
**CITY OF TEMPE
HEARING OFFICER****Meeting Date: 12/20/2016
Agenda Item: 6**

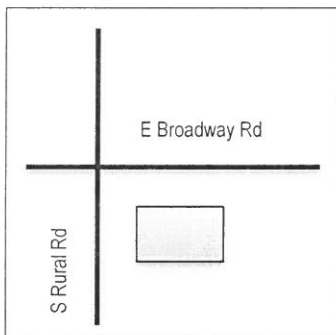
ACTION: Request approval for a use permit to allow a resale and consignment store for WHATEVER STORES, located at 933 East Broadway Road. The applicant is Paul Fan.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approval, subject to conditions.

BACKGROUND INFORMATION: WHATEVER STORES (PL160416) Located at the south east corner of East Broadway Road and South Rural Road in the Broadway Marketplace, a retail shopping center. The request includes the following:

PL160416 Use Permit to allow a resale and consignment store.



Property Owner	Weingarten Nostat Incorporated
Applicant	Paul Fan, Whatever Retails L.L.C.
Zoning District	Planned Commercial Center Neighborhood (PCC-1)
Lot Size	7.46 acres
Suite Size	6700 square feet
Parking Required/Provided	322 (367 provided)
Bike Parking Required/Provided	8 (10 provided)
Hours of Operation	Monday – Friday 9am-8pm Saturday and Sunday 9am-6pm

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dean Miller, Planner II (480) 350-8435

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Dean Miller, Planner II

Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

COMMENTS

The applicant is requesting a Use Permit to allow a resale retail store. The business will offer new and used items with an estimated ratio of 60% used and 40% new merchandise. The business will also be providing consignment services as well as receiving donations from the public.

PUBLIC INPUT - None

POLICE INPUT - None

USE PERMIT

A Use Permit is required to operate a resale/consignment store within the PCC-1 zoning district. *The business will be offering used and consignment items for sale.*

Section 6-308 E Approval criteria for Use Permit:

1. *Any significant increase in vehicular or pedestrian traffic.*

This is a retail use in a retail shopping center and therefore would not be expected to produce a significant increase in vehicular or pedestrian traffic.

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 business will be operating as a retail store and is not expected to create any type of nuisance.

3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not 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 has developed policies regarding the consignment process that protect against the possibility of receiving stolen goods.

4. *Compatibility with existing surrounding structures and uses.*

This use is compatible with other retail uses within the center. The hours of operation are consistent with typical retail uses within the center and surrounding areas.

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 has trained staff who are experienced in dealing with disruptive behavior and have in the past, responded accordingly.

The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

Conclusion

Based on the information provided by the applicant, the public input received and the above analysis staff recommends 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 for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
2. 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.
3. Any intensification or expansion of use shall require a new Use Permit.
4. Hours of operation to end no later than 8:00 pm on a daily basis.
5. Provide adequate lighting at the rear service doors. Details can be resolved during Building Safety Plan Review.
6. All rear exit doors require a compliant vision panel. Details to be approved through Building Safety Plan Review.
7. All deliveries and donation items to be transported into the store through the rear service door. The drop-off area shall be clearly marked and maintained in a neat and orderly manner.
8. No outside storage of merchandise or equipment shall be allowed.
9. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
10. The applicant shall contact the City of Tempe Police Department Crime Prevention Division (480-858-6409) prior to the start of business operations to discuss crime prevention techniques.

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 Whatever Stores 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 www.tempe.gov/planning/documents.htm 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.

HISTORY & FACTS:

December 15, 2010	The City of Tempe Hearing Officer approved a Use Permit for a pawn shop for Arizona #1 Gold Buyers with the condition the applicant return within six (6) months for review for compliance with the conditions of approval.
July 10, 2010	The City of Tempe Hearing Officer approved a Use Permit for a resale retailer (precious metal buyer) for Arizona #1 Gold Buyers.
December 6, 2011	The City of Tempe Hearing Officer re-approved a Use Permit for a pawn shop for Arizona #1 Gold Buyers.
May 30, 2013	The City of Tempe Community Development Department Staff approved a Use Permit transfer for a resale retailer (precious metal buyer) for Tempe Pawn and Gold LLC.

ZONING AND DEVELOPMENT CODE REFERENCE:

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



DEVELOPMENT PROJECT FILE

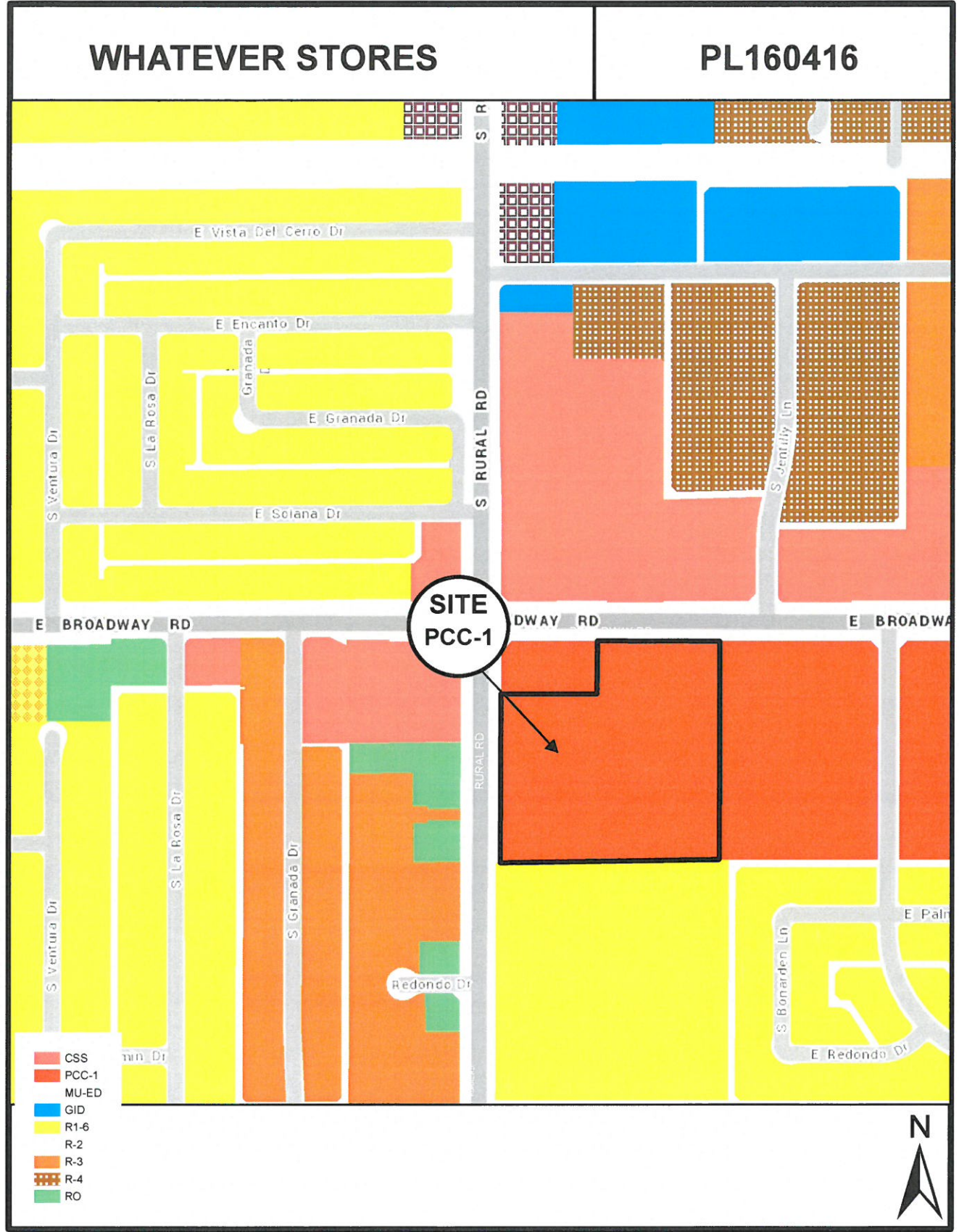
for

WHATEVER STORES

PL160416

ATTACHMENTS:

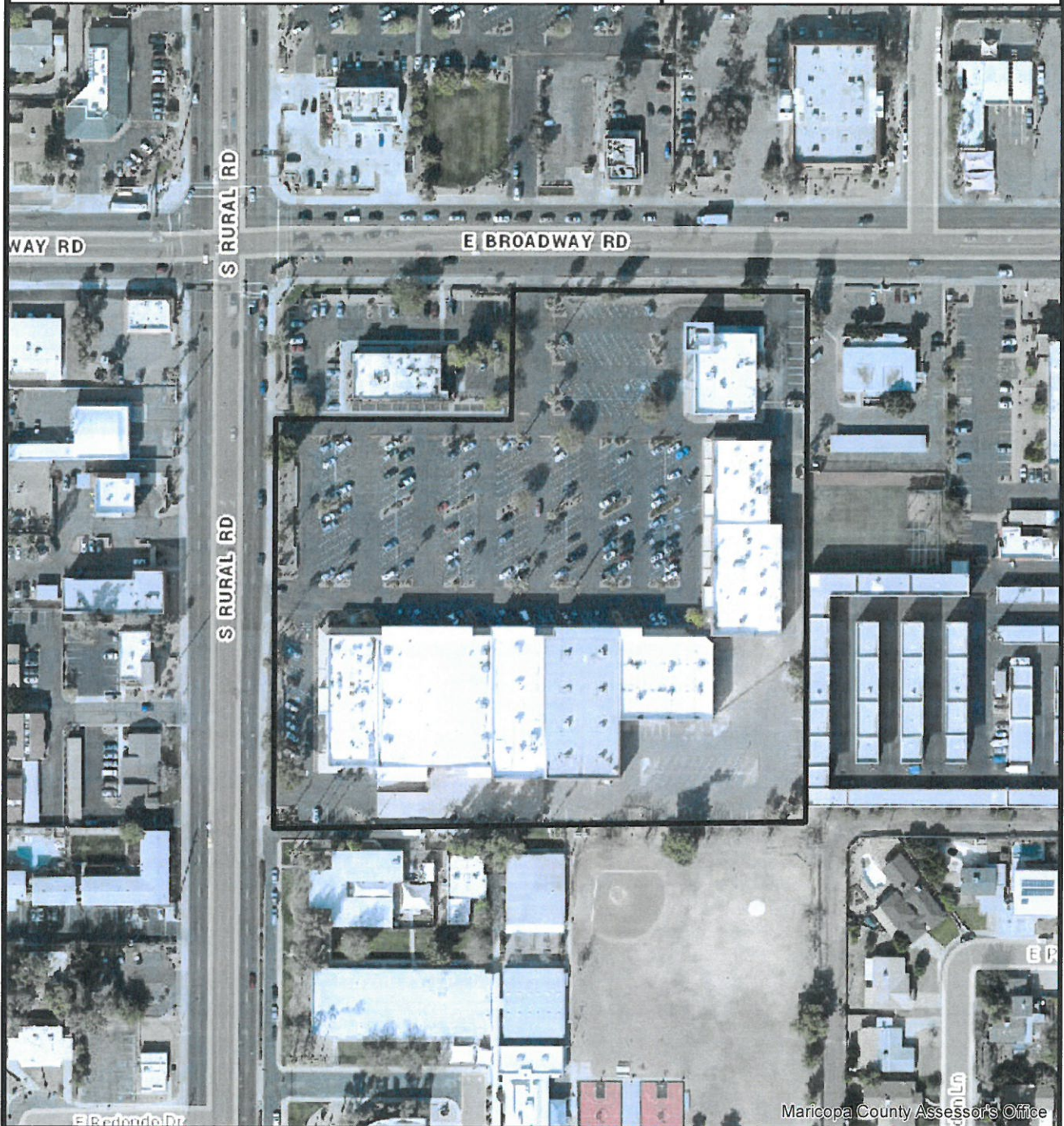
1. Location Map
2. Aerial
3. Site Plan
4. Letter of Explanation
- 5-6. Floor Plan
6. Building Elevation
- 7-8. Photos



Location Map

WHATEVER STORES

PL160416



Aerials2016

Maricopa County Assessor's Office

Aerial Map

FIRE SPRINKLER /ALARM NOTES

1. CONTRACTOR SHALL SUBMIT FIRE ALARM PLANS AND OBTAIN APPROVAL PRIOR TO INSTALLATION.
2. AUTOMATIC SPRINKLERS AND RELATED EQUIPMENT SHALL COMPLY WITH IBC SECTION 903 AND WITH THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 13 AS AMENDED.
3. Fire sprinkler approvals are NOT included under this permit. Before commencing any work on the sprinkler system plans must be submitted and approved by the Building Safety Division. The system must be inspected and approved by Building Safety Inspection prior to Certificate of Occupancy.

NO SMOKING ORDINANCE

"NO SMOKING" SIGNS, "SMOKE FREE" SIGNS, "THIS IS A NONSMOKING ESTABLISHMENT" SIGN, OR THE INTERNATIONAL "NO SMOKING" SYMBOL SHALL BE CLEARLY AND CONSPICUOUSLY POSTED AT EACH ENTRY POINT TO THE BUILDING. ALL LETTERS OR SYMBOLS THEREON SHALL BE NO LESS THAN 3" IN HEIGHT WITH A WIDTH-TO-HEIGHT RATIO BETWEEN 3:5 AND 1:1 AND A STROKE WIDTH-TO-HEIGHT RATIO BETWEEN 1:5 AND 1:10.

OWNER WORK

VANILLA SHELL

933 E BROADWAY RD

TEMPE, ARIZONA



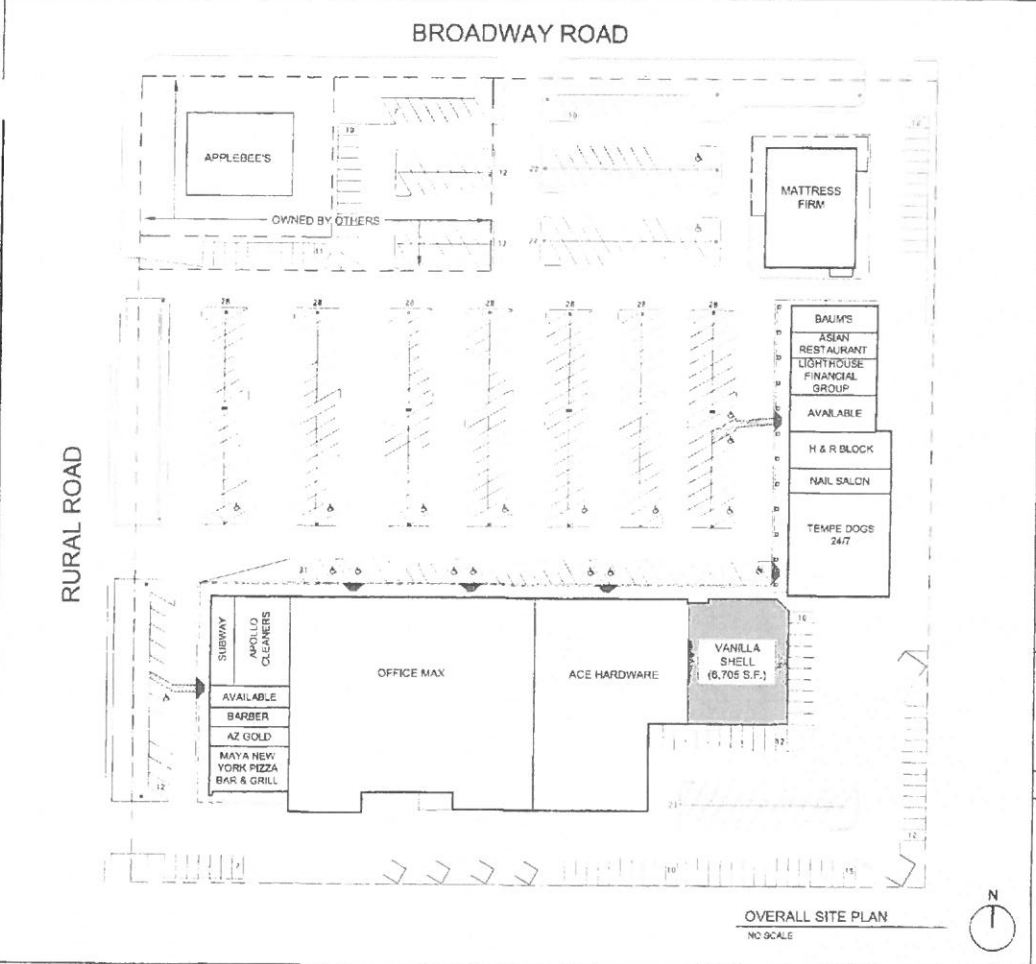
OWNER WORK
VANILLA SHELL
933 E BROADWAY RD
TEMPE, ARIZONA



COVER, OVERALL SITE
PLAN AND PROJECT DATA

date: 8/18/15
drawn:
revised:
project: 15-028
date: 8.6.15

A101



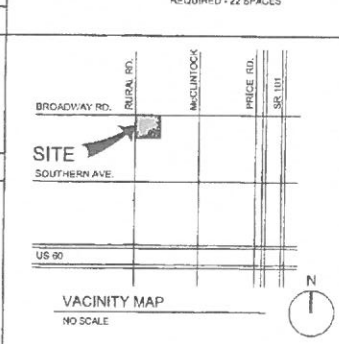
CODE COMPLIANCE	
Jurisdiction:	City of Tempe
Applicable Codes:	2009 International Building Code W/ Tempe Amendments 2009 International Fire Code W/ Tempe Amendments 2009 International Fuel Gas Code W/ Tempe Amendments 2009 International Mechanical Code W/ Tempe Amendments 2009 International Energy Conservation Code W/ Tempe Amendments 2009 International Plumbing Code W/ Tempe Amendments 2008 National Electric Code W/ Tempe Amendments ANSI A117.1-2003 2010 ADAAG
Construction Type:	III-A 1-405
System Name:	1-LS
Occupancy:	Group M
Stories:	1 Story
Existing Building:	41790 S.F.
Existing Capacity:	5180 S.F.
Vanilla Shell:	6705 S.F.
Occupancy:	Group M
Occupant Load:	Table Area = 6,570 @ 1.70 = 387 Restrooms = 130 @ 1 = 130 Total Occupant Load = 517
Existing:	Exit Required = 2 Exit Provided = 4
Chapter 26:	PLUMBING FIXTURES REQUIRED
Table 2602.1:	Merchandise
Provided:	1 Accessible Men's Restroom at 1 WC, 1 Urinal and 1 L.V. 1 Accessible Women's Restroom at 1 WC and 1 L.V. 1 Drinking Fountain Provided 1 Map Sign Provided

SHEET INDEX	
ARCHITECTURAL	
A101	COVER, OVERALL SITE PLAN AND PROJECT DATA
A102	FLOOR PLAN, SCHEDULES AND DETAILS
A103	ENLARGED RESTROOM PLANS AND DETAILS
MECHANICAL	
M1.0	MECHANICAL SPECIFICATIONS
M2.0	MECHANICAL PLAN
PLUMBING	
P1.0	PLUMBING SPECIFICATIONS
P2.0	PLUMBING PLAN
ELECTRICAL	
E1	ELECTRICAL PLAN
E2	ONE-LINE DIAGRAM

PARKING	
TOTAL SITE PARKING CALCULATIONS:	SHOPPING CENTER: 80,356 S.F. @ 1:300 = 268 SPACES RESTAURANT: 12,400 S.F. @ 1:150 = 16 SPACES
EXISTING REQUIRED:	284 SPACES
EXISTING PROVIDED:	360 SPACES
EXISTING HANDICAP ACCESSIBLE:	17 SPACES PROVIDED
SHELL SPACE:	6,725 @ 1:300 = 22.35 REQUIRED - 22 SPACES

PROJECT TEAM	
OWNER	ARCHITECT
WEINGARTEN REALTY 2449 N 35TH ST., SUITE 200 PHOENIX, AZ 85018 PH: 802.318.8133 CONTACT - MELINDA LAWSON	STUDIO M ARCHITECTURE 4555 N PARSON QUEEN CREEK, AZ 85240 PH: 480.272.5878 CONTACT - DAVID MARR

- GENERAL NOTES**
1. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
 2. ALL EXIT DOORS SHALL BE OPERABLE FROM THE INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT.
 3. MANUALLY OPERATED EDGE AND SURFACE MOUNTED FLUSH BOLTS AND SURFACE BOLTS ARE PROHIBITED.
 4. HANDLES, PULLS, LATCHES, AND OTHER OPERATING DEVICES ON ACCESSIBLE DOORS SHALL BE LEVER-OPERATED MECHANISMS, OR PUSH-TYPE MECHANISMS AS REQUIRED.
 5. STUD PARTITIONS SHALL BE ANCHORED TO RESIST A LATERAL LOAD OF 5 P.S.F.



To Whom it may concern,

My name is Paul Fan. I am the owner operator for Whatever Stores. We are requesting an application for Used Permit 933 E. Broadway Rd. Tempe, AZ 85282. Our retail store is a unique business that caters to all types of people. We offer new products at up to 75% off retail prices as well as used and consignment items. Our plan is to have about a 60% used to 40% used ratio. Our used products are people that consign with us. Consignors do not get any money for their products up front. They will receive only 1 check per month for products that are sold. Any consignors must have a valid Drivers License which we take a copy of before they are allowed to give us any items to sell. This will help with stolen goods as thieves do not want to wait for the money. They would rather take it to pawn shops and get quick money. We also enforce the consignors to show us that everything is in working order. We do not take any dirty clothes, pots, or overused items. Any large products such as sofas or furnitures are to be taken through our back roll up door if we accept them. Other places that we get our used products will be from storage auctions. In the state of Arizona, any auctions purchased is rightfully ours to sell. We will also be taking any types of Donations. Donations are given to us to sell. Our policy is that any donations given to us we sell and 100% of the money goes to a charity or school. Currently our Scottsdale store takes Donations and we give to The New Leaf organization in Mesa, which helps homeless families with shelters and find job placements. Donations are given to us in two ways. 1.) When a consignor agrees to our contract, they have the option to donate to us when their contract is up. 2.) People bring in donations to us. Either way, it is very minimal and contributes to less than 1% of total business. Our Tempe location we hope to give to Tempe High School as I am a graduate from there. We hope that you will consider us for the used permit as this is a huge factor in the success of our store. People come to our store for collectibles, great prices and unique items.

Best Regards,
Paul Fan - Owner
Whatever Stores

INTERIOR METAL STUDS
 STEEL STUD MANUFACTURERS ASSOCIATION
 SSMA - PRODUCT TECHNICAL INFORMATION
 (ICC EVALUATION REPORT - ER-4943p)

HEIGHT LIMITS (5 PSF)

TYPE	SPACING	MAX CLEAR HEIGHT
3 5/8" x 1 5/8" x 22 GA	16" O.C.	15'-0"
3 5/8" x 1 5/8" x 20 GA	16" O.C.	15'-6"
6" x 1 5/8" x 22 GA	16" O.C.	21'-6"
6" x 1 5/8" x 20 GA	16" O.C.	22'-11"

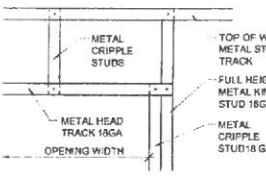
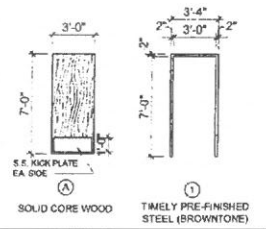
SPAN LIMITS (8 PSF) (UNSUPPORTED)

TYPE	SPACING	MAX CLEAR SPAN
3 5/8" x 1 3/8" x 20 GA	16" O.C.	10'-4"
6" x 1 3/8" x 22 GA	16" O.C.	11'-6"
6" x 1 3/8" x 20 GA	16" O.C.	12'-0"

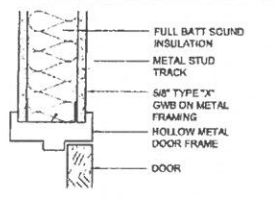
HEADER SCHEDULE

OPENING WIDTH (W)	HEADER	CRIPPLE STUDS UNDER HEADER	FULL HEIGHT STUDS
DOOR & WINDOW	3 5/8" x 1 5/8" x 18 GA HEAD TRACK	(1) 18 GA	(1) 18 GA
W ≤ 8'-0"	(2) 3 5/8" x 1 5/8" x 18 GA	(1) 18 GA	(1) 18 GA
8'-0" < W ≤ 12'-0"	(2) 6" x 1 5/8" x 18 GA	(1) 18 GA	(2) 18 GA

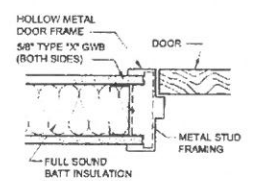
DOOR AND FRAME TYPES



TYPICAL INTERIOR HEADER @ WINDOWS AND DOORS
 NO SCALE FOLLOW HEADER SCHEDULE FOR FINISHED OPENINGS



DOOR HEAD
 3" x 1'-0"

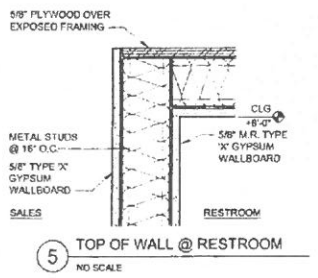


DOOR JAMB
 3" x 1'-0"

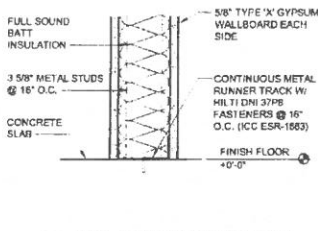
DOOR SCHEDULE

NO.	TYPE	SIZE	MAT	FRAME				MISC
				TYPE	MAT	JAMB	HEAD	
101	A	3'-0" x 7'-0"	WD	1	HM	3/A103	4/A103	HWY
102	A	3'-0" x 7'-0"	WD	1	HM	3/A103	4/A103	HWY

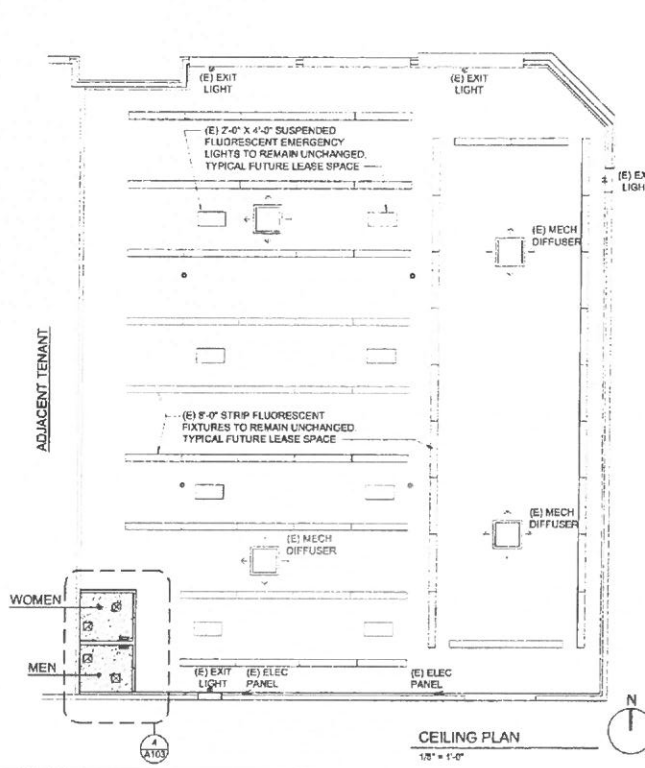
- HARDWARE SET - HWY1**
 HINGE - STANLEY #FR8179 4 1/2" x 4 1/2"
 SPRING HINGE CLOSER - STANLEY 206R 4 1/2" x 4 1/2"
 LEVER SET - SCHLAGE AL405
 STOP - IVES, F5438
 DOOR SILENCER - TRIMCO 1229A
- DOOR HARDWARE SHALL COMPLY WITH ALL ADA DESIGN AND INSTALLATION REQUIREMENTS.
 - RESTROOM DOORS SHALL HAVE ADA COMPLIANT PRIVACY LOCKSET.
 - PER CHAPTER 10, SECTION 1005.1.8.3, THE MAIN EXTERIOR DOORS ARE PERMITTED TO BE EQUIPPED WITH KEY-OPERATED LOCKING DEVICES FROM THE EGRESS SIDE. PROVIDE A LOCKING DEVICE THAT IS READILY DISTINGUISHABLE AS LOCKED WITH A VISIBLE DURABLE SIGN POSTED ON OR ADJACENT TO THE DOOR STATION. THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. THE SIGN SHALL BE IN LETTERS 1 INCH HIGH ON A CONTRASTING BACKGROUND.



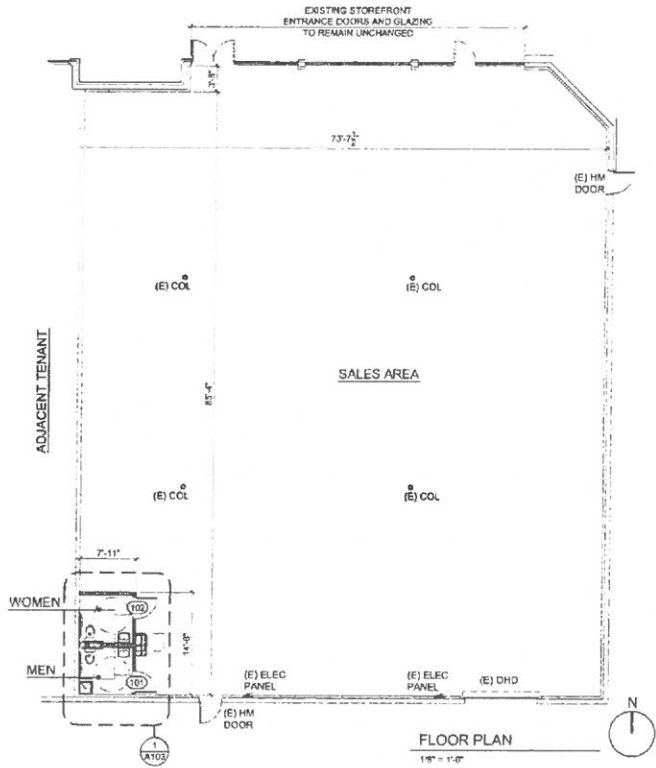
TOP OF WALL @ RESTROOM
 NO SCALE



WALL CONNECTION @ FLOOR
 NO SCALE



CEILING PLAN
 1/8" = 1'-0"



FLOOR PLAN
 1/8" = 1'-0"



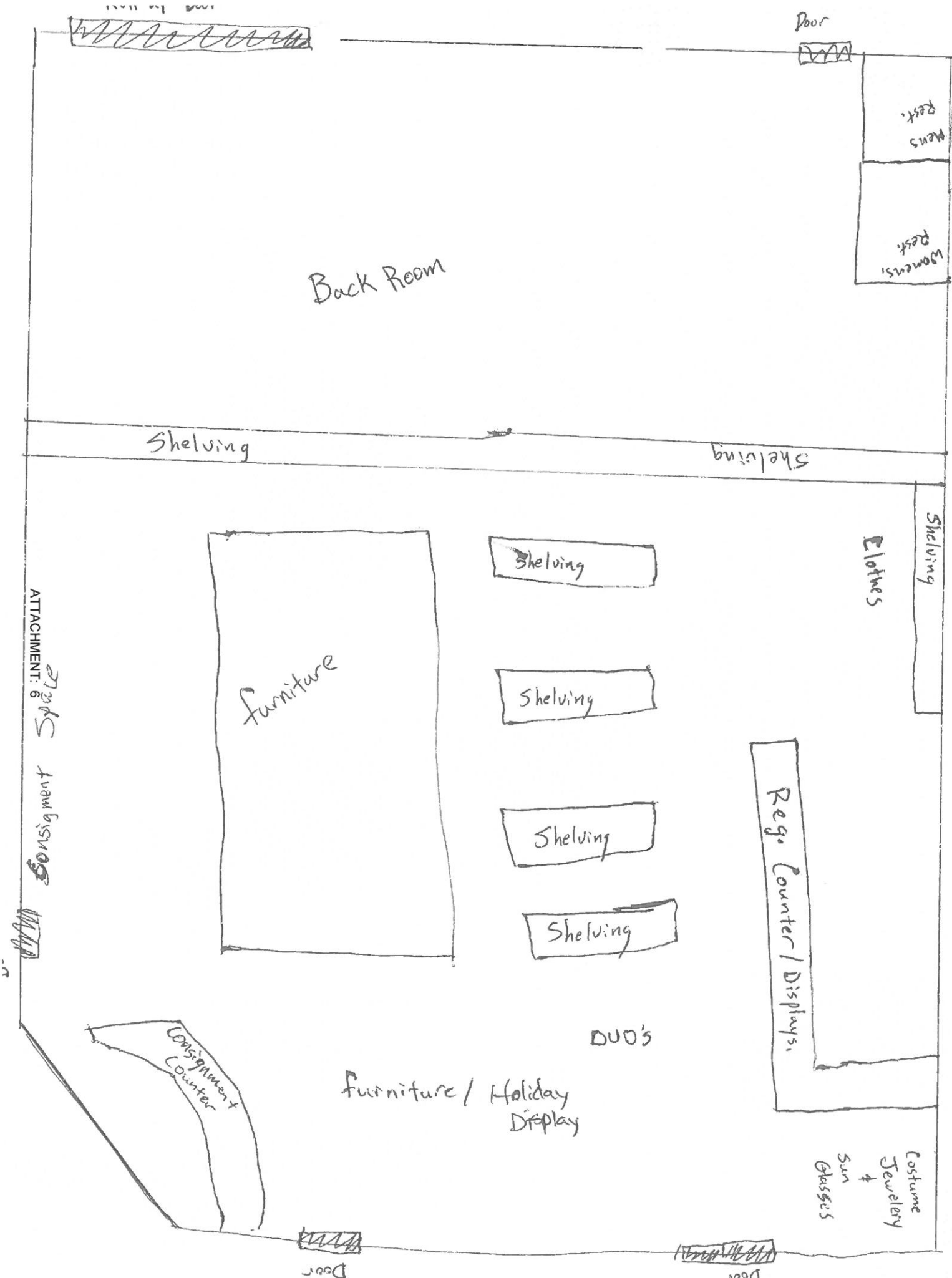
40896 north perial place
 queen creek, arizona usa 85140
 1.480.457.1364 v. 480.272.5879

OWNER WORK
VANILLA SHELL
 933 E BROADWAY RD
 TEMPE, ARIZONA



DATE: 8.15.15
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: 15-020
 DATE: 8.8.15

A102



Back Room

Mens Rest.

Womens Rest.

Shelving

Shelving

Shelving

Clothes

Shelving

Shelving

Shelving

Shelving

furniture

Rego. Counter / Displays.

DUO's

furniture / Holiday Display

Costume Jewelry + Sun Glasses

Consignment Counter

ATTACHMENT: 8733 Space Furniture Consignment

Door

Door

Door



