

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 09/22/2020
Agenda Item: 5**

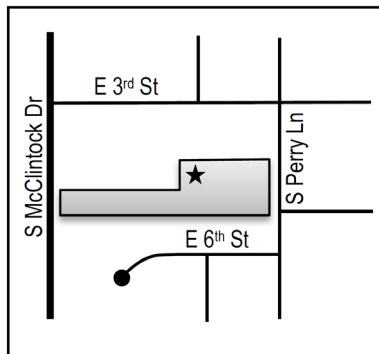
ACTION: Request a Use Permit to allow vehicle sales for **TRUSTED AUTO SALES**, located at 410 South Perry Lane.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approve, subject to conditions

BACKGROUND INFORMATION: TRUSTED AUTO SALES (PL200186) is requesting a Use Permit to allow the sale of used cars within the GID, General Industrial District. The main function of the business is to sell used vehicles to customers that work for ride share companies such as Uber and Lyft, but they also offer repair services. This request is a result of a Code Violation (CM200437) for operation of vehicle sales without an approved Use Permit. The request includes the following:

ZUP200043 Use Permit to allow vehicle sales



Property Owner
Applicant
Zoning District
Vehicle Parking
Bicycle Parking
Hours of Operation

Hayden Industrial Park, LLC.
Rodney Jarvis, Earl and Curley, P.C.
GID
No change in demand
No change in demand
8 a.m. to 9 p.m., Mon. – Sat.

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Dalton Guerra, Planner I (480) 350-8652

Department Director: Chad Weaver, Community Development Director
Legal review by: N/A
Prepared by: Dalton Guerra, Planner I
Reviewed by: Steve Abrahamson, Principal Planner

COMMENTS

The proposed use is a used car dealership that also offers vehicle repair services on site. Vehicle repair is a permitted use within the GID zoning district and does not require a Use Permit. Trusted Auto Sales was operating without an approved Use Permit to allow vehicle sales and was issued a correction notice by the Code Compliance division on March 9, 2020.

PUBLIC INPUT

To date no public input has been received.

USE PERMIT

The proposed use requires a Use Permit to allow vehicle sales within the GID 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 in an industrial area and does not demand more parking than the existing uses in the center.
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 isn't expected to create a nuisance due to the surrounding industrial center.
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*; vehicle sales is a permitted use in the GID zone with an approved Use Permit.
4. *Compatibility with existing surrounding structures and uses*; the site is within an existing industrial center and is surrounded by industrial zoning.
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 is expected to have adequate control of potential 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. Any and all inventory shall be located and stored indoors.
4. The business shall not display "For Sale" vehicle inventory outdoors.
5. The business shall not prep, wash, stage, or engage in similar activity outdoors on site.

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:

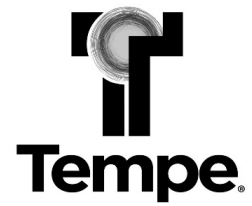
- The Use Permit is valid for Trusted Auto Sales and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has 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 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.
- All required Federal, State, County, and Municipal permits, licenses, and clearances shall be obtained, or the Use Permit is void.

HISTORY & FACTS:

- March 9, 2020 Code Compliance issued a violation letter (CM200437) for operating a vehicle sales business without an approved Use Permit.
- August 20, 2020 Planning Division received an application to request a Use Permit to allow vehicle sales for TRUSTED AUTO SALES, located at 410 South Perry Lane.

ZONING AND DEVELOPMENT CODE REFERENCE:

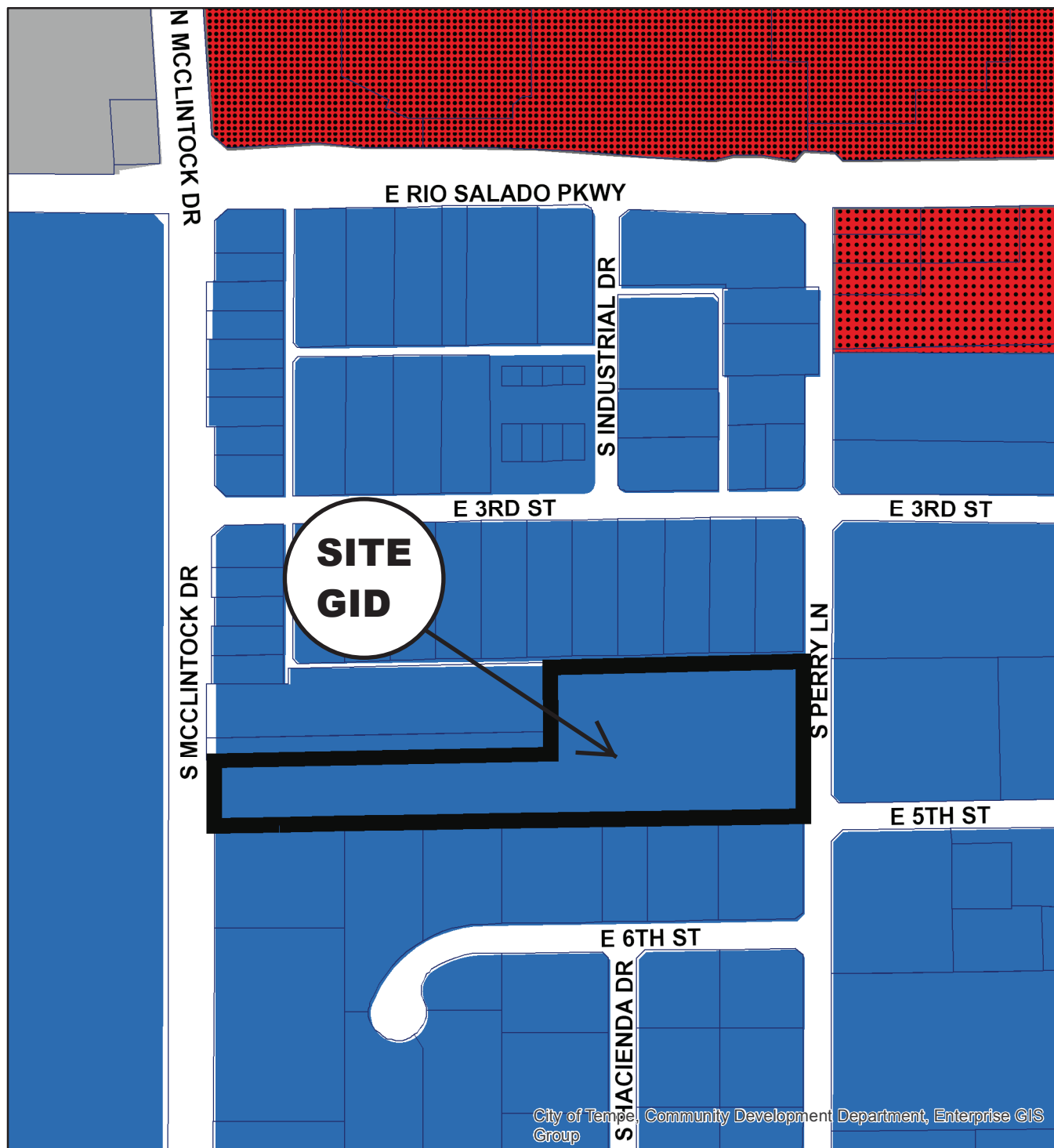
Section 3-302 Permitted Uses in Office/Industrial Districts
Section 6-308 Use Permit



DEVELOPMENT PROJECT FILE
for
TRUSTED AUTO SALES
(PL200186)

ATTACHMENTS:

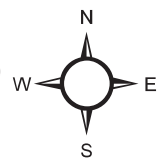
1. Location Map
2. Aerial
- 3-5. Letter of Explanation
6. Site Plan
- 7-8. Floor Plans
- 9-16. Context Photos



City of Tempe, Community Development Department, Enterprise GIS Group

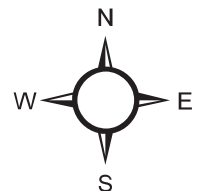
- General Industrial District (GID)
- Mixed Use Educational (MU-ED)
- Planned Commercial Center General (PCC-2)

- Regional Commercial Center (RCC)





Aerial Map



AZ Trusted Auto Use Permit Application Narrative

Applicant/Operations

The Applicant in this case is Matthew and Yurixy Rogers, doing business as AZ Trusted Auto (the "Business"), which operates an auto sales business at 410 S. Perry Lane, Suite 4, Tempe, Arizona 85281 (the "Site"). The Business' primary activity is the refurbishment of used Toyota Prius cars, which the Business refurbishes and maintains on the Site, then sells primarily to Uber and Lyft drivers (and similar such services as might come into the market). In addition, the Applicant also provides vehicle maintenance services, on a very limited basis (less than 5% of the total vehicle maintenance work done at the Site), for a limited number of customers who are not Uber/Lyft drivers.

Description of Vehicle Maintenance

- Oil changes*
- Tire rotations/replacements*
- Engine and drive-train repair
- Parts replacement of various kinds
- No auto body work is done on Site

(*These two services comprise of 95% of vehicle maintenance work)

Hours of Operation

Office Hours: 9:00 a.m. to 5:00 p.m., Monday – Saturday

Shop Hours: 8:00 a.m. to 9:00 p.m., Monday – Saturday

Typical Operation

1. Sales. The prospective driver/purchaser will visit the office to inquire about purchasing, sign documents and receive a vehicle.
2. Towing. Applicant keeps one tow truck at the Site, which is used to bring inoperable vehicles to the Site for refurbishment or maintenance and repair.
3. Maintenance/Repair. Uber/Lyft drivers/owners bring their vehicles to the Site once every two weeks for regular maintenance. Typically, the drivers will use the waiting room while the vehicle maintenance is performed.
4. Occasional Sales/Occasional Maintenance for Parties not Uber/Lyft Drivers. Very rarely, the Applicant will sell to a purchaser who will not be an Uber/Lyft driver. Occasionally, the Business performs maintenance on vehicles not belonging to Uber/Lyft drivers. This type of work is less than 10% of the total maintenance work performed at the Site.
5. Parking. Only the tow truck is parked in the parking lot overnight. All other vehicles are moved into and stored in the shop overnight. As necessary, a vehicle might be moved into parking areas outside the shop during the business day if space is needed to perform necessary maintenance work, but typically all non-employee vehicles are kept in the shop while at the Site. Typically, all or nearly all of the available working vehicles are kept by owners/drivers at their homes overnight when not being used for transportation purposes, except during brief maintenance visits at the Site. Five

employees work at the Site, parking their vehicles in the parking lot during the day, then taking them home at the end of the business day.

According to the lease agreement for the Hayden Industrial Park, "Tenant shall be entitled to use its Pro-Rata share of the unreserved parking spaces on those portions of the Common Areas designated from time to time by Landlord for parking". There are exactly 232 parking spaces and 4 reserved parking spaces (handicap parking) available on the premises. Based on the Pro-Rata share, Trusted Auto may use 5.70% of the center's parking area, or 13.22 spaces. There are no specific tenant designated parking spaces within the center's parking lot.

Neighborhood Support

Correspondence from neighbors in support are attached to this Narrative. Each email or letter is coded to the attached aerial, indicating the location of each supporter. The complaint relating to the Applicant's operation is believed to have been filed by a competitor. No actual neighbors appear to be opposed to this request.

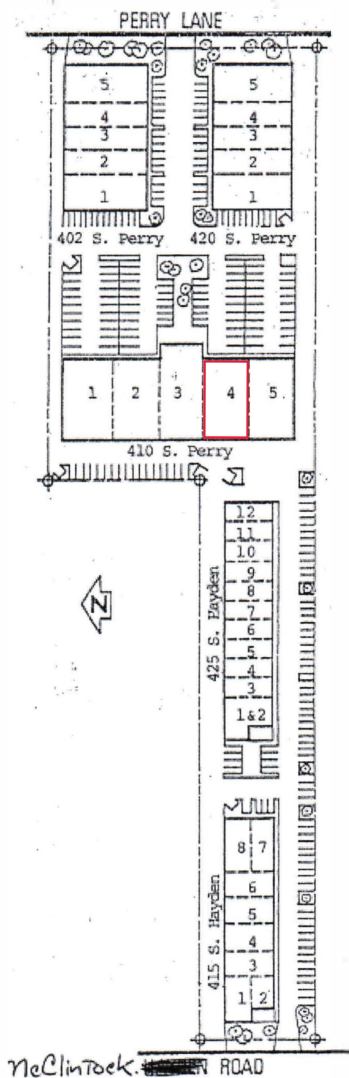
Conclusion/Request

The Applicant's Business is quiet and non-intrusive to its neighbors. It will add to the enhancement and stabilization of its area by continuing an already established use which is appreciated by its neighbors. We request approval of the Use Permit.

EXHIBIT "B"

ATTACHED TO AND FORMING A PART OF
LEASE AGREEMENT
DATED AS OF SEPTEMBER 9, 2019
BETWEEN
HAYDEN INDUSTRIAL PARK, L.L.C.,
AN ARIZONA LIMITED LIABILITY COMPANY, AS LANDLORD
AND
TRUSTED AUTO SALES, INC,
AN ARIZONA CORPORATION,
D/B/A FAST RENTALS, AS TENANT

SITE PLAN OF THE PREMISES



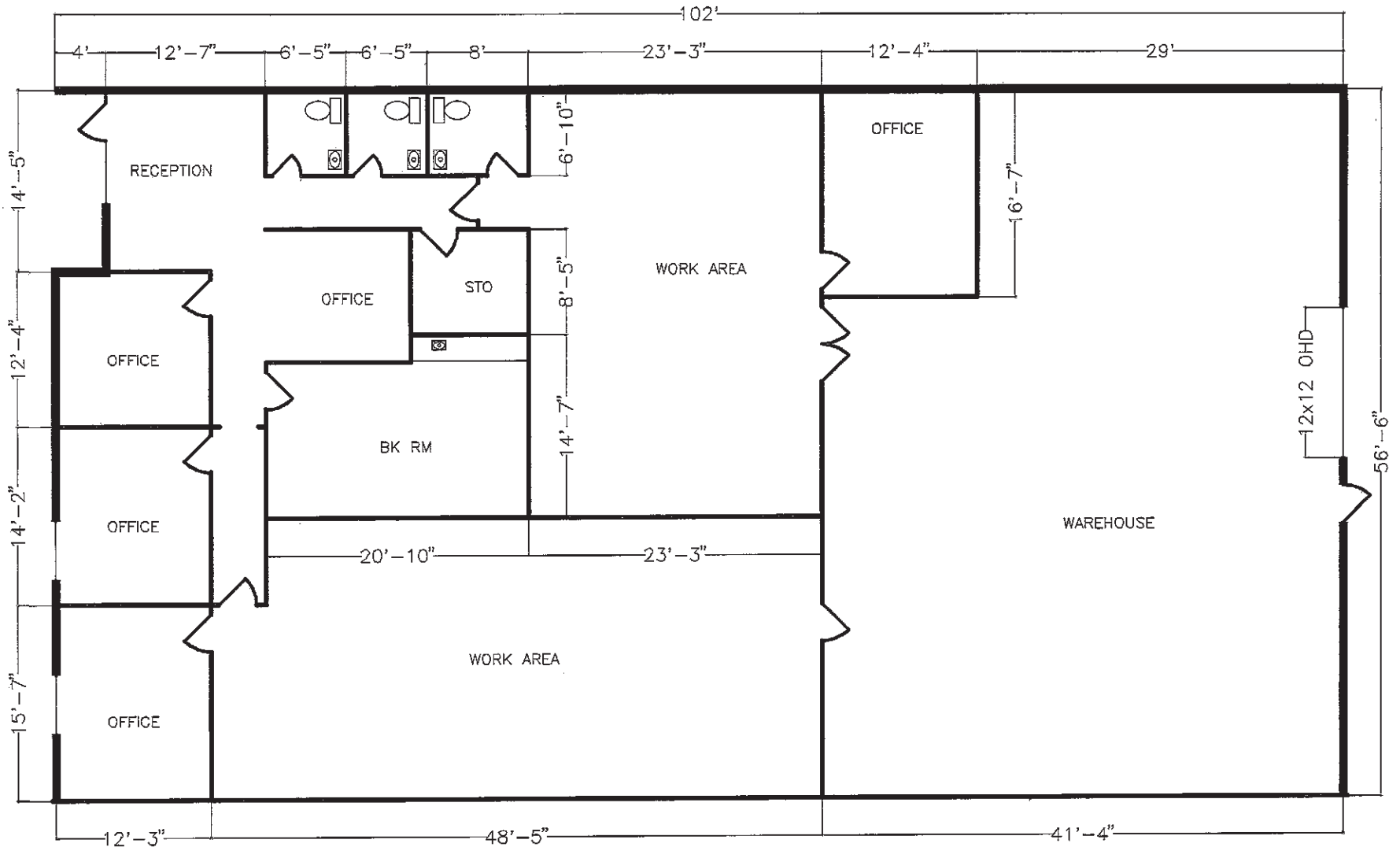
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Hayden Business Park

410 S. Perry Lane - Tempe

Suite 4

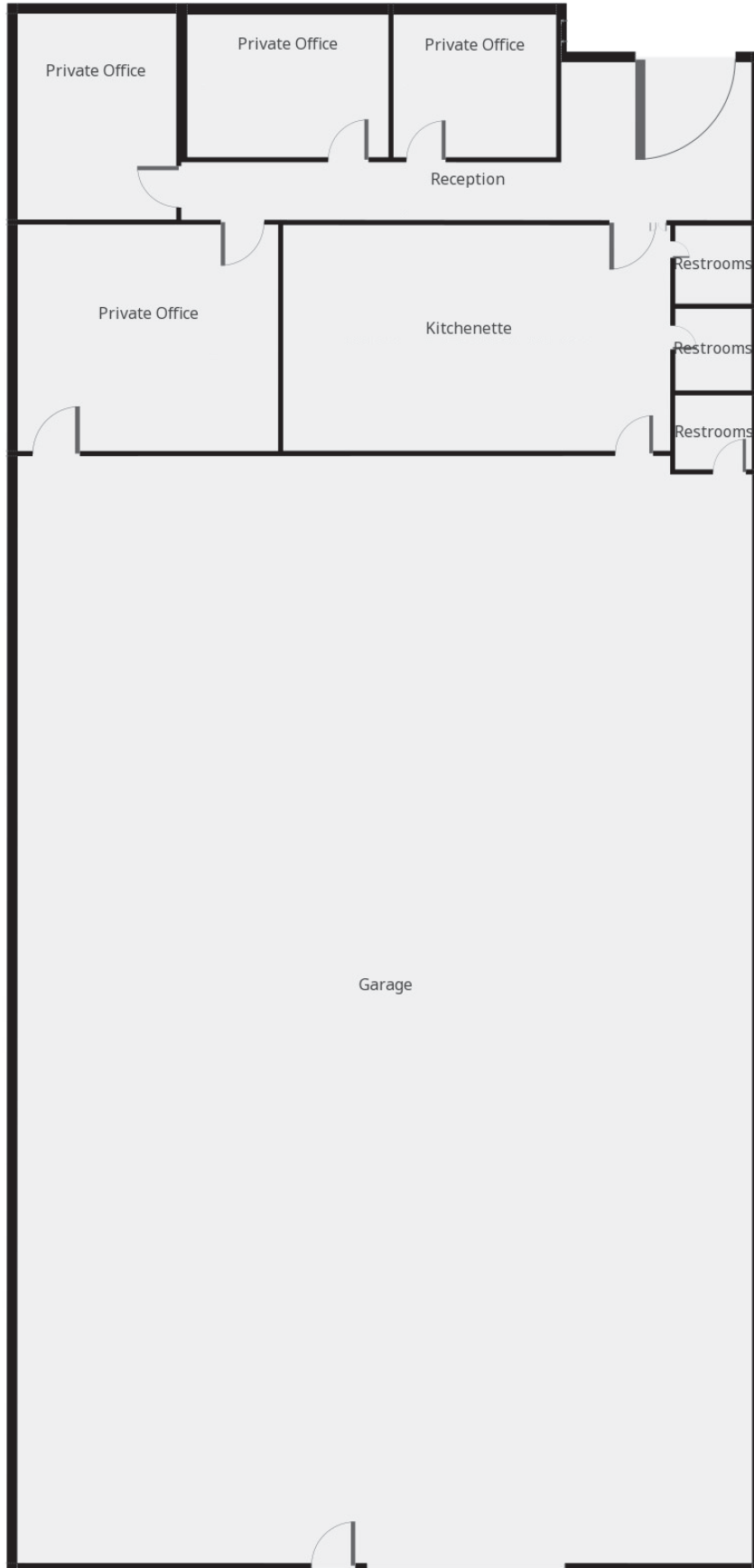
5763 Rentable sq. ft. - Offices, 3575 sq. ft. = 62% - SCALE-1"=12'-0"



All dimensions are approximate and all information is of a general nature.

On Site Unlimited - Space Diagramming - (602) 276-4771

410 S. Perry Lane, Suite 4

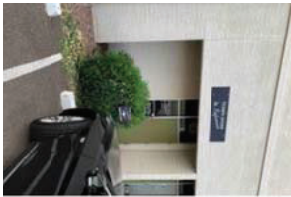


Attachment 8

McClintock Dr.



Perry Ln.



#3



#4



#5



#6



#7



#8



#9



#10



#11



#12



#13



#14



#15



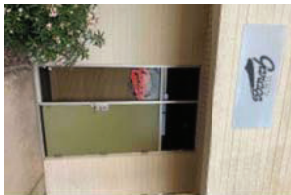
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#22



#23



#1



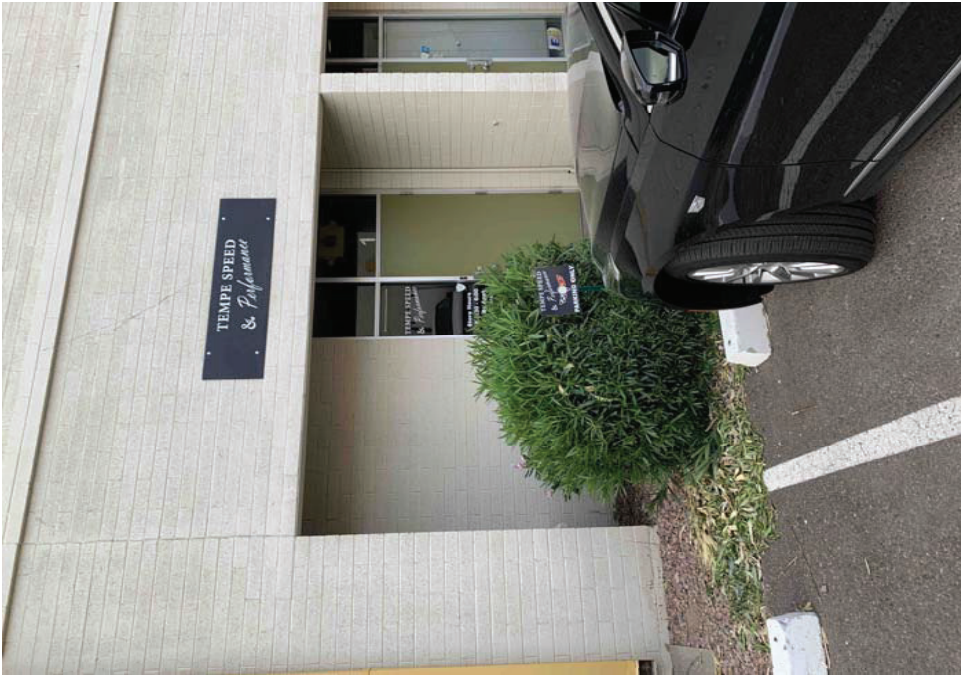
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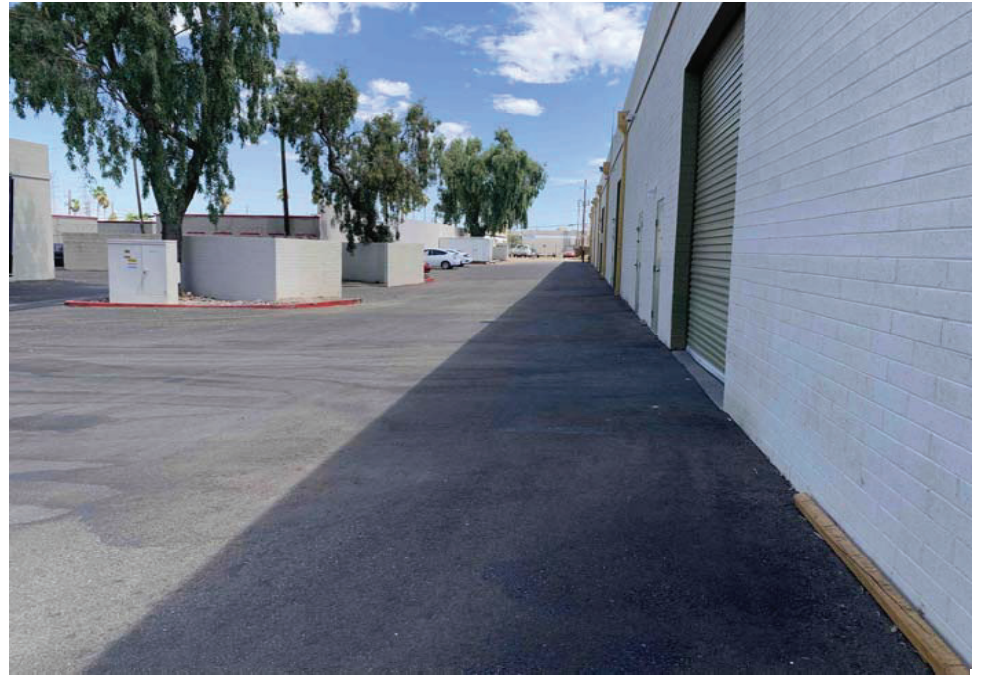
Attachment 11



Attachment 12



Attachment 13



Attachment 14



Attachment 15



Attachment 16