

Staff Summary Report



Hearing Officer Hearing Date: 3/15/11

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by **EAUTOPROS LLC** located at 1930 East 3rd Street, Suite No. 15, for one (1) use permit.

DOCUMENT NAME: 20110315cdng01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **EAUTOPROS LLC (PL110039)** (Kevin Plush/Eautopros LLC, applicant; Third Street Commerce Center LLC, property owner) located at 1930 East 3rd Street, Suite No. 15, in the GID, General Industrial District, for:

ZUP11013 Use permit to allow internet car sales in the GID, General Industrial District.

PREPARED BY: Nick Graves, Planner (480-350-8690)

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

LEGAL REVIEW BY: N/A

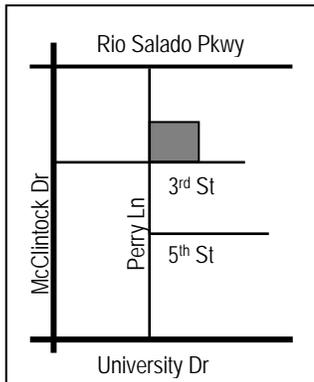
DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

FISCAL NOTE: There is no fiscal impact to City funds.

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:

The applicant is requesting a use permit to allow internet car sales in the GID, General Industrial District located at 1930 E 3rd St., Suite No. 15. The vehicle sales are conducted via the internet and there will not be a "car lot" attached to the operation. To date, staff has received no public input regarding this request. Staff recommends approval of the proposal as submitted, with conditions.



PAGES:

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

ATTACHMENTS:

1. Location Map
2. Aerial Photo
3. Letter of Intent
4. Site Plan
5. Floor Plan
6. Staff Photograph

COMMENTS:

The applicant is requesting a use permit to allow internet car sales in the GID, General Industrial District at 1930 E 3rd St., Suite No. 15. The vehicle sales are conducted via the internet and there will not be a "car lot" attached to the operation. The business is located at the northeast corner of 3rd Street and Perry Lane in a tenant space within the north building on the property. The surrounding area is an industrial neighborhood just south of Tempe Marketplace.

EAutopros LLC's office hours are Monday through Friday from 8:00 AM to 5:00 PM. The work will be carried out by the applicant himself with no additional employees. According to the applicant, all vehicles will be parked inside the warehouse. All maintenance work, including detailing of the vehicles to have them cleaned will be done off site. The applicant has five (5) leased parking spaces for EAutopros LLC and is able to acquire more if necessary. Per the City of Tempe Zoning and Development Code, the use of vehicle sales requires a parking ratio of 1 space per 300 square feet. For this request, 5 parking spaces are required.

To date, staff has received no public input regarding this request.

Use Permit

The Zoning and Development Code requires a use permit for indoor internet vehicle sales within the GID, General Industrial District. This 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 should 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.

REASONS FOR APPROVAL:

1. There should be no significant increase in vehicular or pedestrian traffic in adjacent areas.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. The use appears to be compatible with the site and adjacent properties.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITIONS
OF APPROVAL:**

1. The use permit is valid for EAutopros LLC and may be transferable to successors in interest through an administrative review with the Community Development Manager, or designee.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The use permit is valid for the plans reviewed and approved by the Hearing Officer.
4. The display of the vehicles shall not be located in public right-of-way or landscape areas.
5. All business signs shall require a sign permit. Please contact staff at (480) 350-8372 for all sign permitting application and questions.
6. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
7. Provide a full cut-off light fixture above garage bay door.
8. Rear doors shall require lighting to meet five (5) foot candles at the doors and two (2) foot candles within a 15' radius of the doors. Details to be approved through Building Safety Plan Review.
9. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review.

HISTORY & FACTS:

- May 6, 2003 BA030079 – The Hearing Officer approved a use permit request to sell used cars located at 640 South Smith Road in the I-1, Light Industrial District.
- November 6, 2007 ZUP07166 – The Hearing Officer approved a use permit request by Lost Dutchman Coffee Roasters to allow coffee roasting located at 1920 E 3rd St., Suite No. 9.
- June 3, 2008 ZUP08084 – The Hearing Officer approved a use permit request to allow internet car sales located at 2140 East 5th Street in the GID, General Industrial District.
- October 7, 2008 ZUP08150 – The Hearing Officer approved a use permit request by Tiedmann Auto Sales to allow auto sales in the General Industrial District located at 625 S Smith Rd., Suite No. 31.

DESCRIPTION:

Owner – Third Street Commerce Center LLC
Applicant – Kevin Plush/EAutopros LLC
Existing Zoning – GID, General Industrial District
Tenant Area – 1,508 s.f.
Total Parking Required by Tenant – 5 spaces
Total Parking Provided by Tenant – 5 spaces
Total Parking Provided – 160 spaces

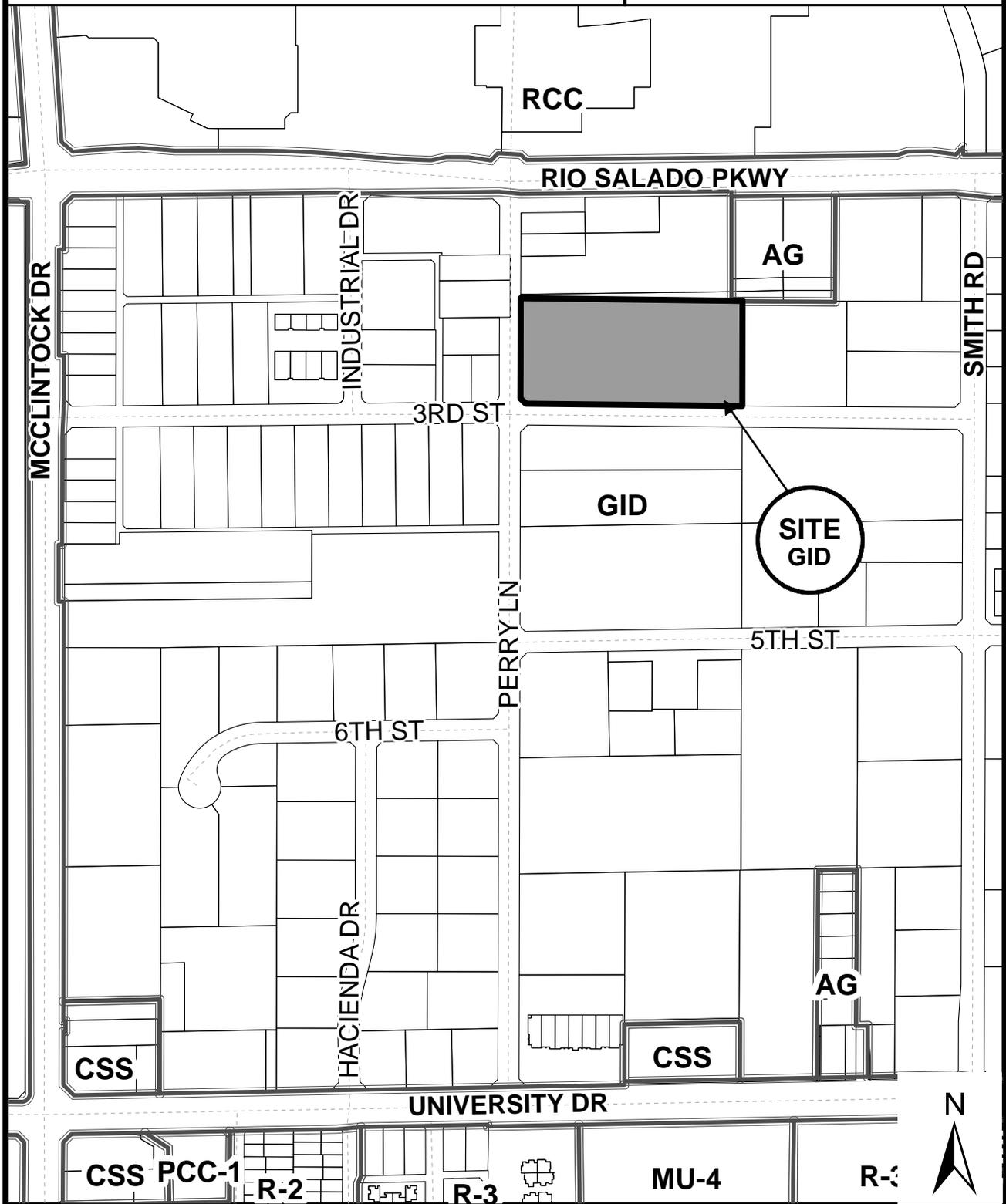
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

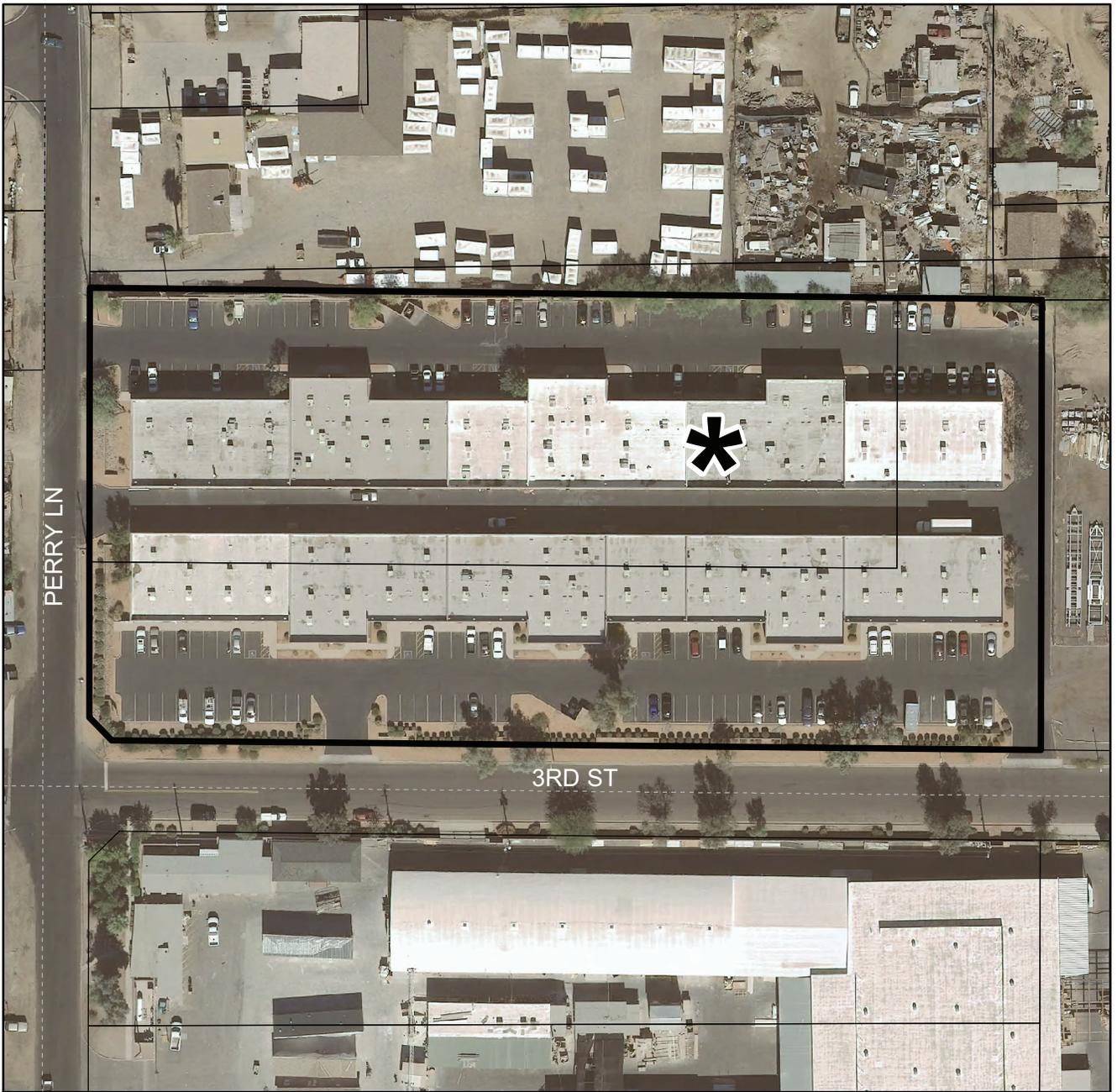
Part 3, Chapter 3, Section 3-302 – Permitted Uses in Office/Industrial Districts
Part 6, Chapter 3, Section 6-308 – Use Permit

EAUTOPROS LLC

PL110039



Location Map



EAUTOPROS LLC (PL110039)

02-02-2011

City of Tempe Development Services
31 East 5th Street
Tempe, AZ 85281

Re: 1930 East 3rd Street #15
Tempe, AZ 85281
Special Use Permit

To Whom It May Concern:

Please let this missive serve as the Letter of Explanation for the above referenced subject. Per the Special Use Permit requirements, the intended use for the space is Internet Auto Sales.

No outside display of cars is requested and no car repairs shall take place on-site. We will use the warehouse space to picture and display the cars for presentation.

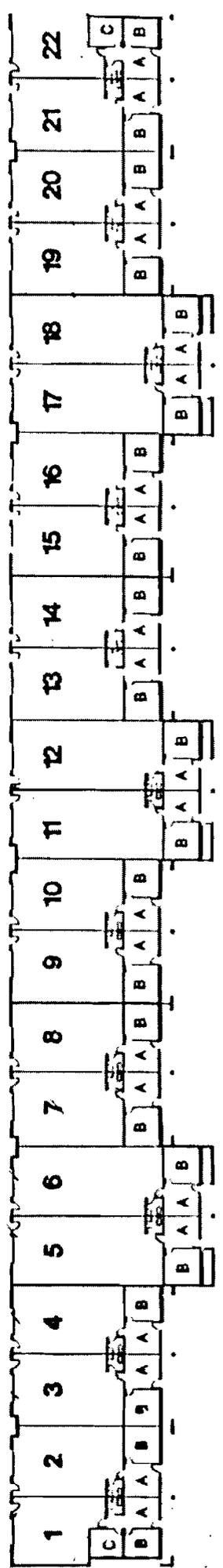
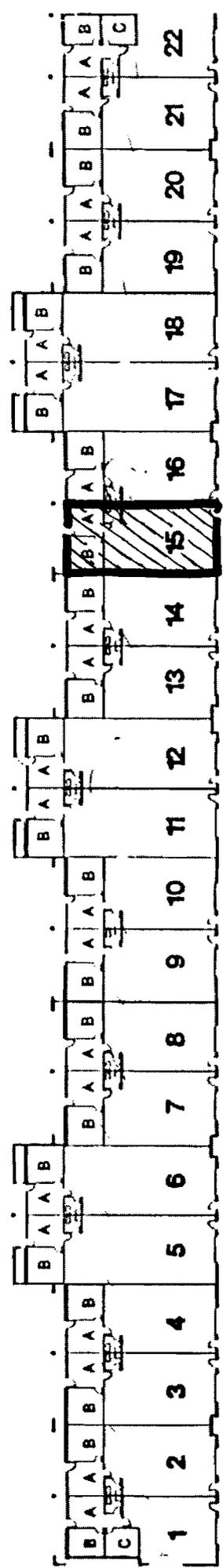
Thank you for your consideration of this request.

Respectfully Submitted,

EAutopros LLC

A handwritten signature in black ink, appearing to read 'Kevin W. Plush', with a large, sweeping flourish extending to the right.

Kevin W. Plush
Member



BUILDING FLOOR PLANS 0 20 40 180

Third Street Commerce Center

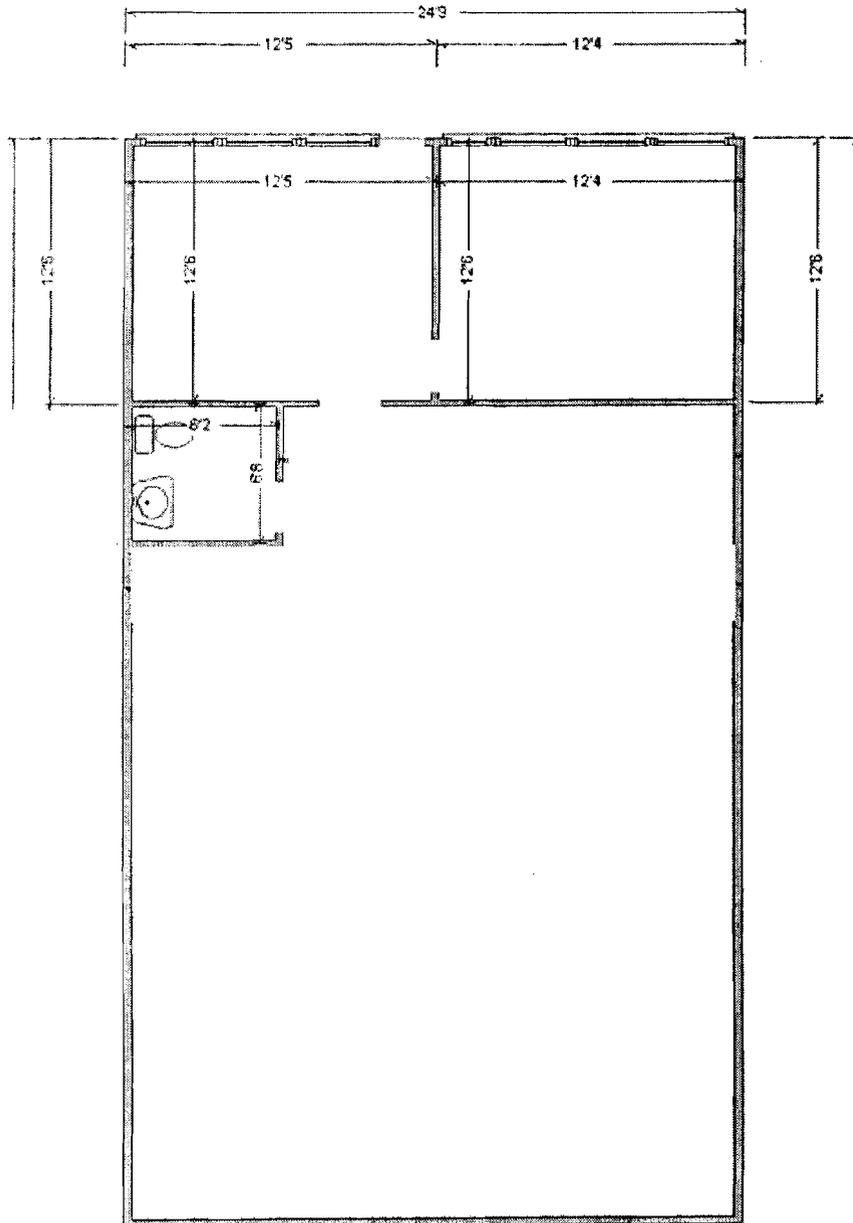
UMBERGER ASSOCIATES

1920 - 1930 E Third St.
Tempe.

A DEVELOPMENT BY

SUN CONSTRUCTION AND DEVELOPMENT CORPORATION

EXHIBIT B



Third Street Commerce Center || 1930 E. Third Street #14
1,508 SF Standard Plan || (15 is same plan in reverse)



EAUTOPROS LLC

1930 E 3RD ST., SUITE NO. 15

PL110039

FRONT OF BUSINESS

