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#666

DEC 13 2007

MEMORANDUM

Planning and Development – CC Memo No. 07-301

DATE: NOVEMBER 26, 2007

TO: MAYOR AND CITY COUNCIL

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

FROM: BILL DERMODY, CITY PLANNER

SUBJECT: UP07-0093 NIGHTHAWK EQUIPMENT & LEASING

Request: Use Permit to allow existing outdoor storage to continue in a Regional Commercial (C-3) zoning district

Location: 299 South Washington Street, approximately 380 feet east of the northeast corner of Arizona Avenue and Frye Road

Applicant: Nighthawk Equipment
James R. Yeaman

RECOMMENDATION

The request is for extension of existing Use Permit approval to allow outdoor storage in a Regional Commercial (C-3) zoning district. Planning Commission and Staff, finding consistency with the General Plan and Redevelopment Element, recommend approval for three (3) additional years subject to conditions.

BACKGROUND

The property is located at the northeast corner of Frye Road and Washington Street, approximately 380 feet east of Arizona Avenue in a Regional Commercial (C-3) zoning district. Outdoor storage in the C-3 zoning district is allowed only with a Use Permit. The 15,000 square foot lot has a small building located on the southwest corner and is encompassed by a six-foot high block wall, with most of the interior of the lot used for outdoor storage. The application requests to continue this use of the property.

To the west is the Mobil gas station adjacent to Arizona Avenue. To the north is another parcel associated with the subject business as well as several auto-related uses. East of the subject site is the new Maricopa County Courthouse, and south across Frye Road are a steel yard and auto-related uses.

The Chandler Redevelopment Element of the General Plan identifies the subject site as Business Park/Light Industrial, which prescribes clean, light industry in a campus-like setting, as well as the avoidance of proliferation of junkyards, outdoor storage, and recycling centers. The South Arizona Avenue Area Plan, which is expected to be formally adopted in 2008, identifies this site as part of a potential civic campus. The office use designated for this site on the Area Plan would be ultimately linked with the courts buildings and the future City Hall.

A Use Permit was originally granted for outdoor storage in 1995 and reissued in 2000, 2003, and 2006. The 1995 Use Permit for outdoor storage was granted for a three-year period and expired in 1998. In February 2000, Neighborhood Services issued a citation for storing materials outdoors without a valid Use Permit. At that time, it was also discovered that the site was not compliant with the original Use Permit due to a lack of perimeter landscaping. Later in 2000, perimeter landscaping was installed and a Use Permit was granted for another three-year period. In 2003, the Use Permit was extended again for three (3) years and the Use Permit was noted to be in compliance with required conditions regarding landscaping. In 2006, the Use Permit was extended for only one (1) year because the landscaping and storage height were found to be noncompliant with existing Use Permit conditions.

Planning Commission and Staff recommend approval for an additional three (3) years. Though not supported as a long-term use, the use fits in with the current surroundings and could easily be redeveloped in the short- to medium-term as private market forces warrant. The site is currently in compliance with the conditions of its previous Use Permit approval. Conditions approved in 2006 include that “storage shall be contained within the six-foot block wall fence and below the top of the wall” and the “perimeter landscape area... plant material that is removed shall be replaced.” Those particular conditions have been compliance issues in the past, and a three-year time limit on the Use Permit would allow evaluation of their compliance in the future.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on November 7, 2007 at the Downtown Community Center. No citizens attended.
- At the time of this writing, Staff is not aware of any opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 6 Opposed: 0 Absent: 1 (Gulsvig)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, Redevelopment Element, and Regional Commercial (C-3) zoning, recommend approval of UP07-0093 NIGHTHAWK EQUIPMENT & LEASING subject to the following conditions:

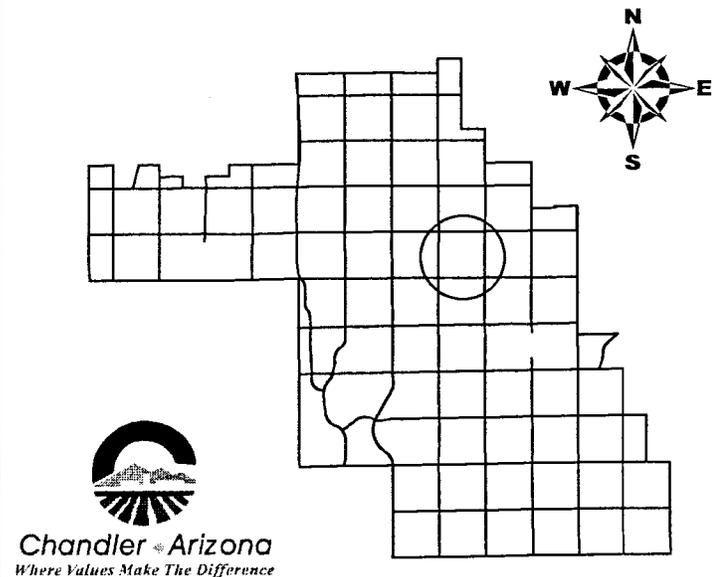
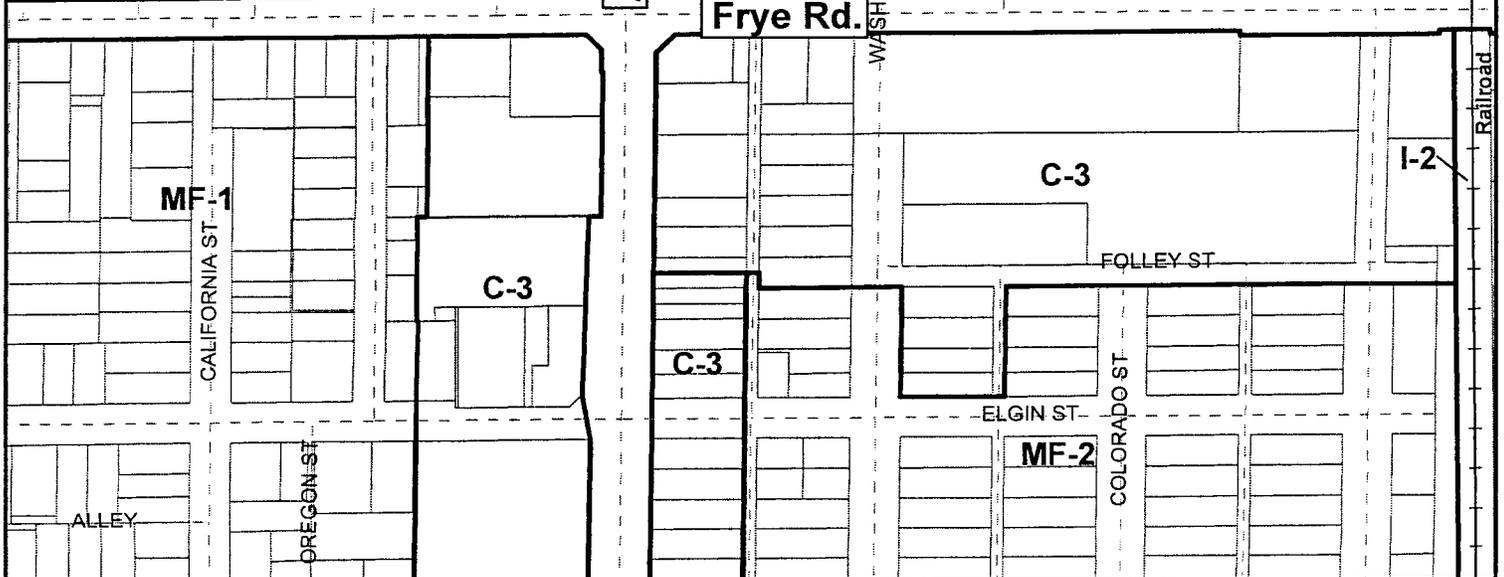
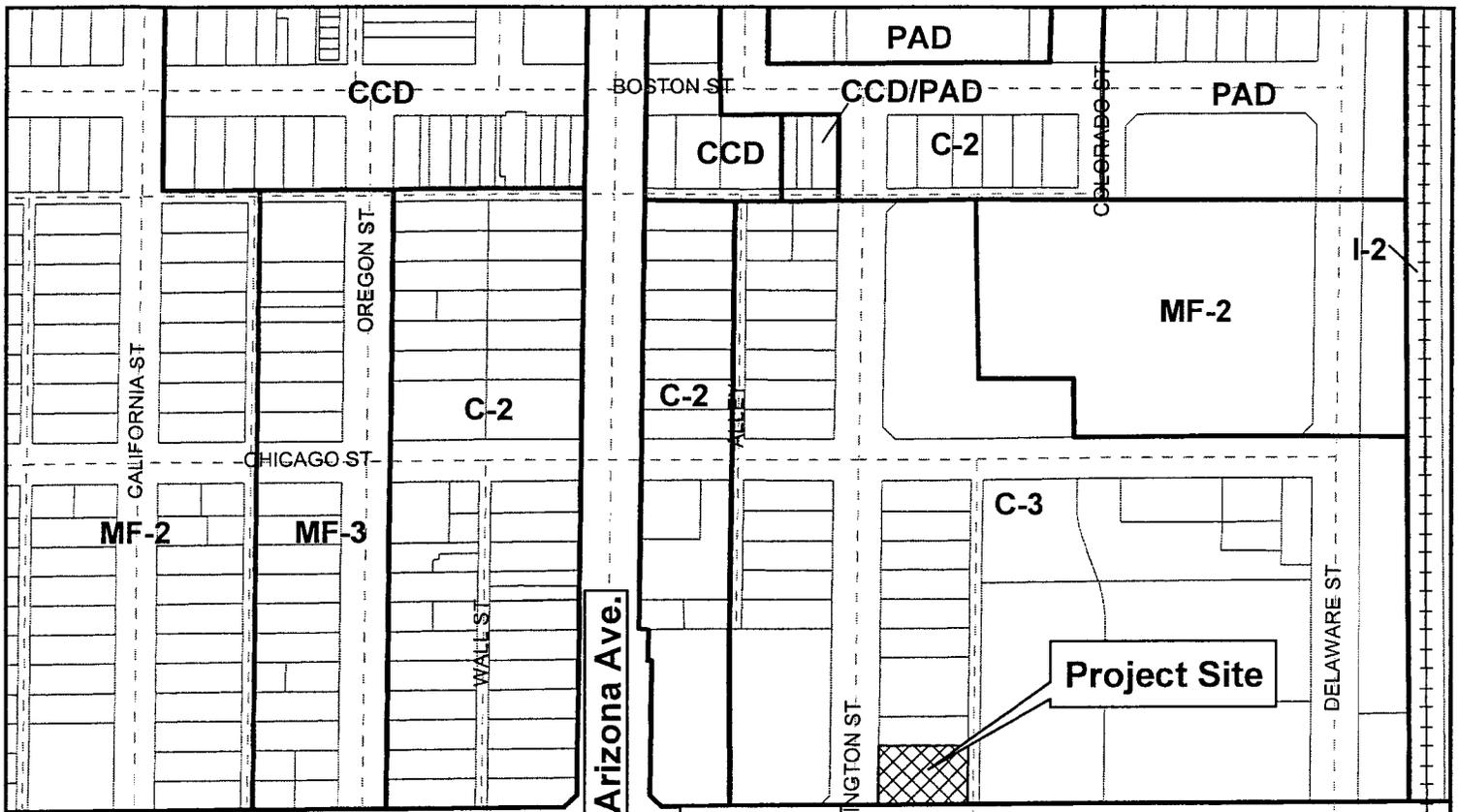
1. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
3. Perimeter landscape area is to be maintained in a neat, weed-free condition. Plant material that is removed shall be replaced.
4. Storage shall be contained within the six-foot (6') block wall fence and below the top of the wall.

PROPOSED MOTION

Move to approve the Use Permit in case UP07-0093 NIGHTHAWK EQUIPMENT & LEASING subject to the conditions recommended by Planning Commission and Staff.

Attachments

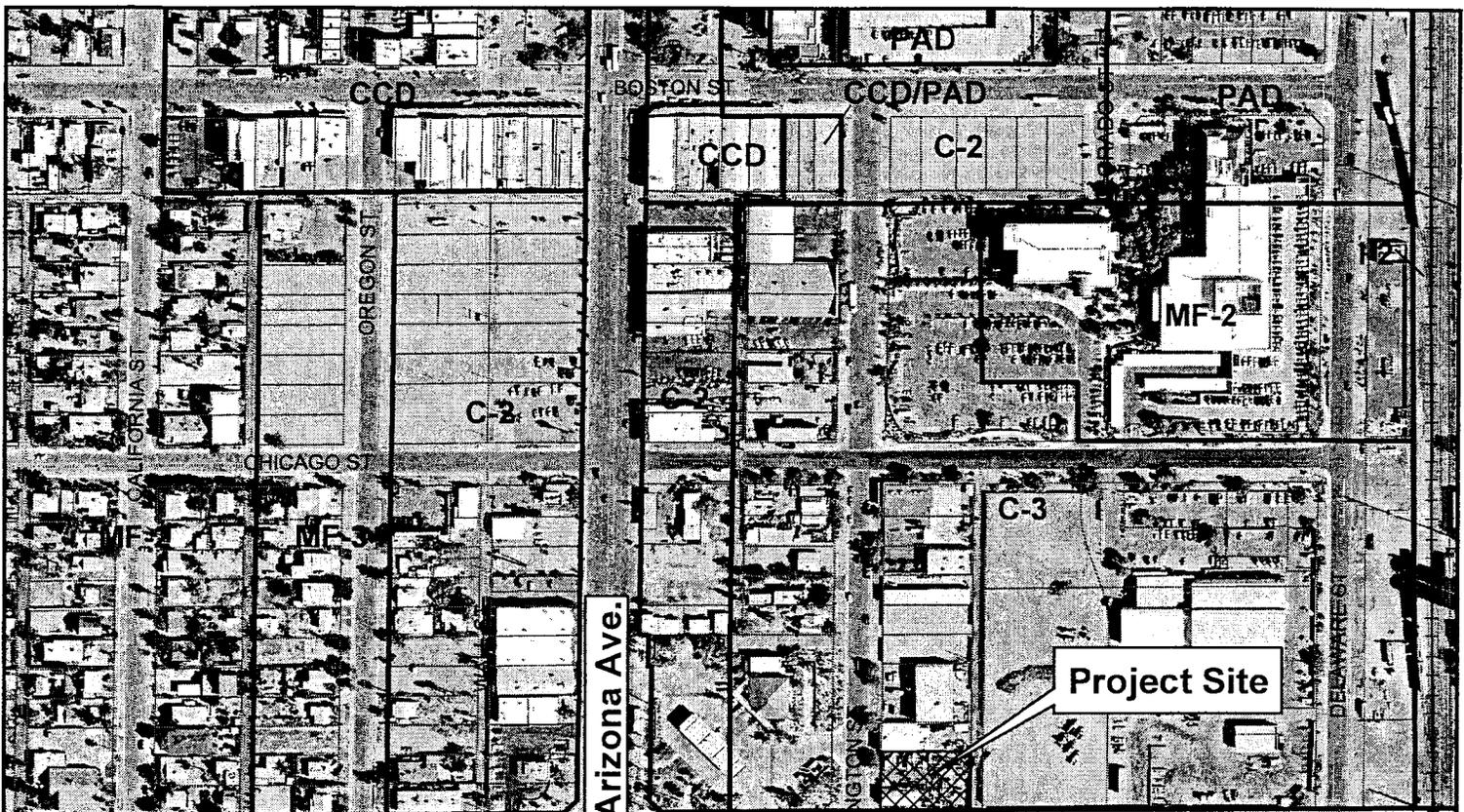
1. Vicinity Map
2. Site Plan
3. Applicant Narrative



Vicinity Map


UP07-0093

Nighthawk Equipment



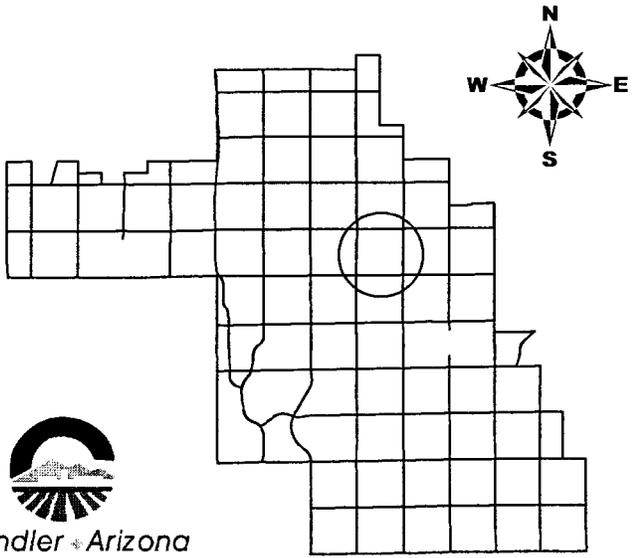
Arizona Ave.

Project Site

Frye Rd.



Vicinity Map

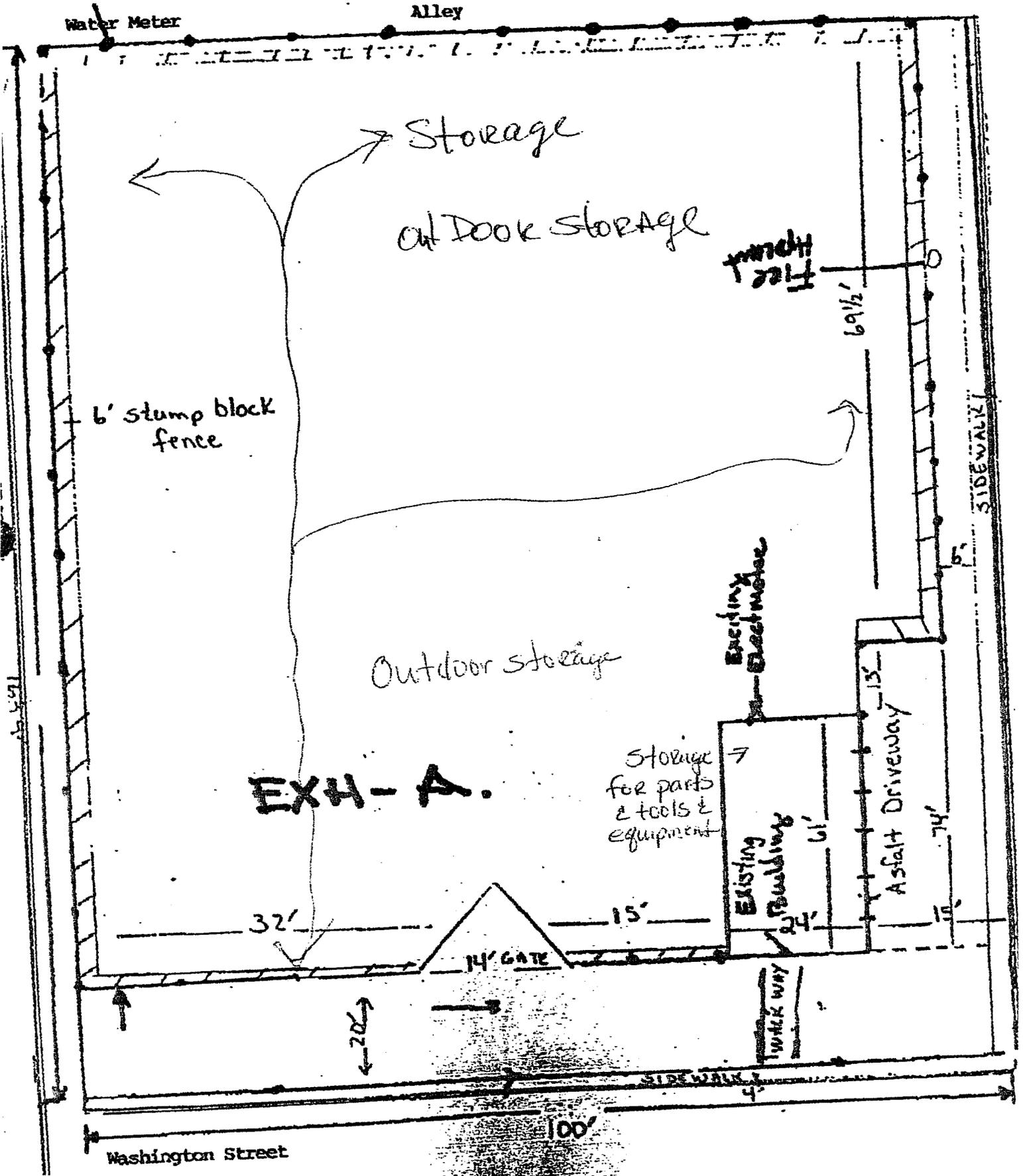


UP07-0093

Nighthawk Equipment



Jim Yeaman
299 S. Washington
Chandler, AZ 85224



NIGHTHAWK EQUIPMENT & LEASING, INC.
1416 N. MANOR CIR.
CHANDLER, AZ 85225
480-732-9188 Fax 480-782-6784

September 26, 2007

City of Chandler
Planning & Development
Mail Stop 105
P O Box 4008
Chandler, AZ 85244-4008

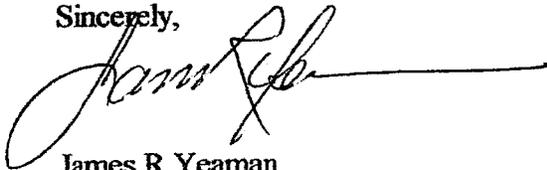
Dear Mr. Dermody:

Nighthawk Equipment buys and sells new and used commercial food service equipment. We store the used equipment outside, until, we have a chance to go through it, clean it, and refurbish it. Once that has taken place, it is either ready to be reinstalled at the restaurant it came out of or it is ready for sale. We then move the newly refurbished equipment into the building.

Our five year plan is to continue doing business in the City of Chandler.

If you have any questions, please contact me. I look forward to hearing from you.

Sincerely,



James R Yeaman
602-722-2807