

Staff Summary Report



Hearing Officer Hearing Date: 01/17/12

Agenda Item Number: 6

SUBJECT: This is a public hearing for a request by **TEAM VERDONE LLC** located at 1111 North Miller Road for one (1) use permit.

DOCUMENT NAME: 20120117cdsl04 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by **TEAM VERDONE LLC (PL110448)** (Gino Verdone, applicant; First United Bank, property owner) located at 1111 North Miller Road in the GID, General Industrial District:

ZUP11122 Use permit to allow automotive sales in the GID, General Industrial District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

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

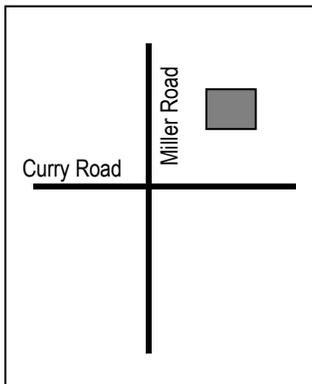
LEGAL REVIEW BY: N/A

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

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 car sales in the GID, General Industrial District located at 1111 North Miller Road. The vehicle sales are conducted on site and via the internet; there will not be a display “car lot” attached to the operation. All vehicle storage will be interior or behind the building. 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/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan

COMMENTS:

The applicant is requesting a use permit to allow car sales in the GID, General Industrial District at 1111 North Miller Road. The business is located north of Curry Road on the east side of Miller Road in North Tempe. The surrounding area to the north, south and east are industrial/office uses. The area to the west is single and multi-family residential. According to the applicant, this is the third location for vehicle sales they have operated within the City of Tempe. All vehicles will be stored on site behind the building or the interior. They primarily conduct their sales via the internet. They state in their letter of explanation that they were number one seller on EBay Motors in 2005.

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

Use Permit

The Zoning and Development Code requires a use permit for 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.
- e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;
 - The proposed use appears to have adequate control of disruptive behavior.

Conclusion

Staff recommends approval of the use permit.

REASON(S) FOR APPROVAL:

1. The project meets the General Plan Projected Land Use for this site.
2. The project will meet the development standards required under the Zoning and Development Code.
3. The proposed project meets the approval criteria for a Use Permit and is compatible with the surrounding area

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 Team Verdone, 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 Dean Miller at (480) 350-8435 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. Obtain all required licenses and permits for vehicle sales from Tempe Tax and License and Arizona Department of Motor Vehicles.
8. No test drives allowed with in residential areas
9. Off-loading of vehicles on Miller Road to comply with City of Tempe Traffic Engineering requirements for use of the Public Right of Way.
10. No off-loading of vehicles on any residential street allowed.
11. Obtain all clearances from the Building Safety Department for the interior storage of gas powered vehicles prior to use permit becoming effective.

HISTORY & FACTS:

None pertinent to this case.

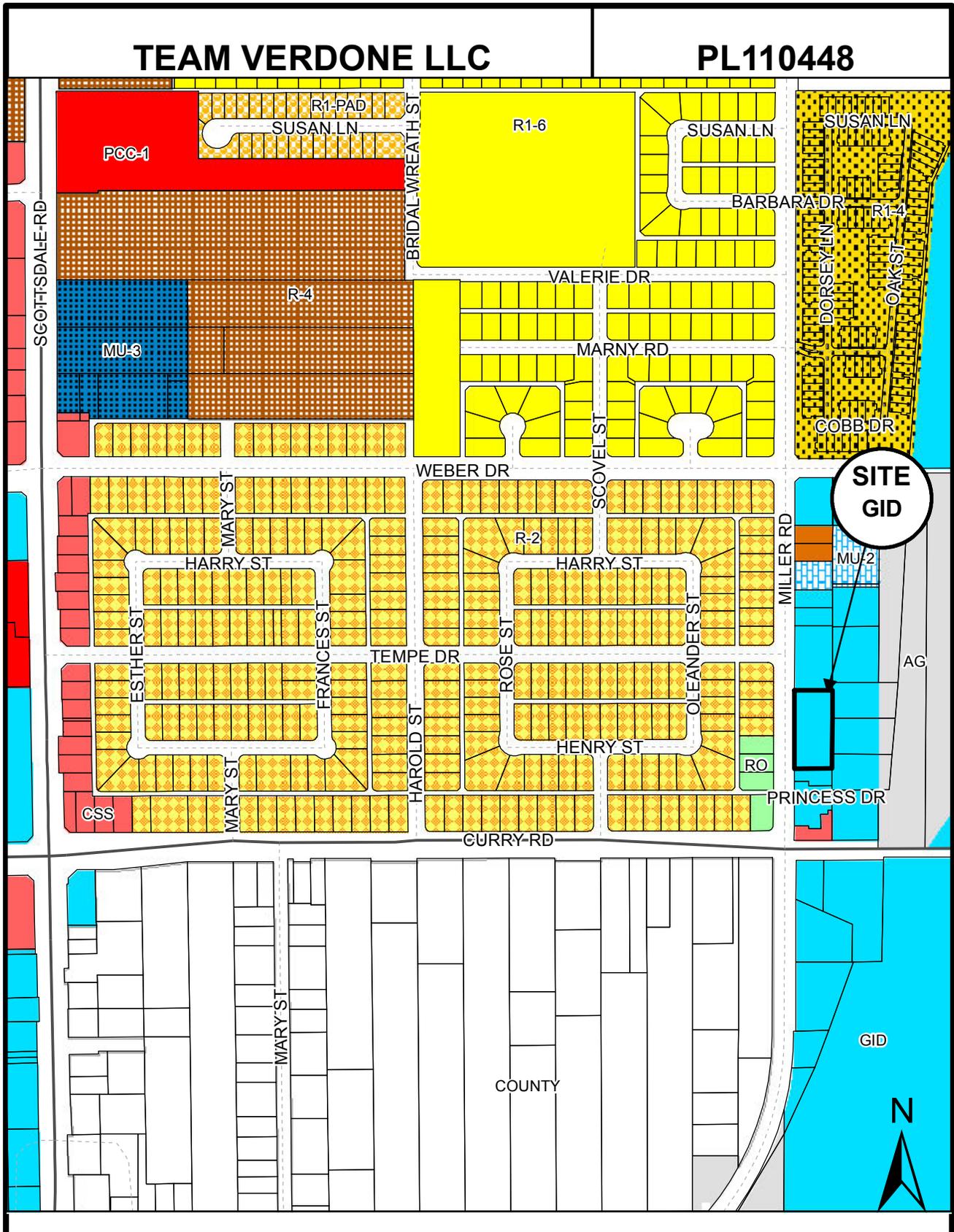
DESCRIPTION:

Owner – First United Bank
Applicant – Gino Verdone
Existing Zoning – GID, General Industrial District

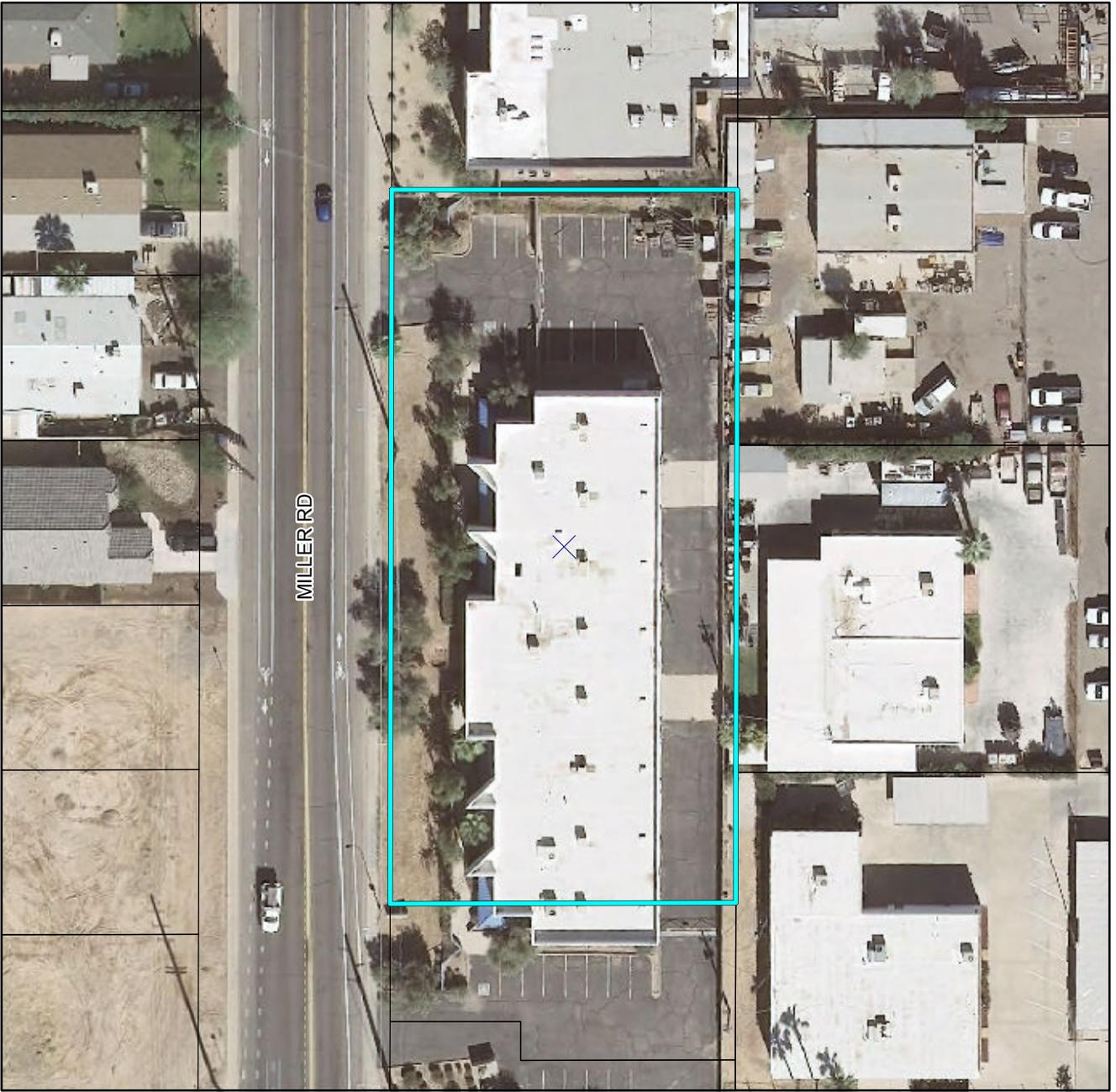
ZONING AND DEVELOPMENT

CODE REFERENCE:

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



Location Map



TEAM VERDONE LLC (PL110448)

December 14, 2011

RE: PROPERTY LOCATION
1111 N MILLER ROAD
TEMPE ARIZONA 85281

City Of Tempe:

To Whom It May Concern:

My name is Gino Verdone, we are a family Automotive Dealer here in the valley for over 40 years. I have owned and operated over 13 auto dealerships mainly on Scottsdale Road over the years.

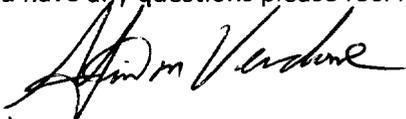
I am past president of the AIADA, Arizona Independent Auto Dealers Association, I was also the top seller in the world on eBay Motors in 2005.

The property I purchased I looked at 3 ½ years ago with my son T.J., it was a beautiful building but too expensive for me and T.J. at the time. I told T.J. then it would be a dream of mine to have a facility like that. Well, instead we picked a building on 3rd Street and Perry Lane in Tempe to operate our auto business. Unfortunately, T.J. was killed in an automobile accident 2 weeks after we leased the building. So over the next year I stayed in that location, then to help me get back on my feet I decided to get in the Auto / Motorcycle business and opened a dealership at 1207 N Scottsdale Road Tempe Arizona 85281, which you went ahead rezoned for me at that time.

As fate would have it, I sold that business in July of 2011 and on the very same day I drove by this location, here it was again 3 1/2 years later and still for sale. However, it was in very bad condition. All the vegetation was dead, the building had been vandalized and stripped of all its copper plumbing, wiring, all A/C units were stolen, all offices were vandalized as well.

I made a deal with the bank that owned it and today my dream came true, although T.J. is not here, in my mind he is. I am asking the City Of Tempe to grant me a Use Permit for Automotive Sales. I have over the past 3 months restored this building back to a very nice facility and have been praised by all my neighbors for all that I have done.

If you have any questions please feel free to call me at 480-695-7673.



Thank you,

Gino M. Verdone
Team Verdone, LLC.

- W -

Miller Rd

