

**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 1/2/2018  
Agenda Item: 4**

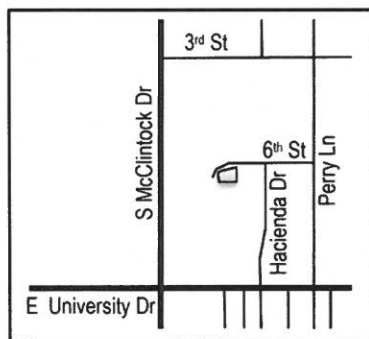
**ACTION:** Request approval of a use permit to allow vehicle sales (indoor) for P&L AUTO TRADING GROUP (PL170392) located at 1841 East 6th Street. The applicants are Siwei Chen and Yang Pei.

**FISCAL IMPACT:** N/A

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

**BACKGROUND INFORMATION:** P&L AUTO TRADING GROUP (PL170392) is proposing to operate a vehicle sales business in an industrial building located on Lot 1 of the Emkay Industrial Park Unit 2 Lot 1-5 subdivision west of South Hacienda Drive and south of East 6th Street within the GID, General Industrial District. The applicants, Siwei Chen and Yang Pei, are requesting this use permit as a result of a Zoning & Development Code (ZDC) violation (CM171269) for operating a vehicle sales business without a use permit. The request includes the following:

1. Use Permit to allow vehicle sales (indoor).



Property Owner	El Dangler, LLC
Applicant	Siwei Chen and Yang Pei
Zoning District	GID
Site Area	18,088 s.f.
Building Area	4,895 s.f.
Vehicle Parking	12 spaces (11 min. required per Variance A-83-8.9)
Hours of Operation	10:30 a.m. – 6 p.m., M-F; & 2 – 4 p.m., Sa & Su
Building Code Occupancy	B-2

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Lee Jimenez, Senior Planner

Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

## COMMENTS

P&L AUTO TRADING GROUP (PL170392) is a used car sales business with four (4) employees. The store will operate from 10:30 a.m. to 6 p.m., Monday through Friday, and 2 to 4 p.m., Saturday & Sunday.

## PUBLIC INPUT

To date, no public input has been received by staff.

## USE PERMIT

The proposed use requires a use permit to allow vehicle sales (indoor) in the GID, General Industrial District. Vehicle sales uses may have an adverse impact when located within an area primarily surrounded by industrial/office uses.

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

1. *Any significant increase in vehicular or pedestrian traffic*; the proposed use is consistent with office and warehouse uses in the surrounding area and is not expected to significantly increase vehicular or 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*; the proposed use may generate emissions but not at levels exceeding ambient conditions within an industrial setting.
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 proposed use is permitted in the GID subject to a use permit and is consistent with the City's adopted plans and General Plan.
4. *Compatibility with existing surrounding structures and uses*; no exterior modifications are anticipated to the building or site and the proposed use is compatible with other vehicle service operations in the vicinity.
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 proposed use is not expected to create disruptive behavior but the applicant is committed to work with the City and police if such a nuisance is created.

## REASONS FOR APPROVAL:

Based on the information provided by the applicant, the public input received and the above analysis staff recommends 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:

1. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process, if a building permit is applicable.
2. All required State, County and Municipal permits or licenses shall be obtained or the Use Permit is void.
3. Obtain all necessary clearances and permits for the occupancy or storage of gas powered motors on the building interior of the warehouse from the Building Safety Division.
4. Outdoor display of "For Sale" vehicle inventory is not allowed.
5. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

**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.

- The Use Permit is valid for P&L AUTO TRADING GROUP and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- 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.
- 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.
- Any intensification or expansion of use shall require a new Use Permit.
- Outdoor display is not permitted in the GID, General Industrial District.

**HISTORY & FACTS:**

- August 25, 1983            Board of Adjustment approved Variances to 1) reduce the required front yard setback from 25' to 15', and 2) to reduce the required number of off-street parking spaces from 12 to 11 for STEVE EDWARDS (A-83-8.9) located at 1841 East 6<sup>th</sup> Street within the I-2, General Industrial District.
- April 2, 1984            Building Safety Department passed the final inspection for construction of an industrial building located at 1841 East 6<sup>th</sup> Street within the I-2, General Industrial District.
- October 23, 2017        Code Compliance Division issued a correction notice to EL DANGLER LLC (CM171269) for a Zoning & Development Code violation regarding a vehicle sales business operating without a use permit located at 1841 East 6<sup>th</sup> Street within the GID, General Industrial District.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

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

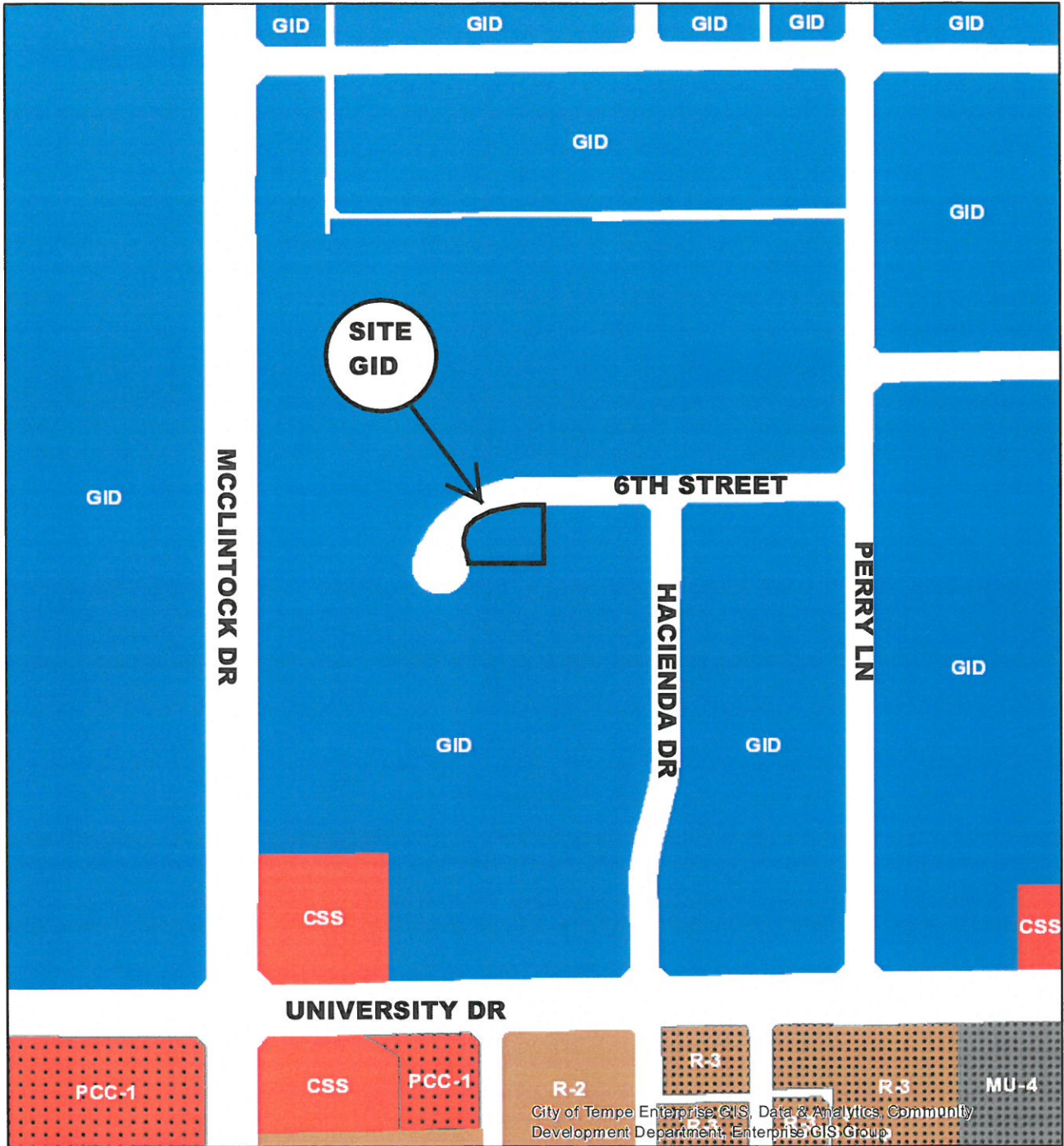
**DEVELOPMENT PROJECT FILE**  
for  
**P&L AUTO TRADING GROUP**  
**(PL170392)**

**ATTACHMENTS:**

1. Location Map
2. Aerial
- 3-4. Letter of Explanation
5. Site Plan
6. Floor Plan
- 7-10. Building Elevations (photos in lieu of line drawings)

# P&L AUTO TRADING GROUP

PL170392



City of Tempe Enterprise GIS, Data & Analytics, Community Development Department, Enterprise GIS Group

- General Industrial District (GID)
- Planned Commercial Center Neighborhood (PCC-1)
- Mixed Use High (MU-4)
- Multi-Family Residential (R-2)
- Multi-Family Residential Limited (R-3)



Aerial Map



## Letter Of Explanation

Re: P&L AUTO TRADING GROUP, LLC  
1841 E 6<sup>TH</sup> ST  
TEMPE, AZ 85281

Date: November 26<sup>th</sup>, 2017

### Use Permit

The purpose of the request is fro the application of use permit for used vehicle sale business at above property.

P&L AUTO TRADING GROUP, LLC is in use car sale business with four of employees and our operation hours are:

Monday – Friday 10:30am – 6:00pm

Saturday – Sunday 2:00pm – 4:30pm

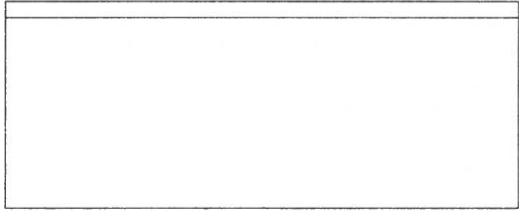
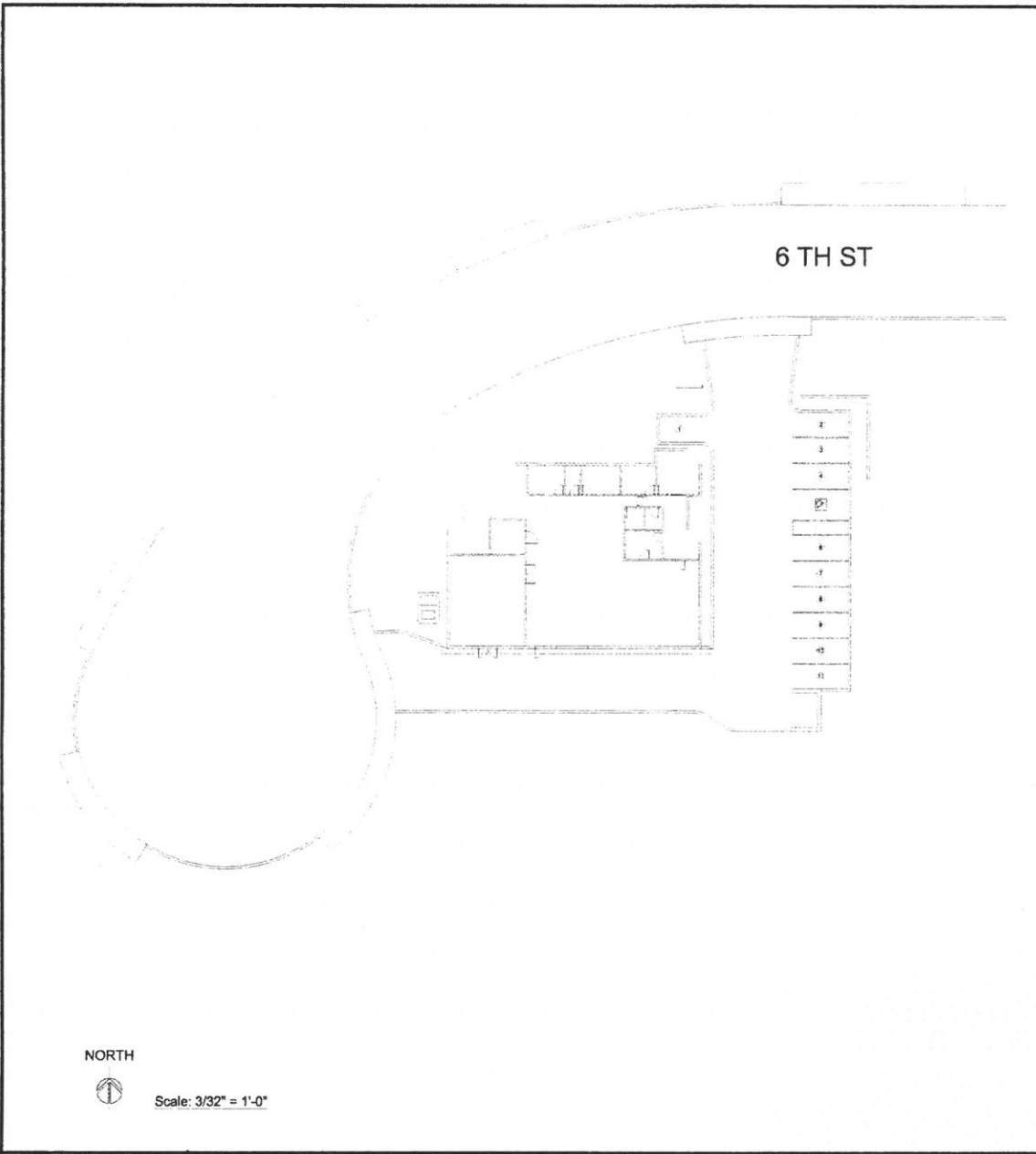
As we are using the above property fro car resell business, we have no intension for making any change to the current floor plan.

Thank you in advance for your consideration of our proposal.

Best regard

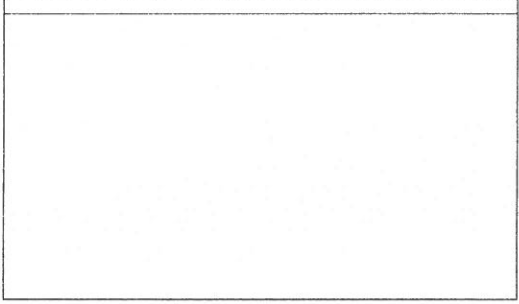
- a. The proposed use will no cause any significant or pedestrian traffic in the adjacent areas. The use is consistent with the prior and current uses of the space, the surrounding uses, and is in conformance with Zoning and General Plan.
- b. The proposed use will not cause a nuisance. As with all of our establishments, we uphold the highest level of operational standards. We have worked closely with properly owner, the City and Tempe PD to provide a safe, fun, and enjoyable atmosphere for our customers and friends.
- c. The proposed use will no contribute to the deterioration of the neighborhood and is inline with goals and objectives for the downtown area. In fact, we are proposing a substantial high-quality remodel of an existing space that will provide a drastic improvement to the downtown area.
- d. The proposed use is compatible with existing surrounding uses. Next door is an occupied building, across the street is Porsche service and Stan Service for BMW, and behind us is a commercial Plaza called Tempe Solar Park. Additionally, the proposed use is consistent with prior use of the space.
- e. The proposed use will not result in any disruptive behavior, which will create a nuisance to the surrounding area or general public. As aforementioned, we uphold the highest level of operational standards and will work closely with the City and Tempe PD to ensure nothing but the best practices.



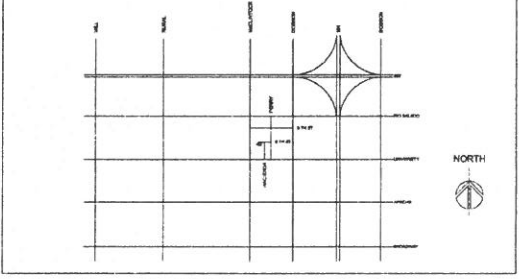


PROJECT DATA

PROJECT DATA	
ADDRESS	1841 EAST 6 TH STREET, TEMPE
LEGAL DESCRIPTION	LOT 1, EMWAY INDUSTRIAL PARK UNIT, II
PARCEL	192-40-32
ZONING	IO
BUILDING SQ FT.	4,800 APPROX
PARKING REQUIRED	12
PARKING PROVIDED	11 SPACES (PER VAR. CASE NO A-83.8.8)



VICINITY MAP



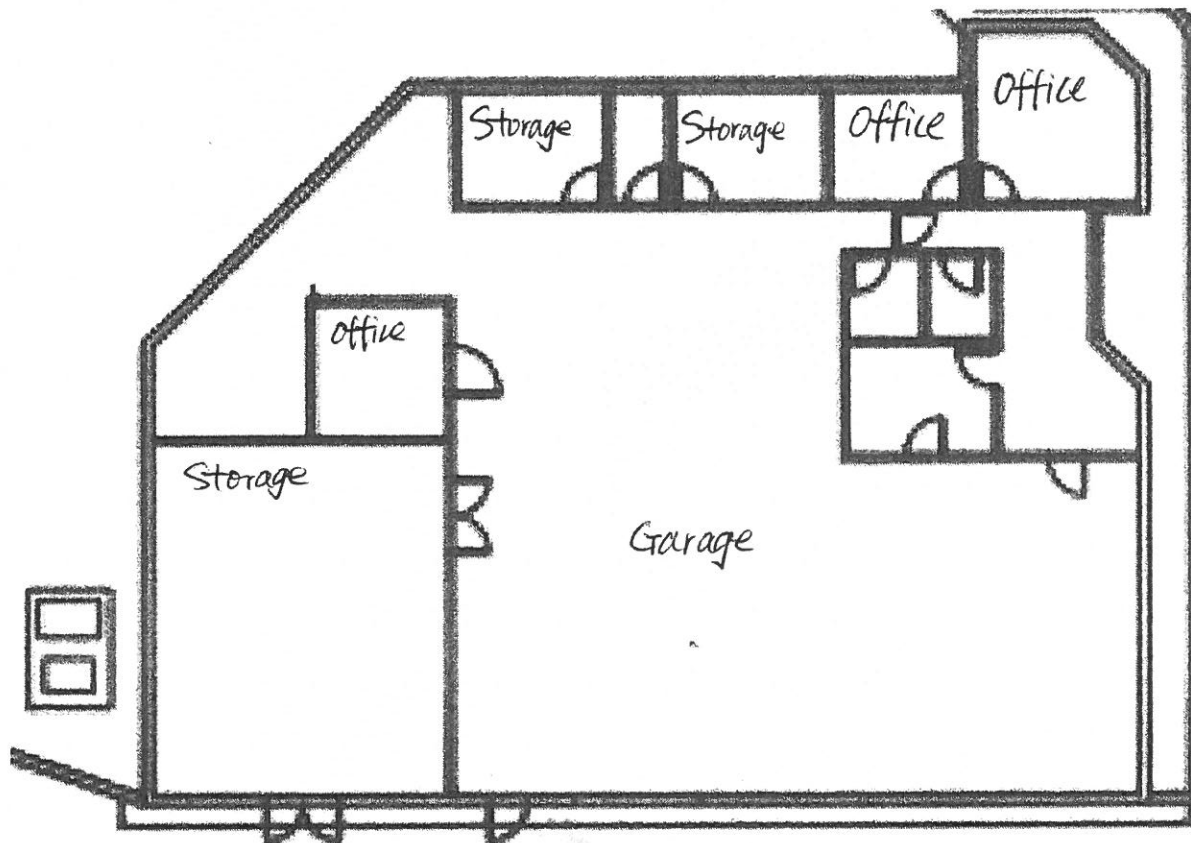
**EL DANGLER**  
 1841 EAST 6 TH STREET  
 Tempe, Arizona 85281

NO.	REVISION	DATE
	INITIAL RELEASE	11-08-2018

16Y09EGA-2

DATE	DRAWN BY	SIZE
NOV. 08/2018	AV	D

A-1



Scale:  $\frac{3}{32}'' = 1'-0''$



Attachment 7



Attachment 8



Attachment 9



Attachment 10