PLEASE RESPOND ELECTRONICALLY TO BRAD WYLAM 2ND FLOOR, 602-256-3322

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

From: Alan Stephenson
Planning & Development Department Director

Date: May 13, 2021

Subject: **P.H.O. APPLICATION NO. PHO-2-21--Z-SP-37-85-2 –** Notice of Pending Actions by the **Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **June 16, 2021**.

2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.

3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **May 20, 2021**.

DISTRIBUTION
Mayor's Office (Lisa Fernandez), 11th Floor
City Council (Matthew Heil), 11th Floor
Aviation (Sheldon Daisley)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Aaron Conway), 2nd Floor
Light Rail (Joel Carrasco/Special TOD Only)
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Natasha Hughes), 16th Floor
Public Transit (Kathryn Boris)
Public Works (Ray Dovalina, Kristina Jensen, Elise Moore, Rudy Rangel), 5th Floor
Street Transportation Department (Maja Brkovic, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Alan Stephenson, Joshua Bednarek), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Tricia Gomes, Adam Stranieri, Brad Wylam), 2nd Floor
Village Planner (David Simmons, Deer Valley Village)
Village Planning Committee Chair (Joseph A. Grossman, Deer Valley Village)

City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-2-21--Z-SP-37-85-2

Council District: 2

Request For: Stipulation Modification

Reason for Request: Deletion of Stipulation 1 prohibiting a body or paint shop. Modification of Stipulation 3 regarding days and hours of service.

Owner	Applicant	Representative
Tom Hiller, Chapman Bell Road, LLC	Ed Bull, Burch & Cracchiolo, PA	Ed Bull, Burch & Cracchiolo, PA
2418 East Virgo Place	1850 North Central Avenue, Suite 1700	1850 North Central Avenue, Suite 1700
Chandler AZ 85249	Phoenix AZ 85004	Phoenix AZ 85004
(520) 631-2811	(602) 234-9913	P: (602) 234-9913 F:
tomhiller@chapmanchoice.com	ebull@bcattorneys.com	ebull@bcattorneys.com

Property Location: Approximately 248 feet east of the northeast corner of 15th Avenue and Bell Road

Zoning Map: M-8 Quarter Section: 37-26 APN: 208-19-032X Acreage: 4.83

Village: Deer Valley
Last Hearing: CC RATIFICATION
Previous Opposition:
Date of Original City Council Action: 10/16/1985
Previous PHO Actions: 06/11/1986
Zoning Vested: C-2 SP
Supplemental Map No.: 799
Planning Staff: 076885

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at http://phoenix.gov/pdd/licensetimes.html.

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

Fee	Fee Waived	Fee Date	Receipt	Purpose
$1,080.00	$0.00	04/30/2021	21-0038724	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: 06/16/2021 1000 AM	Date:	Date:
Appealed?:	Appealed?:	
Action:	Action:	Action:

BURCH & CRACCHIOLO
BCATTORNEYS.COM

EDWIN C. BULL
DIRECT LINE: 602.234.9913
DIRECT FAX: 602.850.7913
EBULL@BCATTORNEYS.COM

May 6, 2021

VIA HAND-DELIVERY

Mr. Adam Stranieri
Planning Hearing Officer
City of Phoenix
Planning and Development Department
200 W. Washington St., 2nd Floor
Phoenix, Arizona. 85003

RE: PHO Stipulation Modifications to Special Permit Z-SP-37-85
1234 W. Bell Road (Approximately 210' North and East of the Northeast Corner of 15th Avenue and Bell Road)

Dear Mr. Stranieri:

On behalf of Chapman Bell Road, LLC ("Chapman"), who is the owner of the property located at 1234 West Bell Road ("Site"), we request the PHO's modification of two (2) Zoning Stipulations of Special Permit Z-SP-37-85 that prohibit an automotive body and paint shop as an accessory use to the existing new and used automotive retail facility. *See* **Exhibit 1**, Aerial Map identifying the Site.

The Site is zoned for C-2 uses. *See* **Exhibit 2**, Zoning Map. In 1985, the City Council approved a Special Permit for the Site, subject to fourteen (14) zoning stipulations. *See* **Exhibit 3**, November 1, 1985 Special Permit Approval Letter with Stipulations from the City Clerk Director. We are not requesting a Rezoning. Instead we are requesting modifications of Stipulations 1 and 3.

The proposed modifications of the 1985 Stipulations 1 and 3, prepared in legislative format, are attached as **Exhibit 4**. In particular:

1. Delete. A confined auto body and paint shop is an appropriate accessory use at the Site and permitted under Section 647(A)(2)(e)(1) of the Zoning Ordinance. The Site's primary use will remain an automobile retail facility.

3. Modify. Extending the hours of service thirty (30) minutes before and after the currently permitted service times will provide flexibility needed for the auto body and paint shop, which is an appropriate accessory use for the Site.

Deleting Stipulation 1 is appropriate because Section 647(A)(2)(e)(1) of the Zoning Ordinance allows body repair and painting to occur at automobile retail sales facilities located on sites zoned C-2 if the repairs and painting are confined to a closed building. The body repair and painting will be an accessory use rather than the primary use of the Site. There will be no negative impact on the surrounding community or area residents because the facility will be enclosed and there are buffers between the facility and the nearest multifamily residential property. Deletion of Stipulation 1 is appropriate for an automobile retailer located along a major arterial street in a C-2 district.

Modifying Stipulation 3 to extend the operating hours is appropriate because an additional thirty minutes before and after the original hours will benefit employees and customers by allowing more flexibility. There will be no negative impact on the surrounding community or area residents because the facility will be enclosed and there are buffers between the facility and the nearest multifamily residential properties. Moreover, the body and paint shop will not be the primary use on the Site. Consequently, it will not generate an unreasonable increase in traffic or noise. Proposed Stipulation 3, modified service hours is appropriate for a business located along a major arterial street in a C-2 district.

Many changes have occurred in the Bell Road Corridor and the area since 1985 (over 35 years ago). Modifying the Stipulations as requested will enhance the automobile retail facility currently on the Site by providing additional services for customers and job opportunities for those working in the auto industry. The additional service hour each day will increase the availability of service offered to customers by creating greater flexibility. Moreover, Chapman has carefully considered the proposed addition of a body repair and paint shop. It will be operated in such a manner that the addition will not negatively impact the community or area residents. The nearest residential property is a multi-family residential property to the north of the Site. The body and paint shop will be located on the northern portion of the Site, but it will be screened and buffered from the multi-family property by distance, a wall and landscaping as well as parking areas on both sides of the wall. The body and paint shop will be operated indoors. No paint or body work will be performed outdoors. The only entry to the body and paint shop will be on the western side of the building. Vehicles exiting the body shop will also exit through the doorway on the west side of the building. Only vehicles exiting the paint booth will exit through a high-speed door on the north side of the building that will be open only long enough for a vehicle to exit.

The proposed addition will not create any unreasonable noise or traffic in the area. All body and paint work will be completed inside the facility and Bell Road, a major arterial street, will have no difficulty accommodating any traffic generated by the proposed addition. Instead, it will

improve the current Site through an appropriate use already contemplated and permitted by the Zoning Ordinance.

Please contact Ali Bull (602-234-8747, abull@bcattorneys.com), Ricki Horowitz (602-234-8728, rhorowitz@bcattorneys.com), or me (602-234-9913, ebull@bcattorneys.com) if you have questions or need additional information. Thank you for your help and consideration.

Very truly yours,

BURCH & CRACCHIOLO, P.A.

Ed Bull and Ali Bull
For the Firm

AB:lc
Attachments (as stated)

Exhibit 1

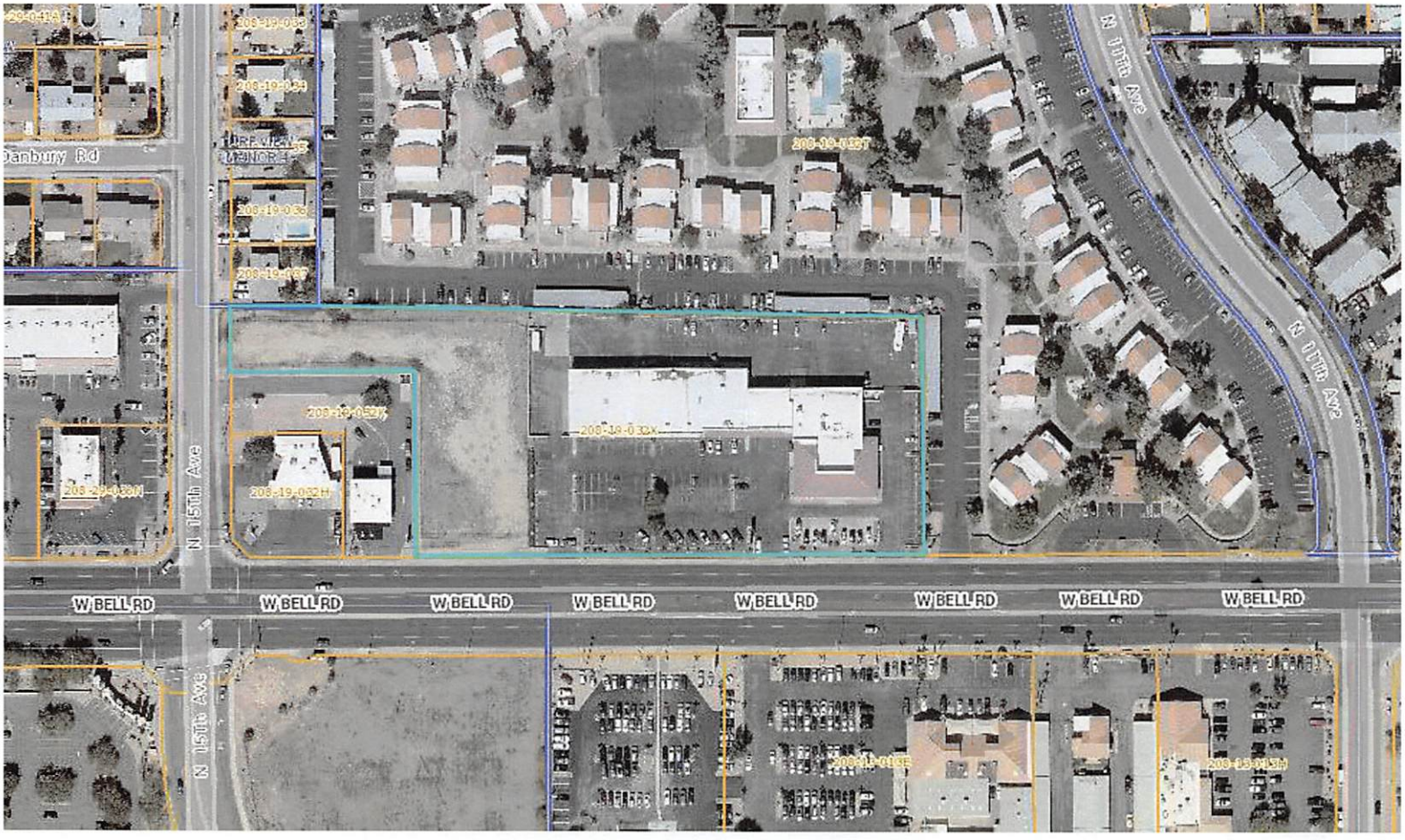
Danbury Rd
N 115th Ave
N 111th Ave
N 111th Ave
W BELL RD
W BELL RD
W BELL RD
W BELL RD
W BELL RD
W BELL RD
W BELL RD
W BELL RD
N 115th Ave

Exhibit 2

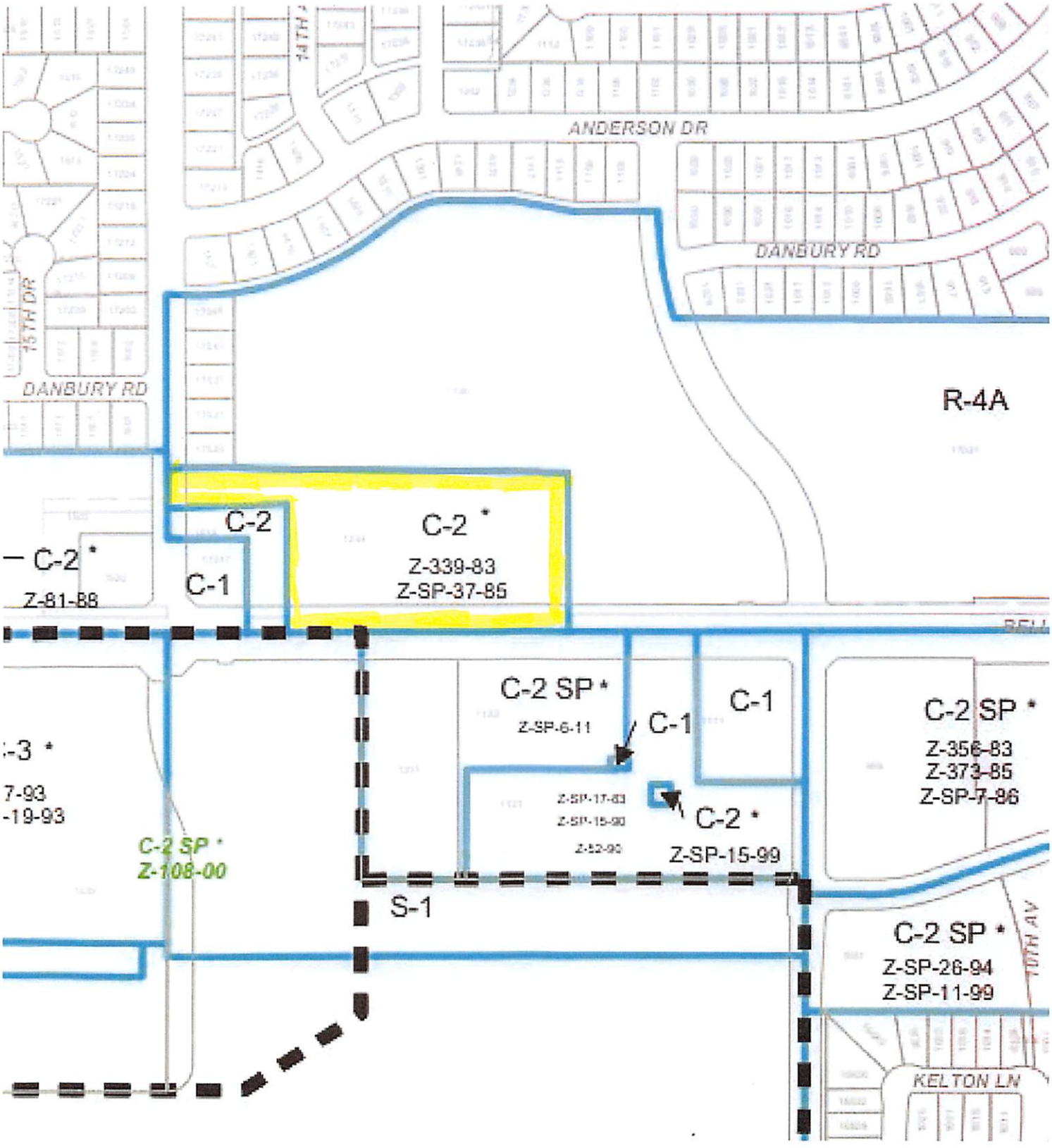
ANDERSON DR
DANBURY RD
15TH DR
DANBURY RD
R-4A
C-2
C-2 *
Z-339-83
Z-SP-37-85
C-2 *
Z-81-88
C-1
C-2 SP *
Z-SP-6-11
C-1
C-1
C-2 SP *
Z-356-83
Z-373-85
Z-SP-7-96
C-2 *
Z-SP-15-99
C-2 SP *
Z-108-00
S-1
C-2 SP *
Z-SP-26-94
Z-SP-11-99
KELTON LN

Exhibit 3

City of Phoenix
City Clerk Department

November 1, 1985

Mr. Martin T. Jones
702 East Osborn Road
Phoenix, AZ 85014

RE: Special Permit 37-85

Dear Mr. Jones:

The Phoenix City Council, at its meeting held October 16, 1985, considered your request on behalf of Topaz-Tossey, Inc. for a special permit for auto sales and leasing on a parcel surrounding the northeast corner of 15th Avenue and Bell Road (4.7 acres).

The City Council approved Special Permit 37-85 subject to stipulations:

1. That no body or paint shop be developed on the subject property.

2. That the service facility be enclosed.

3. That service only take place Monday through Friday, between the hours of 8:00 am and 5:00 pm.

4. That there be no outside sound systems, paging, or playing of music.

5. That all outdoor lighting be done subject to the lighting plan submitted to the City.

6. Development to be in substantial compliance with the site plan and renderings submitted to the City and presented to the City Council.

7. That a one-foot vehicular non-access easement be placed along the property at 15th Avenue.

8. That a six-foot masonry wall be built along the north and east property boundary.

9. In the event that any portion of the roof of any structure is less than 18 feet above grade, the buyer agrees to utilize mission tile roofing.

10. That all loading areas and trash container areas will be screened by a six-foot masonry screen.

11. All deliveries will be made during normal working hours.

12. Landscaping to include 24" box trees, 10' on center, on the north and east sides.

13. That the north and east faces of all buildings be stucco.

14. That there be a 10' landscaping strip on Bell Road.

If you require further assistance or information, please contact the Planning Department, located on the third floor of the Plaza Municipal Building, 125 East Washington, or call 262-7131.

Sincerely,

Donna Culbertson
City Clerk Director

DC/ss/7190j

cc: Planning Department (2)
Streets and Traffic Department

Exhibit 4

CHAPMAN – NEC 15th AVENUE AND BELL ROAD

PROPOSED MODIFICATIONS OF STIPULATIONS FROM SPECIAL PERMIT Z-SP-37-85

5/6/2021

Existing 1985 Stipulations	**Proposed 2021 Stipulations (changes are in bold and underlined)**	**Description/Explanation**
1. That no body or paint shop be developed on the subject property.	1. ~~That no body or paint shop be developed on the subject property.~~	***Delete*** as Section 647(A)(2)(e)(1) of the Zoning Ordinance allows body repair and painting to occur at automobile retail sales facilities located on sites zoned C-2 if the repairs and painting are confined to a closed building. The body repair and painting will be an accessory use rather than the primary use of the Site. There will be no negative impact on the surrounding community or area residents because the facility will be enclosed and there are buffers between the facility and the nearest multi-family residential property. Deletion of Stipulation 1 is appropriate for an automobile retailer located along a major arterial street in a C-2 district.
3. That service only take place Monday through Friday, between the hours of 8:00 am and 5:00 pm.	3. That service only take place Monday through Friday, between the hours of ~~8:00 am and 5:00 pm~~ **7:30 am and 5:30 pm**.	***Modify*** as an additional thirty minutes before and after the original hours will benefit employees and customers by allowing more flexibility. There will be no negative impact on the surrounding community or area residents because the facility will be enclosed and there are

		buffers between the facility and the nearest multi-family residential properties. Moreover, the body and paint shop will not be the primary use on the Site. Consequently, it will not generate an unreasonable increase in traffic or noise. Proposed Stipulation 3, modified service hours are appropriate for a business located along a major arterial street in a C-2 district.

City of Phoenix
City Clerk Department

November 1, 1985

Mr. Martin T. Jones
702 East Osborn Road
Phoenix, AZ 85014

RE: Special Permit 37-85

Dear Mr. Jones:

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The City Council approved Special Permit 37-85 subject to stipulations:

1. That no body or paint shop be developed on the subject property.
2. That the service facility be enclosed.
3. That service only take place Monday through Friday, between the hours of 8:00 am and 5:00 pm.
4. That there be no outside sound systems, paging, or playing of music.
5. That all outdoor lighting be done subject to the lighting plan submitted to the City.
6. Development to be in substantial compliance with the site plan and renderings submitted to the City and presented to the City Council.
7. That a one-foot vehicular non-access easement be placed along the property at 15th Avenue.
8. That a six-foot masonry wall be built along the north and east property boundary.
9. In the event that any portion of the roof of any structure is less than 18 feet above grade, the buyer agrees to utilize mission tile roofing.

10. That all loading areas and trash container areas will be screened by a six-foot masonry screen.

11. All deliveries will be made during normal working hours.

12. Landscaping to include 24" box trees, 10' on center, on the north and east sides.

13. That the north and east faces of all buildings be stucco.

14. That there be a 10' landscaping strip on Bell Road.

If you require further assistance or information, please contact the Planning Department, located on the third floor of the Plaza Municipal Building, 125 East Washington, or call 262-7131.

Sincerely,

Donna Culbertson
City Clerk Director

DC/ss/7190j

cc: Planning Department (2)
Streets and Traffic Department

PHO-2-21--Z-SP-37-85-2

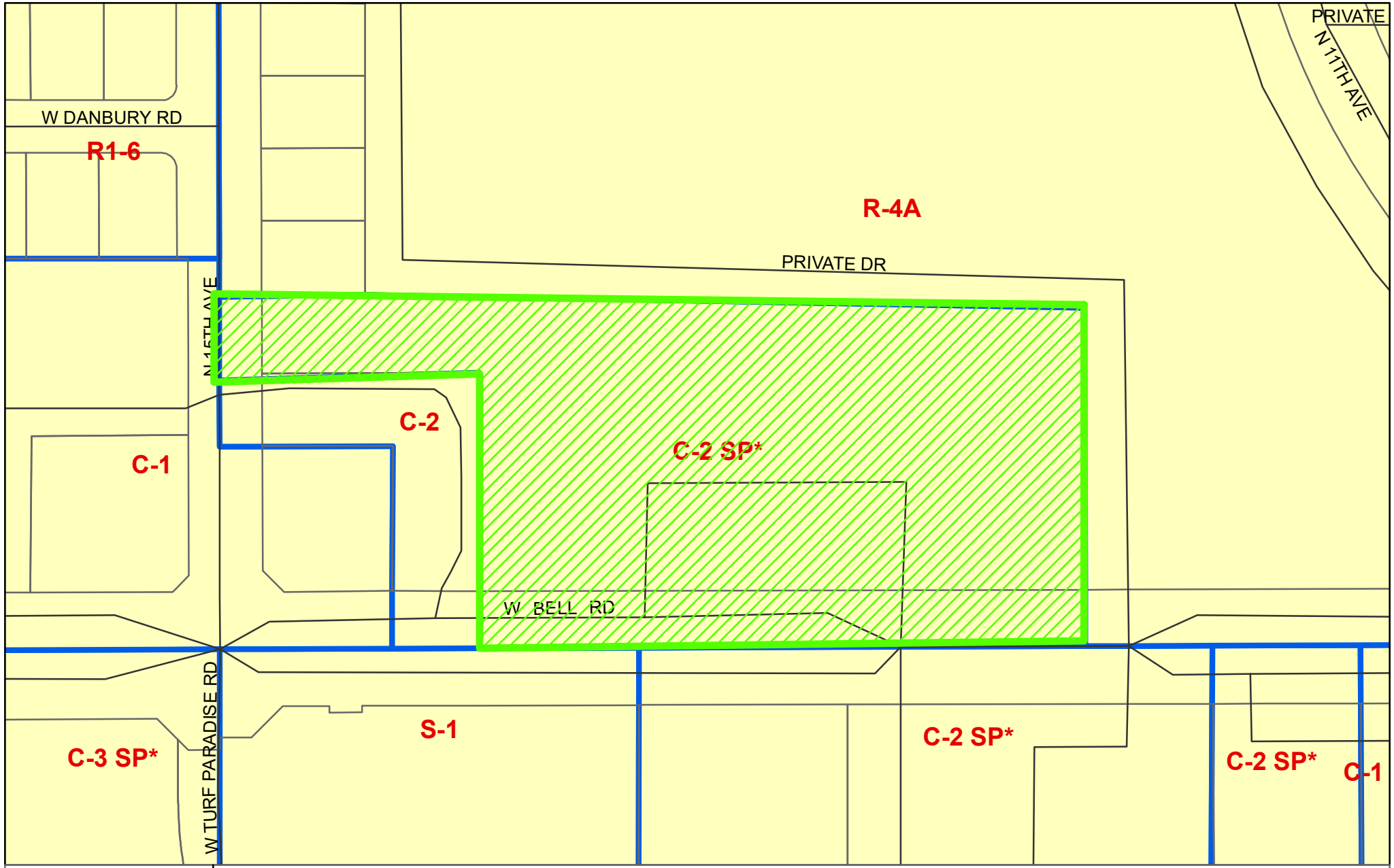
Property Location: Approximately 248 feet east of the northeast corner of 15th Avenue and Bell Road

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 60 120 240 Feet

N



PHO-2-21--Z-SP-37-85-2

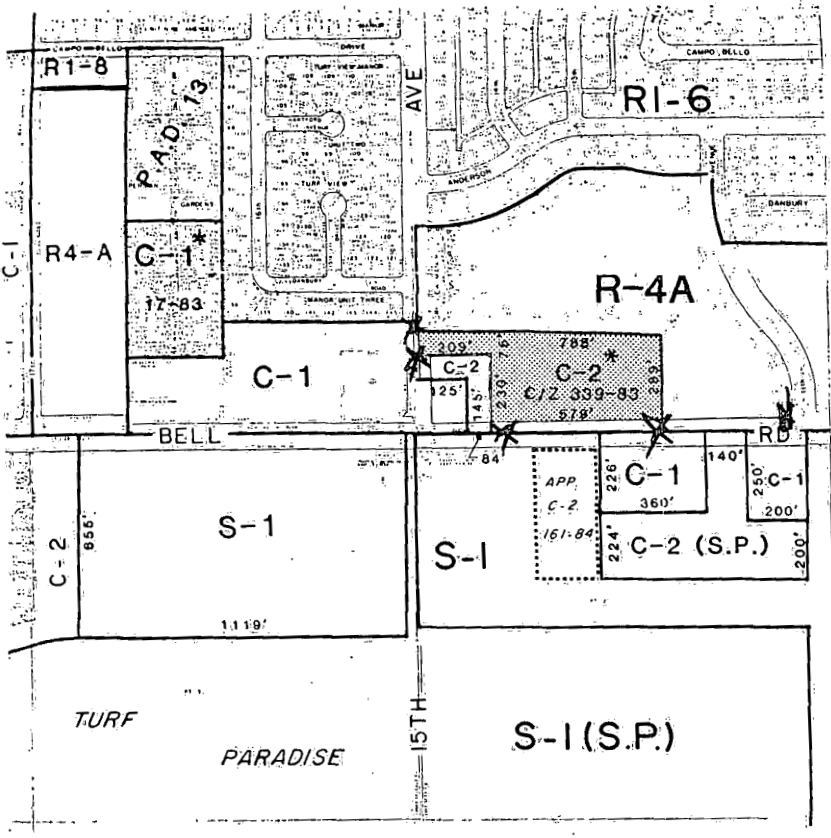
Property Location: Approximately 248 feet east of the northeast corner of 15th Avenue and Bell Road

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

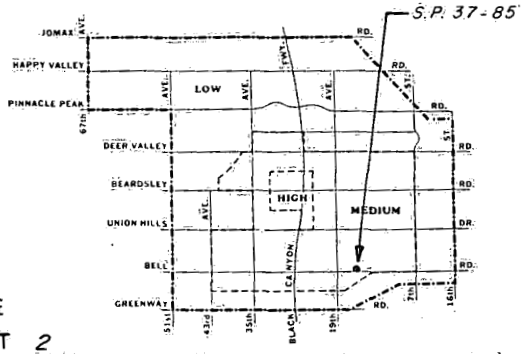
Planning & Development Department

0 60 120 240 Feet

N



SCALE 1" = 400'

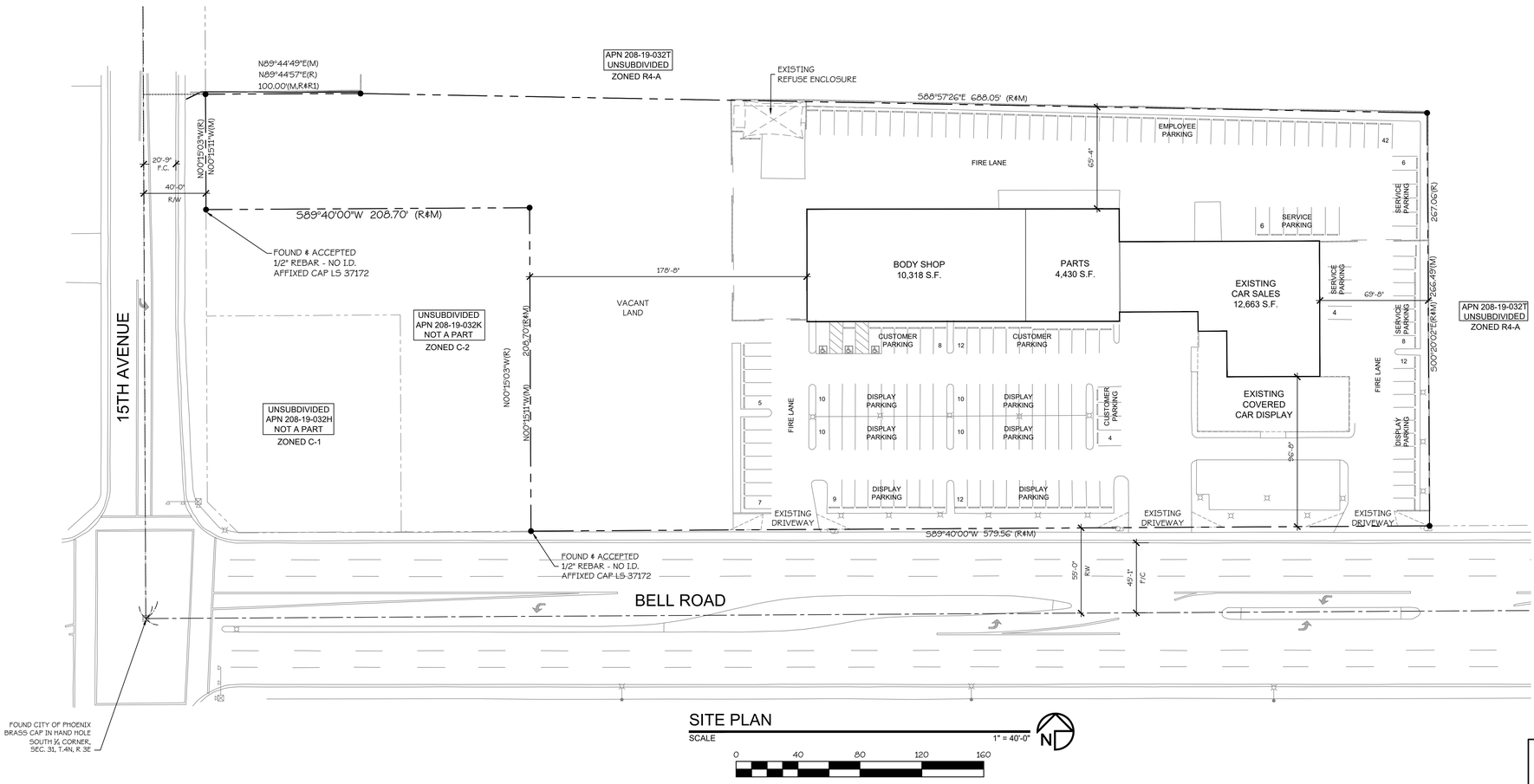


CITY OF PHOENIX
PLANNING DEPARTMENT

DEER VALLEY VILLAGE
CITY COUNCIL DISTRICT 2

APPLICANT'S NAME *MARTIN T. JONES*			**REQUESTED CHANGE**
APPLICATION NO. *S.P.37-85*	HEARING DATES	P.C. 8-28-85	C.C.	*SPECIAL PERMIT TO ALLOW AUTO SALES & LEASING.*
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. *4.7* ACRES	AERIAL PHOTO & QUARTER SEC. NO. *37-26*	ZONING MAP *M-8(L-6)*		*(ZONED C-2*)*

MULTIPLES PERMITTED	UNITS STANDARD OPTION	* UNITS P.R.D. OPTION

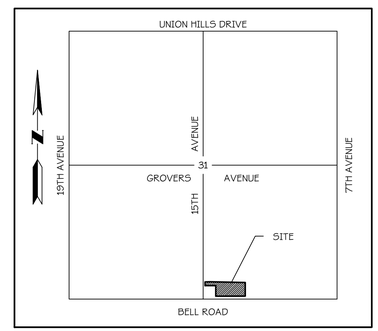


SITE PLAN

SCALE 1" = 40'-0"

0 40 80 120 160

CITY OF PHOENIX
APR 30 2021
Planning & Development
Department



VICINITY MAP

SECTION 31
T.4N., R.3E., G.&S.R.B.& M.
MARICOPA COUNTY, ARIZONA

KIVA# 07-598 A1
Q.S.# 37-26
AMND 07-598A1
Z-339-83
SP 37-85

PROJECT DATA

OWNER:
CHAPMAN AUTOMOTIVE GROUP
7455 W. ORCHID LN.
CHANDLER, ARIZONA 85226
CONTACT: DAVE BOWER
PH: (480)570-0740

ZONING: C-2, SP

SITE AREA: GROSS AREA: 208,413 S.F. (4.78 ACRES)
NET AREA: 173,798 S.F. (3.98 ACRES)

LOT COVERAGE: 23,427 / 173,798= 13.5%

LANDSCAPE COVERAGE: REQUIRED: 52,000 x 10% = 5,200 S.F. (10% OF NEW PARKING)
PROVIDED: 7,223 S.F.

PROJECT HISTORY

ZONING HISTORY #'S: C-2 SP, SP 37-85 & Z-339-83
ORIGINAL APPROVED SITE PLAN: P85222

PROJECT NARRATIVE

PROVIDE A BODYSHOP WITHIN EXISTING FULLY ENCLOSED BUILDING

PARKING CALCULATIONS

PARKING CALCULATIONS:
1 SPACE PER 300 S.F. INTERIOR SALES & OFFICE SPACE:
10,426 S.F. / 300 = 35 SPACES

1 SPACE PER 3 EMPLOYEES:
30 EMPLOYEES / 3 = 10 SPACES

1 SPACE PER EACH SERVICE BAY:
14 SERVICE BAYS = 14 SPACES

2 SPACE PER 1st 10,000 S.F DISPLAY AREA + 1 SPACE PER ADDITIONAL 10,000 S.F. DISPLAY AREA:
DISPLAY AREA 39,531 = 5 SPACES
TOTAL PARKING REQUIRED: 64 SP.
TOTAL PARKING PROVIDED: 66 SP.

3 H.C. ACCESSIBLE SP. REQUIRED
3 H.C. ACCESSIBLE SP. PROVIDED

LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 4 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 31;

THENCE NORTH 00 DEGREES 15 MINUTES 03 SECONDS WEST, A DISTANCE OF 338.79 FEET ALONG THE NORTH-SOUTH MID-SECTION LINE OF SECTION 31 (BASED ON A BEARING OF NORTH 89 DEGREES 40 MINUTES 00 SECONDS EAST FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 31 ACCORDING TO THE PLAT OF DEER VALLEY ESTATES, ACCORDING TO BOOK 74 OF MAPS, PAGE 6, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 89 DEGREES 44 MINUTES 57 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE SOUTHWEST CORNER OF TURF VIEW MANOR UNIT FOUR, ACCORDING TO BOOK 132 OF MAPS, PAGE 42, RECORDS OF MARICOPA COUNTY, ARIZONA AND THE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 44 MINUTES 57 SECONDS EAST, A DISTANCE OF 100.00 FEET ALONG THE SOUTH LINE OF SAID TURF VIEW MANOR UNIT FOUR;

THENCE SOUTH 88 DEGREES 57 MINUTES 26 SECONDS EAST, A DISTANCE OF 688.05 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 02 SECONDS EAST, A DISTANCE OF 267.06 FEET;

THENCE SOUTH 89 DEGREES 40 MINUTES 00 SECONDS WEST, A DISTANCE OF 579.56 FEET ALONG A LINE PARALLEL WITH AND 55 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 31;

THENCE NORTH 00 DEGREES 15 MINUTES 03 SECONDS WEST, A DISTANCE OF 208.70 FEET ALONG THE EAST LINE OF THAT PARCEL DESCRIBED IN DOCKET 13142 AT PAGE 1035, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 89 DEGREES 40 MINUTES 00 SECONDS WEST, A DISTANCE OF 208.70 FEET ALONG THE NORTH LINE OF SAID PARCEL;

THENCE NORTH 00 DEGREES 15 MINUTES 03 SECONDS WEST, A DISTANCE OF 75.03 FEET ALONG A LINE PARALLEL WITH AND 40 FEET EAST OF THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 31 TO THE POINT OF BEGINNING.

BARRY R. BARCUS ARCHITECT, INC.
5333 NORTH 7TH STREET, SUITE B-320
PHOENIX, AZ. 85014
PHONE: (602) 264-4341 FAX: 264-2542

REGISTERED ARCHITECT
CERTIFICATE NO.
18894
BARRY R.
BARCUS
3-2-21

PROPOSED CHAPMAN BODYSHOP

1234 W. BELL ROAD
PHOENIX, ARIZONA 85023

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JOB NO. 2019
DRAWN BY: JM
DATE: 3-2-21

REVISIONS:

No.	Description	Date

SHEET NO.: AS1.00 (3-2-21)

PHO-2-21--Z-SP-37-85-2

Proposed Site Plan

Hearing Date: June 16, 2021

C.C.
October 16, 1985

ITEM 7 DISTRICT 2 -
MARTIN T. JONES

Special Permit 37-85 - Appealed by Applicant - Request of Martin T. Jones, on behalf of Topaz-Tossey, Inc., for a special permit for auto sales and leasing on a parcel surrounding the northeast corner of 15th Avenue and Bell Road (4.7 acres). (Zoned C-2)

Planning Commission recommended, 3-2 vote, that the application be denied.

Mr. Counts said car sales conflicted with Deer Valley village plan clustering of such uses further west between 19th Avenue and the freeway; test driving where curb cuts impeded traffic turns onto Bell Road was not recommended.

Mr. Marty Jones, 702 East Osborn, represented the owner and potential Honda franchiser, contingent upon a special use permit for the closest available location to the suggested clustering. Council had approved much larger dealerships at 14th Street and Bell, and 17th Avenue and Bell. The site plan included stipulations part of C-2 shopping center rezoning, and offered better land use, less traffic, and the same residential protection. The dealership owned the property encircling Circle K over to 15th Avenue if the need ever arose for additional parking.

Mr. Pell believed the initial intent to maintain auto dealerships in a small area had proven difficult, if not impossible. The land was unavailable, and a policy of permanent exclusion was infeasible. This dealership was more traffic-compatible than a shopping center or other commercial use.

C.C. 10-16-85

Noting Scottsdale's avoidance of dispersed auto sales, Mr. Korrick felt staff and committee recommendations should be heeded, and that two special permit approvals should not be used as precedents for a third mistake. Mr. Starr believed approvals were appropriate and not mistakes, and that the attractive Scottsdale dealership owned by this gentleman would be emulated on Bell Road.

Discussion concerned six stipulations submitted by the applicant. Mr. Starr noted the stipulated site plan included substantial landscaping on frontages. Mr. Jones said these were 24" box trees, 10' on center, and agreed to abide by eight additional stipulations of previous C-2 rezoning.

MOTION was made by Mr. Pell, SECONDED by Mr. Adams, that Special Permit 37-85 be approved subject to stipulations:

1. That no body or paint shop be developed on the subject property.

2. That the service facility be enclosed.

3. That service only take place Monday through Friday, between the hours of 8:00 am and 5:00 pm.

4. That there be no outside sound systems, paging, or playing of music.

5. That all outdoor lighting be done subject to the lighting plan submitted to the City.

6. Development to be in substantial compliance with the site plan and renderings submitted to the City and presented to the City Council.

7. That a one-foot vehicular non-access easement be placed along the property at 15th Avenue.

8. That a six-foot masonry wall be built along the north and east property boundary.

9. In the event that any portion of the roof of any structure is less than 18 feet above grade, the buyer agrees to utilize mission tile roofing.

10. That all loading areas and trash container areas will be screened by a six-foot masonry screen.

CC
10-16-85

11. All deliveries will be made during normal working hours.

12. Landscaping to include 24" box trees, 10' on center, on the north and east sides.

13. That the north and east faces of all buildings be stucco.

14. That there be a 10' landscaping strip on Bell Road.

MOTION CARRIED UNANIMOUSLY.

C.C. 10-2-85

DISTRICT 2
MARTIN T. JONES

H. Special Permit 37-85 - To be continued by City Council to October 16, 1985 - Request of Martin T. Jones, on behalf of Topaz-Tossey, Inc., for a special permit for auto sales and leasing on a parcel surrounding the northeast corner of 15th Avenue and Bell Road (4.7 acres). (Zoned C-2)

August 28, 1985

Special Permit No.: 37-85
Applicant: Martin T. Jones (Owner: Topaz-Tossey, Inc.)
Subject: A request for a special permit for auto sales and leasing on a parcel surrounding the northeast corner of 15th Avenue and Bell Road (4.7 acres). (Zoning C-2).

Mr. Martin T. Jones, 702 East Osborn Road, spoke. He explained Special Permit No. 37-85 and Rezoning Application No.339-83 were companion cases; therefore, he would be addressing both cases at the same time.

There was no opposition present.

Mr. Richert presented the staff recommendation which was for denial for both requests. He indicated the Planning Hearing Officer denied the time extension request, stating sufficient time had been allowed to proceed with development plans. Staff did not support a previous automobile dealership request on the site because of incompatibility with the adjoining multifamily developments.

Mr. Jones indicated the property now comes under a separate ownership. These new property owners have been in the automobile dealership for over 20 years. They have chosen this site because there is a lack of suitable land between 19th Avenue and the Freeway. He referenced the surrounding land uses. There were apartments, commercial zoning, and the entrance to Turf Paradise across the street. Therefore, they believe this use would be compatible with the area.

Mr. Jones commented they are proposing an auto dealership with an emphasis on sales. There will be no body work done on the premises. Everything will be completely enclosed in one-story buildings. The lot coverage will be 22 percent. They are providing more parking, storage, and landscaping than required by Ordinance. A traffic study indicates the present zoning would generate more traffic than the proposed use. Mr. Jones stated they would be happy to stipulate to the stipulations and site plan presented.

Mr. Turner inquired if they were intending to use 15th Avenue for access.

Mr. Jones stated they would stipulate to no access to 15th Avenue.

Mr. Turner asked staff to comment on the stipulations relating to the proposal on Bell Road.

Mr. Richert said one of the stipulations called for general conformance to the site plan. In addition, the stipulations called for substantial landscaping on the frontages.

Chairman Bookbinder inquired if there were to be repair facilities on the site.

Mr. Jones indicated the repair facilities cover those activities necessary for the basic maintenance type of service necessary to sell new cars.

Mr. Rivera asked staff to compare the proposal with another request that was turned down.

Mr. Richert answered staff does not have knowledge of that. However, the record should indicate that the present dealer is offering a limited amount of service on-site. Whereas, the previous applicant proposed nine acres in order to make the project feasible. Staff would also like to let the record reflect that there is a project for an auto row type of development already approved on 19th Avenue and Bell Road.

Mr. Jones pointed out the previous applicant was seeking a more intense type of use.

Mr. Turner asked the applicant to comment on the proposed lighting and the times of operation.

Mr. Jones stated they would be willing to stipulate to Development Coordination Office review of the lighting. The hours of operation for the lighting will be from 7 a.m. to 10 p.m.

Chairman Bookbinder referred to the staff report. He commented the Deer Valley Planning Committee concurs with staff and believes that there should be a cluster of auto dealerships. Further, they state these clusters should be limited to Bell Road between 19th Avenue and the Black Canyon Highway.

Mr. Rivera pointed out the previous applicant did not follow through on the stipulations attached to that case. The Commission will have to set some standards and not reward applicants who have not followed through on their proposals. This site should have been a shopping center because it is not an appropriate place for a car dealership.

Mr. Turner pointed out there has already been an approval granted for a car dealership outside the boundaries noted.

Chairman Bookbinder called for a motion.

Mr. Turner made the MOTION that Special Permit No. 37-85 be forwarded to the City Council with a recommendation for approval, subject to the stipulations submitted by the applicant, and that there be mature landscaping provided along the frontage of Bell Road, subject to the Development Coordination Office approval.

Mr. Cox SECONDED the motion.

Mr. Rivera stated he would not support the motion. The applicant's clients knew the limitations on this property at the time of purchase.

There being no further discussion, Chairman Bookbinder called for a vote and the MOTION FAILED three to two, with Messrs. Rivera, Kerrick and Bookbinder in opposition.

Chairman Bookbinder called for another motion.

Mr. Rivera made the MOTION that Special Permit No. 37-85 be forwarded to the City Council with a recommendation for denial for the reasons previously stated.

Mr. Kerrick SECONDED the motion.

There being no further discussion, Chairman Bookbinder called for a vote and the MOTION PASSED three to two with Messrs. Turner and Cox in opposition.

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