

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 08/08/2023  
Agenda Item: 6**

**ACTION:** Request a Use Permit to allow temporary outdoor vending (food truck establishment) for CHEF PETER’S BBQ, located at 1858 East Apache Boulevard. The applicant is Chef Peter’s Catering LLC.

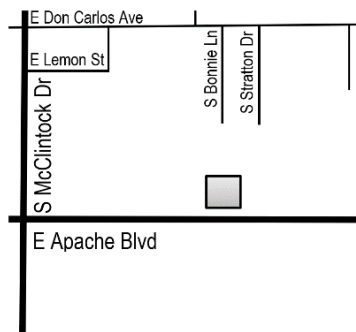
**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** CHEF PETER’S BBQ (PL230115) is a proposed outdoor food truck establishment consisting of two (2) kitchen and storage vessels and a decorative barbeque smoker. The site consists of two parcels and the existing use is a drive-through liquor store on the east side of McClintock Drive and on the north side of Apache Boulevard in the CSS, Commercial Shopping and Services District and within the TOD, Transportation Overlay District. The proposed food truck establishment is on the southeast corner of the eastern parcel.

The request includes the following:

ZUP230029 Use Permit to allow temporary outdoor vending (food truck establishment).



Property Owner	JADA ASAD M
Applicant	Jose Salazar, Chef Peter’s Catering LLC
Zoning District	CSS (Commercial Shopping and Services), TOD (Transportation Overlay District – Station)
Lot Coverage	3.56% (50% max. allowed)
Site Area	15,915 s.f
Vessel Area	566 s.f.
Vehicle Parking	27 spaces (6 min. required)
Bicycle Parking	10 spaces (4 min. required)
Hours of Operation	11 a.m. to 8 p.m. Tuesday-Sunday

**ATTACHMENTS:** Development Project File

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

Department Director: Jeff Tamulevich, Community Development Director  
Legal review by: N/A  
Prepared by: Lily Drosos, Planner II  
Reviewed by: Steve Abrahamson, Principal Planner

## COMMENTS

The proposed food truck establishment comprises of a kitchen vessel for food preparation and service, a storage vessel for keeping tables and chairs while not in use, and a decorative barbeque smoker, totaling 566 s.f. Devils Liquor is an existing drive-through liquor store situated on the western parcel, and the property was previously occupied by Reef Kitchens. A Use Permit was granted in 2021 to Reef Kitchens (PL210020) to allow temporary outdoor vending (ghost kitchen). The applicant intends to utilize the southeast corner of the property for the business operations.

## PUBLIC INPUT

Staff has not received any public comments as of the publishing of this report.

## USE PERMIT

The proposed design requires a Use Permit to allow temporary outdoor vending (Food Truck Establishment) within the CSS zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; both vehicular and pedestrian traffic will increase, but not at a significant enough level that would cause a detriment to the surrounding area. Since area is located within the TOD, there is an incentive to use public transportation to reach the site, which could reduce vehicular traffic in the area.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; it is expected that there will be no smoke emissions as all cooking activities will take place off site. Therefore, no nuisances are expected to arise that would exceed the 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*; In the CSS district, temporary outdoor vending is a permitted use, subject to obtaining a Use Permit. A new dining option is expected to enhance the community's welfare by providing food services and creating additional incentives for residents and visitors to visit surrounding amenities. This initiative may promote social interaction among community members, activate the area's economic activities, and enhance its overall livability. Furthermore, it aligns with the broader goals of promoting walkability, supporting local businesses, and encouraging the efficient use of public space.
4. *Compatibility with existing surrounding structures and uses*; no structural changes are expected to the existing building nor will there be any site modifications to the liquor store.
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 nature of the use is not expected to cause disruptive behavior.

## 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, if applicable.

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. Hours of operation to end no later than 8:00 p.m. on a daily basis.
4. **This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned.**
5. **The use shall conform to the temporary outdoor vending general regulations of the Zoning & Development Code.**
6. **Code.**
7. **At no time shall the vessels block drive aisles, driveways, refuse enclosures, and fire lanes.**
8. **The use shall conform to lighting standards of the of the Zoning & Development Code. Specifically, all food**
9. **truck order and pick-up windows and doors shall be illuminated to a minimum-security lighting level from dusk to dawn with five (5) foot-candles of light at finish grade, during hours of operation.**

**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:**

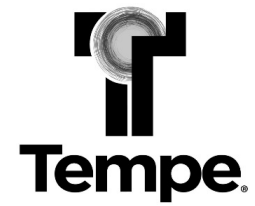
- The Use Permit is valid for Chef Peter’s BBQ and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not 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.
- 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:**

March 3, 2021                      The Development Review Commission granted a Use Permit to allow temporary outdoor vending (ghost kitchen) to Reef Kitchens.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

- [Section 3-202, Permitted Uses in Commercial and Mixed-Use Districts](#)
- [Section 3-417, Outdoor Retailing](#)
- [Section 4-603, Parking Ratios](#)
- [Section 5-612\(J\) – Minimum Parking Ratios, Table 5-612A – Transportation Overlay District Reductions to Minimum Parking](#)
- [Section 6-308, Use Permit](#)



# DEVELOPMENT PROJECT FILE

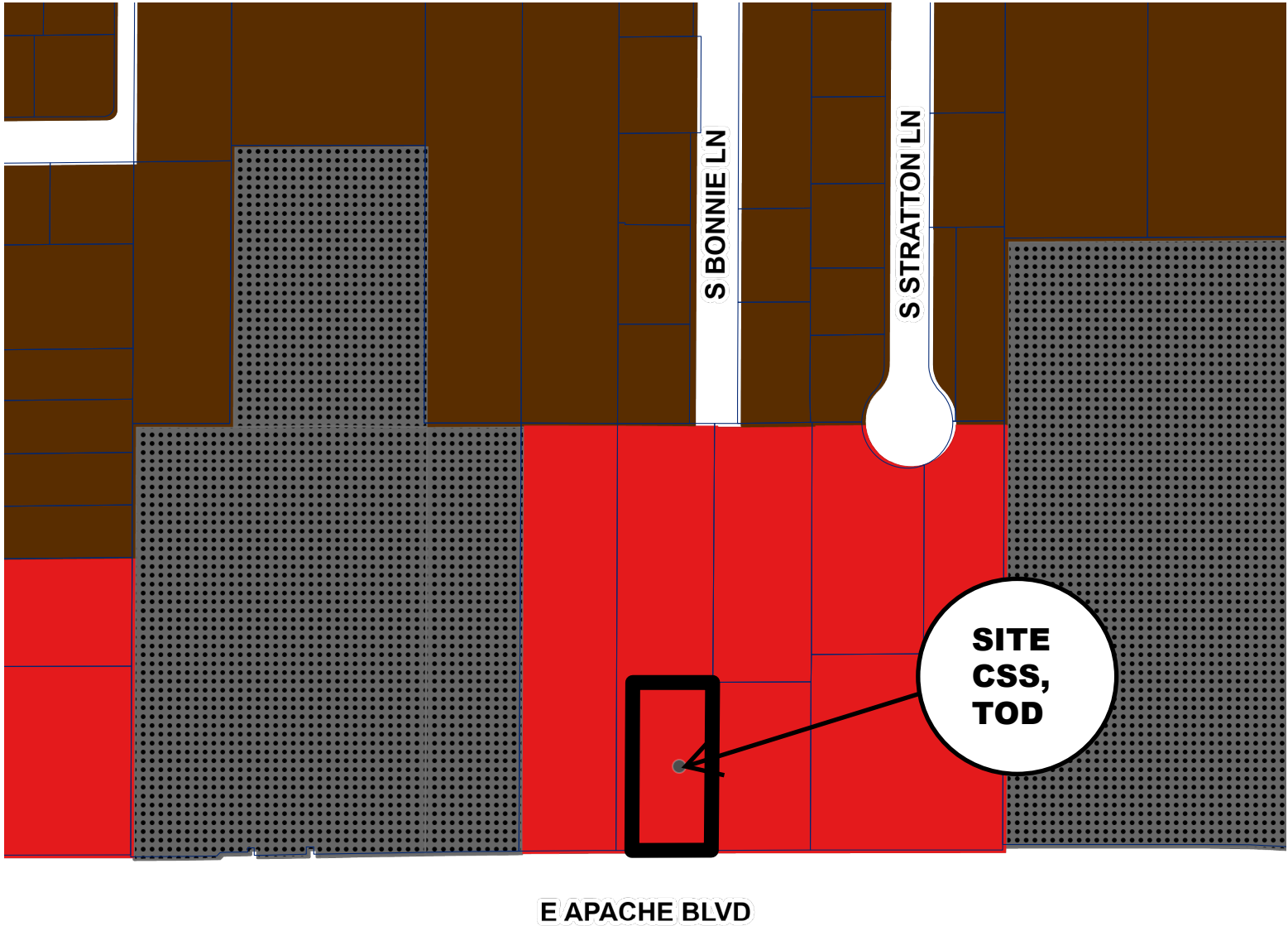
for

CHEF PETER'S BBQ  
(PL230115)

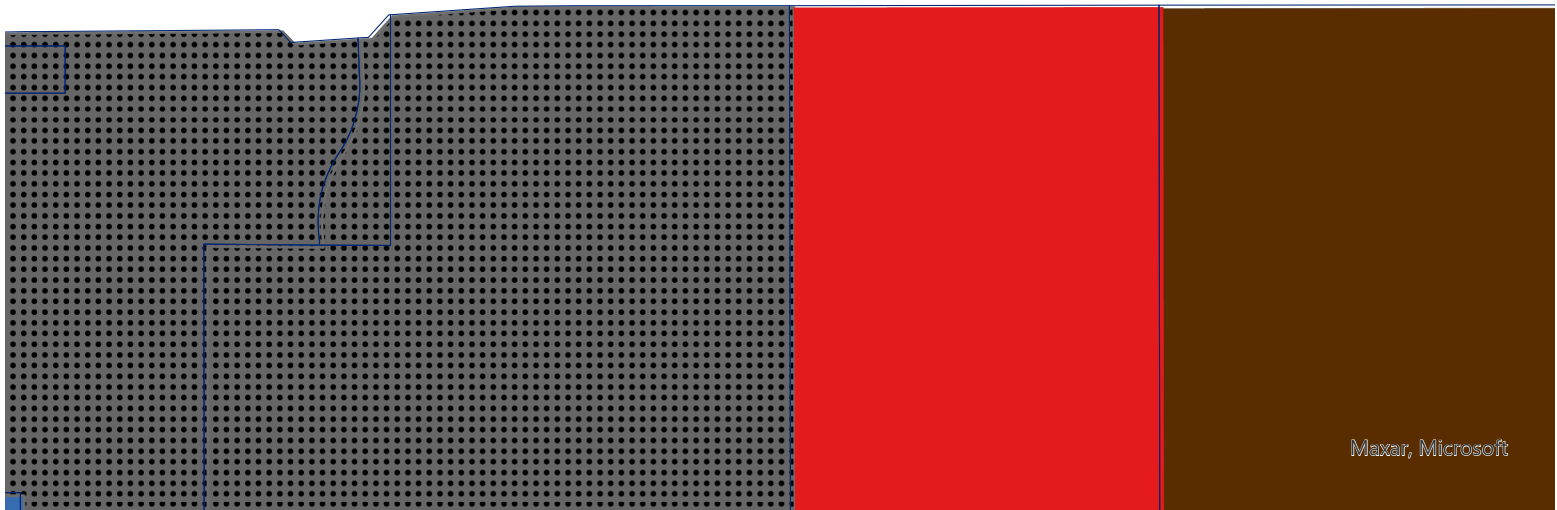
## ATTACHMENTS:

- 1-5. Site Context (Location Map, Aerial and Site Context Photos)
- 6-7. Applicant's Letter of Explanation
- 8. Site Design (Site Plan)





# CHEF PETER'S BBQ

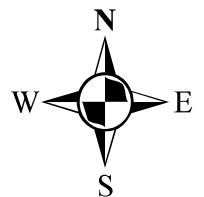


E APACHE BLVD



Maxar, Microsoft

-  General Industrial District (GID)
-  Mixed Use High (MU-4)
-  Commercial Shopping and Services (CSS)
-  Multi-Family Residential General (R-4)



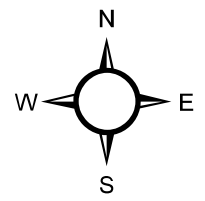
# CHEF PETERS BBQ

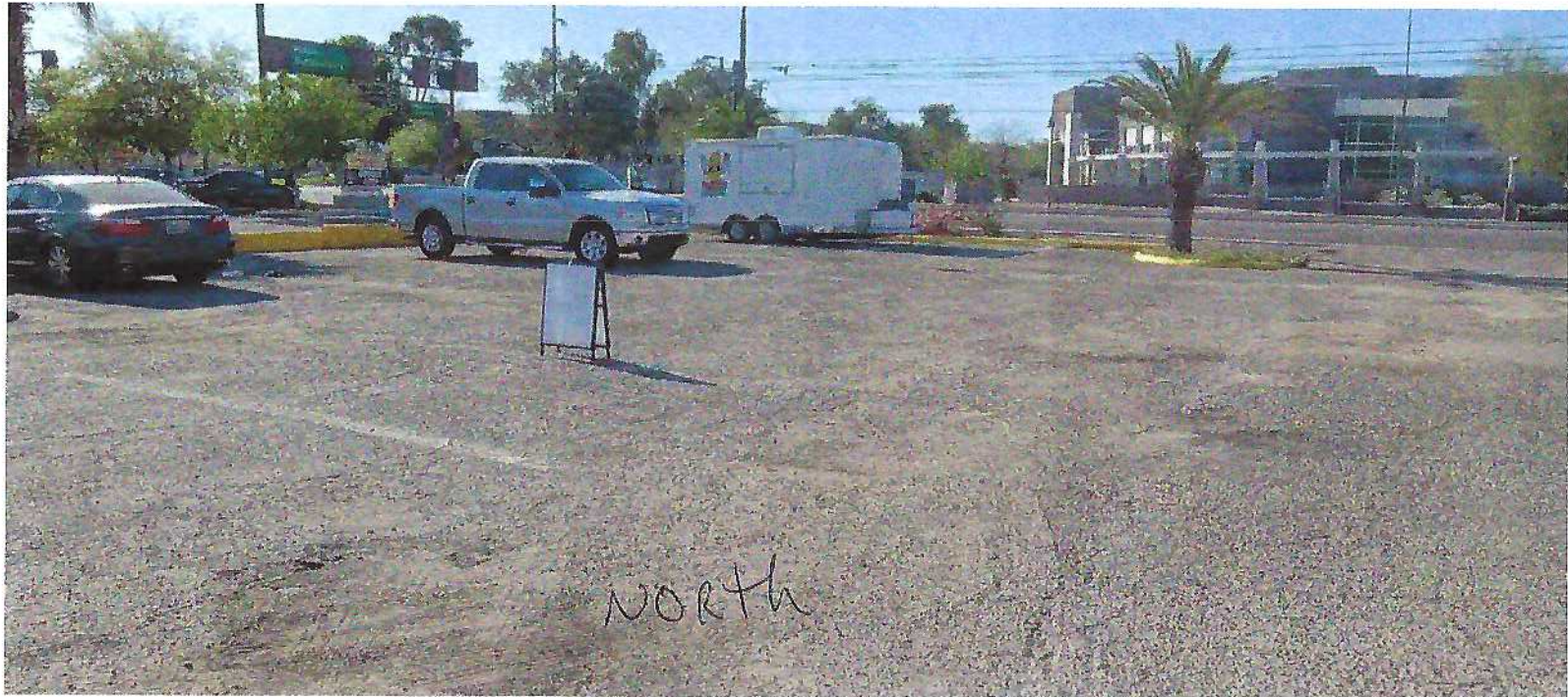
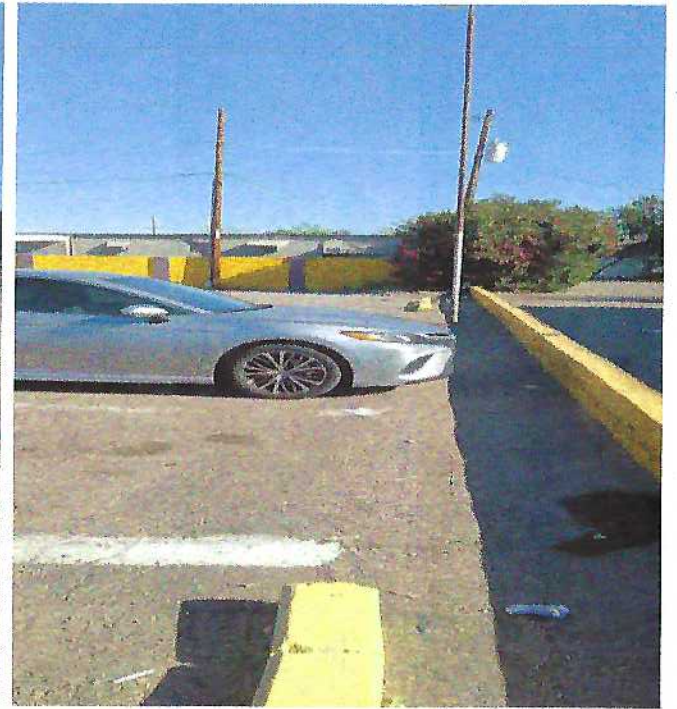
PL230115

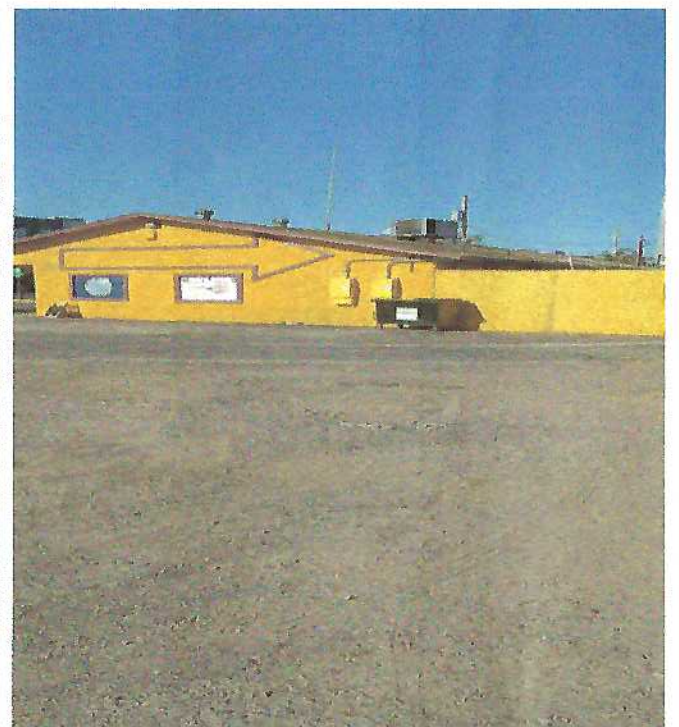
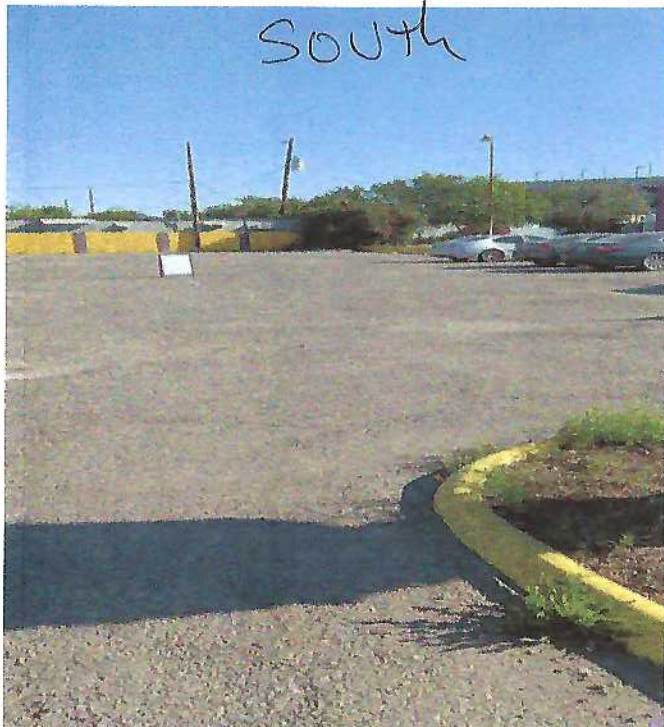


E APACHE BLVD

## Aerial Map













Letter of explanation:

Our vision is to be the first Modern Outdoor Fast-Casual BBQ Restaurant. This fresh-modern style BBQ & Mexican food concept has been Chef Peter's vision for the last twenty years. The stars have aligned and we are ready to carry out our goals.

Our hours of operations are Tuesday through Sunday 11 am to 8 pm.

The number of employees on any given day would not exceed six.

We expect our customers to be ages from teens to retired senior citizens, ASU Students, working families with many businesses and homes in a 5-Mile radius of Apache Blvd & McClintock Dr.

As far as the effect of the surrounding area, we believe it will be positive to the community and its residence. We will be prompt in addressing any potential challenges, although none are foreseen.

We have always prided ourselves on being good neighbors and enjoy integrating with our community.

There will be no cooking on site or alcohol served by our establishment.

We know our presence will hold a positive impact on the neighborhood.

We will always have a manager to adequately control any disruptive behavior inside or outside the premises, also having the Tempe police department across the street will deter anyone from causing nuisance to its surrounding area and general public.

Responses to misc. questions raised.

- Q- vehicular or pedestrian traffic in adjacent area ..... A- unsure exactly what you're requiring for answer but area prime location for mobile food sales. Site previously used for similar venture due to potential vehicle & pedestrian traffic flow.
- Q- potential nuisances arising from gas, smoke, noise etc ..... A - noise w/b minimal with patrons ordering/eating food, nothing extra predicted to effect current ambient conditions, no loud music, parties, dancing . No cooking will be done on site.
- Q - contribute to deterioration of neighborhood or downgrading property values in conflict with current City's General Plan ..... A - our sincere objective and goal is to enhance surrounding areas by offering food service at reasonable prices desired by many individuals. Additionally this may add incentives for residents and visitors to enjoy other amenities in the near-by surrounding areas; shopping, dining, sports, leisure etc...



- Q- compatibility with surrounding structures..... A - providing a new food service venue s/b considered addition to present amenities provided at this location. No downside predicted, only positive reinforcement of a new venue for resident enjoyment
  
- Q - Control disruptive behavior, manage nuisance situations, maintain a positive influence and safe environment for the public..... A- area with be continually supervised during business Open hours. Situations w/b addressed proactively and monitored for resolution hopefully before escalation. This will be an ongoing program to ensure adequate measures are in place to always protect General Public. A special plus is the Police Dept located across the street.
  
- ADDITIONAL COMMENTS
  1. Parking lot is a large accommodating area, especially with respect to existing businesses in the immediate area. Parking is not considered to impede traffic or create an immediate threat. Parking for BBQ service w/b directed to area for best service.
  2. Our proposed service location will not impede sidewalk traffic but we w/b close enough to hopefully draw people into our service.
  3. Food Service Trucks w/b kept well maintained and very frequently cleaned and inspections welcomed.
  4. Reef Technology (Ghost Kitchens), Are no longer operating in this property.
  5. Parking spaces will be utilized by our food trucks on the south-east corner of the property.
  - 6 . 3-6ft tables and 24 chairs which will be stored in A-1 Trailer when not in use.

Thank you very much for your support  
Chef Peter Salazar Owner/Operator  
Cell: 480-686-4036



### Parking calculations

- Restaurant (outdoor)
- 1 per 150 sq x 564.71 sq ft
- No parking needed for first 300 sq ft per 2Dc5-612A
- 2 parking spaces required

### Retail

- 1 per 300 sf ft x retail sf (2303 SQ ft)
- 50% parking waived per 2DC5-612A
- =4 spaces
- Spaces req. =6
- Total provided= 27

OWNER: JADA H ASAD  
 ADDRESS: 2028 N. 109TH AVE, WINDALE, AZ 85392  
 PHONE: 60-939-0148  
 EMAIL: DEVILLSLIQUOR866@GMAIL.COM  
 CONTRACTOR: [REDACTED]

PROPERTY ADDRESS: 1870 E APACHE BLVD, TEMPE, AZ 85281  
 PARCEL NO: 132-66-018C

ZONING: CSS  
 MCR: 3240  
 LOT#: 8

NEW STRUCTURE A1: 295  
 NEW STRUCTURE A2: 179  
 NEW STRUCTURE A3: 92  
 TOTAL UNDER ROOF: 566

LOT SIZE: 15.915  
 LOT COVERAGE USED: 3.56% = 566

ROUNDSCONTRACT  
 P.O. BOX 1682  
 BUCKEYE, AZ 85326  
 PH. 602-77-8882

### 2 PROJECT INFORMATION

SCALE: NONE

ALL CONSTRUCTION TO COMPLY WITH THE FOLLOWING CODES (WITH AMENDMENTS IN ACCORDANCE WITH THE CITY OF TEMPE)

INTERNATIONAL BUILDING CODE 2018 ICC EDITION  
 INTERNATIONAL RESIDENTIAL CODE 2018 ICC EDITION  
 INTERNATIONAL PLUMBING CODE 2018 ICC EDITION  
 INTERNATIONAL MECHANICAL CODE 2018 ICC EDITION  
 INTERNATIONAL FUEL GAS CODE 2018 ICC EDITION  
 INTERNATIONAL ENERGY CONSERVATION CODE 2018 ICC EDITION  
 NATIONAL ELECTRICAL CODE 2017 ICC EDITION  
 INTERNATIONAL FIRE CODE 2012 WITH ADOPTED AMENDMENTS  
 INTERNATIONAL EXISTING BUILDING CODE 2018 ICC EDITION

CHEF PETER'S BISTRO  
 SITE PLAN  
 1870 E. APACHE BLVD  
 TEMPE, AZ 85281

### 3 CODE COMPLIANCE

Legend :

A1= 294.58 sq ft trailer  
 In which tables & chairs stored  
 A2= 178.5 sq ft food trailer  
 A3= 91.63 sq ft decorative bbq smoker

NO.	DESCRIPTION	DATE
1	REVISIONS	
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	

### OWNERSHIP OF DOCUMENT

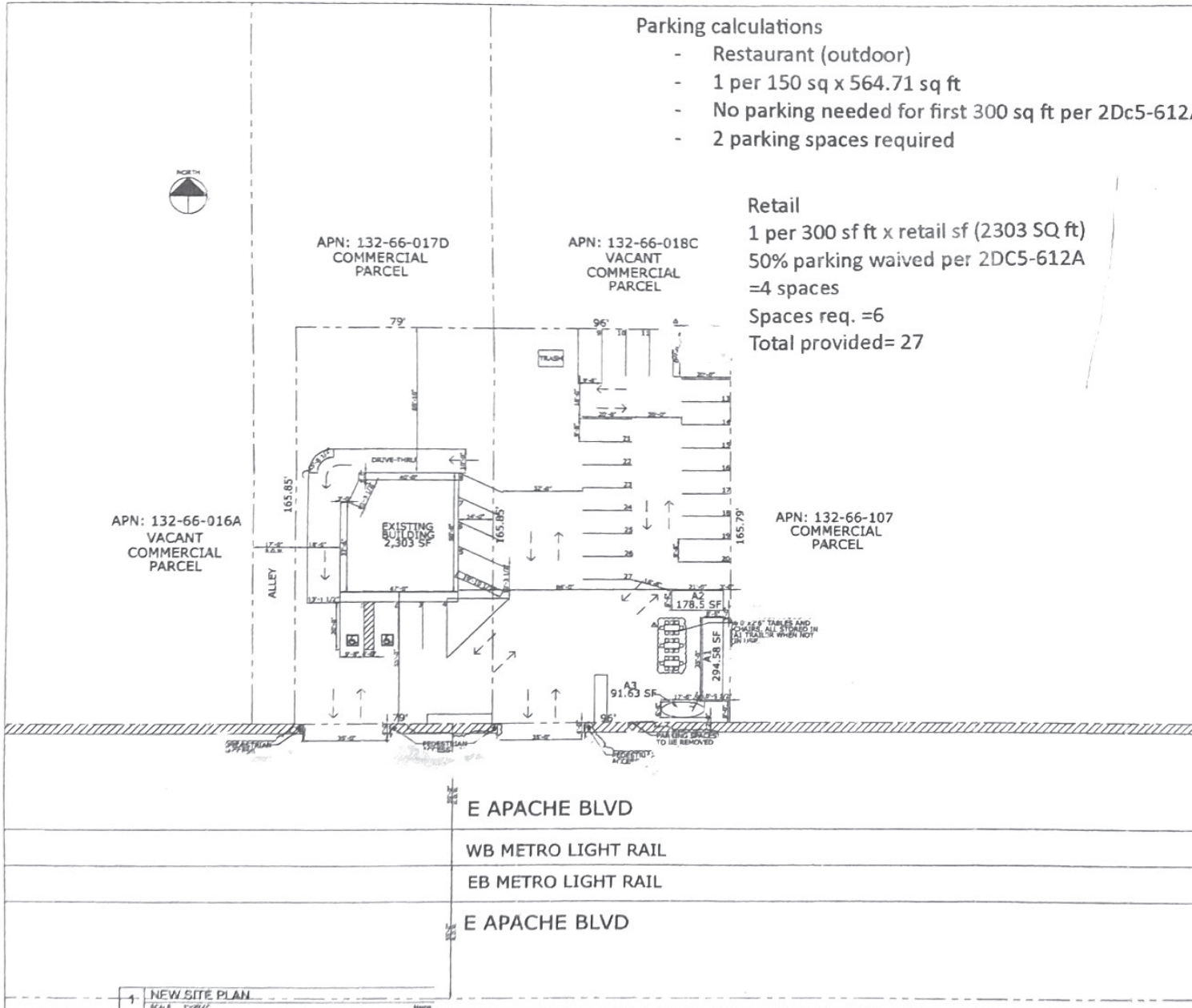
OWNER'S AND ARCHITECT'S SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE HEREBY RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF MARICOPA, ARIZONA. THE ARCHITECT SHALL REMAIN THE PROPERTY OF ARCHITECT UNLESS THE PROJECT FOR WHICH THEY WERE PREPARED IS TRANSFERRED TO ANOTHER PARTY. THIS AGREEMENT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ARCHITECT'S STANDARD AGREEMENT OF SERVICES AND IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ARCHITECT'S STANDARD AGREEMENT OF SERVICES AND IS SUBJECT TO THE TERMS AND CONDITIONS OF THE ARCHITECT'S STANDARD AGREEMENT OF SERVICES.

ARCHITECT NUMBER:  
 DRAWN BY: CAMERON COLEN  
 CHECKED BY: [REDACTED]  
 SHEET DATE: 08/14/23



SHEET NUMBER

# S1



### 4 NOT USED