



Chandler • Arizona
Where Values Make The Difference

#7

DEC 13 2007

MEMORANDUM

Planning and Development – CC Memo No. 07-278

DATE: NOVEMBER 8, 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: DVR07-0043 305 E. COMSTOCK DRIVE
Introduction and tentative adoption of Ordinance No. 3984

Request: Rezoning from Planned Industrial District/Planned Area Development (I-1/PAD) zoning to I-1/PAD Amended in order to allow certain vehicle repair, customization, and accessory sales; installation of retail products; sign sales, repair, and fabrication; repair and manufacturing of certain small-scale equipment or goods; small-scale machine tool and plastics manufacturing; and certain vehicle sales

Location: 305 E. Comstock Drive
South and east of Elliot Road and Arizona Avenue

Applicant: Jon Sherbeck

Owner: Laura Lindberg & Jon Sherbeck

RECOMMENDATION

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

BACKGROUND

The application requests amendment of existing Planned Industrial District/Planned Area Development (I-1/PAD) zoning in order to expand the permitted uses in an industrial building.

The approximate 10,000 square foot building is located on a 39,150 square foot lot located several blocks east of Arizona Avenue within a larger 240-acre corporate park (Arizona Corporate Park, formerly known as Elliot Commerce Plaza) that includes industrial uses and a limited amount of commercial uses. Existing uses within the larger corporate park include two motorcycle dealerships (Town & Country Motorsports and AZ Superbike) with service and repair along Arizona Avenue, a couple of limited auto-related uses in the center of the corporate park (Inyati Bedliners and Stevens Off Road), retail showroom uses along Arizona Avenue, light industrial businesses with warehousing, a wholesale Italian bakery, the Arizona Department of Revenue, and various office uses. Across Comstock Drive from the subject site are several parcels that allow pure office uses in addition to industrial uses. The subject site is surrounded by the rest of the Arizona Corporate Park, all of which is designated as Employment in the General Plan.

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 the aforementioned motorcycle businesses plus motor vehicle after-market customization, repairs, and accessory sales that do not involve engine repair, outdoor work, or outdoor storage.

The application requests that certain uses be added to the existing permitted uses in the subject building. The additional uses are thoroughly defined in the applicant narrative, and include: motorcycle and similar recreational vehicle (ATV, Jet Ski, etc.) repair and accessory sales and installation; motor vehicle after-market 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. Additionally, the application requests approval for motor vehicle sales, though Planning Commission and Staff recommend a condition that would forbid this portion of the request.

The permitted use definitions, as refined by conditions, explicitly forbid certain activities that would detract from the business park as designed, including outside storage, automobile or truck engine repair, or outdoor installation work.

The recommended conditions of approval are modeled after those that apply to the recently approved Pollack Business Park North rezoning along Arizona Avenue and to Stevens Off Road, located a few blocks north of the subject site.

DISCUSSION

Excepting motor vehicle sales and certain auto service functions, the rezoning request is a reasonable addition of uses that is in keeping with the established nature of the business park, which already includes a number of auto-related businesses and similar types of repair uses. In order to ensure that negative impacts such as noise, unsightly storage, or heavy traffic volumes

are not present, the rezoning is carefully limited to avoid the auto body, oil change, or engine service types of uses that are more appropriate for commercial areas.

In the opinion of Planning Commission and Staff, motor vehicle sales are not appropriate at this location because of incompatible traffic levels and parking demand that would result. Motor vehicle sales produce higher traffic volumes that make the use more appropriate along arterial streets, rather than in the heart of an industrial park. Additionally, the subject site has insufficient parking for this type of use. Therefore, Planning Commission and Staff recommend a condition that prevents motor vehicle sales on this site.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on October 27, 2007 at the subject site. No citizens attended.
- As of this writing, Staff is not aware of any citizen opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 7 Opposed: 0

The applicant argued for a different, less restrictive set of conditions than recommended by Staff that would allow a more expansive set of auto-related uses and outdoor storage within the fenced areas. The applicant's suggested alternative conditions are included among the attachments for reference. Planning Commission found that Staff's recommended conditions more effectively balanced business needs with land use concerns.

The applicant has indicated that he would accept the recommended conditions, but that he maintains his preference for his suggested, less restrictive conditions.

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan and current I-1/PAD zoning, recommend approval of DVR07-0043 305 E. COMSTOCK DRIVE 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.

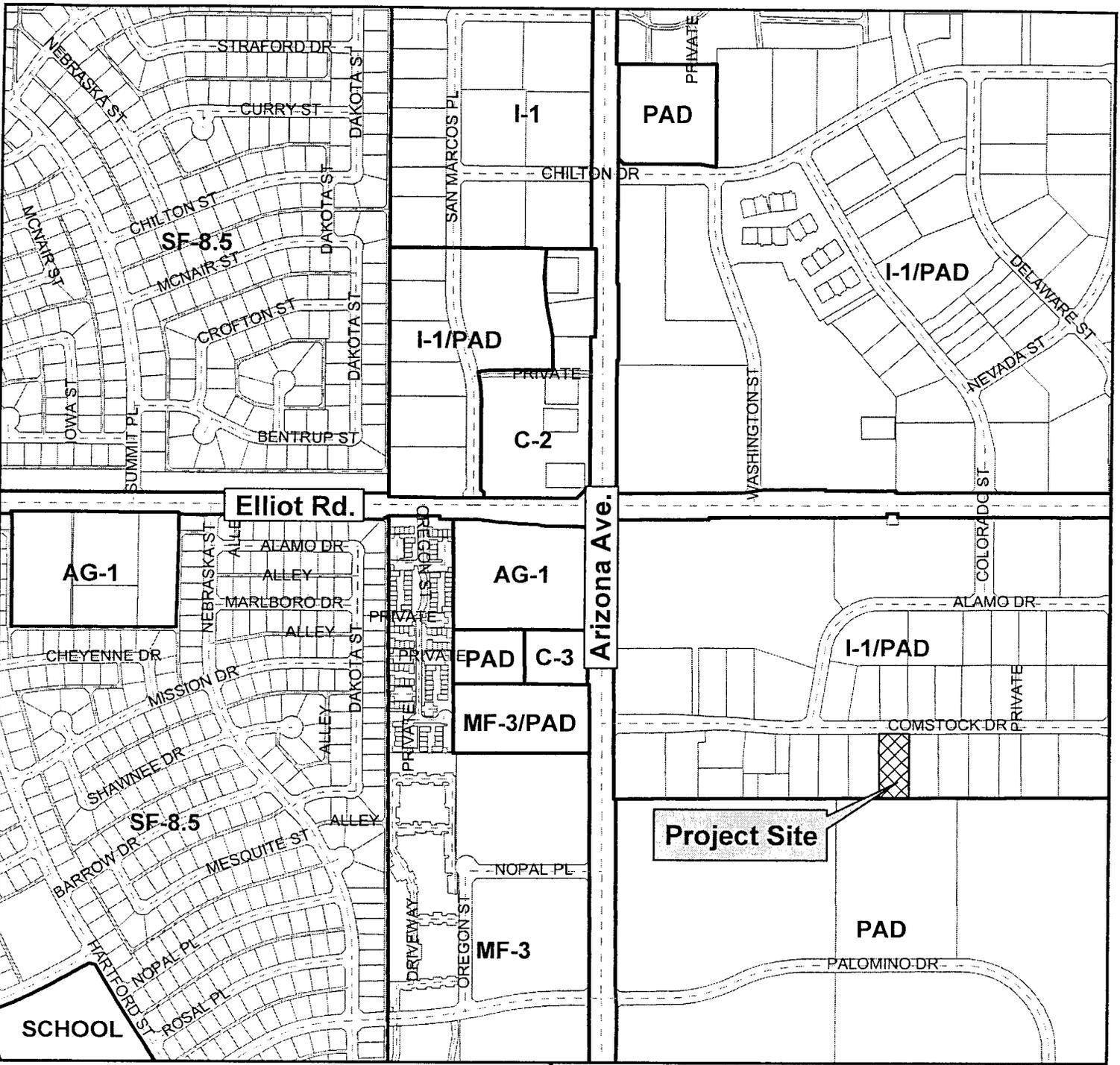
6. There shall be no testing of the vehicles on streets.
7. There shall be no auto body repair nor oil changes.
8. There shall be no motor vehicle sales or rental.

PROPOSED MOTION

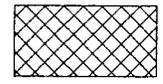
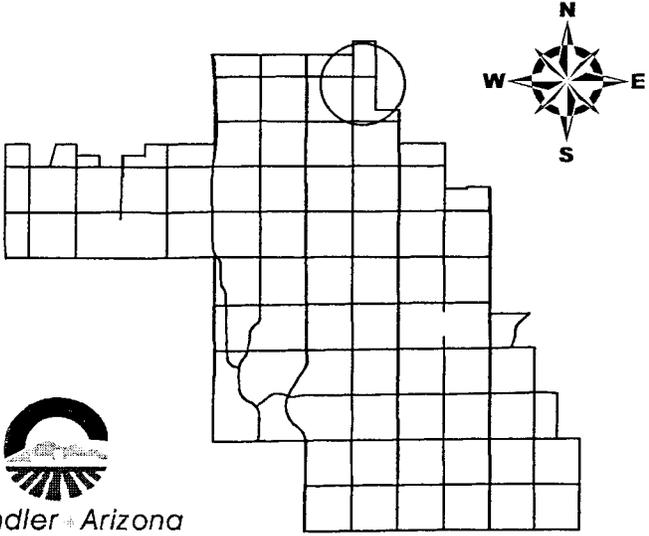
Move to introduce and tentatively adopt Ordinance No. 3984, approving amended Planned Industrial/Planned Area Development zoning in case DVR07-0043 305 E. COMSTOCK DRIVE subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Site Plan
3. Applicant Narrative
4. Applicant's Suggested Conditions
5. 1981 PAD Use Map
6. 1990 PAD Use Map
7. Ordinance No. 3984



Vicinity Map



DVR07-0043

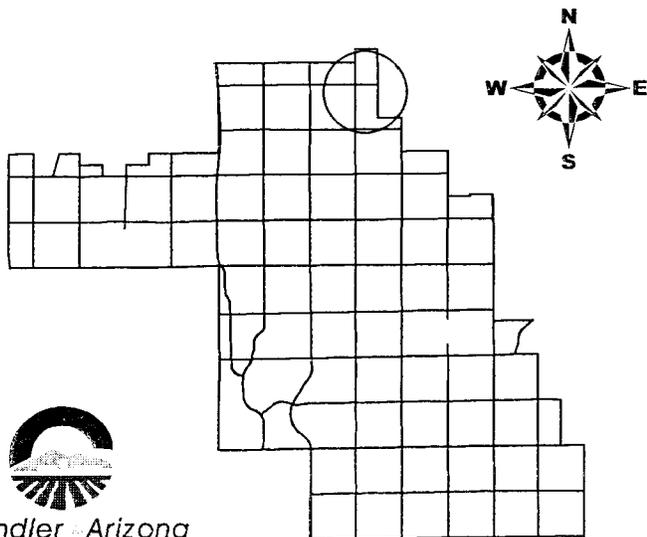
305 E. Comstock Dr.



Chandler Arizona
Where Values Make The Difference



Vicinity Map



DVR07-0043

305 E. Comstock Dr.

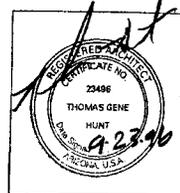


Chandler - Arizona
Where Values Make The Difference

CITY OF CHANDLER 9/12/2007

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 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.



These drawings are instruments of professional service & shall remain the property of the Architect.

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10225 N. 38TH ST.
PHOENIX, AZ 85028
(602) 953-4822
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NEW IMAGE II WAREHOUSE

305 East Comstock Drive
Chandler, Arizona

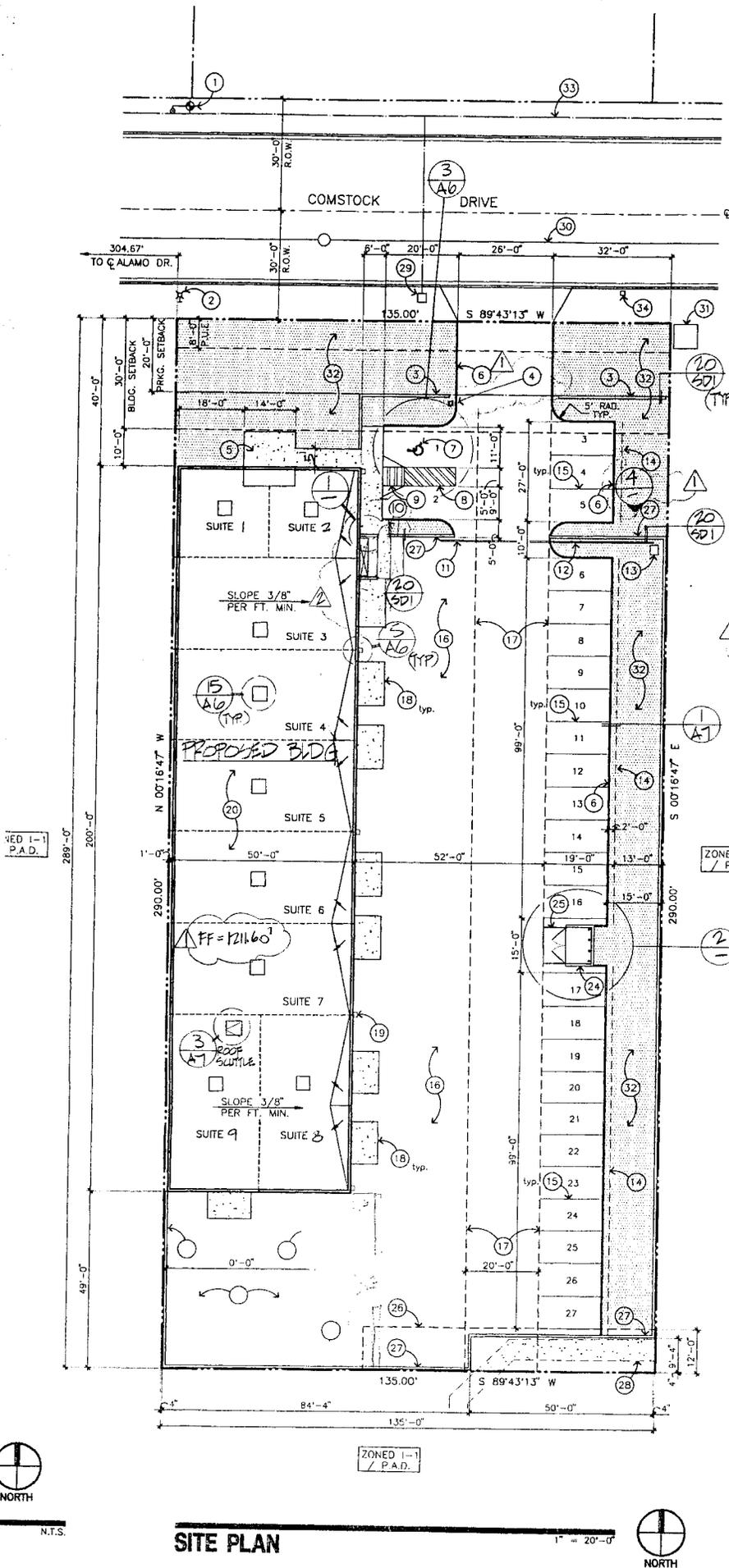
DATE 16 SEP 96
SCALE 1" = 20'
JOB 96011
FILENAME 614-A1
REVISIONS -

12/1/96 TGH
2/26/97 TGH

THESE DRAWINGS, AS LEGAL INSTRUMENTS OF A PROFESSIONAL SERVICE ARE, AND SHALL REMAIN IN THE PROPERTY OF THE ARCHITECT. THESE DRAWINGS SHALL NOT BE USED ON OTHER PROJECTS OR FOR ADDITION TO THIS PROJECT, EXCEPT BY WRITTEN AGREEMENT FROM THE ARCHITECT.

DO NOT SCALE DRAWINGS

A1



VED 1-1
P.A.D.

ZONED 1-1
P.A.D.

ZONED 1-1
P.A.D.



N.T.S.

SITE PLAN

1" = 20'-0"



**305 Last COMBINED
Chandler, Arizona**

Rezoning Request Narrative September 2007

Overview

The purpose of this application is to allow certain additional uses without requiring use permits. The subject property (parcel 302-29-064) has a 10,000 square foot multi-tenant office/warehouse building with a fenced storage yard behind the building. The additional uses are sought to avoid the need to consider multiple future use permit applications, make the building more flexible for tenant use and keep it competitive in the marketplace. The precedent for this request is the brilliant request which was made for Pollack Business Park North (parcels 302-24-419, 302-24-420 and 302-24-421) and Pollack Business Park South (parcel 302-29-073), and approved by the Chandler City Council.

Rezoning Description

In each use case, other than in the fenced storage lot, no outside overnight storage of vehicles, parts, equipment, supplies or other similar items shall be permitted. All work is to be carried on within the principal building. The following uses are requested to be permitted without requiring an additional rezoning or use permits:

1. Motorcycle and similar recreational vehicle (ATV, Jet Ski, boat, aircraft etc.) manufacture, sales, rental, repair and accessory sales and installation.
2. Motor vehicle manufacture, sales, aftermarket customization, repairs and accessory sales, including but not limited to paint, upholstery, bed liners, body and fender work.
3. Wholesale and retail sale, repair and fabrication of signs and sign equipment.
4. Repair, manufacturing, and sales of equipment or goods, 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.
5. Suppliers of office equipment and supplies, dental, hospital, beauty and barber supply store, restaurant supplies, or laboratory supply and incidental services associated with the sale thereof.
6. Machine tool and plastics manufacturing operating entirely within 2500 SF or less.



DVR07-0043 305 E. Comstock Drive

The purpose of this request is to strengthen the existing tenancies by increasing their vertical integration and to permit a more diverse mix of tenants in the future, capable of operating successfully regardless of economic conditions.

Everything that has been requested is currently allowable by use permit under the existing zoning ordinance, and no neighbor has raised any objection to any thing requested.

Planning and Zoning staff and the requestor share the concern that the rezoning should not result in more traffic than the site will support or that the parking lot will become cluttered, which is why most of the staff recommended conditions are perfectly agreeable. Engine repair, auto body repair, and certain motor vehicle sales are central to the future success of businesses at this location and need to be permitted. Bill Dermody explained the Planning and Zoning staff concerns with these uses and the requestor submits that these concerns can be addressed by changing the conditions for approval. A summary of the use, concerns, possible preventative actions, and a suggested set of conditions to address the concerns follows.

Use, Concern and Preventative Action:

Engine Repair. Engine repairs can take weeks to effect and others have previously cluttered their parking lots with inoperable vehicles stored in public sight. Engine repairs often are associated with testing for diagnosis and tuning purposes. Others have tested engines without taking sound suppression measures and Chandler's zoning controls of noise lack the objective measures to effectively deal with the issue. By prohibiting the overnight storage of projects in the common parking lot and limiting their storage outside to the enclosed storage yard behind the building or inside the building, the clutter issue is addressed. Engine testing can be done with mufflers in place and if needed further sound suppression methods can be applied to meet a given requirement.

Auto Body Repair. Auto Body Repair can generate noise when sheet metal parts are sanded, ground, or hammered into shape. By requiring the work to be done indoors this issue is addressed. Also proper tool selection and methods can be employed to limit the generation and propagation of sound from this work, given an objective standard to work to. The same storage issues and solutions exist as with engine repair.

Motor Vehicle Sales. Planning and Zoning staff states that motor vehicle sales produce high traffic volumes and parking demand. To some extent, that would be a desirable result and a measure of success, given the historical usage level of the parking lot. To prevent vehicle sales from becoming a burden on the parking facilities, vehicles for sale can be limited to indoor display only. For vehicles manufactured, modified, or repaired on site, the amount of traffic volume sales could generate would be extremely limited by the approximately 1400 square foot size of a suite. Another vehicle dealer inquiry frequently heard is that of an e-Bay vehicle seller. This business model will generate less traffic than most other business types and most closely resemble dead storage. The seller needs a secure space to store the vehicle, so it is not damaged or stolen before delivery. The buyer will most likely never view the vehicle until after the sale is complete and it is delivered. No high traffic location is needed to generate sales and the public's attention is not needed or sought with inflatable signs, clowns, balloons, flags etc.

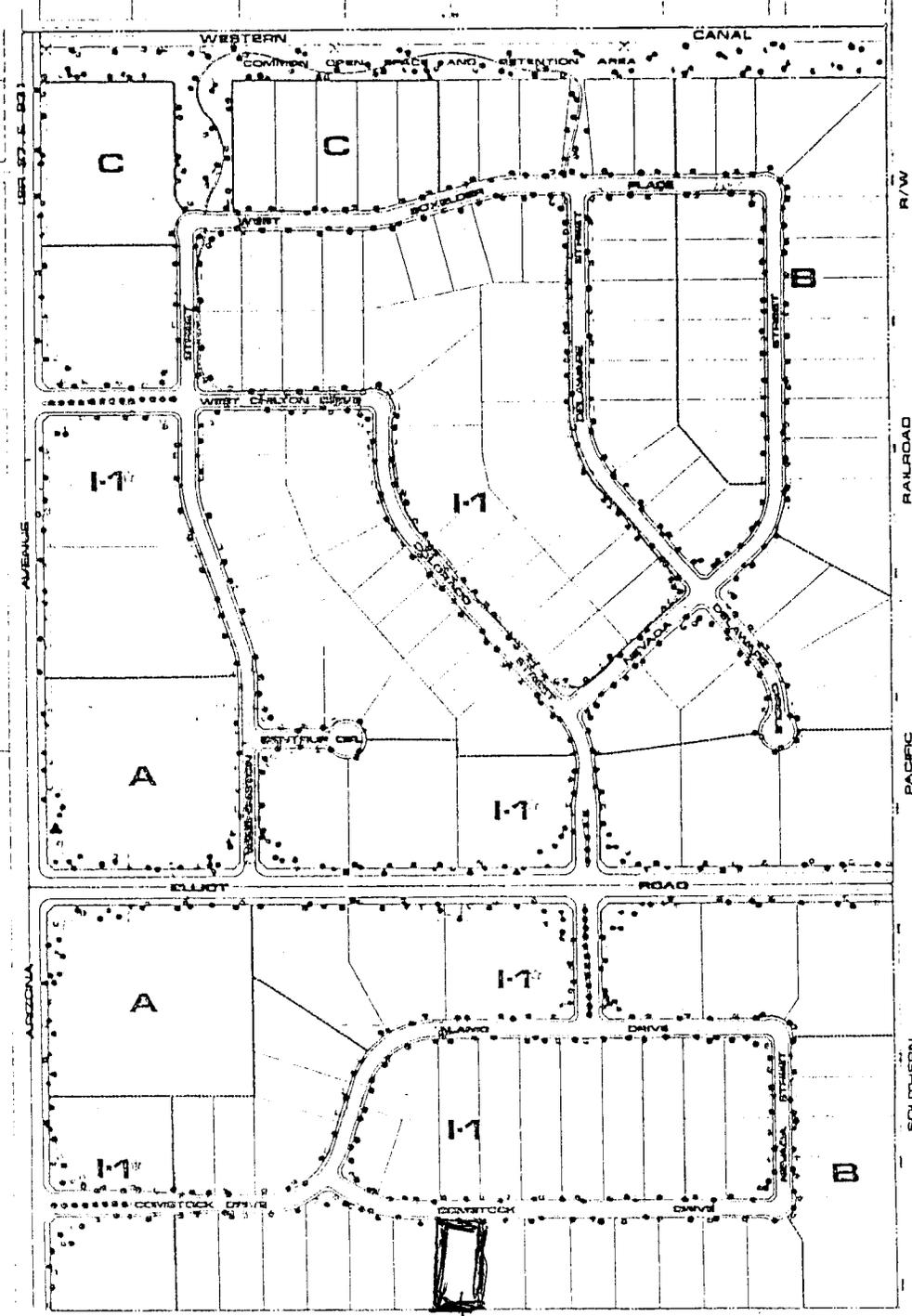
Suggested Alternative Conditions:

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. No activity will result in a one second average noise greater than 85 dBA at the property boundary.
3. All work shall be conducted indoors.
4. There shall be no storage of parts in the parking lot.
- ⑤ 5. There shall be no overnight storage of vehicles in the parking lot.
6. There shall be no testing of the vehicles on the streets of the business park
7. There shall be no businesses permitted whose sole focus is quick turn routine maintenance such as brake repair or oil changes.
- ⑧ 8. There shall be no motor vehicle rentals.
- ⑨ 9. Motor vehicle sales shall be limited to vehicles that are manufactured, modified, or repaired on site, and to internet sales. Vehicles for sale will only be displayed inside the building.

Submitted by Jon Sherbeck P.E. (480) 751-7353

ELLIOT COMMERCE PLAZA
CHANDLER ARIZONA
 BY
COSTAIN ARIZONA INC.

1990



subject site

LEGEND

- A** COMMERCIAL USER AS PERMITTED IN THE P.C.D. PLUS LODGING AND COMMERCIAL RECREATION. ANY OTHER USE TO BE APPROVED BY THE PLANNING COMMISSION
- B** POTENTIAL I-1 USES TO BE APPROVED BY THE PLANNING COMMISSION
- C** POSSIBLE NON-FAMILY HOUSING USES
- I-1** I-1 USES
- I-1⁰** I-1 SUBJECT TO PLANNING COMMISSION REVIEW OF SITE AND SURROUNDING AREAS FOR ALL PROJECTS ALONG ELLIOT RD. AND ARIZONA AVE. PRIOR TO ZONING ADMINISTRATOR APPROVAL

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.
- 8. There shall be no motor vehicle sales or rental.

SECTION II. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this ____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this ____ day of _____, 2007.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3984 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2007, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *LAB*

PUBLISHED:

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