



**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/25/2022
Agenda Item: 6**

ACTION: Request a Use Permit to allow a second-hand store for **ATHORIA GAMES**, located at 3136 South McClintock Drive. The applicant is Patrick Hug.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: **ATHORIA GAMES (PL220198)** is requesting a Use Permit to allow a second-hand store in an existing building in Southern Palms Shopping Center, located within the PCC-2, Planned Commercial Center General zoning district. The request includes the following:

ZUP220046 Use Permit to allow a second-hand store.

Project Vicinity Map			
	Property Owner	Southern Palms Station LLC	
	Applicant	Patrick Hug, Athoria Games	
	Zoning District	PCC-2	
	Site Area	749,453 s.f.	
	Suite Area	3,400 s.f.	
	Vehicle Parking	No change in demand	
	Bicycle Parking	No change in demand	
	Hours of Operation	Monday-Thursday 10am-10pm, Friday & Saturday 10am- 12am, Sunday 10am-4pm	

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lily Drosos, Planner I (480) 350-8245

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Lily Drosos, Planner I

Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

Athoria Games will be a new business located at 3136 South McClintock Drive in Suite 11. The site is on the northwest corner of McClintock Drive and Southern Avenue, in the Southern Palms Shopping Center. The proposed store is located within the PCC-2, Planned Commercial Center General zoning district. The area of the suite totals 3,400 square feet. The previous tenant occupying the space was Game Depot, a retail store. The applicant indicates that they are a second-hand video game and card trading retailer.

PUBLIC INPUT

Staff has received no public comments since the publishing of this report.

USE PERMIT

The proposed use requires a Use Permit to allow a second-hand store within the PCC-2 Planned Commercial Center General 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 will be located in an existing shopping center, therefore a significant increase in vehicular or pedestrian traffic is not anticipated.
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 proposed use is not expected to cause any nuisances exceeding ambient conditions.
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 applicant states that this business will help surrounding businesses thrive and increase the overall property value. A second-hand store is a permitted use in the Zoning and Development Code in this zoning district, subject to a Use Permit.
4. *Compatibility with existing surrounding structures and uses*; The proposed retail use is compatible with the other existing uses within the existing shopping center.
5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public*; The applicant indicates that the on-site staff will control customer behavior as needed and disruptions are not expected.

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. 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.

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:

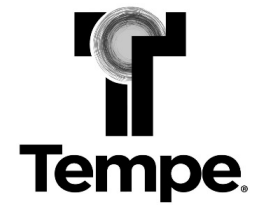
- The Use Permit is valid for Athoria Games and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been 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 Mike Scarpitta 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:

None pertinent to this request.

ZONING AND DEVELOPMENT CODE REFERENCE:

[Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts](#)
[Section 6-308, Use Permit](#)



DEVELOPMENT PROJECT FILE

for

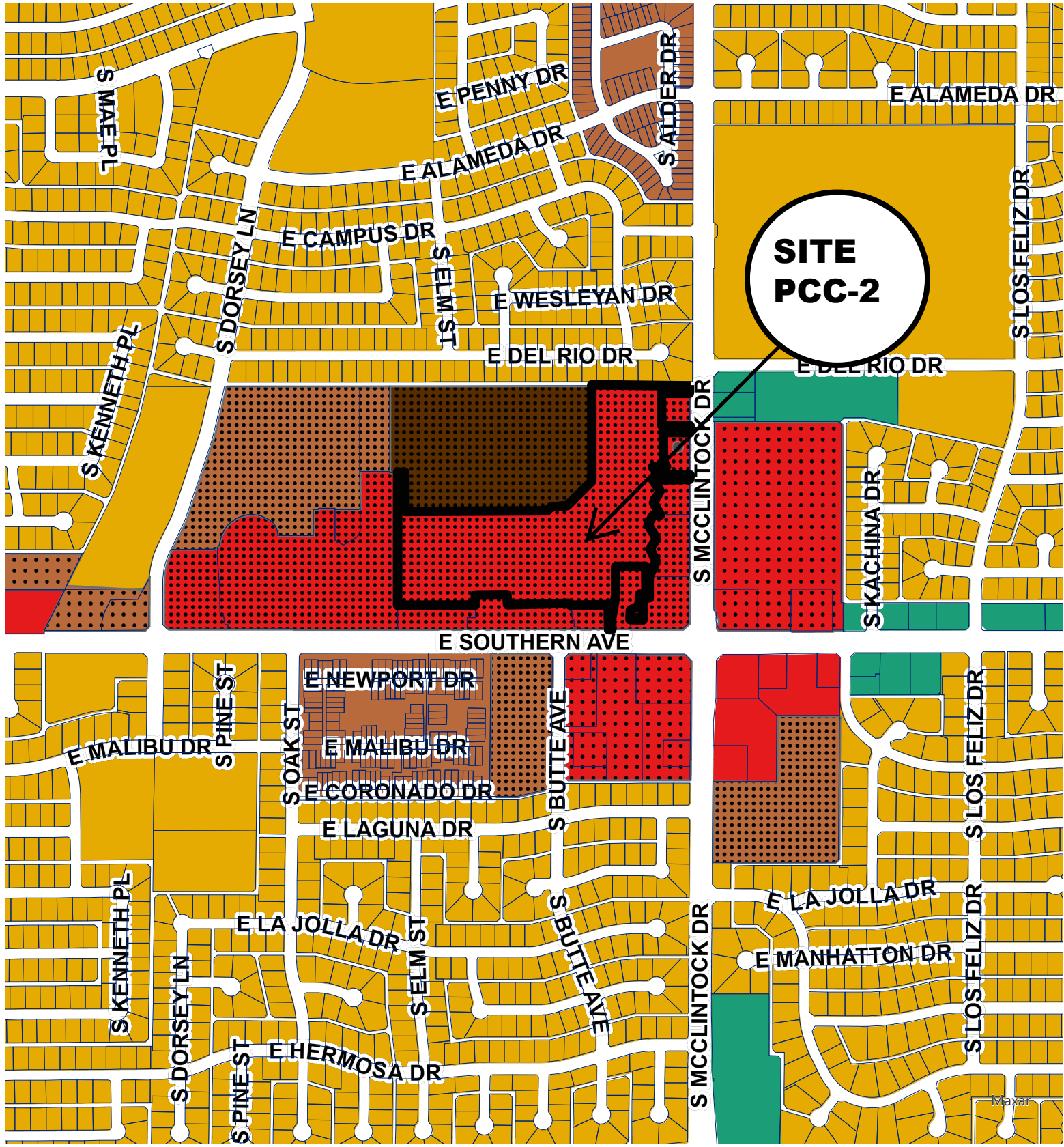
ATHORIA GAMES

(PL220198)

ATTACHMENTS:

1. Location Map
2. Aerial
3. Letter of Explanation
4. Tenant List
- 5-6. Site Plans
7. Floor Plan
8. Context Photo

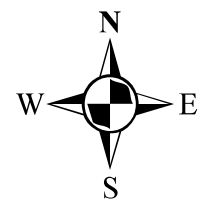
Athoria Games



- Commercial Shopping and Services (CSS)
- Planned Commercial Center Neighborhood (PCC-1)
- Planned Commercial Center General (PCC-2)
- Residential/Office (RO)
- Single-Family Residential (R1-6)
- Multi-Family Residential (R-2)
- Multi-Family Residential Restricted (R-3R)

- Multi-Family Residential Limited (R-3)
 - Multi-Family Residential High (R-5)
 - Override 1
- Twelve Point
CenterlineSubType
ADOT

- Canal
- Monument
- Private
- Railroad
- Street
- <all other values>

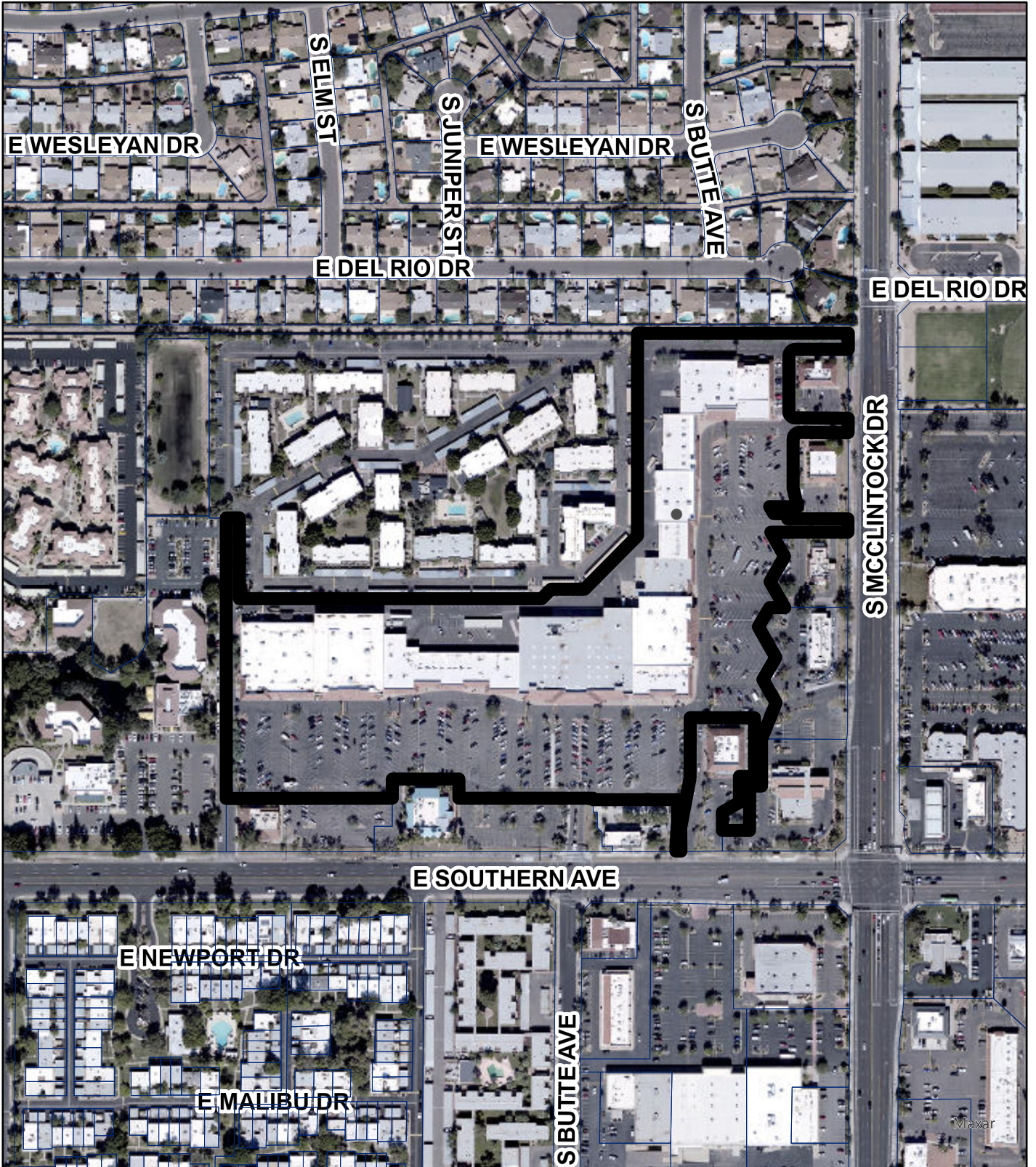




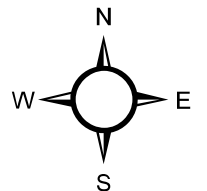
Tempe

PL220198

ATHORIA GAMES



Aerial Map



Letter of explanation - Application addendum for City of Tempe Use Permit

Dear Friends,

Athoria Games is thrilled to be opening our second location in the beautiful City of Tempe. We have a wonderful growing business in Mesa for the past 5 years and look forward to continuing our success at our new location.

As part of our business model, we need a Second Hand Business license. A part of the fun of the hobby gaming industry is trading in older games, cards, etc to get the newest items. Similarly, collectors come to us looking for those nostalgic items that are not offered through current distribution channels. This keeps older items in use and out of landfills, while bringing joy to gamers of all ages. We would like to support the community by offering this, and ask for license approval.

A bit about us:

Athoria Games Tempe

Planned opening: August 2022

Staff: 3 Full time, 2 part time

Hours of operation:

10am-10pm Monday-Thursday

10am-12am Friday & Saturday

10am-4pm Sunday

General Description of Customers: Everyone! Our customers range from 6-100yrs old and are all genders and ethnicities.

Effect on surrounding businesses: We hope to build a thriving community that values good game play and fun. We anticipate it would increase positive customer flow for all nearby businesses and have only minimal impact on available parking, etc.

Additional info required:

- a. Any significant vehicle or pedestrian traffic? We do not anticipate any significant changes to traffic or pedestrian flow.
- b. Nuisance arising from emission of odor, etc? None.
- c. Contribution to the downgrading of the property? None. This will actually help the business thrive which will increase property value.
- d. Compatibility with existing structures and uses? This is inline with other businesses in the plaza which already deal in second hand goods. Existing structure is sufficient.
- e. Customer behavior is controlled by on site staff as needed. No disruption to the surrounding area is expected.

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
ATHORIA GAMES	3136 S MCCLINTOCK DRIV	TEMPE	AZ	####
AUTOZONE	3136 S MCCLINTOCK DRIV	TEMPE	AZ	####
BACK EAST BAGELS	1706 E SOUTHERN AVE	TEMPE	AZ	####
BASKIN ROBBINS	1706 E SOUTHERN AVE	TEMPE	AZ	####
CHASE BANK	1706 E SOUTHERN AVE	TEMPE	AZ	####
CLEAN FREAK CAR WASH	1706 E SOUTHERN AVE	TEMPE	AZ	####
FIREHOUSE SUBS	3136 S MCCLINTOCK DRIV	TEMPE	AZ	####
FLUID MARTIAL ARTS ACADEMY	3136 S MCCLINTOCK DRIV	TEMPE	AZ	####
FOREVA WINGS SPORTS GRILL	1706 E SOUTHERN AVE	TEMPE	AZ	####
FRESCHÉ	1706 E SOUTHERN AVE	TEMPE	AZ	####
GBH DENTAL	1706 E SOUTHERN AVE	TEMPE	AZ	####
GENTLE DENTAL	1706 E SOUTHERN AVE	TEMPE	AZ	####
GNC (1753)	1706 E SOUTHERN AVE	TEMPE	AZ	####
GOODWILL	1706 E SOUTHERN AVE	TEMPE	AZ	####
HABITAT FOR HUMANITY RESTORE	3136 S MCCLINTOCK DRIV	TEMPE	AZ	####
JOHN'S PERMA CLEAN	1706 E SOUTHERN AVE	TEMPE	AZ	####
LAKESHORE OPTICAL	1706 E SOUTHERN AVE	TEMPE	AZ	####
LESLIE'S POOL SUPPLIES (409)	3136 S MCCLINTOCK DRIV	TEMPE	AZ	####
LG'S BARBERSHOP	1706 E SOUTHERN AVE	TEMPE	AZ	####
LOS REYES DE LA TORTA	1706 E SOUTHERN AVE	TEMPE	AZ	####
MCDONALD'S	3136 S MCCLINTOCK DRIV	TEMPE	AZ	####
ONCE UPON A CHILD	1706 E SOUTHERN AVE	TEMPE	AZ	####
OUTBACK STEAKHOUSE (0310)	3136 S MCCLINTOCK DRIV	TEMPE	AZ	####
PLANET FITNESS	3136 S MCCLINTOCK DRIV	TEMPE	AZ	####
ROC PHYSICAL THERAPY	1706 E SOUTHERN AVE	TEMPE	AZ	####
SALLY BEAUTY SUPPLY (559)	1706 E SOUTHERN AVE	TEMPE	AZ	####
SONORAN SERENITY SPA	1706 E SOUTHERN AVE	TEMPE	AZ	####
SOUTHWEST INSTITUTE OF HEALING AR	1706 E SOUTHERN AVE	TEMPE	AZ	####
SPROUTS FARMERS MARKET (20)	1706 E SOUTHERN AVE	TEMPE	AZ	####
STARBUCKS	1706 E SOUTHERN AVE	TEMPE	AZ	####
STATE FARM INSURANCE	1706 E SOUTHERN AVE	TEMPE	AZ	####
TACO BELL	1706 E SOUTHERN AVE	TEMPE	AZ	####
TEMPE NAILS AND WAX	1706 E SOUTHERN AVE	TEMPE	AZ	####
TEMPE SKIN AND BODY	1706 E SOUTHERN AVE	TEMPE	AZ	####
TOUCH OF LOVE BY SWANNY	1706 E SOUTHERN AVE	TEMPE	AZ	####
U-MAIL PLUS	1706 E SOUTHERN AVE	TEMPE	AZ	####
VOLTA CHARGING	1706 E SOUTHERN AVE	TEMPE	AZ	####
WILLIAM WARREN GROUP	1706 E SOUTHERN AVE	TEMPE	AZ	####

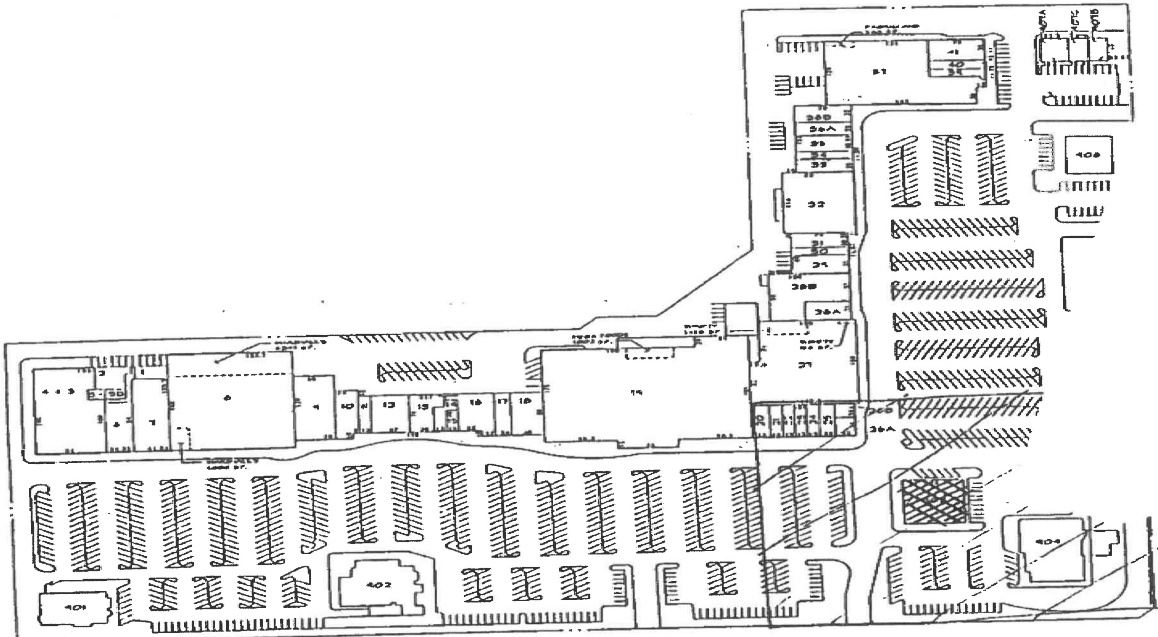
EXHIBIT A – SITE PLAN

SOUTHERN PALMS

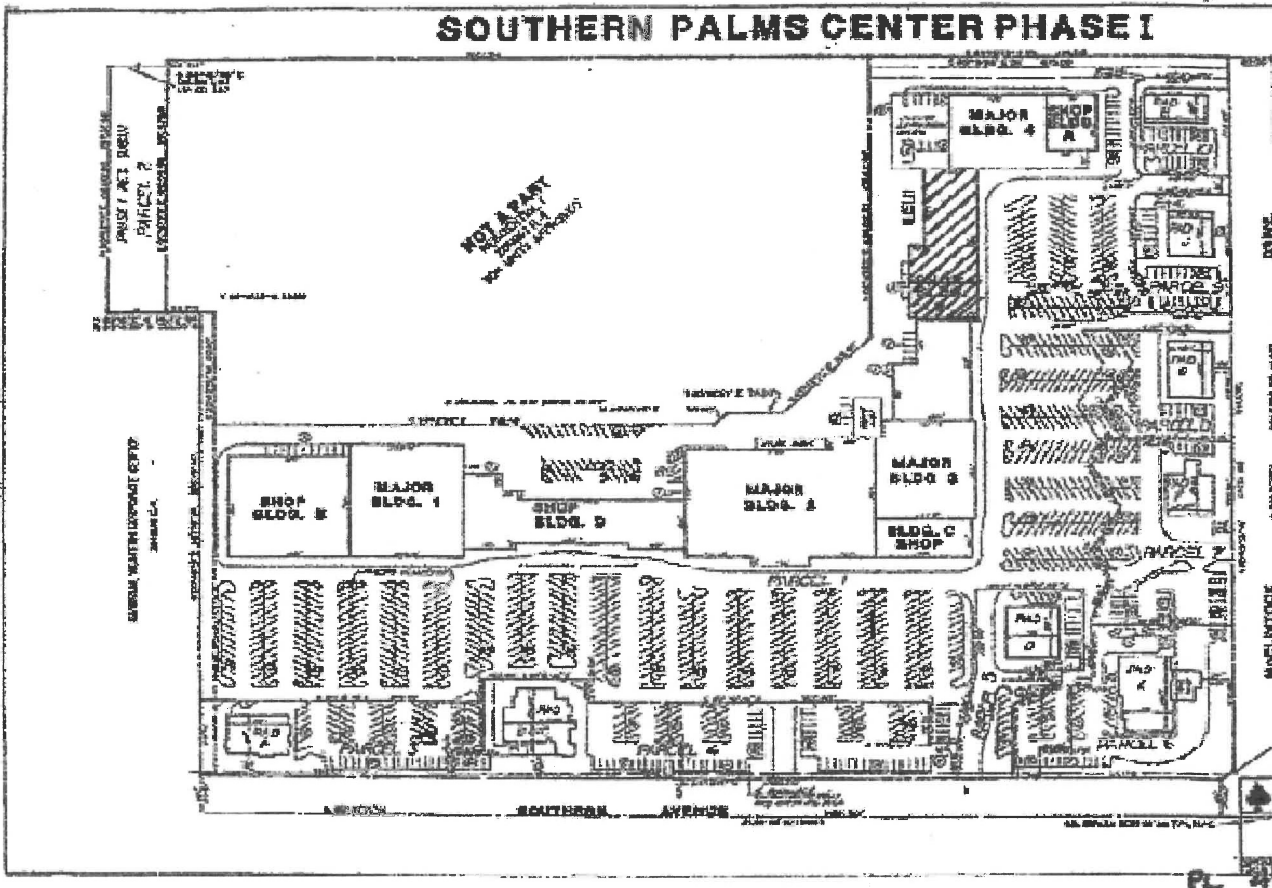
1706 East Southern Avenue | Tempe, AZ 85282



Outback – Exhibit A



Planet Fitness – Exhibit A



FRONT DOOR

MAIN CHECK OUT COUNTER

RETAIL AREA

RETAIL AREA

RETAIL AREA

TRADE DESK

RETAIL AREA

RETAIL AREA

RETAIL AREA

RETAIL AREA

RETAIL AREA

PLAY SPACE

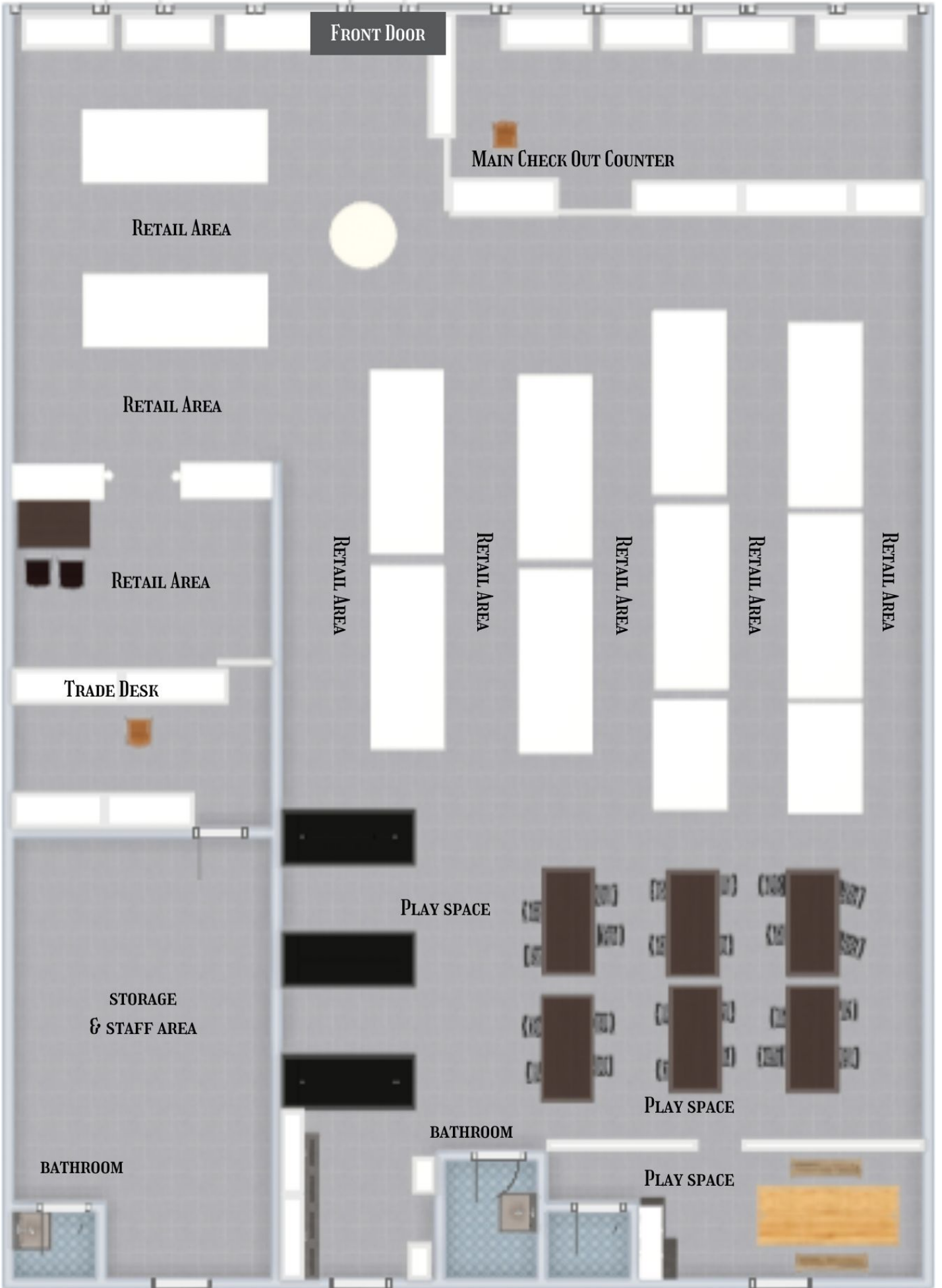
STORAGE
& STAFF AREA

PLAY SPACE

BATHROOM

BATHROOM

PLAY SPACE



VISA
MasterCard
Discover
American Express
Tap to pay
VISA



ATHOR & A GAMES

WELCOME TO YOUR ARENA