

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 1/9/2024
Agenda Item: 2**

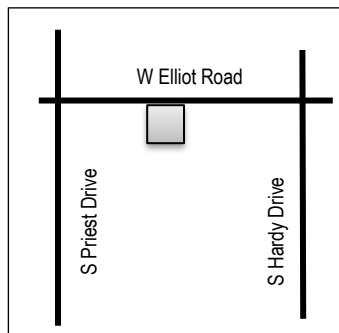
ACTION: Request a Use Permit to allow a vehicle repair use in the PCC-2 (Planned Commercial Center General) zoning district for **TAKE 5 OIL CHANGE TEMPE**, located at 1335 W Elliot Road. The applicant is Atwell, LLC. **(PL230278)**

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: TAKE 5 OIL CHANGE TEMPE (PL230278) is proposing to demolish the existing building at the subject site and split the existing lot to facilitate the construction of a new 1,708 square foot drive-through oil change facility. The request includes the following:

ZUP230082 Use Permit to allow a vehicle repair use within the PCC-2 zoning district.



Property Owner	SimonCRE Buddy V, LLC
Applicant	Atwell, LLC
Zoning District	PCC-2 SWOD (Planned Commercial Center General in the Southwest Overlay District)
Site Area	21,956 s.f.
Building Area	1,708 s.f.
Lot Coverage	7.8% (50% max. allowed)
Building Height	19'10" (65' max. allowed)
Building Setbacks	108' front, 32' west side, 32 west side, 108' rear (0', 30', 30', 30' min. required)
Hours of Operation	7 a.m. to 7 p.m. M-Sa; 9 a.m. to 5 p.m. Sun.
Vehicle Parking	8 spaces (6 min. required)
Building Code Occupancy	S-1

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Chris Jasper, Senior Planner (480) 350-8096

Department Director: Jeff Tamulevich, Community Development Director

Legal review by: N/A

Prepared by: Chris Jasper, Senior Planner

Reviewed by: Mailen Pankiewicz, Principal Planner

COMMENTS

The subject site is located on the south side of Elliot Road, east of Priest Drive, and west of Hardy Drive. The subject site is a portion of Lot 3 of the Price Club Plaza I Subdivision. The existing building contains three (3) suites, two (2) of which were most recently utilized as restaurants, and all of which are currently vacant. The building was constructed in 1993 as part of the larger Price Club Plaza development, which also includes Costco the southwest and numerous retail uses to the south and east. The original use for the site was a furniture sales store.

The applicant is seeking a Use Permit approval to operate a drive-through oil change facility. Section 7-123 of the City of Tempe Zoning and Development Code defines “vehicle repair” uses to include all automotive retail establishments that provide services such as oil changes and such uses require approval of a Use Permit in the PCC-2 zoning district. The subject site is also located within the Southwest Overlay District.

This Use Permit request is being processed concurrently with a Minor Development Plan Review, which includes the site plan, building elevations, and landscape plan. The Minor Development Plan Review is currently under review by staff, and must be approved before the applicant can apply for building permits. A Lot Split will also be required to create the subject lot.

PUBLIC INPUT

Since the publication of this report, staff has not received any public comment.

USE PERMIT

The proposed use requires a Use Permit to allow a vehicle repair use within the PCC-2 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 anticipated to result in an increase of traffic as compared to the previous uses. The drive-through lane is configured for two lanes of queuing for three vehicle bays, which is anticipated to mitigate vehicle overflow into the adjoining drive aisle.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions*; Because the site is currently vacant, the proposed use will result in minor increases in the emission of noise, odor, heat, and glare as a result of the loss of existing shade structures and the development of impervious surfaces.
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 not anticipated to contribute to the deterioration of the neighborhood, and it is consistent with the City's adopted plans and ordinances.
4. *Compatibility with existing surrounding structures and uses*; The proposed use is compatible with surrounding uses and structures. The subject site is located directly adjacent to an arterial roadway and is located interior to a larger commercial shopping center. The Price Club Plaza features numerous vehicular-oriented uses, including both gas and tire sales at the Costco site to the southwest, and both a gas service station (QuikTrip) and a tire sales shop (Discount Tire) in operation across Elliot Road to the northeast. Additional architectural considerations will be evaluated through the Development Plan Review process to ensure that the building design is visually compatible with the overall 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 nature of the proposed use is not anticipated to result in 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.

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 10:00 p.m. on a daily basis.
4. **Replace all dead or missing trees and vegetative ground cover along the Elliot Road street frontage landscape area, unless otherwise approved through the administrative Development Plan Review process.**
5. **Update the parking file data for this building prior to the Use Permit becoming effective. Provide the updated site parking information with the administrative Minor Development Plan Review application.**
6. All rear exit doors require a security vision panel. Details to be approved through Building Safety Plan Review.

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 Take 5 Oil Change 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.

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to www.tempe.gov/signs.

POLICE DEPARTMENT SECURITY REQUIREMENTS:

- If the development includes a use listed in [City Code Section 26-70\(c\)](#), the Owner is required to prepare a security plan with the Police Department. The architect should be involved to verify any modification that would require design revisions. To avoid revisions to permitted construction documents, initial meetings with the Police Department regarding the security plan are recommended before building permits are issued. At a minimum, the Owner shall contact the Police Department to begin security plan process approximately eight weeks prior to receipt of certificate of occupancy.

HISTORY & FACTS:

December 15, 1988 City Council approved a rezoning to PCC-2 for 39.7 acres, a General Plan of Development for Price Club Plaza consisting of 447,780 s.f. on 39.7 acres and a Final Plan of Development for Price Club Plaza consisting of 161,220 s.f. on 14.1 acres (Parcel "A"). The approval also included

approval of the following Variances associated with Parcel "B", within which the subject site lies.

- Increase allowed building coverage from 25% to 27.5%
- Allow retention in the first 10' on-site adjacent to Elliot Road in the Southwest Overlay District
- Waive required landscape islands after every 15 stalls at certain locations
- Reduce required bicycle parking from 68 to 23 spaces
- Reduce required sideyard [sic] at PAD "C" from 60' to 35' (30' at the SWC)
- Reduce required front yard setback on Pad "E" from 60' to 45'
- Waive required landscape islands at ends of parking rows at certain locations
- Increase allowed retention slope from 4:1 to 3:1 at non-frontage locations in the Southwest Overlay District
- Waive required 6' wall along the south property line adjacent to existing AG zoning.

October 15, 1993	Certificate of Occupancy issued for 1325 West Elliot Road.
July 6, 2004	The Hearing officer approved a Use Permit to allow the sale of home furnishings at the subject site.
December 6, 2016	Planning staff administratively approved a repaint to the building's exterior façade.
February 27, 2017	Planning staff administratively approved a site modification to the subject building for a Jersey Mike's.
October 11, 2017	Planning staff administratively approved a repaint and minor site modifications to the subject site and surrounding lots.
December 21, 2018	Planning Staff administratively approved elevation modifications to the building roofline and site modifications, including a new patio area, for Voodoo Daddy.
January 9, 2024	Hearing scheduled before the Development Review Commission

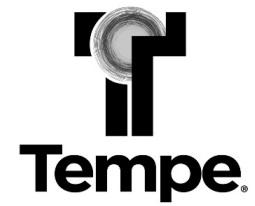
ZONING AND DEVELOPMENT CODE REFERENCE:

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

[Section 3-408, Drive-Through Facilities](#)

[Section 4-203, Development Standards for Commercial and Mixed-Use Districts](#)

[Section 6-308, Use Permit](#)



DEVELOPMENT PROJECT FILE
for
TAKE 5 OIL CHANGE TEMPE
(PL230278)

ATTACHMENTS:

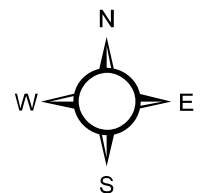
1. Location Map
2. Aerial
- 3-5. Letter of Explanation
6. Site Plan
7. Conceptual Elevations



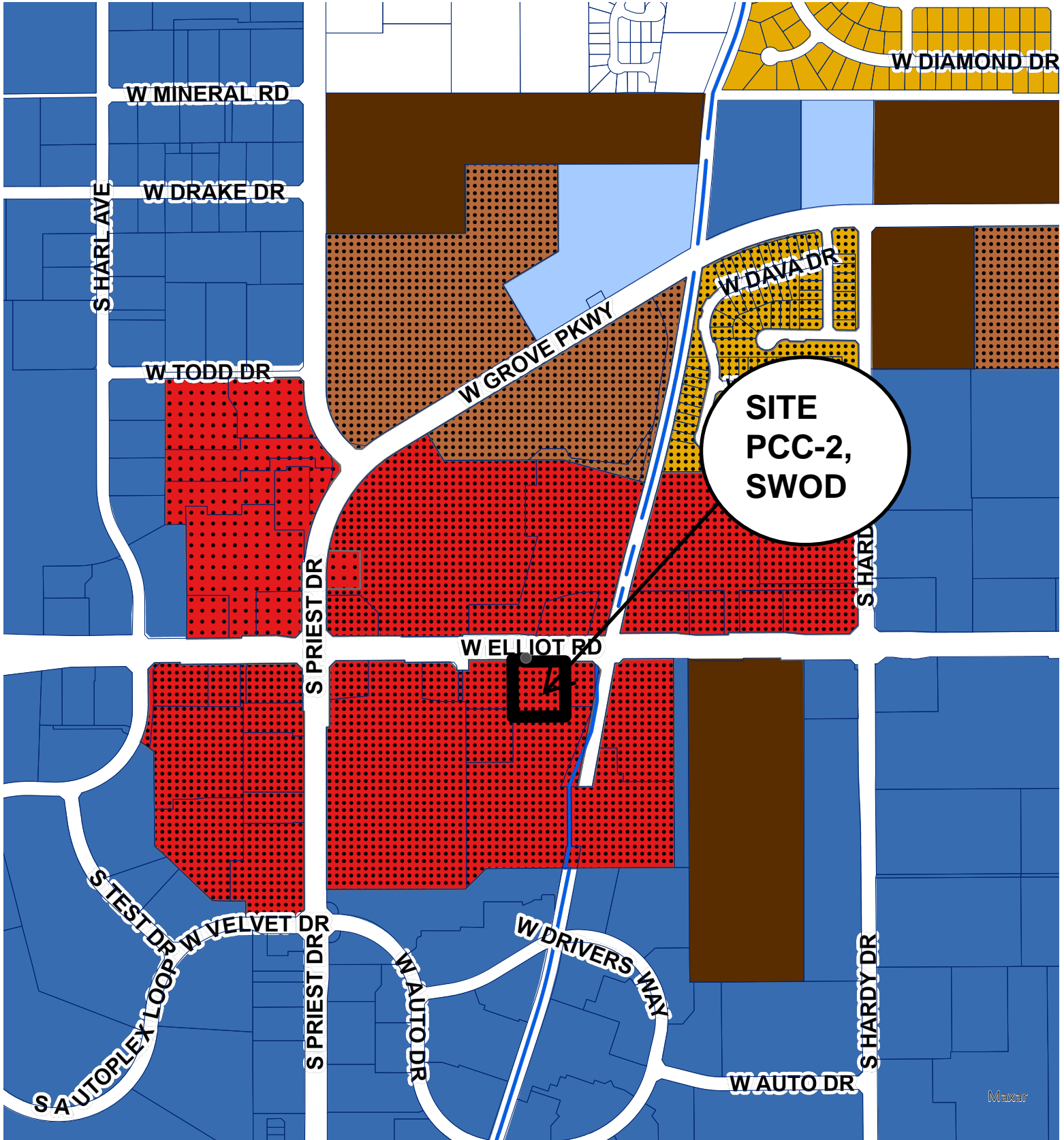
TAKE 5 OIL CHANGE



Aerial Map



TAKE 5 OIL CHANGE



- Light Industrial District (LID)
- General Industrial District (GID)
- Planned Commercial Center Neighborhood (PCC-1)
- Planned Commercial Center General (PCC-2)
- Single-Family Residential (R1-6)
- Single-Family Residential (R1-4)
- Multi-Family Residential Limited (R-3)

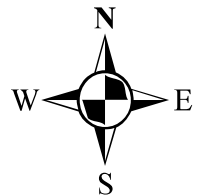
- Multi-Family Residential General (R-4)
- Parcels
- Twelve Point**
- CenterlineSubType
- ADOT
- Canal

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

ATTACHMENT 2

Zoning District

- Light Industrial District (LID)



Maxar



CONSULTING. ENGINEERING. CONSTRUCTION.

December 20, 2023

City of Tempe Planning
Attn: Chris Jasper
31 E 5th Street
Tempe, Arizona 85281

**Subject: Take 5 Express Oil Change Tempe – Letter of Explanation – Use Permit
SPR23070**

This letter of explanation has been provided in order to identify the proposed Take 5 Express Oil Change at 1325 W Elliot Road, Tempe, AZ 85284.

This 0.50 acre parcel currently consists of a portion of an existing building and 36 parking spots and will be replaced by an oil change express building and 8 parking spots. The building shall be demolished by the land owner before construction of the Take 5 Oil Change takes place.

The building has been oriented so that the oil change service bays are not facing Elliot Road. Screening along Elliot Road has been provided by shrubs and trees. Please refer to the Landscape Plans.

Convenient access and safe vehicular circulation have been taken into account with this design. The building has been shifted back 2' for safety. In addition to the sight distance adjustment, the technicians at Take 5 Oil Changes will typically guide cars out to safety and watch for any cars driving through the parking aisles before allowing cars to exit. The turning movements for the dumpster truck has also been shown on the plans on C100 to ensure that trash pickup can be maneuvered safely.

The plans appropriate integrate Crime Prevention Through Environmental Design by site lighting and ensuring proper visibility throughout the site. Landscape accents properly provides delineation from parking, buildings, driveways, and pathways. All signs and lighting will be compatible with the building material and design.

There is a faux tower incorporated slightly offsetting from the front façade to relieve monotony in the front elevation fenestration. The top and base are well defined with using a darker color EIFs wainscot on the base and capping it with an accent band. Choice of material is quality EIFs which will blend into the surrounding areas.

The building is designed to mitigate heat gain/retention with its strategic openings in the East-West direction for cross-ventilation. It is made to be compact with minimal required opening in the back of house areas for energy conservation.

There will be 4-6 employees. The typical stacking is about 6 vehicles. Approximately 45 cars visit in a day, with the typical time per vehicle being 10 minutes. The hours of operation are 7 AM -7 PM Monday through Saturday and 9 AM to 5 PM on Sunday. There will be a decrease in pedestrian traffic due to the change of use being an oil change facility. An oil change facility will generate less traffic than the overall Plaza, which includes a Costco and restaurants, which generate approximately 50 cars every ½ an hour.

There is some attic storage which holds temporary signs/ banners & overflow windshield wipers. The storage

room contains 3 large tanks that old oil is pumped into, shop supplies, and mop buckets. The largest vehicle that will be accessing the site will be a trash truck and an oil delivery truck, which is the same size as the trash truck. The waste oil collected for a 3 bay shop is 400-500 gallons a week.

Regarding noise, no air compressors or rivet guns are used. Oil drains on its own once the plug is pulled. A bell is used when a customer drives up, but it is as low as a doorbell and is not loud enough for neighbors to hear. A sign that states "honk for good service" is located right outside the bay areas, but this sign may be removed if it is seen as an issue. Sound may be controlled with the closing of bay doors.

The site will be clean & maintained. No basements are used, and nothing is stored outside of the building. A sealed shallow pit is used and drains into a storage tank that is picked up once or twice a week. Industrial grade tubing is used for any spilled oil, and there is a separate sink that is not connected to the water system. Any spills will only be a small drop. See attached Take 5 Oil Change Environmental Letter for more information on system processes. Please refer to 8805 S McClintock Drive in Tempe, AZ for existing Take 5 Oil Change as reference.

This facility will replace a vacant building, which will only enhance the neighborhood. This will not conflict with the goals, objectives, or policies for rehabilitation, redevelopment, or conservation. This Take 5 Oil Change will provide service and employment to the community. This parcel is zoned for Planned Commercial Center (PCC-2), which the Zoning and Development Code specifies the purpose of general retailing, services and entertainment uses oriented to serve the needs of the neighborhood, community, or the metropolitan region.

This proposed Take 5 Oil Change is compatible with the existing surrounding uses in the area. There is currently a Discount Tire & gas station across the street on W Elliot Road. Automotive sales shops are located west of the proposed site.

Take 5 Oil Change customers always stay in their vehicles. There should be no contribution to disruptive behavior. The premises is locked on a daily basis after closing, which should not create a nuisance. This facility does not provide any areas for disruptive people to congregate.

If you have additional comments, requests or need clarification; please feel free to contact me directly. I can be reached at 504.319.5257 or via email at kphan@atwell-group.com

Sincerely,

Kimmy Phan, P.E.
Project Manager

Take 5 Oil Change, LLC Storage System Review



Systems are divided into 2 separate processes.

1. Used Oil –

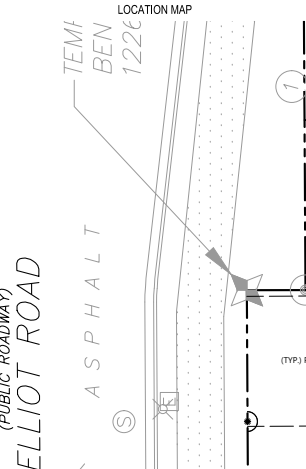
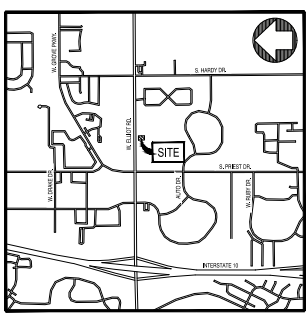
After a Take 5 technician directs and guides the customer over a shallow trench the used oil is drained into a rolling drain pan that is positioned under the vehicle. The oil filter is also changed above the drain pan. When necessary, the drain pans are emptied to designated oil tanks via $\frac{3}{4}$ " gasoline-rated hose, routed through chases to the storage room. The hoses are connected via a vacuum diaphragm pump, so the system is totally non-pressurized. 100% of Take 5's used oil and oil filters are reclaimed and recycled by OSHA Certified used oil recycling companies.

2. New Oil –

New oil is stored in the store in Rhino gravity feed systems. These systems have no pumps or pressure, are approved by OSHA and DOT, and are located within the bay area to minimize travel distance. Take 5 also carries a minimum amount of retail bottled oils for specialty vehicles as necessary.

Notes –

1. Type of liquids being stored are Class IIIB Lubricants only.
2. All tanks are above ground and are high-density polyethylene.
3. Volume of tanks:
 - Two (2) used oil tanks of 330 gallons each
 - Three (3) new oil Rhino tanks of 80 gallons each
 - Three (3) new oil Rhino tanks of 120 gallons each
 - Three (3) new oil Rhino tanks of 220 gallons each
4. For containment – Used oil tanks are placed within recessed areas. The recessed areas are connected via 3" chases to the shallow trenches, providing secondary containment. Each trench measures 10' X 3' X 30", yielding a total extra volume of 1,683 gallons, in addition to the recessed areas where the tanks are located.
5. Take 5 DOES NOT incorporate drains in their shop, shallow trench, or storage areas. The only drain in a Take 5 is located in the restroom.
6. We mop our floors, rinsing the mop in a mop sink that is connected directly to an oil separator.
7. The oil separator is cleaned/emptied/maintained by the OSHA Certified recycling company that collects and recycles the used oil.



SITE DATA

PARCEL IDENTIFICATION NUMBER:	301-53-060
PARCEL AREA:	0.501 AC (21,956± SF)
COARSE APPROPRIOUS AREA:	
EXISTING:	0.5 AC (17,424± SF) 80%
PROPOSED:	
ON SITE SOILS PER USDA NRCS SOIL SURVEY OF MARICOPA COUNTY, MAPPED AS:	VALENCIA SANDY LOAM
RIGHT OF WAY AND POSTED SPEED LIMIT:	WEST ELLIOT ROAD - 40 MPH
ZONE:	RC-2 (GENERAL COMMERCIAL)
OVERLAY DISTRICT:	N/A
ADJACENT ZONING:	RC-2 (GENERAL COMMERCIAL)
EXISTING USE:	EXISTING PARKING LOT & BUILDING
PROPOSED USE:	COMMERCIAL CAR OIL CHANGE
EXISTING BUILDING:	9,867 SF
PROPOSED BUILDING:	1,708 SF
FLOOD ZONE:	X
FEMA MAP:	0403CP05L
DATED:	10/16/2013

SETBACKS

FRONT:	30'
SIDE:	30'
REAR:	30'

BUFFER REQUIREMENTS

FRONT:	30' MIN. (LANDSCAPE BUFFER FROM THE STREET SIDEWALK)
SIDE:	0'
REAR:	0'

BUILDING SUMMARY

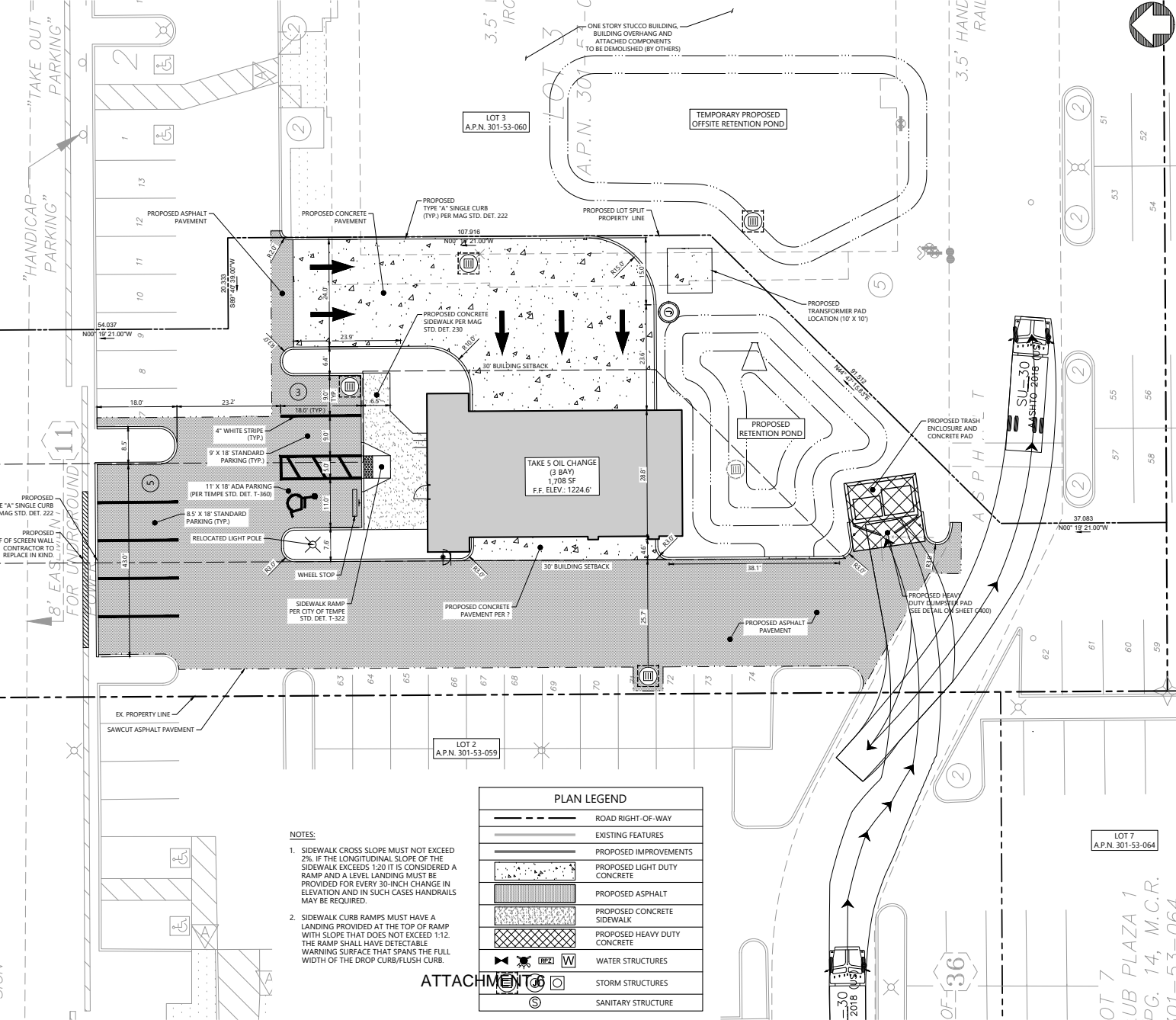
EXISTING BLDG HEIGHT:	40' MAXIMUM
PROPOSED BLDG HEIGHT:	40' MAXIMUM
CONSTRUCTION TYPE:	V-8
SPRINKLERS / STANDPIPES:	NO SPRINKLERS PROVIDED
USE / OCCUPANCY GROUP:	S-1 OCCUPANCY (PER SECTION 311.2.W) 311.2.2 MOTOR VEHICLE REPAIR, COMPLYING WITH SECTION 316.6 OIL CHANGE / NOT MIXED USE

PARKING CALCULATION

REQUIRED:	1 SPACE PER 300 SF IS REQUIRED = 6 SPACES
PROVIDED:	8 SPACES
REMOVED:	38 EXISTING PARKING SPACES TO BE REMOVED FOR PROPOSED BUILDING

SERVICES / UTILITY PROVISION

WATER:	CITY OF TEMPE
SEWER:	CITY OF TEMPE
ELECTRIC:	SALT RIVER PROJECT
STORM WATER MANAGEMENT:	CITY OF TEMPE



NOTES:

1. SIDEWALK CROSS SLOPE MUST NOT EXCEED 2%. IF THE LONGITUDINAL SLOPE OF THE SIDEWALK EXCEEDS 1:20 IT IS CONSIDERED A RAMP AND A LEVEL LANDING MUST BE PROVIDED FOR EVERY 30-INCH CHANGE IN ELEVATION AND IN SUCH CASES HANDRAILS MAY BE REQUIRED.
2. SIDEWALK CURB RAMPS MUST HAVE A LANDING PROVIDED AT THE TOP OF RAMP WITH SLOPE THAT DOES NOT EXCEED 1:12. THE RAMP SHALL HAVE DETECTABLE WARNING SURFACE THAT SPANS THE FULL WIDTH OF THE DROP CURB/FLUSH CURB.

PLAN LEGEND

	ROAD RIGHT-OF-WAY
	EXISTING FEATURES
	PROPOSED IMPROVEMENTS
	PROPOSED LIGHT DUTY CONCRETE
	PROPOSED ASPHALT
	PROPOSED CONCRETE SIDEWALK
	PROPOSED HEAVY DUTY CONCRETE
	WATER STRUCTURES
	STORM STRUCTURES
	SANITARY STRUCTURE

TAKE 5

CONTRACTOR'S NOTICE: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TEMPE AND THE MARICOPA COUNTY SUPERVISOR'S OFFICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TEMPE AND THE MARICOPA COUNTY SUPERVISOR'S OFFICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TEMPE AND THE MARICOPA COUNTY SUPERVISOR'S OFFICE.

24 HOUR EMERGENCY CONTACT
 BRUNNER & LANGSTON
 (602) 266-7933
 BRUNNERANDLANGSTON.COM

ATWELL
 BRUNNER & LANGSTON
 111 N. WASHINGTON AVE.
 PHOENIX, AZ 85004
 (602) 266-7933

SECTION 15: TEMP. RANGE 16'
 1325 WEST ELLIOT ROAD
 TEMPE
 MINOR DEVELOPMENT PLAN
 SITE PLAN

DATE: 08/21/2023

REVISIONS

DESIGNED BY: MAC/RLC
 CHECKED BY: AP
 PROJECT MANAGER: BL
 JOB #: 2303032
 FILE CODE: #9
 SHEET NO.: C100

OT 7
 UB PLAZA 1
 PG. 14, M.C.R.
 301-53-064



PROPOSED FRONT ELEVATION

PROPOSED LEFT ELEVATION



PROPOSED REAR ELEVATION

PROPOSED RIGHT ELEVATION

SHERWIN-WILLIAMS
SW 7678

COTTAGE CREAM

SHERWIN-WILLIAMS
SW 7693

STONEBRIAR

SHERWIN-WILLIAMS
SW 6871

POSITIVE RED

SHERWIN-WILLIAMS
SW 6097

STURDY BROWN

SHERWIN-WILLIAMS
SW 6076

TURKISH COFFEE