



**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 12/13/2022  
Agenda Item: 8**

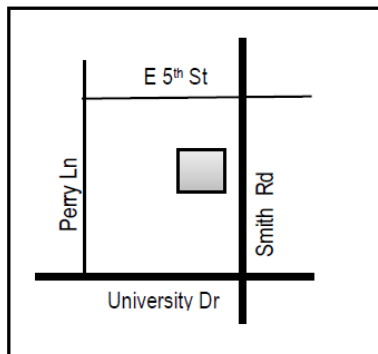
**ACTION:** Request a Use Permit to allow vehicle rentals for UCARS within General Industrial District, located at 640 South Smith Road. The applicant is Guidant Law PLC.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** UCARS (PL220314) is requesting a use permit to allow vehicle rentals within General Industrial District. With approval, UCars plans to lease vehicles to rideshare drivers for companies such as Uber and Lyft. The request includes the following:

ZUP220066 Use Permit to allow vehicle rentals within General Industrial District.



Property Owner	KT 777 LLC
Applicant	Guidant Law PLC
Zoning District	GID
Site Area	35,196 s.f.
Building Area	9,405 s.f.
Lot Coverage	26.7%
Building Setbacks	25' front, 20' parking (front), 0' sides, 0' rear min. required
Vehicle Parking	36 spaces (31 min. required)
Hours of Operation	9 a.m. to 5 p.m., Monday - Friday

**ATTACHMENTS:** Development Project File

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

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

## COMMENTS

UCars is located on the west side of Smith Road, north of University Drive and south of Fifth Street. UCars owns a fleet of vehicles which it leases to rideshare drivers for companies such as Uber and Lyft. Wrench Doc Auto Repair & Body Shop also services vehicles on-site. In the past year, the businesses have received four code violations, three of which have been closed. The current, active code violation is for operating without a Use Permit. Complaints have been received by Code Compliance, the Police Department, Fire Department, and Engineering & Transportation from adjacent business owners regarding a high volume of inoperable vehicles parked along Smith Road and 5<sup>th</sup> Street. Violations for parking in fire lanes and driveways have also been reported. The business is pursuing the Use Permit to remedy the situation and has taken action to mitigate concerns.

## PUBLIC INPUT

Since the publishing of this report, staff has not received any public comments concerning the Use Permit.

## POLICE INPUT

The Police Department is aware of concerns regarding this site and has received calls from neighbors about inoperable vehicles being parked along Smith Road and 5<sup>th</sup> Street.

## USE PERMIT

The proposed use requires a Use Permit to allow vehicle rentals within GID zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the site has sufficient parking for the uses per ZDC Section 4-603. As imposed by the conditions, the business shall keep all vehicle inventory on the property and designated storage lots at all times. Therefore, there is no anticipated increase in vehicular and 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*; nuisances exceeding that of the ambient conditions are not expected to arise from vehicle rentals, as the operation shall be conducted on-site during business hours.
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 leasing of vehicles is a permitted use within the GID zoning district, subject to a Use Permit. Therefore, the use shall not contribute to the deterioration of the neighborhood or downgrading of property values.
4. *Compatibility with existing surrounding structures and uses*; the use is compatible with the existing surrounding structures and uses, as adjacent businesses are also located within the GID.
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 business has taken action to mitigate concerns surrounding the use, such as removing vehicles from Smith Road and 5<sup>th</sup> Street. The applicant is taking preventative measures to avoid nuisances that would negatively impact the general public.

## 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 for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.

2. **Return to the Development Review Commission for review of compliance with conditions of approval on March 14<sup>th</sup>, 2023. The timing for the three-month review period to commence begins when the decision for the use permit is made. Advise Community Development staff when in full business operation.**
3. Hours of operation to end no later than 5:00 p.m. on Monday through Friday.
4. **All vehicles generated from the businesses shall be kept on-site in parking areas or other designated storage lots, at all times.**
5. **In compliance with the Zoning and Development Code, Section 4-702 (C), all front yard landscape areas and driveway entrances shall remain clear of any vehicle parking.**

**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 UCars 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:**

May 4, 2022	The businesses received a code violation (CM220754) for vehicles obstructing the sidewalk. The violation was closed on May 4, 2022.
June 9, 2022	The businesses received a parking standard violation (CM220993) .
September 8, 2022	CM220993 was closed.
September 14, 2022	The businesses received a code violation (CM221616) for storing damaged vehicles on Smith Road and 5 <sup>th</sup> Street.
September 15, 2022	CM221616 was closed.

October 12, 2022      A code violation (CM221789) for was received for operating a vehicle rental business without a Use Permit.

November 7, 2022      A Use Permit application was filed (PL220314).

**ZONING AND DEVELOPMENT CODE REFERENCE:**

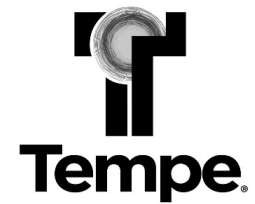
[Section 3-302, Permitted Uses in Office/Industrial Districts](#)

[Section 4-204, Development Standards for Office/Industrial Districts](#)

[Section 4-603, Parking Ratios](#)

[Section 4-702, General Landscape Standards](#)

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



**DEVELOPMENT PROJECT FILE**  
for  
**U CARS USE PERMIT**  
**(PL220314)**

**ATTACHMENTS:**

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



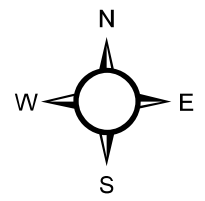
Tempe

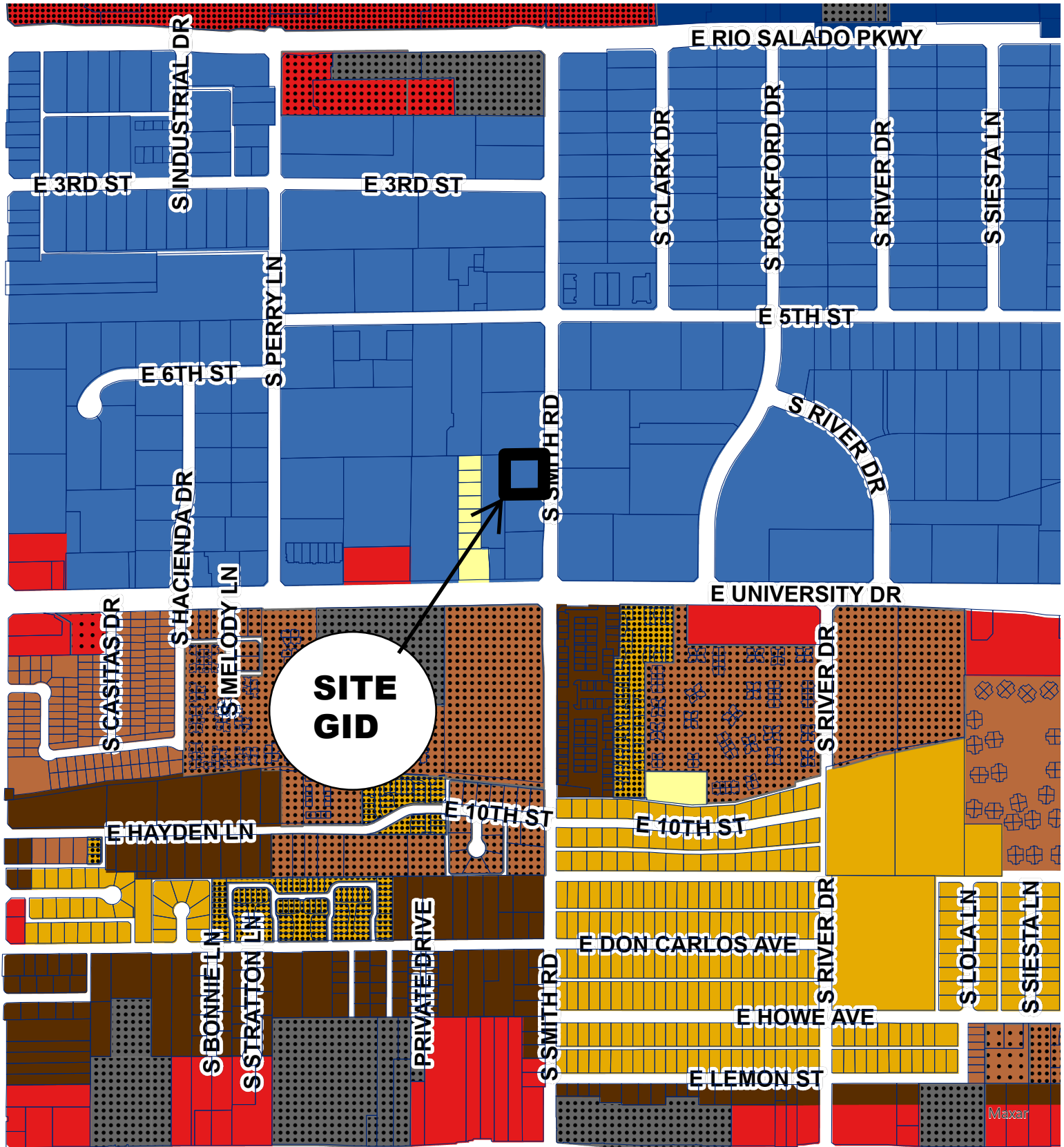
U CARS

PL220314

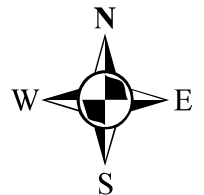


Aerial Map





- |  |   |
|--|---|
| General Industrial District (GID)              | Agricultural (AG)                                   |
| Heavy Industrial District (HID)                | Single-Family Residential (R1-6)                    |
| Mixed Use High (MU-4)                          | Single-Family Residential Planned Area Dev (R1-PAD) |
| Commercial Shopping and Services (CSS)         | Multi-Family Residential (R-2)                      |
| Planned Commercial Center Neighborhood (PCC-1) | Multi-Family Residential Restricted (R-3R)          |
| Planned Commercial Center General (PCC-2)      | Multi-Family Residential Limited (R-3)              |
| Regional Commercial Center (RCC)               | Multi-Family Residential General (R-4)              |



December 6, 2022

City of Tempe Staff and  
Development Commissioners  
31 E 5<sup>th</sup> Street  
Tempe, AZ 85281

Dear City Staff and Commissioners:

UCars is requesting approval of its Use Permit for which it has made application, including this Letter of Explanation in support of the UCars Use Permit Application.

**Introduction:**

UCars owns a fleet of vehicles which it leases to rideshare drivers, such as Uber and Lyft drivers, for their local business use. UCars' platform supports drivers who need to earn an income through working with ridesharing companies by providing reliable, economical vehicles that are clean, well serviced, and ready to use. Many drivers who service Tempe and neighboring areas lease from UCars. Drivers typically lease vehicles for 6-8 weeks at a time and store the vehicles at their own residences during the lease period which significantly minimizes the number of trips to the subject address.

**Hour of operation/Staffing:**

UCars typically operates Monday – Friday, from 9am – 5pm. This location has approximately 6-10 staff members on site conducting leasing activities.

**Goal of Use Application:**

The goal of this Use Permit Application is to obtain approval from the City of Tempe's Development Commission for the above-described use. UCars is also asking the City not to foreclose its right to park a certain amount of vehicle on the Smith Road in approved areas, when availability allows (See below-Mitigation Efforts).

**Compliance with Approval Standards:**

UCars' 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 the use will be in full conformity to any conditions, requirements, or standards prescribed therefore by this Code, or the approval standards set forth in Section 6-308, as noted below:

a. Any significant vehicular or pedestrian traffic in adjacent areas;

UCars requires clients to lease vehicles for extended periods (6 weeks), which eliminates daily or even weekly exchanges of vehicles, thus minimizing traffic at the subject address.

b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions;



UCar's fleet is primarily made up of hybrid vehicles such as Toyota Priuses, Hyundai Sonatas, and Kia Optimas, which are hybrid vehicles, which do not emit dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions. UCars' fleet vehicles are parked, except when a vehicle is being returned or leased and driven off premises. When in use, being driven into or out of the vicinity at the posted speed limits, the vehicles are generally in electric mode, so they do not even emit the level of noise or emissions that is being emitted by traditional in the area. UCars uses no unusual or heavy machinery to clean its vehicles. Vehicle washing activities are conducted off site. Other detailing and spot cleaning is done onsite with non-hazardous cleaning products.

c. Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is conflict with the goals, objectives or policies of the city's adopted plans for General Plan;

UCars operations align with the City's goals by utilizing a fleet comprised primarily of electric/hybrid no-low emission vehicles that significantly reduce the consumption of fuel, the overall noise levels in the neighborhood and in the surrounding communities where UCars' vehicles are in service.

d. Compatibility with existing surrounding structures and uses; and

As noted above, UCars leasing structure is designed to reduce vehicle turnover transactions at the subject address, as well as traffic trips to the area. The fleet is made up of small, low-profile, no-low emission vehicles that generally produce no-low noise levels.

e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

(i) Pre-screening process:

UCars has made a significant investment in its fleet and in the community in which it works every day to fulfill its mission of supporting drivers needing to earn incomes through a rideshare driving business. As a conscientious owner, employer, and neighbor, all staff and drivers are pre-screened with full background and motor vehicle records checks to ensure that only high quality, responsible, law-abiding individuals are working for or doing business at UCars.

(ii) Smith Road Mitigation efforts:

It has come to UCars' attention that various neighbors have complained to the City's departments about the number of cars UCars has parked on Smith Road and 5<sup>th</sup> Street temporarily staging various incoming or outgoing vehicles. In an effort to be good neighbors, UCars is in the process of significantly reducing the number of cars on the roadway. To make this reduction possible, UCars is renting spaces in nearby commercial automotive properties with fenced, secured yards in which it can store surplus vehicles.

As part of its Use Permit request, UCars is seeking permission to continue parking a reasonable number of cars (a maximum of 30) in approved areas on Smith Road, when available. If prohibited from parking any cars on Smith Road, the viability of operating

UCars' business in Tempe will be questionable. Regardless of the stipulations required for approval, UCars requests a 30-day period within which to achieve full compliance of the mandated stipulations.

According to the application materials, and for the reasons set forth above, UCars respectfully requests the approval and issuance of the requested Use Permit, along with the stated parking accommodations requested herein.

Thank you,

Eric Faas, Esq.  
Guidant Law Firm  
402 E Southern Ave.  
Tempe, AZ 85282  
[eric.faas@guidant.law](mailto:eric.faas@guidant.law)  
Main office: 620-899-9229  
Cell phone: 480-295-6666



# Site Plan for UCars 640 S. Smith Road, Tempe, AZ 85251

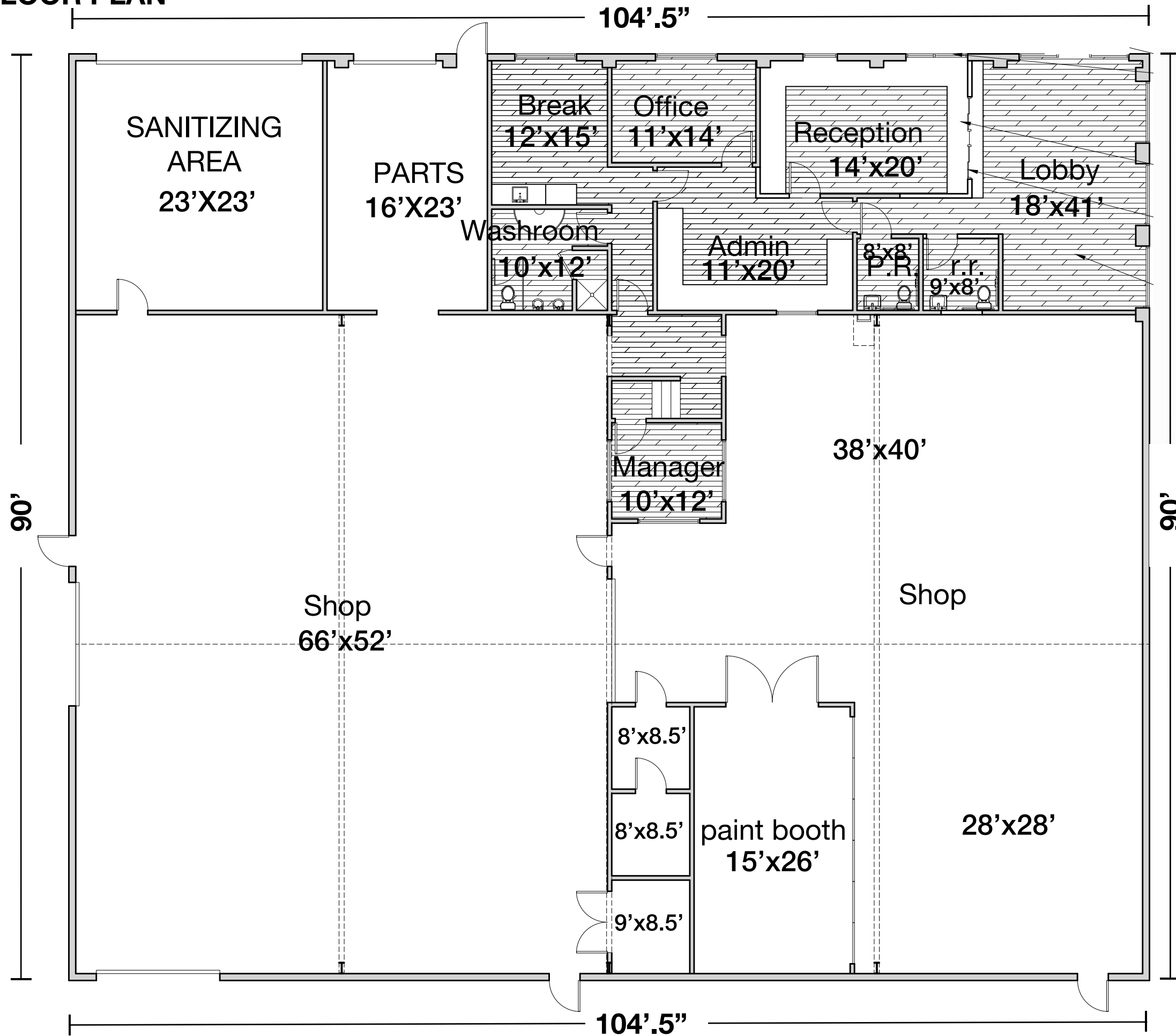
**Contact Name:** Eric Faas, Esq., Guidant Law, PLC  
**Contact Address:** 420 E Southern Ave., Tempe, AZ 85282  
**Contact Phone:** (480) 295-6666 / (602) 888-9229  
**Contact Email:** eric.faas@guidant.law

**Project Name:** UCars Use Permit Application  
**Tenant Name:** UCars Management, LLC, dba UCars  
**Project location:** 640 S. Smith Road, Tempe, AZ 85281  
**Existing Zoning:** GID (no proposed change)  
**Net Site Area:** 35,196 sq. ft. (no proposed change)  
**Total Building Area:** 9,405 (no proposed change)  
**Proposed Use:** Vehicle Rentals  
**Parking required:** 31  
**Total Parking on site:** 36 (1/300 sq.ft.) (no proposed change)

## Area Designated For Proposed Use:

Use: Of the total building area, 9,405 sq. ft., approximately 22% is office space, roughly 2,100 sq.ft. Of the office space, approximately 50% of the office space is utilized for UCars vehicle rental operations. The balance of the office and building area is used for Tenant's vehicle servicing business, dba Wrench Doc. Accordingly, a minimum of 7 parking spaces is required for the vehicle rental component and the remaining building square footage for the auto servicing component should be parked at a 1/300 ratio which is 27.9 (8,355/300), making the total required spaces 31.

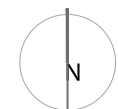




UCars Use Permit  
Application 11-5-2022

640 S. SMITH RD.  
TEMPE, AZ 85281  
NOVEMBER 3, 2022  
SCALE 1" = 10'.0"

640 S. SMITH RD REPAIR SHOP



7340 EAST MAIN STREET #210  
SCOTTSDALE, ARIZONA 85251  
MADE WITH ALINE . COM

**ALINE**  
ARCHITECTURE CONCEPTS

## City of Tempe Use Permit Ownership/Tenant Information

Submitted on 11/5/2022 with Ucars Use Permit Application

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
UCARS MANAGEMENT, LLC	640 S SMITH ROAD	TEMPE	AZ	85281
dba Ucars	640 S SMITH ROAD	TEMPE	AZ	85281
dba Wrench Doc	640 S SMITH ROAD	TEMPE	AZ	85281

Photo #1: North elevation taken from the NW property corner facing eastward.



Photo #2: West elevation taken from the NW property Corner facing southward.



Photo #3: South elevation taken from the SW property corner facing eastward.



Photo #4: East Elevation taken from the NE property corner facing southward.

