

# Staff Summary Report



Hearing Officer Hearing Date: March 17, 2009

Agenda Item Number: 3

**SUBJECT:** This is a public hearing for a request by 56<sup>TH</sup> STREET CLASSIC CAR SPA (PL090069) located at 9969 South Priest Drive for one (1) use permit.

**DOCUMENT NAME:** 20090317dssd01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by the 56<sup>th</sup> STREET CLASSIC CAR SPA (PL090069) (Timothy Stocker, applicant; 56<sup>th</sup> Street Classic Car Spa LLC, property owner) located at 9969 South Priest Drive in the PCC-2, Planned Commercial Center General District for:

**ZUP09034** Use permit to allow vehicle rental (U-Haul).

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

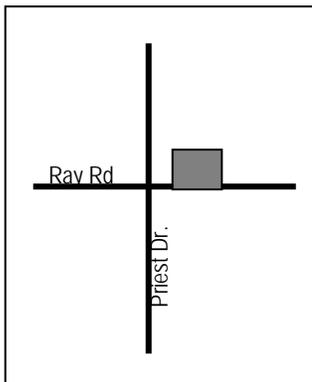
**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval, subject to Conditions

**ADDITIONAL INFO:** The applicant is requesting a use permit to allow vehicle (U-Haul) rentals at 9969 South Priest Drive in the PCC-2, Planned Commercial Center General District. The proposal involves the rental of trucks, vans, and trailers. To date, staff has received one (1) letter of opposition regarding the request. Staff recommends approval of the proposal as submitted, with conditions.



**PAGES:**

1. List of Attachments
2. Comments;
3. Reasons for Approval; Conditions of Approval;
4. History & Facts/Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
- 4-5. Letter of Opposition
6. Site plan
- 7-8. Applicants Photograph(s)
9. Staff Photograph(s)

## COMMENTS:

The applicant is requesting a use permit to allow vehicle (U-Haul) rentals at 9969 South Priest Drive in the PCC-2, Planned Commercial Center General District. The vehicle rentals will involve the rental of trucks, vans, and trailers. Classic Car Spa will be parking and storing the rental vehicles along the east property line at the rear of the car wash site. The City of Tempe Commercial Enforcement Division notified the owners of Classic Car Spa that a use permit would be required for the vehicle rentals. The business was not aware that the vehicle rental use required a use permit.

While conducting a site visit, staff will be adding conditions of approval to clean up the landscape area along the east property line and remove debris and junk from refuse enclosure. Staff will also be working with Classic Car Spa on obtaining approvals for fabric canopies on site.

56<sup>th</sup> Street Classic Car Spa proposes to rent vehicles during normal business hours. The hours are Monday through Friday from 9:30 AM to 6:00 PM and Saturdays from 9:30 AM to 5:00 PM other days by appointment only.

To date, staff has received one letter of opposition to this case.

## Use Permit

The Zoning and Development Code requires a use permit for vehicle rentals within the PCC-2, Planned Commercial Center General District. The use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - This use, with conditions, should not create nuisances within this industrially zoned area.
- c. 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 development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed use appears to be compatible with surrounding uses.

## Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval

**REASON(S) FOR APPROVAL:**

1. The 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;
2. There appears to be no significant increase in vehicular or pedestrian traffic;
3. There appears to be no nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare;
4. The use will not contribute to the deterioration of the neighborhood or to the downgrading of property values.
5. The location is compatible with the existing surrounding structures and uses.

**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 56<sup>th</sup> Street Classic Car Spa and may be transferred to successors in interest, subject to a review by Development Services staff.
2. Any significant verifiable complaints as determined by the City Attorney and/or Commercial Enforcement Division shall require the applicant to return to the Hearing Officer for re-evaluation of the use permit.
3. All U-Haul vehicles shall not block any portion of the fire lane. A fire lane requires a twenty (20) foot wide drive aisle for emergency vehicles to maneuver on site. Any questions regarding the fire lane should be addressed to the Fire Department Representative, Jim Walker (480) 350-8858.
4. No truck repair shall be conducted on site.
5. No more than five (5) U-Haul vehicles allowed at any given time.
6. All U-Haul vehicles shall be parked at the northeast corner of the site, away from the street.
7. The landscape area along the east property line requires maintenance. All litter, debris, weeds and uncontrolled growth shall be removed by March 31, 2009.
8. All refuse enclosures on site are in need of maintenance. All litter, debris, and junk shall be removed by March 31, 2009.
9. Classic Car Spa shall obtain Development Plan Review (DPR) approvals for all the fabric canopies on site or canopies shall be removed. Applicant shall meet with staff by March 31, 2009 to resolve the illegal fabric canopies.

**HISTORY & FACTS:**

- November 21, 1996      SGF-96.68: City Council approved an Amended General and Final plan of Development PAD 2, to include a use permit to allow car wash/ oil lube facility and convenient store with gas pumps at Tempe Crossing Center.
- January 15, 1997      DRB96406: Design Review Board approved the request for building elevations, site plan, and landscape plan for Danny's Family Carousel
- April 24, 1997      SGF-97.30: City Council approved an Amended General and Final Plan of Development for a Final Plan for Danny's Family Carousel Carwash and convenient store of PAD 2.
- February 5, 2009      CM090184: Commercial Code Enforcement received a complaint about illegal U-Haul Rentals at the 56<sup>th</sup> Street Classic Car Spa.

**DESCRIPTION:**

Owner – 56<sup>th</sup> Street Classic Car Spa  
Applicant – Timothy Stocker  
Existing Zoning – PCC-2, Planned Commercial Center General District  
Lot Area– 116,249 s.f./ 2.69 acres  
Required Parking – 47 spaces  
Provided Parking – 52 spaces

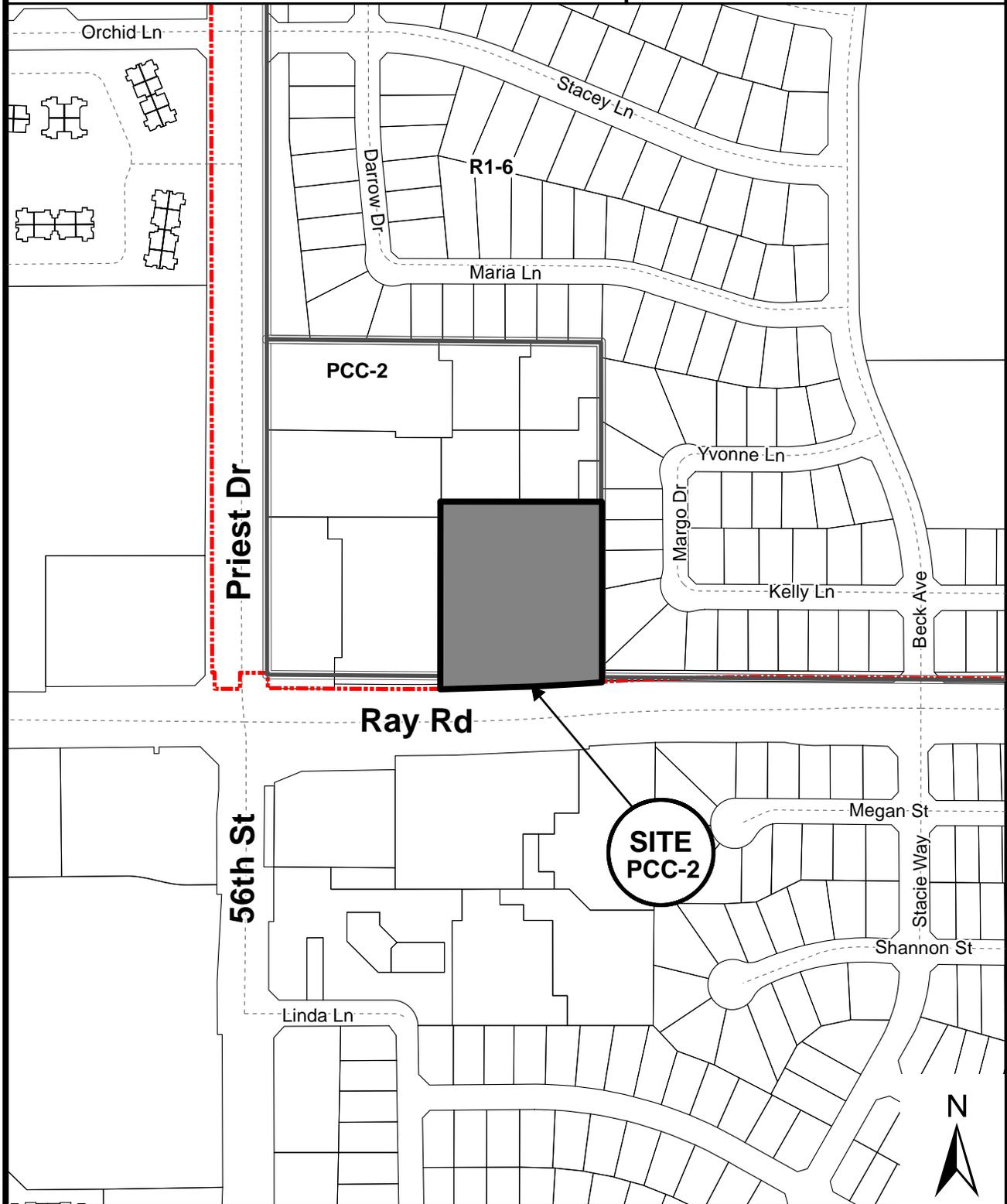
**ZONING AND  
DEVELOPMENT  
CODE REFERENCE:**

Part 3, Chapter 2, Section 3-302  
Permitted Uses in Office/Industrial Districts – Table 3-302A – Vehicle /Rental in GID, General Industrial District require a use permit;

Part 6, Chapter 3, Section 6-308  
Use Permit.

**56TH STREET  
CLASSIC CAR SPA**

**PL090069**



**Location Map**



**56TH STREET CLASSIC CAR SPA (PL090069)**



February 16, 2009

City of Tempe Development Services  
Shawn Daffara  
Planner II  
Development Services / Planning Division  
31 East Fifth Street  
Tempe, Arizona 85281

Dear Mr. Daffara,

Please find attached our application for an additional use permit for rental of ten to twelve U-Haul units at our existing Car Wash facility located at Priest and Ray Road. I have outlined some of the information requested below, as well as attaching the appropriate forms and additional information needed by the Development department.

**Name:** 56<sup>th</sup> Street Classic Car Spa, LLC

**Address:** 9969 S. Priest Road  
Tempe, Arizona 85281  
Parcel No. – 301-60-970

**Proposed Use:** Additional use permit to allow us to rent U-Hauls on our existing car wash facility.

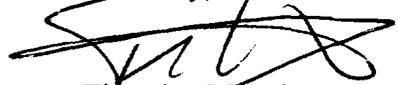
**Existing Zoning:** PCC-2

**Legal Description:** See Attached

**Description of Work: Planning Other** - We currently operate a car wash, including an Oil & Lube facility, Detail operation, Convenience Store and a Shell Fuel Center. We are requesting to obtain an additional use permit to allow us to rent several U-Haul vehicles from our existing site.

We appreciate your time and effort in the review of this Use Permit request. If you need any additional information or have any additional questions, feel free to contact me at 480-993-4209.

Sincerely,



Timothy J. Stocker  
Classic Car Spa  
Member

**Daffara, Shawn**

**From:** McDermott, Mark [MMcDermott@courts.az.gov]  
**Sent:** Wednesday, March 04, 2009 10:12 AM  
**To:** Daffara, Shawn  
**Subject:** Public Hearing for 56th Street Classic Car Spa

Mr. Daffara,

Thank you for taking the time to speak with me yesterday regarding the use permit hearing for 56th Street Classic Car Spa scheduled for March 17th at 1:30 P.M. I wish to express my opposition to this use permit so that you may convey this opposition at the hearing, as I will be working during the time of the hearing on Tuesday.

Let me start out by saying that I have lived in the Sierra Tempe community since the development was newly built. I purchased my house in May of 1994 and have lived there since that time. I have seen big changes in my neighborhood since moving in, mostly good, but some bad. The former Danny's Family Car Wash, now 56th Street Classic Car Spa, is in the bad category. I could go on and on about what a bad neighbor Danny's has been, but I'll keep my comments to the issue at hand - the use permit to allow 56th Street to rent U-Haul vehicles at their property.

First of all, and through no fault of the city, 56th Street Classic Car Spa already has too much traffic for a business that abuts a residential neighborhood. Between the convenience store and the gas station, both of which operate 24 hours a day, the noise at times is aggravating. Add to that the car wash and car detailing business during the day, seven days a week, and you can get a sense of the amount of traffic and noise that we residents have to endure.

Now comes 56th Street Classic Car Spa asking to add an additional business of renting U-Haul vehicles. This is ridiculous. First of all, U-Haul has a distribution and rental center only one and a half miles north of Classic Car on 56th Street between Warner and Elliot Roads. I have used this facility to rent a truck and to refill propane tanks for grilling. The U-Haul distribution center has every type of rental vehicle U-Haul offers on their property, from large trucks to trailers. Classic Car would have to occupy nearly every available parking spot at their present location in order to display the number and types of vehicles U-Haul offers for rent. Secondly, most U-Haul trucks are large and tall. The physical barrier between Sierra Tempe homeowners and 56th Street Classic Car Spa is a 6 foot block wall. I, for one, do not want to walk into my back yard and look at the tops of rental trucks. I don't think my neighbors would, either. For nearly the entire month of February 2009, I had to look at a U-Haul truck parked in front of the convenience store facing Ray Road. It was there so long I thought it may have been stolen and left there. It was only after speaking with you that I learned they were displaying the truck for rent. Third, vehicles left out in the open invite theft and criminal damage. 56th Street Classic Car Spa has no way to store the U-Haul vehicles other than to leave them in parking spaces. Even though the store is open 24 hours a day, one clerk cannot watch rental vehicles left outside. The only crimes I am aware of that have occurred in my neighborhood are vehicle theft and damage. Unsecured rental vehicles left outside invite crime, crime that could spill over into Sierra Tempe.

I hope you will convey to the hearing officer my opposition to the plan to rent U-Haul vehicles

at 56th Street Classic Car Spa. In retrospect, I wish Danny's never was allowed to build at that location. Thank you for your time.

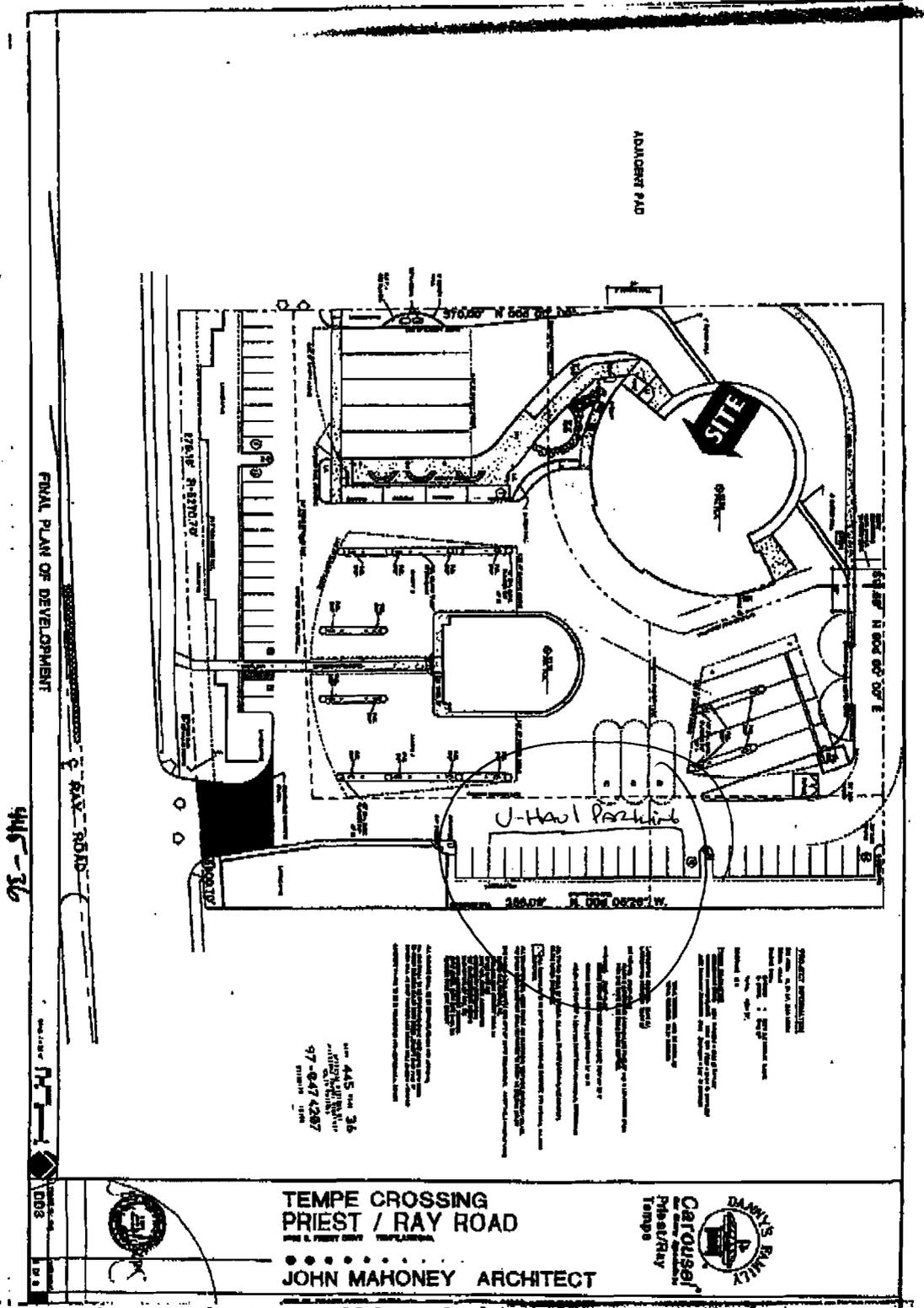
**Mark J. McDermott**

Court Services Division - Research & Statistics  
Arizona Supreme Court  
1501 W Washington Street, Suite 410  
Phoenix AZ 85007-3231

**Direct Line: (602) 452-3672**

**Fax: (602) 452-3480**

**[mmcdermott@courts.az.gov](mailto:mmcdermott@courts.az.gov)**



PROJECT ARCHITECT  
 JOHN MAHONEY ARCHITECT  
 445 N 36  
 RAY ROAD  
 TEMPE, AZ 85281  
 480-947-4287

CONTRACT NO. 445-36  
 SHEET NO. 02 OF 02  
 DATE: 02/16/2009

THE ARCHITECT'S RESPONSIBILITY IS TO DESIGN AND CONSTRUCT THE PROJECT IN ACCORDANCE WITH THE PERMITS AND REGULATIONS OF THE LOCAL, STATE AND FEDERAL AGENCIES. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY DATA OR THE LEGAL STATUS OF THE PROPERTY. THE ARCHITECT'S DESIGN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEY DATA. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE SURVEY DATA OR THE LEGAL STATUS OF THE PROPERTY. THE ARCHITECT'S DESIGN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEY DATA.

TEMPE CROSSING  
 PRIEST / RAY ROAD  
 JOHN MAHONEY ARCHITECT



Description: Maricopa, AZ Plat Map 445.36 Page: 3 of 3



View looking south from driveway of parking lot to the north of facility.



View of property looking south from neighbor to the north.



View looking north across Ray Road from Circle K entrance.



View looking directly north across Ray Road.



**56<sup>th</sup> STREET CLASSIC CAR SPA**

**9969 SOUTH PRIEST DRIVE**

**PL090069**

**REAR OF BUSINESS – VIEW TO SOUTH**

