

Staff Summary Report



Hearing Officer Hearing Date: October 16, 2007

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by **SOUNDS GOOD TO ME LLC (PL070417)** located at 1010 West Broadway Road, Suite No. 101 for one (1) use permit.

DOCUMENT NAME: 20071016dssl02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **SOUNDS GOOD TO ME LLC (PL070417)** (David Gracey, applicant; Crux Development LLC, property owner) located at 1010 West Broadway Road, Suite No. 101, in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP07148 Use permit to allow vehicle service (car stereo installation) as an ancillary part of car stereo retailer.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

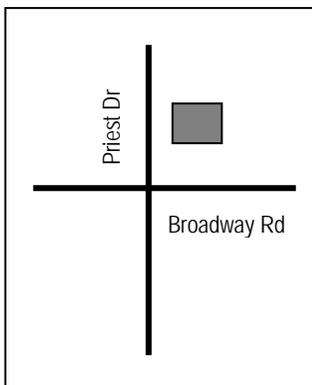
LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-8.

ADDITIONAL INFO:

The applicant is requesting approval of a use permit to allow a vehicle service use, car stereo installation, as an ancillary part of a car stereo retailer located within the Broadway Festival Shopping Center located east of the intersection of Priest Drive and Broadway Road. The proposed business will occupy approximately 4400 s.f. of tenant space with a retail sales area in the front portion of the tenant space and car stereo/alarm installation on the rear portion of the space. All installation will occur on the interior of the space. Staff supports the use permit based on the finding that the described use and operation meets the criteria for approval of a use permit. To date, one (1) letter in support has been received.



PAGES:

1. List of Attachments
2. Comments; Reason(s) for Approval
- 2-3. Conditions of Approval;
3. History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Site plan
6. Floor Plan
7. Letter of Support
- 8-10. Staff Photograph(s)

COMMENTS:

"Sounds Good to Me" has been in business at another location in Tempe for twenty four (24) years; they are proposing to relocate to 1010 West Broadway. They employ five (5) full time staff personnel with hours of operation from 9 am – 6pm M-F, 9:00 am- 5:00 pm Saturday and closed on Sunday. The car stereo installation services will be performed on the interior of the tenant space. The traffic generated to and from the business shall not exceed the norm for the area as a retail use.

Use Permit

The Zoning and Development Code requires a use permit for vehicle service within the PCC-1, Planned Commercial Center District. Staff supports the use permit as described in the letter of explanation. Our findings are that this use permit will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. All installation work will occur on the interior of the tenant space; there will be no nuisance created due to noise, dust, odor or smoke. The traffic generated by the use will not exceed the traffic volume normal for the area. The primary function as an audio retailer is compatible with the building and the adjacent businesses. The site has ample parking spaces available to accommodate this use. To date, there has been no opposition or public input to this use. Staff received one (1) letter in support of this request.

Conclusion

Staff recommends approval of the request with conditions.

REASON(S) 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.

CONDITION(S) OF APPROVAL:

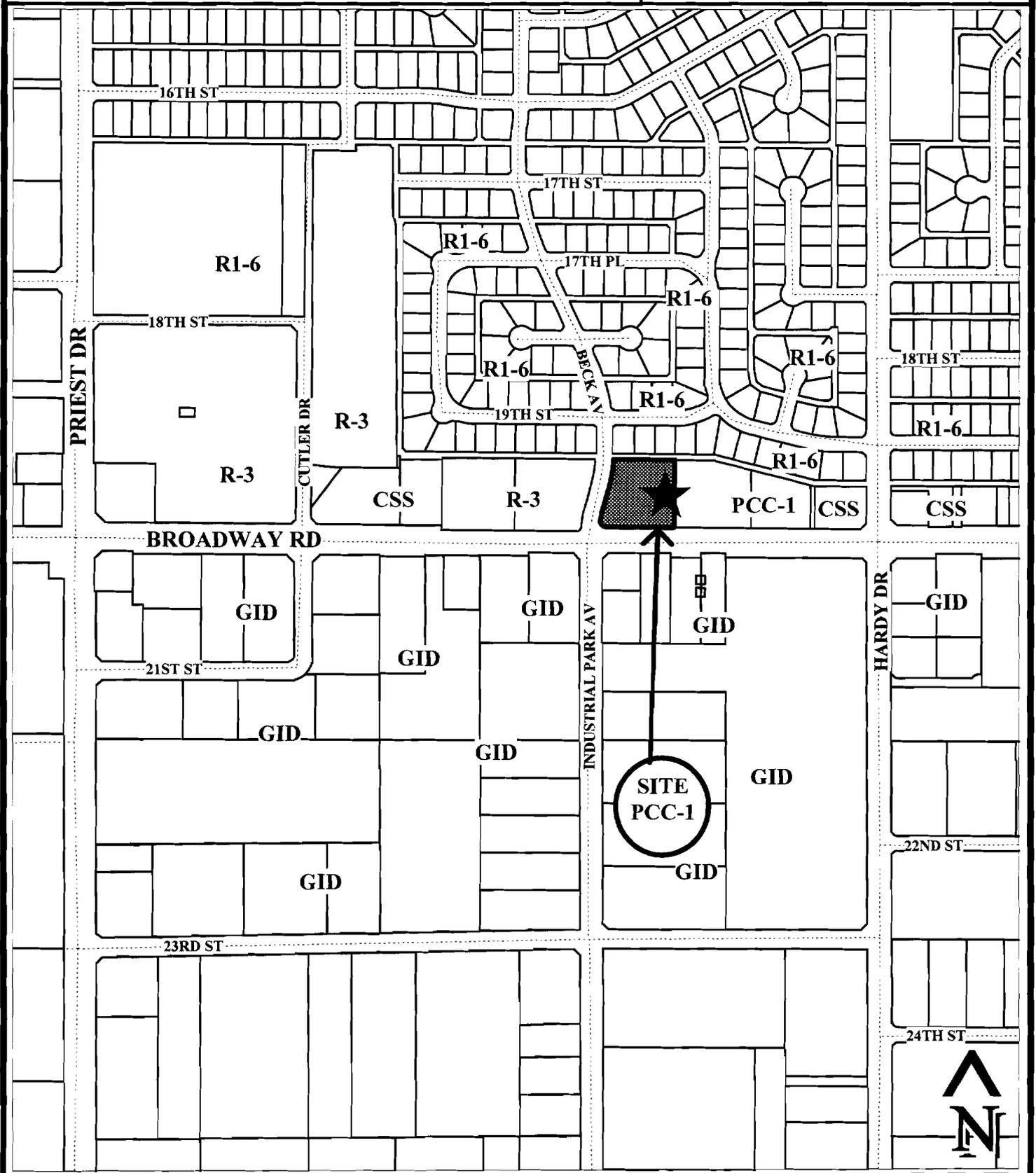
1. The use permit is valid for Sounds Good to Me and may be transferable to successors in interest through an administrative review with the Development Services Manager, or designee.
2. The use permit is for the installation and repair of car audio, mobile video, car alarms and related systems.
3. All installation and testing must occur inside building and shall comply with City of Tempe Noise Ordinance Standards.
4. No outdoor speakers allowed.
5. All parking areas around tenant space to be kept free of trash and debris.

6. All signs to be approved by Development Plan Review with sign permit(s) obtained prior to installation. No banners, pennants, balloons allowed without obtaining permits, window signs must comply with ZDC requirements for coverage; portable signs strictly prohibited.
7. Obtain all necessary clearance and permits from Building Safety Division prior to use permit becoming effective.
8. 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 set to re-evaluate the appropriateness of the use permit.

HISTORY & FACTS: None pertinent to this request.

DESCRIPTION: Owner – Crux Development
Applicant – David Gracey
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District

ZONING AND DEVELOPMENT CODE REFERENCE: Part 3, Chapter 2, Section 3-202
Part 6, Chapter 3, Section 6-308

SOUNDS GOOD TO ME LLC**PL070417**



SOUNDS GOOD TO ME LLC (PL070417)

My name is Dave Gracey and I am the owner of "Sounds Good to Me" located at 21 W. Broadway here in Tempe and have been successfully selling and installing car audio and security at this location for the past 24 years. We are a single storefront and recognized as the oldest and most trusted car audio store in Tempe by both our customers and our peers in the industry.

"Sounds Good to Me" employs 5 full time employee's including myself, with a part-timer during the holiday's. All of our installers are MECP (Mobile Electronics Certification Program) qualified and the newest member of our staff has been with us for 4.5 years and the others 5 years and longer. We take great pride in the work we do and the store we have. Our stand-alone store at 21 W Broadway has served our purpose well and we keep it clean and neat by regularly sweeping the parking lot and cleaning the windows as well as doing all the exterior landscaping ourselves. I challenge anyone to find a more appealing and clean retail storefront anywhere as again we take great pride in who we are and what we do. We also enjoy a warm and cordial relationship with our neighbors both residential and business and count them as both friends and customers. You can check our impeccable record with regards to disturbing the peace of those close by and or any reports of loud and repetitious music blaring from our store. I cannot recall at any time of being asked to turn down any loud music coming from the store by either a neighbor or police. We consider those close by neighbors and friends and not of enemies and take inordinate care to insure we are thought of as considerate and concerned about the Tempe we live in.

I realize that by the very nature of our business we are considered by some as a retail establishment catering to obnoxious, loud kids and those of questionable character and morals. I can assure you nothing is more far from the truth and I go to great lengths to dispel and change those attitudes. By having my employees dress in a manner of a professional, befitting a highly trained technician and not of the gang related street element. I have operated by this business model for the past 10 years and because of this we have outgrown our present location. I now intend to relocate from 21 W Broadway to 1010 W Broadway, Suite 101. This is a bigger location which we need to serve our customers in the manner they have come to expect from us.

The city of Tempe has asked me to address certain issues that are a concern to those close by to the new store. The concern with increased vehicular and foot traffic disrupting the neighborhood peace and quite is unfounded. Our hours of operation are Monday thru Friday 9:00am to 6:00pm, Saturday 9:00am to 5:00pm and Sunday closed with the exception of the three weeks run up to Christmas.

For customer and employee safety I want my store locked and alarmed no later than 90 minutes past closing. If we are required to stay later the install bays and front doors are locked so there will be no strangers wandering around causing trouble. It is to protect my people and my customers that we keep these hours and to have an ever vigil eye on those coming and going both in front and in back of the store. This was a big concern of mine having a bar in the same strip mall but have talked to the owners and feel confident that the relationship could benefit both.

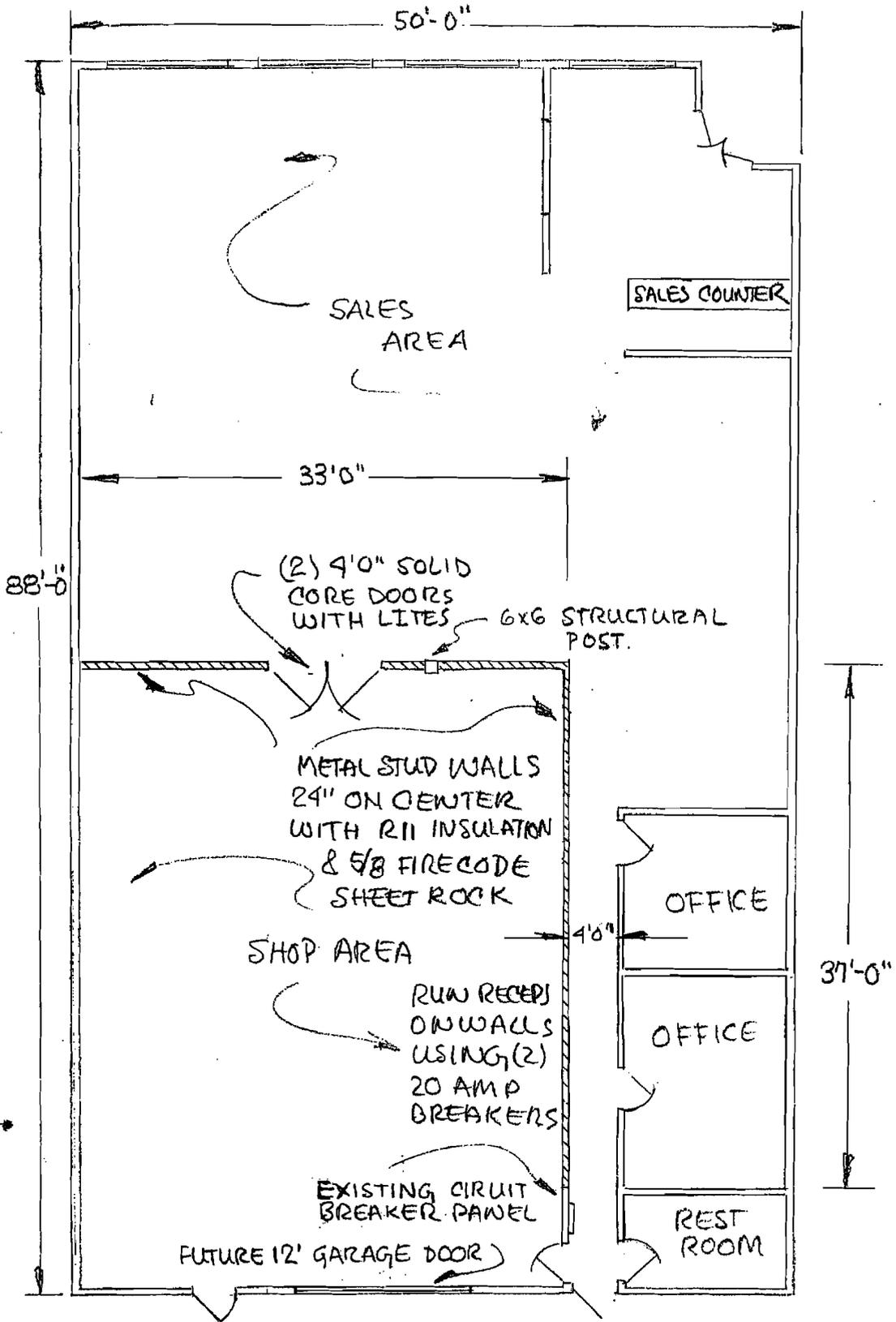
Sounds Good to Me is an established retailer and cater to families and friends with innovative mobile electronics and security products. We understand that the perception of our type of business is not one that others close by would embrace right away, however given the opportunity and an open mind I can change those opinions completely. I feel that my longevity and exemplary record of sound business practices a reason that I have been invited to join the Tempe Diablo's, an organization that fosters the best in Tempe businesses. I was honored to be considered for membership,

In closing I say that as a Tempe homeowner (Date Palm Manor) and lifelong Tempe resident and graduate of Tempe High I have Tempe's best interests at heart and realize the delicate nature of my business and the prevailing attitudes of those close by and those that work for our city. I can assure you that I will do any and everything to be thought of as a considerate unique business and to dispel any and all doubts about having us as a store at that location. I want to be as Mark Twain once said "that let us endeavor so to live that when we come to die even the undertaker will be sorry."

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Gracey', with a long, sweeping flourish extending to the right.

David W. Gracey
Sounds Good to Me



INTERIOR WALLS
 NEW WALLS

SOUNDS GOOD TO ME
 1010 W. BROADWAY
 SUITE # 101
 TEMPE, AZ 85282
 DWN. BY JML 09-12-07
 SCALE 1/8" = 1'-0"

City of Tempe
Planning Division
31 East 5th Street
Tempe, AZ. 85281

RE: ZUP07148

Attn: Hearing Officer,

October 8, 2007

I am writing today in support for the proposed use permit for “SOUNDS GOOD 2 ME, LLC” located at 1010 West Broadway Road.

This is a locally owned business that has always supported the surrounding community in events and in donations for our neighborhood activities as well as other neighborhoods.

Mr. Gracey grew up in our neighborhood and has chosen to not only live in our area, but to keep his business in our community.

This is a neighborhood friendly business environment that will keep sales tax revenues in our community while improving the aging strip centers along the Broadway corridor.

Please consider granting this use permit and help keep this business in Tempe.

Thank you for your time and efforts to improve our community,

Sincerely,

Lisa Roach
Clark Park Neighborhood Association
Tempe, AZ. 85281
(480) 220-6643



SOUNDS GOOD TO ME

1010 W BROADWAY RD

PL070417

DAMAGED LIGHT FIXTURES



SOUNDS GOOD TO ME

1010 W BROADWAY RD

PL070417

FRONT OF SUITE: VIEW TO EAST



SOUNDS GOOD TO ME

1010 W BROADWAY RD

PL070417

REAR OF SUITE