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MEMORANDUM **Planning and Development – CC Memo No. 07-096**

DATE: APRIL 24, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
 for DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR
 JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR
 BOB WEWORSKI, PLANNING MANAGER

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

SUBJECT: UP07-0006 LENZ MOTORS

Request: Use Permit approval for a time extension to allow an auto broker/used car wholesaler in Planned Industrial District (I-1) zoning. The property is located at 500 North 56th Street, Suite 9

Location: 500 North 56th Street, Suite 9 within the Chandler-Freeway Business Park Amended plat Lot 8A

Applicant: Michael St. George, attorney for Celunnious Jones, Jr.

RECOMMENDATION

Upon finding the request to be consistent with the General Plan and Planned Industrial District (I-1) zoning, Planning Commission and Staff recommend approval for a time extension with conditions.

BACKGROUND

A Use Permit to allow an auto broker business was approved by City Council in January 2006 for one year. The application requests a time extension for an additional three years. The subject site is zoned Planned Industrial District (I-1). The business is located within a multi-tenant industrial building.

The I-1 zoning district allows a variety of storage, wholesale, warehousing, manufacturing, assembly type uses, and accessory/incidental office and retail sales. Since the late 1980s, there have been several Use Permits granted for commercial uses within this industrial development including a wholesale auto dealership, an auto detail shop, an equipment rental store, a

lawnmower sales and repair store, and a swim school. In 1988, an auto wholesaler with a car detail business was granted Use Permit approval in this development. The auto wholesaler occupied four tenant spaces. The Use Permit was in effect until 1993. A condition was added to ensure there would be no outside storage of vehicles. This business no longer occupies the site.

The proposed auto wholesaler specializes in pre-owned vehicles. The business functions as a car brokerage firm. The hours of operation are from 9:00 a.m. to 5:00 p.m. Monday through Friday. Vehicles kept on-site include business owner and employees vehicles and vehicles purchased by customers that need to be picked up. In addition, the Arizona Department of Transportation-Motor Vehicle Division requires two wholesale vehicles to be kept on-site at all times. The tenant space is approximately 1,504 square feet in size.

Some of the adjacent businesses include a swim school, sign company, painting contractor, plumbing contractor, a dancewear and active wear clothing manufacturer/wholesaler, industrial part supplier, tile contractor, and a medical equipment supplier. Businesses within the same development are typically open Monday through Friday from 9:00 a.m. to 5:00 p.m. The business employs two people.

The proposed auto wholesaler includes an office space with an attached warehouse. Two vehicles will be stored in the warehouse. Any outside storage of vehicles is limited and typically occurs when a customer has yet to pick up a vehicle. This type of auto-related use has little on-site customer contact in that there is no for-sale vehicles stored daily. There will be no auto mechanical work, auto body, auto detailing, or washing of vehicles outdoors. Any interior cleaning of vehicles or exterior detailing without water will occur within the warehouse area.

The property management company does not assign parking to individual tenants. The majority of existing tenants occupy 1 to 5 parking spaces each. There are two tenants occupying 10 to 12 parking spaces each. The development has approximately 88 parking spaces with 22 of the 24 tenant spaces occupied. The development is maintained and has no parking issues. Staff does not anticipate any parking or outside vehicle storage problems with the proposed auto wholesaler business.

DISCUSSION

Staff received a couple of phone calls from tenants in the business park stating vehicles were being washed and cleaned within the rear drive aisle between buildings. There was a mobile carwash company visiting the business park offering auto washing and/or detailing. Lenz Motors was one of the businesses that had vehicles washed. The tenants complained of the soapy water and foam, noise from the generator, and blocking business exit and warehouse doors. Lenz Motors has been advised no cleaning of vehicles is permitted outside, only interior cleaning and exterior detailing of vehicles without water is allowed within the warehouse area.

Staff is of the opinion the proposed auto wholesaler business is compatible with the mix of light industrial uses in the area. The location provides adequate parking and storage for vehicles.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- The applicant contacted all the businesses in the immediate business park regarding the proposed auto wholesaler. The businesses support the request; however, two tenants complained of vehicles washing outdoors in the rear drive aisle area.
- A neighborhood meeting was held on April 4, 2007. No area residents or business owners attended.
- As of the date of this memo, Staff has received two telephone calls from other tenants that do not want outdoor car washing and detailing to occur in the rear drive aisle.

PLANNING COMMISSION VOTE REPORT

Motion to Approve. In Favor: 6 Opposed: 0 Absent: 1 (Anderson)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and I-1 zoning recommend approval of UP07-0006 LENZ MOTORS Use Permit, subject to the following conditions:

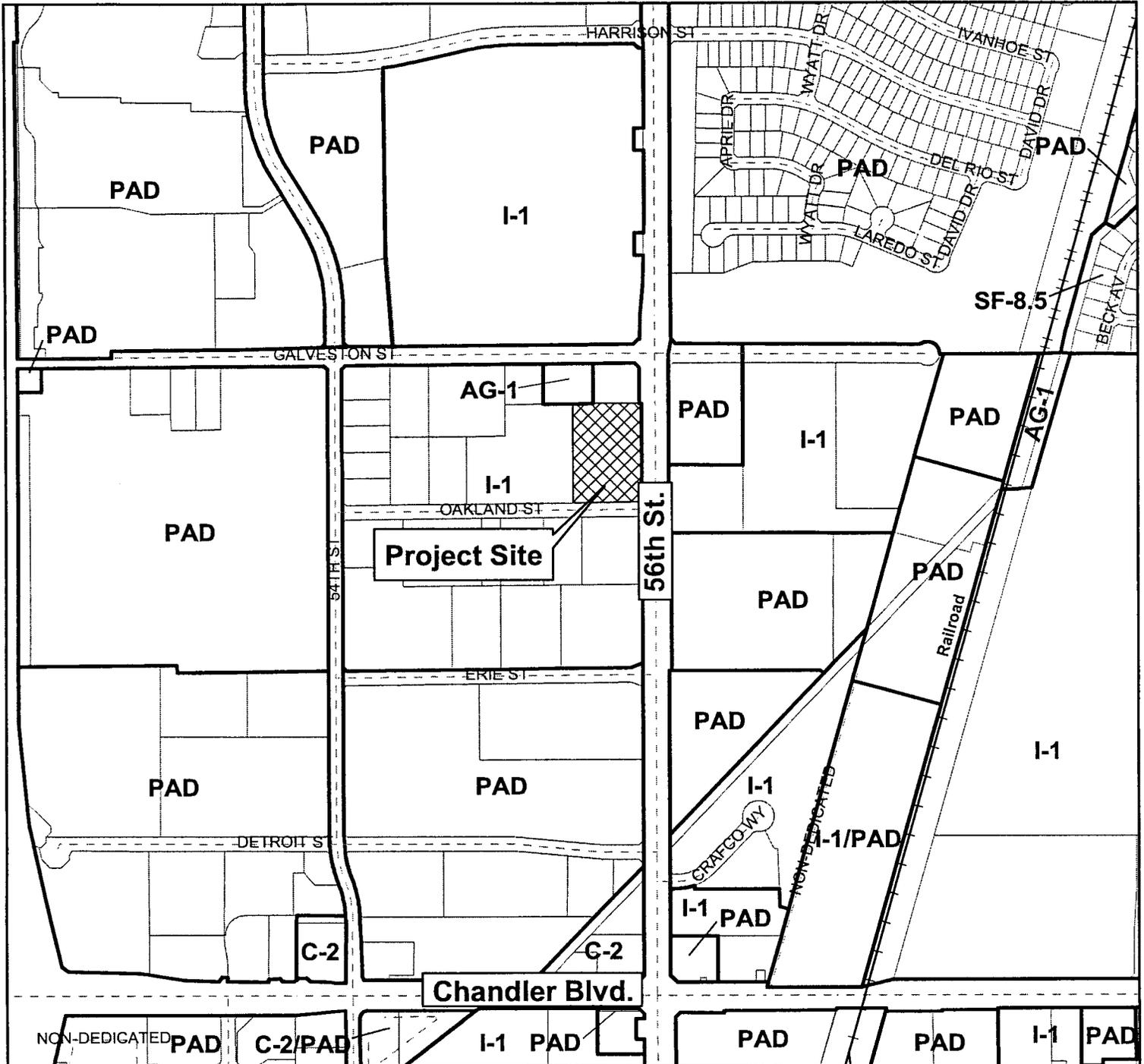
1. Development shall be in substantial conformance with exhibits and representations.
2. Expansion or modification beyond the approved exhibits (Floor Plan, Site Plan, Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
4. On-site washing of for-sale vehicles is prohibited.

PROPOSED MOTION

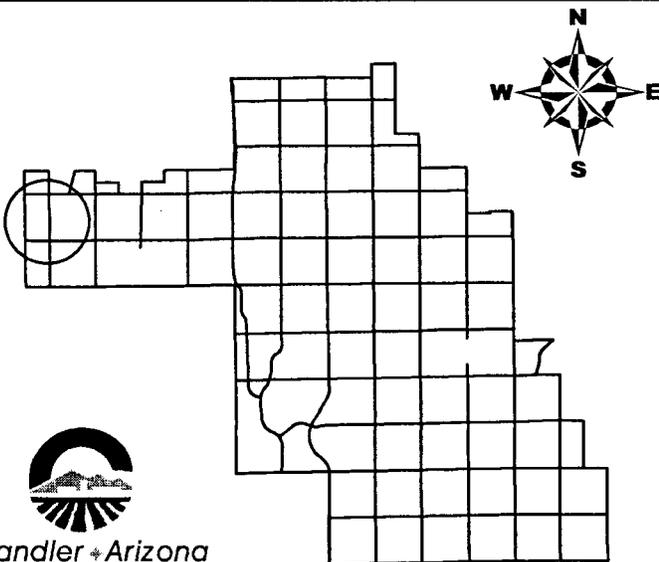
Move to approve Use Permit case UP07-0006 LENZ MOTORS, subject to the conditions recommended by Planning Commission and Staff.

ATTACHMENTS

1. Vicinity Maps
2. Narrative
3. Site Plan
4. Floor Plan
5. Parking Information

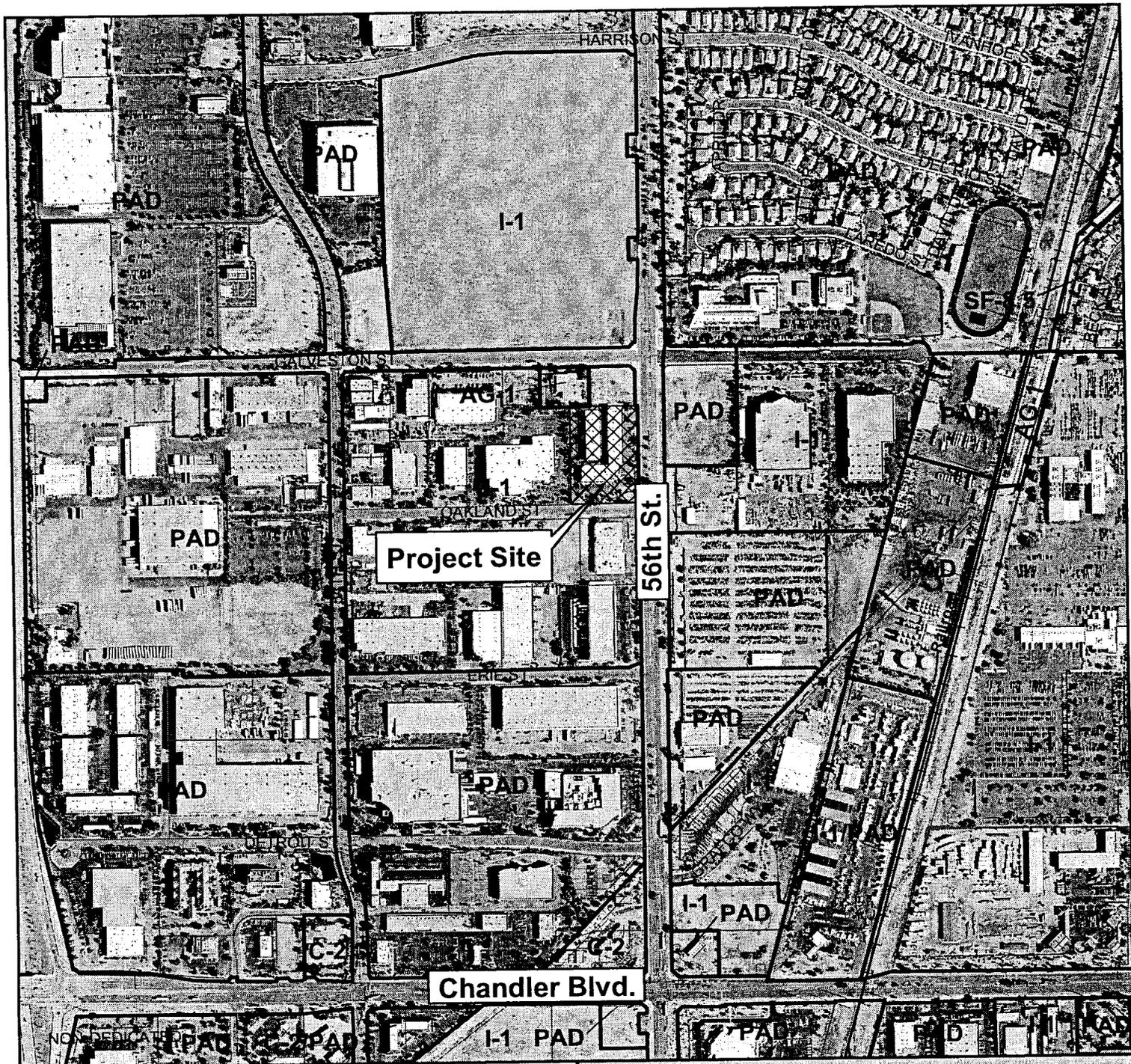


Vicinity Map

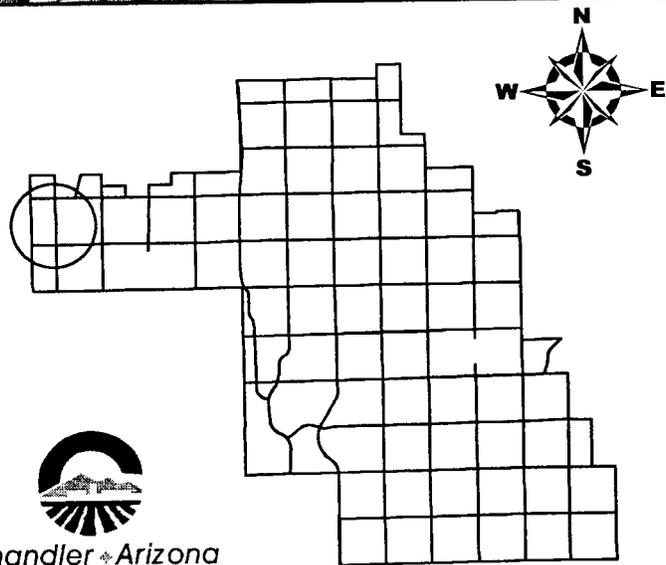


UP07-0006

Lenz Motors



Vicinity Map



UP07-0006

Lenz Motors



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CITY OF CHANDLER 1/31/2007

NARRATIVE/ATTACHMENT TO USE PERMIT APPLICATION

LJNYC Enterprises, LLC, doing business as Lenz Motors at 500 N. 56th St., Suite #9, Chandler, AZ 85226.

LJNYC Enterprises, LLC is a dealer in used vehicles of all types, as well as boats and all other items authorized by the Dept. of Motor Vehicles. LJNYC Enterprises, LLC has enjoyed an initial Use Permit issued by the City of Chandler for the past year.

Lenz Motors is not a used car dealership however. Lenz Motors is a used car brokerage. There has not been and there will be no vehicles on or around the business that are for sale to the public, no advertising "for sale" vehicles on or about the premises. It is strictly a brokerage. If a customer is looking for a specific used vehicle, they would call Lenz Motors for a specific vehicle. Lenz would find the vehicle wholesale and resale same to their perspective customer. A visit to Lenzmotors.com will more fully brief the viewer about Lenz Motors.

The hours of operation are 9:00 a.m. to 5:00 p.m., five days week, Monday through Friday. The only vehicles that should be parked at the facility would be the owners' vehicle (which is often parked in the rear in the space provided by the landlord) and space for customers' vehicles or vehicles purchased by customers but not yet picked up. Arizona Department of Motor Vehicles Dealer Licensing requires two cars to be on onsite at all times and your applicant will comply with all state licensing requirements.

Improvements on the property currently consist of a well developed commercial site of mixed use.

The zoning request proposes the issuance of a use permit to allow for a business with a used car dealer license to broker cars on the site for an additional three (3) years. The proposal is consistent with the land use map and other plans and elements of the Chandler general plan in that it is a general business use.

The property is not located in a special designated area.

The business is a used car brokerage rather than a used car lot. There is not a "lot" or cars parked and marked "for sale" or available for sale. All cars bought and sold are brokered directly to the customer. Very few, if any, brokered cars are on the premises except when a particular customer would rather have the purchased car picked up at the site.

The subject property, if not rezoned, is still suitable for the uses allowed under the current zoning, save and except that it is a small one room office which diminishes its marketability.

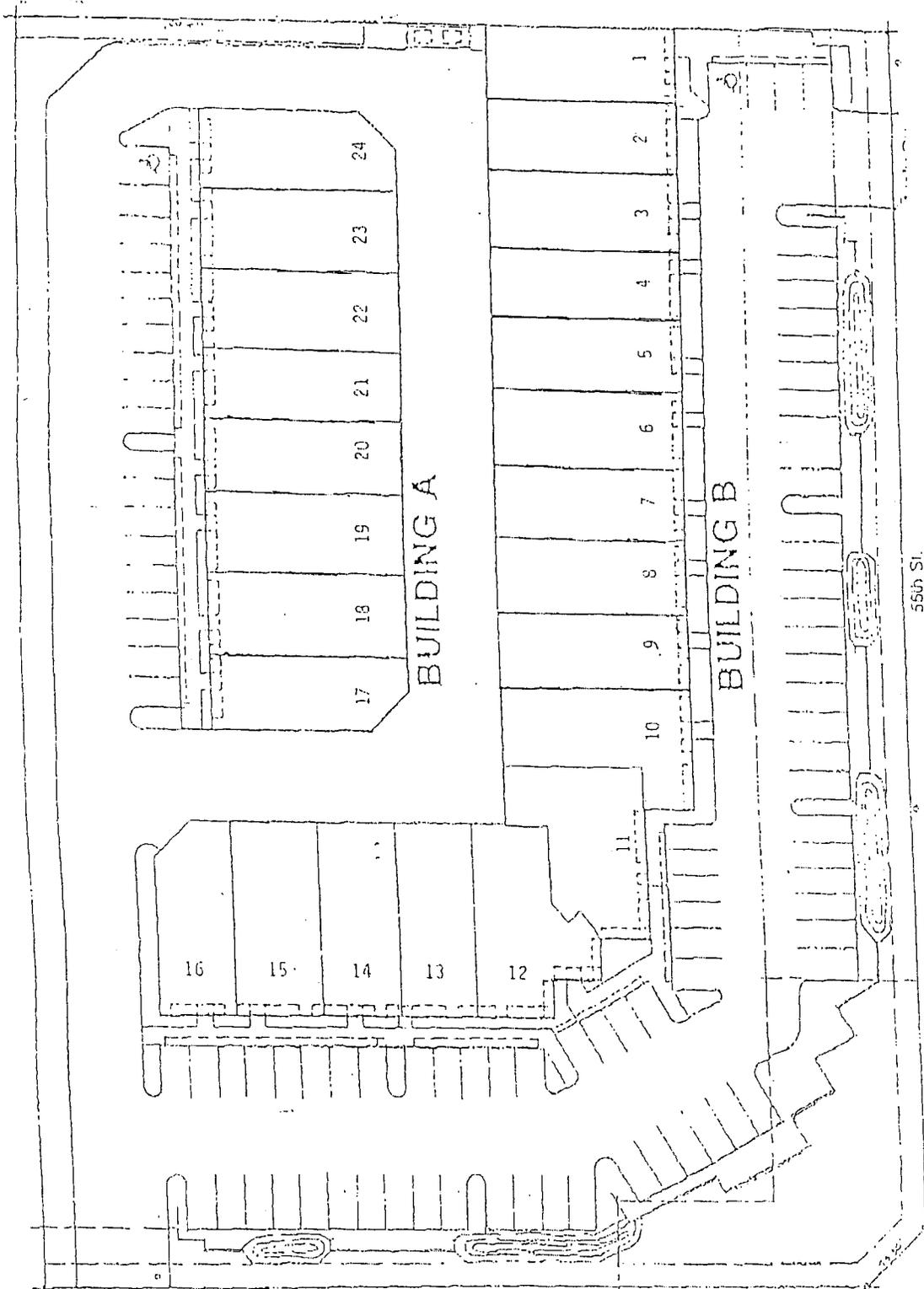
There are no unusual characteristics of the site to restrict or affect development. Your applicant has met with the Dept. of Planning and Development Services.

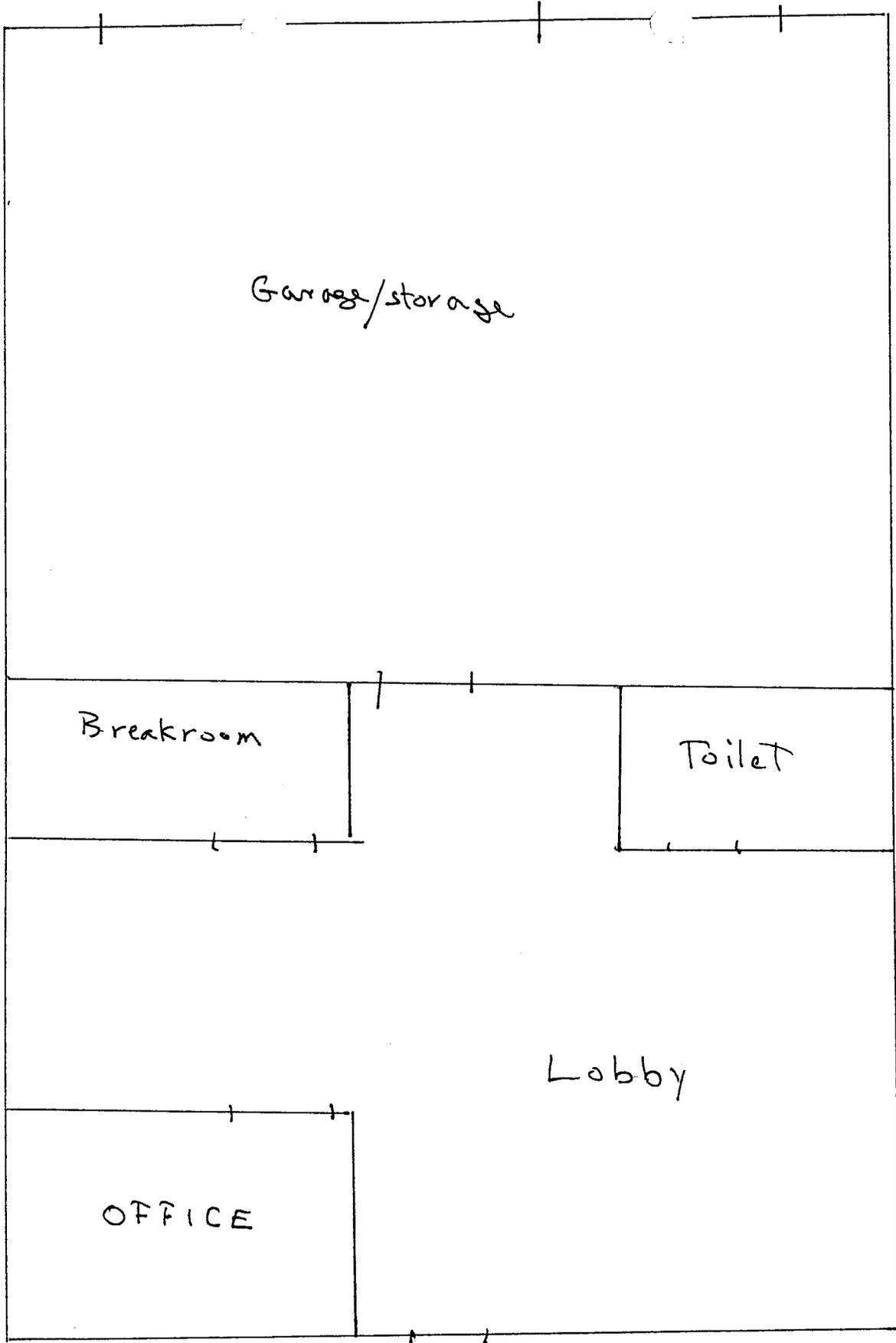
The request for a Use Permit for three (3) years is supported in that your applicant has, at all times, complied with all regulations and restrictions associated with the Use Permit, complied with all statements made by applicant in the original application and no objections or problems have arisen in any manner with respect to your applicant's current Use Permit since its issuance.

Exhibit "B"

ATTACHED TO AND FORMING A PART OF
LEASE AGREEMENT
DATED AS OF APRIL 19, 2005
BETWEEN
PRESSON ADVISORY L.L.C., AN ARIZONA
LIMITED LIABILITY COMPANY, AS LESSOR,
AND
LJNYC ENTERPRISES, L.L.C.,
AN ARIZONA LIMITED LIABILITY COMPANY, AS LESSEE

SITE PLAN OF THE PREMISES





500 N. 56th Street, Suite #9

Addendum to Application for Use Permit #UP07-0006
LJNYC Enterprises, L.L.C. dba Lenz Motors

Petitioner states that Oakland Business Park at 500 North 56th Street, Chandler, Arizona 85226 does not have assigned spaces for tenants. Your Petitioner has canvassed all tenants of Oakland Business Park (see list attached as Exhibit A) and determined the following number of employees and space needs of each tenant are as follows:

BUILDING "A"

Suite #/Tenant Name	# Parking Spaces Required	# of Employees
1-2/Movin USA	6	5
3-4/Fastenal	6	3
5/Vacant	Vacant	Vacant
6-7/Mike Troy's Gold Medal Swim	10	6
8/Desert Diamond Flooring	4	3
9/LJNYC	4	3
10/Choice Healthcare, Inc.	6	5
11-12/One Stop Signs	14	12
13/Vacant	Vacant	Vacant
14-15/AG System Works	2	4
16/Ken Steel Rule Dies	2	1

BUILDING "B"

Suite #/Tenant Name	# Parking Spaces Required	# of Employees
17/The Audio Suite	2	1
18/ABC Plumbing	5	10
19-20/Az Competitive Youth Football	4	3
21/RedFX, Inc.	5	5
22/Vacant	Vacant	Vacant
23-24/Vacant	Vacant	Vacant