



**MEMORANDUM                      Transportation & Development – CC Memo No. 12-114**

**DATE:**             SEPTEMBER 11, 2012

**TO:**                MAYOR AND CITY COUNCIL

**THRU:**            RICH DLUGAS, CITY MANAGER *RD*  
                        PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PM*  
                        R.J. ZEDER, TRANSPORATION & DEVELOPMENT DIRECTOR *RJZ*  
                        JEFF KURTZ, PLANNING ADMINISTRATOR *JK*  
                        KEVIN MAYO, PLANNING MANAGER *KM*

**FROM:**            JODIE M. NOVAK, MEP, SENIOR CITY PLANNER *JMN*

**SUBJECT:**        DVR12-0024 COMSTOCK OFFICE WAREHOUSE  
                        Introduction and Tentative Adoption of Ordinance No. 4394

Request:           Rezoning from Planned Industrial District (I-1) with a Planned Area Development (PAD) overlay, I-1/PAD zoning, to I-1/PAD amending the ordinance and allowed uses

Location:          305 East Comstock Drive east of Arizona Avenue and south of Elliot Road

Applicant:         Kristilyn Baldwin/Baldwin Automotive in Suite 7 for property owner John Sherbeck

**RECOMMENDATION**

Upon finding the request to be consistent with the General Plan, Planning Commission and Planning Staff recommend approval with conditions.

**BACKGROUND**

The property includes one industrial warehouse building with ancillary office at approximately 10,000 square feet. The parcel is approximately 39,150 square feet located within the Arizona Corporate Park, formerly known as Elliot Commerce Plaza, at the southeast corner of Arizona Avenue and Elliot Road. Arizona Corporate Park includes industrial uses and a limited amount of commercial uses. The building has nine suites and tenants occupying all of them include a general contractor, a residential skylights manufacturing/contracting company, a metal parts manufacturer for various items including gun barrels and other firearms, a bakery, and an accessories and customization business specializing in building and repairing UTV (Utility

Terrain Vehicle) motors for quads, motorcycles, and other vehicles that require fuel. Across Comstock Drive from the subject site are several parcels that allow office uses in addition to industrial uses. The subject site is surrounded by the rest of Arizona Corporate Park all of which is designated as Employment in the General Plan.

In January 2008, the site was rezoned from Planned Industrial District with Planned Area Development overlay (I-1/PAD) zoning to I-1/PAD amended in order to allow additional uses including motorcycle and similar recreational vehicles (ATV, Jet Ski, etc.) repair and accessory sales and installation; motor vehicle aftermarket customization; sale, repair, and fabrication of signs and sign equipment; small scale machine tool and plastics manufacturing; and repair and manufacturing of small scale equipment or goods such as computer hardware and software, office equipment, furniture, appliances, small lawn care equipment, and stereo equipment.

The approved zoning includes conditions prohibiting uses that would detract from the overall industrial business park including no engine repair, all work to occur indoors only, no outside storage of parts, no overnight outdoor storage of vehicles, no testing of vehicles on streets, no auto body repair, no oil changes, and no motor vehicles sales or rental. The larger industrial park already includes a few auto uses related to accessories and customization and commercial parcels along Arizona Avenue providing sales and repair.

A Use Permit case was recently advertised for City Council in June 2012; however, it was withdrawn for the purpose of coming back with a rezoning request. This rezoning request addresses the property owner's concerns with ordinance conditions that he would like removed or modified.

The application requests rezoning amend Ordinance No. 3984 in case DVR07-0043, which approved the additional land uses as stated above. There are several zoning conditions in this ordinance which the property owner feels affect the building's long term marketability and leasing. The ordinance includes eight zoning conditions, see attached. The proposed modifications are as follows:

Retain Condition No's. 1, 3, and 4.

1. Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval.
3. All work shall be conducted indoors.
4. There shall be no outdoor storage of parts.

Modify Condition No. 5 with new language to read:

5. Any overnight storage of vehicles will be stored in the gated area.

Remove Condition No's. 2, 6, 7, and 8.

2. Engine repair shall be prohibited.
6. There shall be no testing of the vehicles on streets.
7. There shall be no auto body repair nor oil changes.
8. There shall be no motor vehicle sales or rental.

At the time of the 2007 zoning case, there was a desire to lease to automotive accessory type businesses which were gaining popularity in industrial buildings. While there was no intent to lease to large, intense automotive mechanic, repair, and body shop type businesses in this building, the City felt conditions should be added to prevent these as they are not a good fit for this small site. The property owner would like the ability to lease to small businesses that would fit well on this property including automotive repair, body and fender repair shop, and car sales and car rental. Currently there is an automotive repair business, Baldwin Brothers Automotive in Suite 7, which was previously going through the Use Permit process for this site.

Removing Conditions 2, 6, 7, and 8 would allow businesses like an automotive repair shop, a body and fender shop, auto sales, and car rental. These are uses and activities that occur in several industrial zoned business parks in Chandler already with large and small automotive repair, customization, body and fender, and detailing businesses. Through use permits and rezoning cases for those other businesses, Planning Staff finds these uses to be compatible in multi-tenant light industrial buildings as well as on a single building parcel with its own gated yard area to secure vehicles.

The auto repair business currently on-site includes engine repair and oil changes, which are currently prohibited by zoning conditions. Baldwin Brothers' long term business plan is to operate as an automotive customization and fabrication business, which is currently allowed; however, the business needs to initially operate as a general automotive repair shop generating income. The automotive repair includes transmission fluid changes, oil changes, brakes, rotors, brake fluid changes, engine parts such as hoses, batteries, filters, power steering systems, suspension systems, belts, water pump, timing belts, air conditioning, and the like. The allowed automotive customization business includes the fabrication of vehicle frames, exhaust, suspension, after-market body kits installation only, no paint or body repair, and some custom electronic installation (audio, visual, remote starters, and the like).

The tenant space includes one automotive lift inside the bay area, which can accommodate up to 3 vehicles. The bay area also includes 2-3 toolboxes with hand tools and small diagnostic tools, an engine lift (mobile), an A/C recovery and recharge machine, an air compressor, and a welder. Fluids will be maintained in containers in accordance with building codes. The business operates Monday through Friday 8 a.m. to 5 p.m., Saturday by appointment and closed Sunday. There are 2 full-time employees (the owners), an average of 2 to 3 customers per day and uses 3-4 parking spaces per day. The site provides 6 guest parking spaces off of Comstock Drive outside of the gated building and yard area. Within the gated area there are approximately 27 parking spaces. The five existing tenants use a total of approximately 14 parking spaces. While the automotive repair business would by code require 11 parking spaces, the business only uses 3-4 parking

spaces each day. The other businesses generate little traffic and existing parking accommodates all tenants and future tenants.

This automotive type use has been operating in a compatible manner with no complaints from adjacent tenants or surrounding properties. This is the type of business the property owner would like to lease to as well as other automotive type businesses if there is interest. Any additional auto related businesses, as proposed with this zoning case, would be compatible with existing businesses and there is on-site parking shared by all tenants that meet code.

### **DISCUSSION**

The request to amend the ordinance through the adoption of a new ordinance cleaning up the conditions allows for additional automotive related business to lease space in the future as described above. Automotive repair, including engine repair and oil changes, can be compatible with existing tenants. The use is represented to be no more intense than the existing tenants ranging from customization of utility terrain vehicles such as quads and motorcycles to a metal parts manufacturer and a bakery.

### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on August 15, 2012. No one attended other than the applicant.
- As of the writing of this memo, Staff has received two phone calls from area property owners. One caller stated their support for this request. The other caller wanted to make sure vehicles would not be parked along Comstock Drive.

### **PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 7    Opposed: 0

### **RECOMMENDED ACTION**

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of the Rezoning request subject to the following conditions:

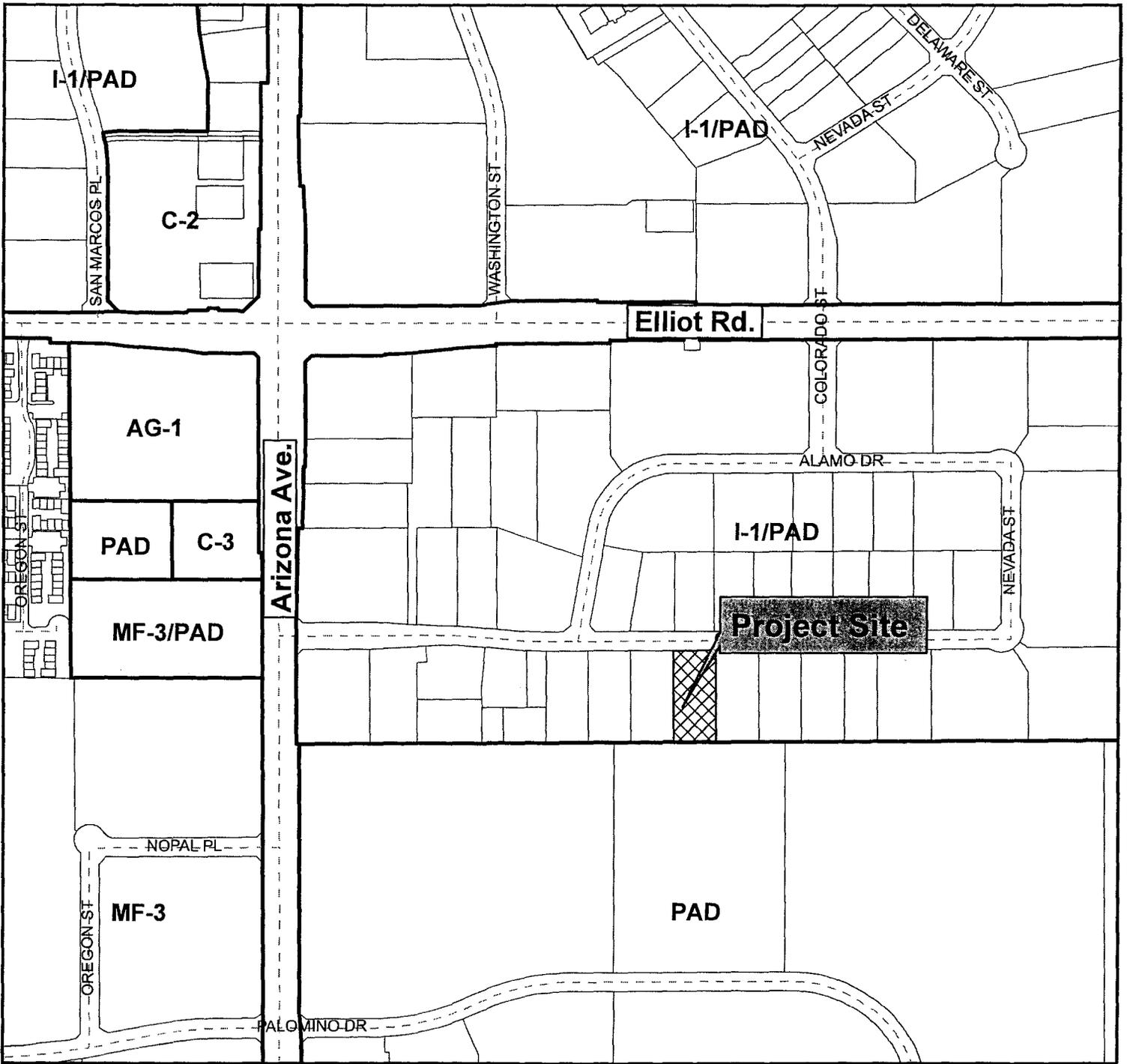
1. Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval.
2. Automotive repair shop, a body and fender shop, an auto broker, car rental, vehicle maintenance, and the like shall be allowed as represented by the application materials.
3. All work shall be conducted indoors.
4. There shall be no outdoor storage of parts.
5. Any overnight storage of vehicles will be stored in the gated area.

**PROPOSED MOTION**

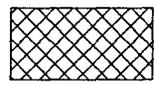
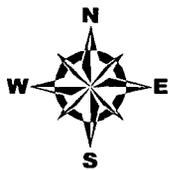
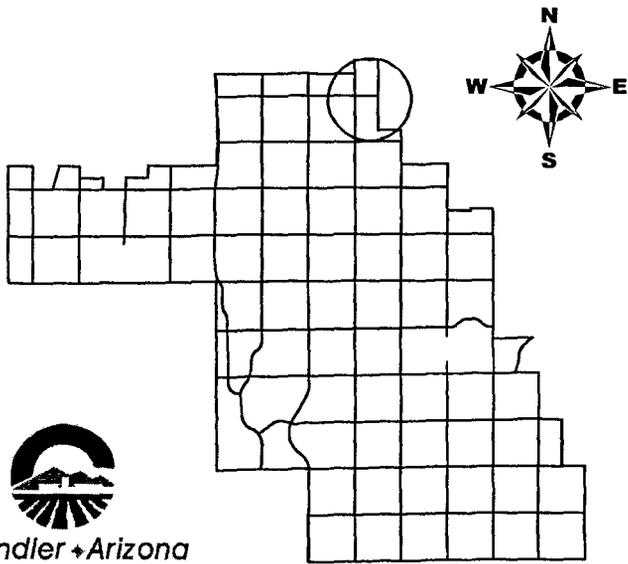
Move to introduce and tentatively adopt Ordinance No. 4394 approving DVR12-0024 COMSTOCK OFFICE WAREHOUSE from I-1/PAD to I-1/PAD amended subject to the conditions as recommended by Planning Commission and Planning Staff.

**Attachments**

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Floor Plans
5. Original Ordinance No. 3984, DVR07-0043
6. Ordinance No. 4394



**Vicinity Map**



DVR12-0024

**Comstock Office Warehouse**



## Vicinity Map



DVR12-0024

**Comstock Office Warehouse**



**Chandler Arizona**  
Where Values Make The Difference

CITY OF CHANDLER 6/27/2012

## Comstock Office Warehouse Rezoning Narrative

In 1981, the subject properties were rezoned from AG-1 to I-1 /PAD to allow a mix of industrial, office, and commercial uses throughout the corporate park. The PAD overlay designated uses by area within the corporate park, including I-1 uses for the subject property. In 1990, the corporate park received rezoning in order to refine use definitions and adjust the boundaries of the various use designations. From 1993 to 2007, several rezonings were granted to allow narrowly defined auto-related uses near to and along Arizona Avenue, including a motorcycle businesses plus motor vehicle after-market customization, repairs, and accessory sales.

In December of 2007, the property owner of 305 E. Comstock filed a rezoning request from I1/PAD to new I1/PAD specifically to add uses that were not originally permitted. The City Council approved the request with conditions. Uses granted in the 2007 request include:

- A. Motorcycle and similar recreational vehicle (ATV, Jet Ski, boat, etc.) manufacture, sales, repair and accessory sales and installation.
- B. Repair, fabrication, and sale of signs and sign equipment.
- C. Repair, manufacturing, and sales of equipment, including but not limited to the following: computer hardware and software, office equipment, firearms, furniture, upholstery, appliances, small lawn care equipment, and home and mobile stereo equipment.
- D. Suppliers of equipment such as dental, hospital, beauty and barber supplies, restaurant supplies, or laboratory supply and incidental services associated with the sale thereof.
- E. Machine tool and plastics manufacturing operating entirely within 2500 SF or less.

In addition, City Council adopted Ordinance No. 3984, which included conditions 1 through 8 (listed below). The purpose of this application is to revise the current I1/PAD amendment, Ordinance No. 3984, which will allow current tenants additional opportunities to improve their business and to make the building more flexible for future tenant use in order to keep it competitive in the marketplace. The subject property (parcel 302-29-064) has a 10,000 square foot multi-tenant office/warehouse building which includes eight suites and a fenced storage yard. The building has 30 parking spaces, 24 located behind the gate, and 6 spaces in front. Suites 1 and 2 are office spaces only. Suites 3 through 8 are warehouse spaces which include bay doors and small offices. The outside storage area is used by Suite 8. Currently, the building is fully occupied.

With this application, the owner is looking to revise Ordinance No. 3984. The owner proposes the following:

1. *Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval. Retain.*

2. *Engine repair shall be prohibited.* **Delete.**

Currently, occupying Suite 7, is Baldwin Brothers Automotive, a small, family-owned auto customization and repair shop. They applied for a Use Permit (ZUP12-0005) which was supported by Zoning staff and approved by the Zoning Commission in May, 2012. Upon review, the city attorney decided that although the Use Permit was on the consent list for the City Council meeting on June 14, 2012, the proper process for this use would be a rezoning case. There are times when the temporary removal of an engine may be necessary for customization and repair needs.

3. *All work shall be conducted indoors.* **Retain.**

4. *There shall be no outdoor storage of parts.* **Retain.**

5. *There shall be no overnight outdoor storage of vehicles.* **Modify** to “any overnight storage of vehicles will be stored in the gated area.”

6. *There shall be no testing of the vehicles on streets.* **Delete.**

In some cases, vehicles need to be test driven to ensure proper repair. Testing is on public, non-residential streets, and in compliance with all Arizona Statue, Title 28 laws.

7. *There shall be no auto body repair or oil changes.* **Delete**

Oil changes are necessary to automotive repair. The owner does not want a tenant whose sole business is based on oil changes, such as a Lube-type shop. The purpose of deleting “Oil Changes” is to allow customization, restoration, and repair shops like Baldwin Brothers Automotive to incorporate these services into their general automotive customization and repair.

All auto body repair shall be in compliance with all building, fire, EPA, and other regulations specific to ventilation, auto body repair and paint.

8. *There shall be no motor vehicle sales or rental.* **Delete**

Motor vehicle sales or rental would occur with all vehicle storage to be within gated yard only.

The owner and current tenants believe the requested changes will fit the current businesses, will be consistent with other businesses in the area, and will not cause too much traffic or parking demand.

## **Existing Occupant and Parking Information for 305 E. Comstock**

Suite 1- Consensus West, LLC.

General contractor, manages construction projects.

Hours vary. Not in suite regularly. Off-site business.

Average use of parking lot – 1 space when present.

Suites 2, 3, & 4 - Nichols Manufacturing, LLC.

Manufactures Skylights for homes.

Hours vary. On-site work as needed.

Average use of parking lot – 3 spaces

Suite 5 - Vikon Manufacturing, LLC.

Small metal parts manufacture, including but not limited to gun barrels and other small metal parts for firearms and non-firearm usage.

Hours vary, often late afternoon and night hours.

Average use of parking lot – 2 spaces

Suite 6 - Something Sweet, LLC. Baking facility.

Midnight to 6am, and varied hours as needed.

Average use of parking lot – 1 space

Suite 7 - Baldwin Brothers Automotive, LLC

Automotive customization, fabrication, and repair.

M-F 8am-5pm, Saturday by appointment.

Average use of parking lot – 2-3 spaces

Suite 8 - Weller Racing, LLC

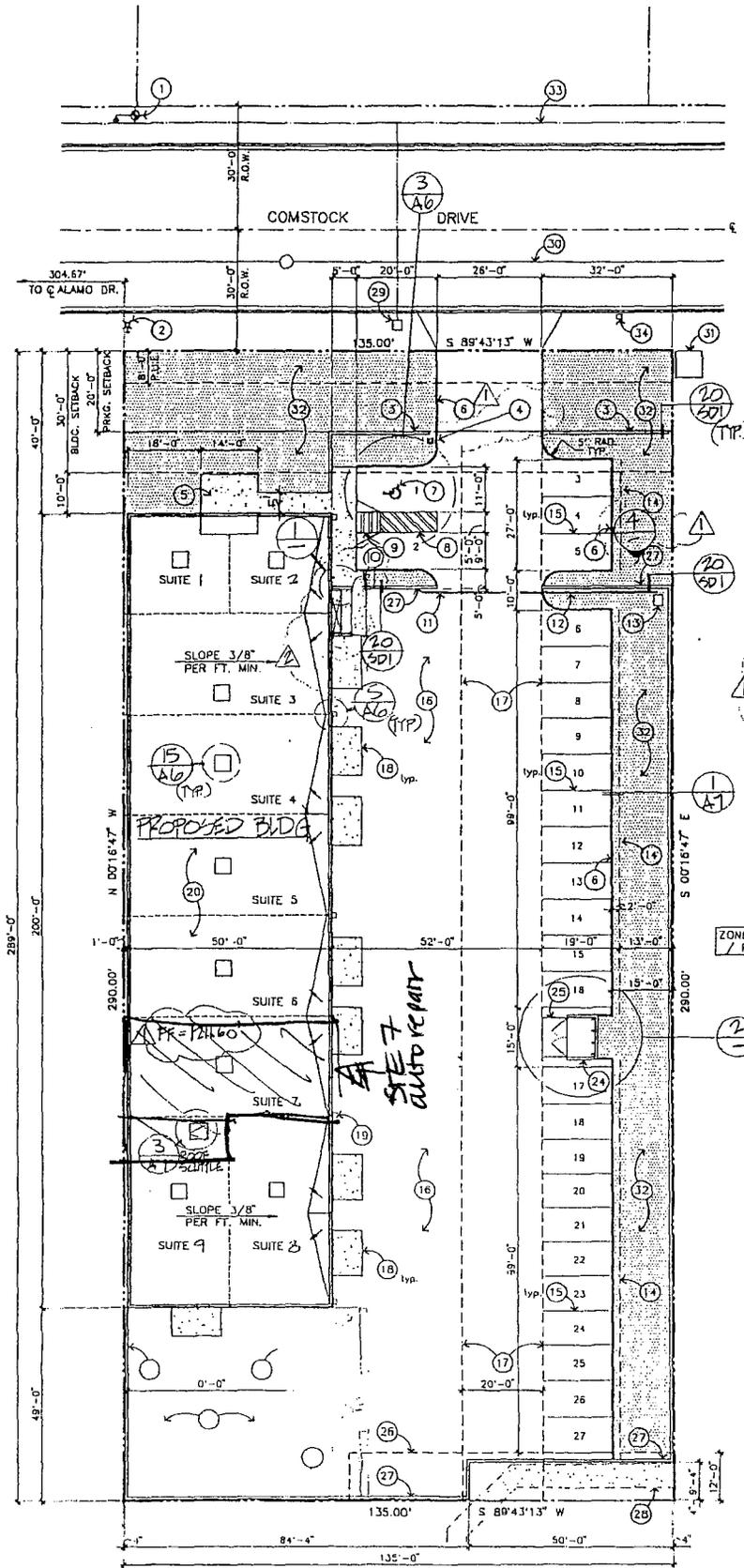
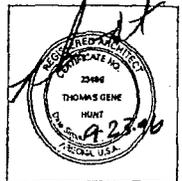
Accessories and customization business dealing with specialty parts for UTV/ATV's.

M-F 8am-5pm

Average use of parking lot – 6 - 8 spaces.

### KEYED NOTES

- 1 Existing fire hydrant.
- 2 Existing street light.
- 3 New 30 inch high 8 inch painted split-face C.M.U. screen wall.
- 4 Electric gate key pad.
- 5 Concrete sidewalk: 4 inches concrete on 4 inches A.B.C. (slope away from a building @ minimum 1/4 inch/foot).
- 6 Extruded curb per indicated detail at edge of paving (typical).
- 7 International wheelchair accessible symbol painted on pavement.
- 8 Diagonal yellow stripes painted on pavement.
- 9 Concrete ramp with non-slip surface, 1:12 (max.) slope on 3 foot wide ramp area and 1:10 (max.) slope on wing ramps.
- 10 Gate per indicated details with ANSI A177.1 compliant operating hardware.
- 11 Steel gate track set into asphaltic concrete pavement.
- 12 Electrically operated rolling gate, 6 foot high, with solid facing.
- 13 Electric gate operator on concrete pad as required by operator manufacturer.
- 14 Vehicle space overhangs landscaped area 2'-0" (typical).
- 15 Painted parking space stripe: 4 inches wide, white color (typical).
- 16 Asphaltic concrete paving per civil drawings.
- 17 Clear fire lane.
- 18 Concrete apron: 4 inches thick over 4 inches A.B.C., slope away from building 1/4 inch/foot (minimum).
- 19 Storm drain downspout (typical).
- 20 Proposed warehouse building.
- 21 Work yard for Suite 8.
- 22 Rolling chain link gate (2 - 10 foot sections).
- 23 Chain link fencing: 6 feet high.
- 24 Masonry trash enclosure per indicated details.
- 25 Concrete apron at trash enclosure per indicated detail requirements.
- 26 Temporary irrigation easement.
- 27 6 foot high painted C.M.U. screen wall per indicated detail.
- 28 Existing concrete ditch to remain.
- 29 Existing water meter location.
- 30 Existing 8 inch sanitary sewer line.
- 31 Existing concrete slab.
- 32 Landscaped storm water retention area.
- 33 Existing 8 inch water line.
- 34 Existing telephone J-box.
- 35 Sheet metal backer on gate frame, paint Sherwin Williams color SW1040, "Windsor Gray".
- 36 Steel rolling gate frame, paint Sherwin Williams color SW1040, "Windsor Gray".
- 37 Split face C.M.U. to indicated height, painted Sherwin Williams color SW1040, "Windsor Gray".
- 38 Standard face C.M.U. (above split face) painted Sherwin Williams color SW1037, "High Society".
- 39 Face of building wall.
- 40 Finish grade.



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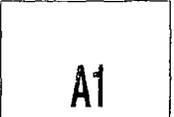
### NEW IMAGE II WAREHOUSE

305 East Comstock Drive  
Chandler, Arizona

DATE	16 SEP 96
SCALE	1" = 20'
JOB	95011
FIELDWORK	614-A1
REVISIONS	-
	12/1/96 TGH
	2/26/97 TGH

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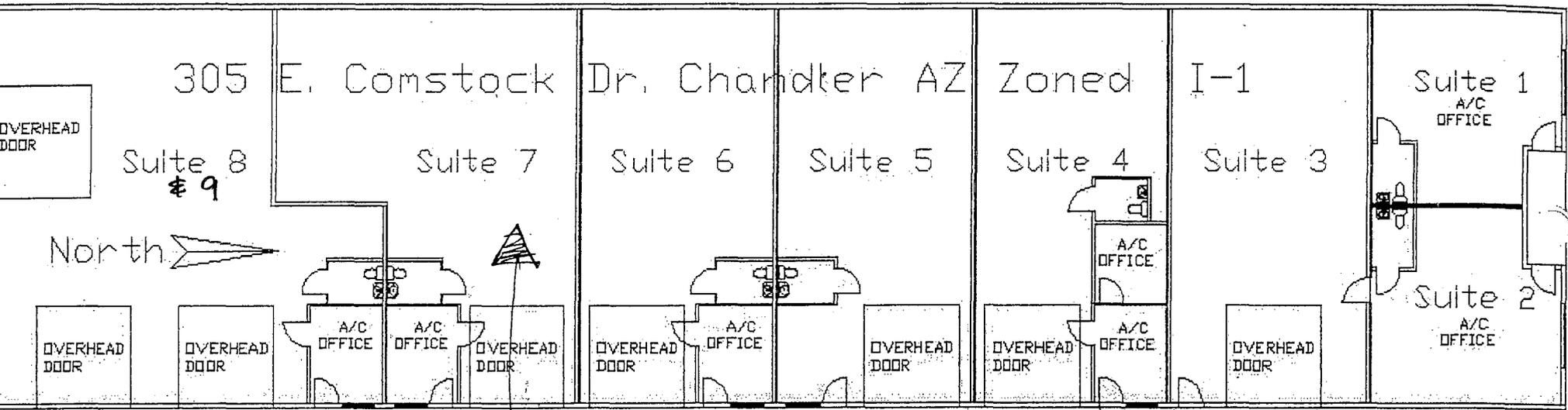


### SITE PLAN

1" = 20'-0"



siteplan

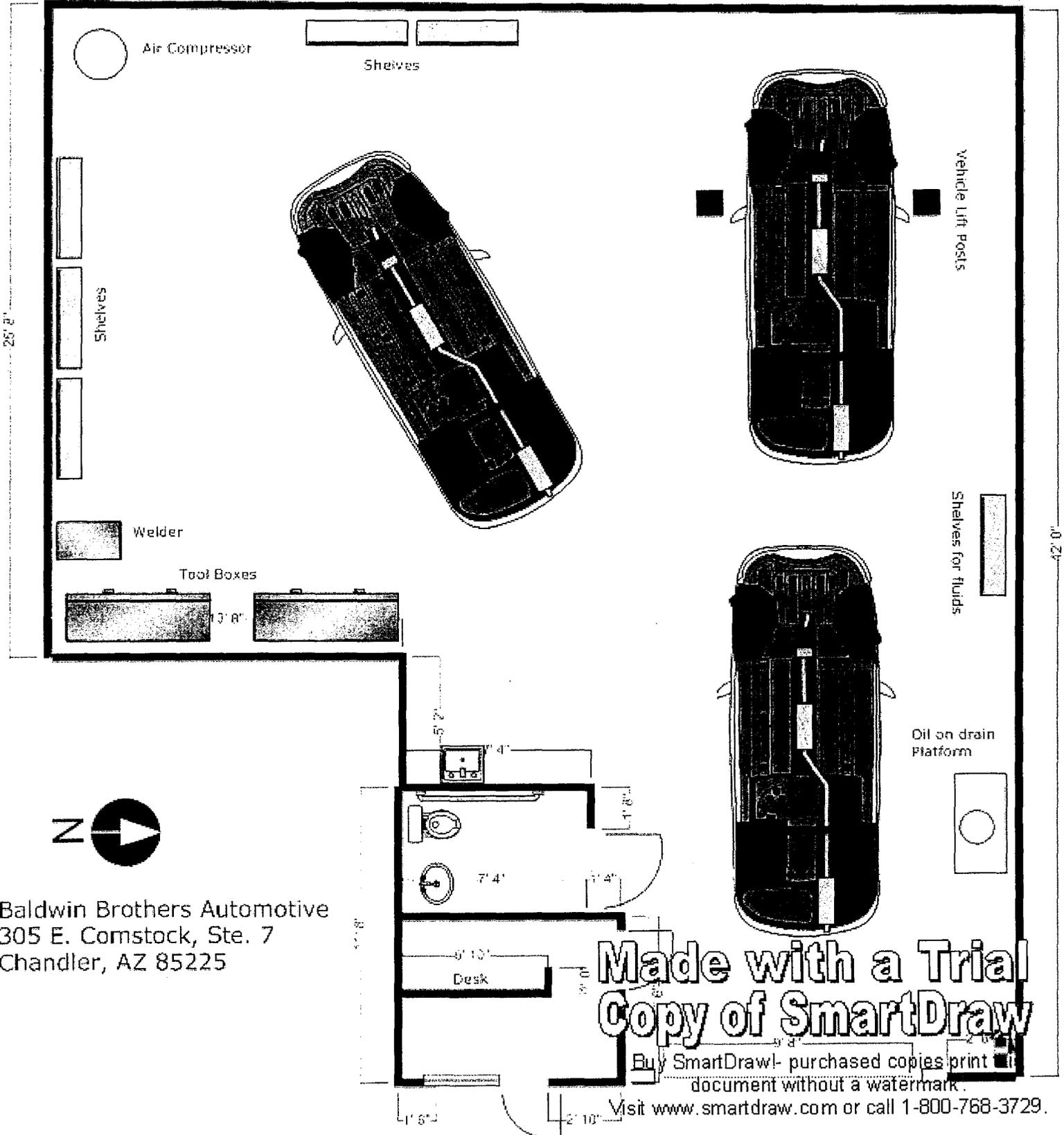


SUITE 7

Baldwin  
Brothers  
Automotive

Tenant Floor plan

37' 10"



Baldwin Brothers Automotive  
 305 E. Comstock, Ste. 7  
 Chandler, AZ 85225



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*suite 7 auto repair  
 floor plan*

**ORDINANCE NO. 3984**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED INDUSTRIAL WITH A PLANNED AREA DEVELOPMENT OVERLAY (I-1/PAD) TO I-1/PAD AMENDED (DVR07-0043 305 E. COMSTOCK DRIVE) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

See Attachment 'A'

Said parcel is hereby rezoned from Planned Industrial with a Planned Area Development overlay (I-1/PAD) to I-1/PAD Amended subject to the following conditions:

1. Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval.
2. Engine repair shall be prohibited.
3. All work shall be conducted indoors.
4. There shall be no outdoor storage of parts.
5. There shall be no overnight outdoor storage of vehicles.
6. There shall be no testing of the vehicles on streets.
7. There shall be no auto body repair nor oil changes.

Attachment 1

305 East Comstock Drive

Lot 50, Arizona Corporate Park, Unit Two, according to Book 268 of Maps of the Record  
of Maricopa County AZ

**ORDINANCE NO. 4394**

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM I-1/PAD TO I-1/PAD (DVR12-0024 COMSTOCK OFFICE WAREHOUSE) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

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WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

See Attachment 'A'.

Said parcel is hereby rezoned from I-1/PAD to I-1/PAD, subject to the following conditions:

1. Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval.
2. Automotive repair shop, a body and fender shop, an auto broker, car rental, vehicle maintenance, and the like shall be allowed as represented by the application materials.
3. All work shall be conducted indoors.
4. There shall be no outdoor storage of parts.



**EXHIBIT 'A'**  
Legal Description

**APN 302-29-064**

Lot 50, Arizona Corporate Park, Unit Two, according to Book 268 of Maps of the Record of Maricopa County, Arizona.