, Lee  
**Subject:** RE: Gun Shop

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**From:** Sherri Lesser <lesser44@outlook.com>  
**Sent:** Monday, July 20, 2020 5:08 PM  
**To:** Abrahamson, Steve <Steve\_Abrahamson@tempe.gov>  
**Subject:** Gun Shop

Hi Steve- I got a letter from the owner of the gun store seeking a use permit at Union a Plaza... which planner is handling that case? I recall that there was a gun store in that center 20-25 years ago - could you have some one research it and let me know know ... I'm not necessarily opposed to the use -although it does lend to the idea of "clustering" of red light district uses. My biggest concern is how they plan to secure the store. I would prefer NO rod iron bars of any kind -the liquor store uses security shades over the windows when they are closed

Thanks Sherri Lesser

  
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