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Where Values Make The Difference



MEMORANDUM

Transportation & Development – PZ Memo No. 12-039

DATE: MAY 7, 2012

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER

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

SUBJECT: ZUP12-0005 BALDWIN BROTHERS AUTOMOTIVE, LLC

Request: Use Permit approval to allow automotive repair within Planned Industrial District (I-1) with a Planned Area Development (PAD) overlay, I-1/PAD zoning

Location: 305 East Comstock Drive, Suite 7, east of Arizona Avenue and south of Elliot Road

Applicant: Kristilyn Baldwin for Baldwin Brothers Automotive

RECOMMENDATION

Upon finding the request to be consistent with the General Plan, Planning Staff recommends 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 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 vehicle (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.

The application requests to allow an automotive repair business in Suite 7. The auto repair business includes engine repair and oil changes, which are currently prohibited by zoning conditions from the prior zoning case amending uses. 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 customization business focuses on vehicle framing, exhaust, suspension, aftermarket body kits installation only, and some custom audio installation. The proposed 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. There is no transmission repair, diesel repair, body repair, or automotive paint. 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). There is no transmission repair, diesel repair, body or paint repair, and car detailing. The business does not intend to be a lube shop or only a general mechanic.

The tenant space includes one automotive lift inside the bay area along with 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, use 3 parking spaces, and no outdoor storage of vehicles nor overnight outdoor storage. 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. The site has appropriate parking to accommodate the addition of Baldwin Brothers Automotive.

DISCUSSION

The request for 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. The business is small with 2 employees and 3 customers per day. The site's zoning already restricts overnight storage of vehicles outside, outdoor storage of parts, and all work to be indoors only. Some tenants do keep the warehouse roll-up doors open while working; however, the first warehouse space is setback about 75 feet from the street and setback from the entrance drive about 25 feet limiting off-site. There are security gates that

cordon off the tenants from access at night. The restrictions on engine repair and oil changes remains in place for all other tenant suites as this Use Permit is for Suite 7 only.

The Zoning Code allows consideration of a Use Permit for automotive related uses in the I-1 zoning district. Even though the property's PAD overlay zoning specifically prohibits engine repair and oil changes, a Use Permit is appropriate for consideration of this request.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on April 10, 2012. No one attended other than the applicant.
- As of the writing of this memo, Staff has received no calls or letters of opposition to the request.

RECOMMENDED ACTION

Planning Staff, upon finding consistency with the General Plan, recommends approval of the Use Permit subject to the following conditions:

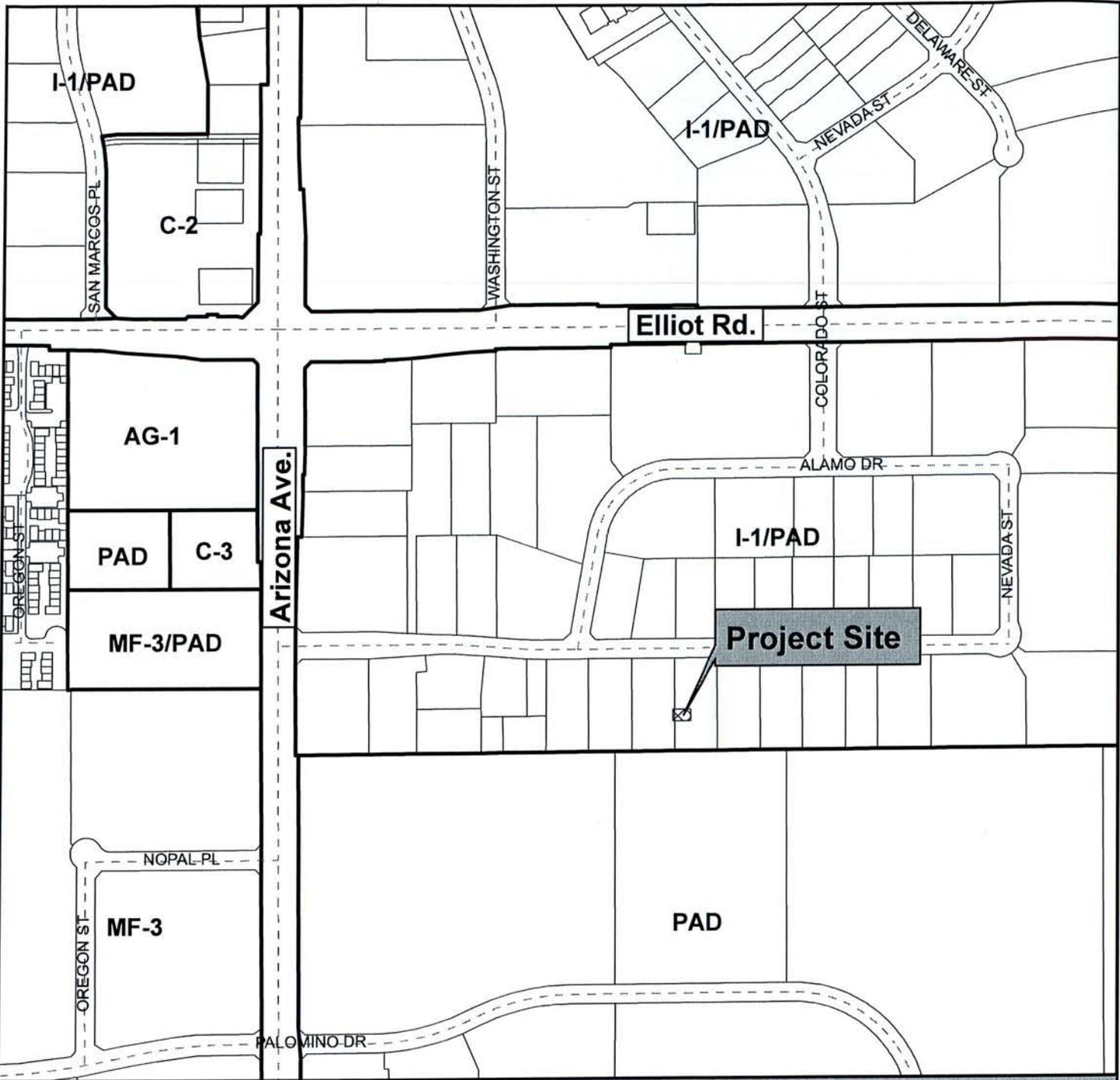
1. The Use Permit shall be effective for one (1) year from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3984 in DVR07-0043, except as modified by condition herein.
3. Expansion or modification beyond the approved exhibits (site plans, floor plan, narrative) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
4. The Use Permit is non-transferable to any other property.
5. The property shall be maintained in a clean and orderly manner.

PROPOSED MOTION

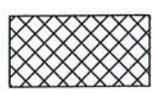
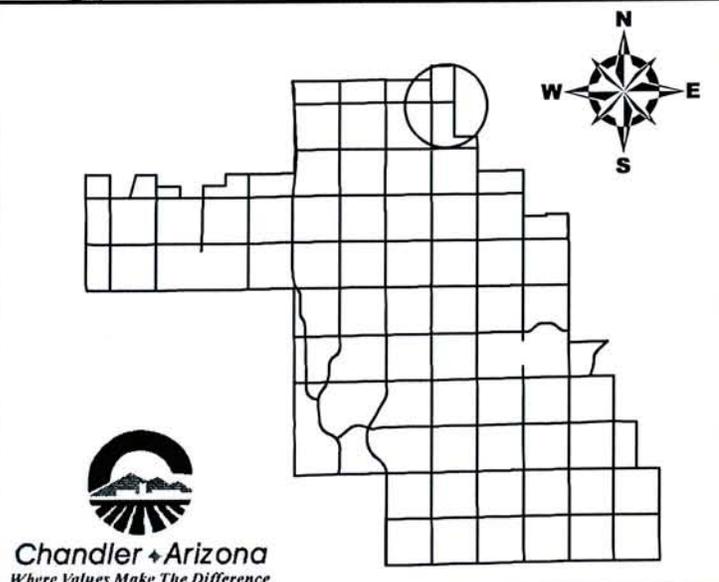
Motion to recommend approval of Use Permit case ZUP12-0005 BALDWIN BROTHERS AUTOMOTIVE, LLC, subject to the conditions recommended by Planning Staff.

Attachments

1. Vicinity Maps
2. Narrative
3. Site Plans
4. Floor Plan
5. Ordinance No. 3984

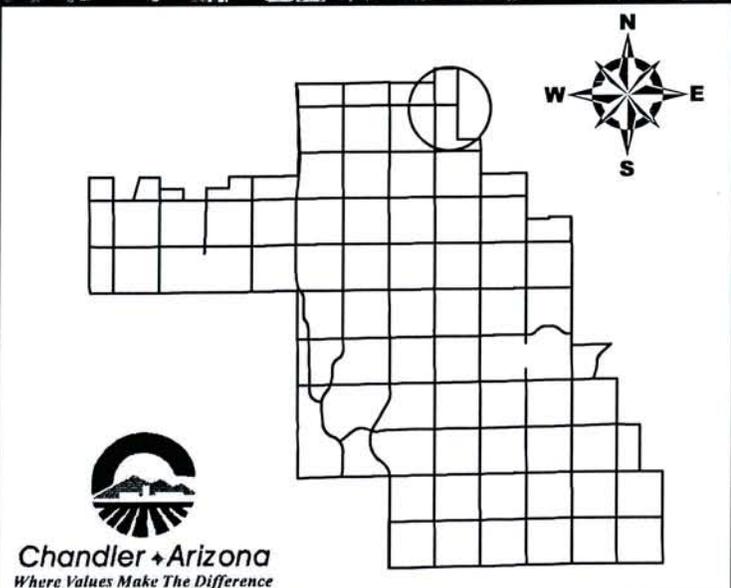
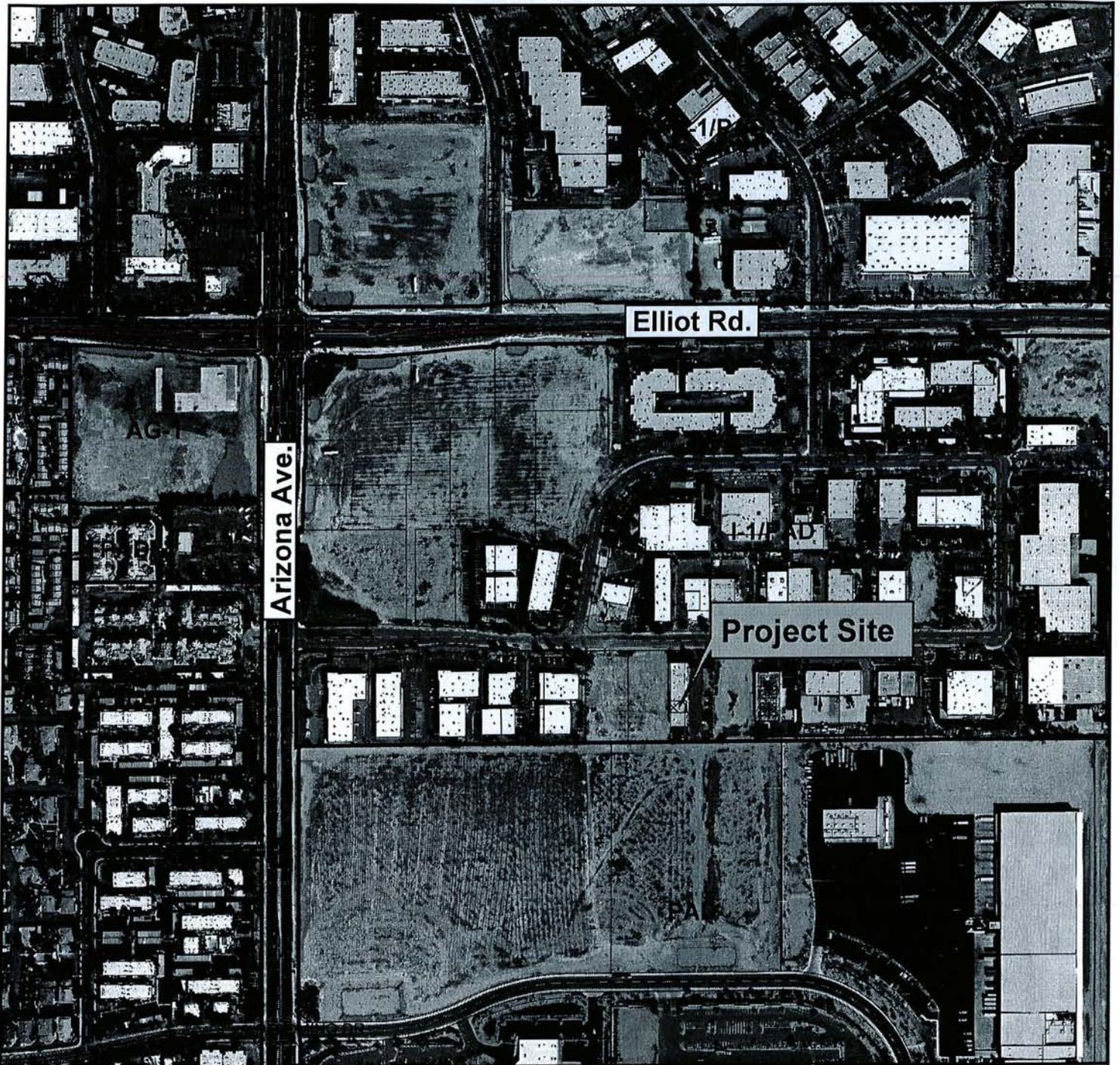


Vicinity Map



ZUP12-0005

Baldwin Brothers Automotive, LLC



Vicinity Map

 ZUP12-0005

Baldwin Brothers Automotive, LLC

CITY OF CHANDLER 2/23/2012

May 7, 2012
Revised

**ZUP12-0005 Baldwin Brothers Automotive, LLC
Use Permit Application Narrative**

Our Use Permit application requests to allow an automotive repair business at 305 E. Comstock Drive, Suite 7. Baldwin Brothers intends to operate and automotive repair business in conjunction with a customization and accessories business. The customization and accessories business is an allowed use. The auto repair portion of our business will include the following: 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. We do not do any transmission repair, diesel repair, body repair, or automotive paint. 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, etc.). The property's current I-1/PAD zoning prohibits engine repair and oil changes via zoning case DVR07-0043, Ordinance No. 3984, Conditions 2 and 7.

Until we are able to fully financially support ourselves based solely on a customization business, we need to supplement our business with automotive repair to our current customers. The repair portion of the business will be supplemental in nature, and limited to reference-based customers consisting of friends, family, co-workers. We do not wish to do heavy advertising to the general public, or significantly grow this portion of our business. Our intent is not to be a lube shop or only a general mechanic.

We will have one automotive lift inside the bay area. Other equipment 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. We do not intend to maintain a large Parts Inventory and will store it on metal shelving units along the walls. Any new oil will be stored in the manufacturer's original packaging, in small containers (no large drums). Used oil will be stored in a sealed, metal container (no more than one) which will be placed in a designated area, on a spill containment platform, and disposed of by an oil recycling company contracted to pick-up used oil, in compliance with 2009 IFC "Repair Garages". Other fluids will be stored in the manufacturer's original packaging on a separate shelving unit. All fluids will be stored away from any electrical components (welder, etc.)

The business operates Monday through Friday 8am-5pm, Saturday on appointment. We are closed on Sundays and holidays. There are two employees; the business owners. We will not store vehicles outdoors nor overnight outdoor storage. We will have an average of 2-3 customers per day. We will not be using more than 3 parking spaces.

Existing Occupant Information for 305 E. Comstock

Suite 1 Consensus West, LLC

Hours vary. Not in suite regularly, has been months since last presence. Off-site business.

Average use of parking lot – 1 space when present.

Suites 2, 3, & 4 Nichols Manufacturing, LLC

Hours vary. On-site work as needed.

Average use of parking lot – 3 spaces

Suite 5 Vikon Manufacturing, LLC

Hours vary, often late afternoon and night hours.

Average use of parking lot – 1 space

Suite 6 Something Sweet, LLC

Midnight to 6am, and varied hours as needed.

Average use of parking lot – 1 space

Suite 7 Vacant (Baldwin Brothers Automotive, LLC)

Proposed Hours: M-F 8am-5pm, Saturday by appointment. Closed Sunday/Holidays

Planned average use of parking lot – 2-3 spaces

Suite 8 Weller Racing, LLC

M-F 8am-5pm

Average use of parking lot – 6 - 8 spaces.

5/7/2012

Something Sweet - She uses the space as her baking facility.

Nichols Manufacturing - Manufactures sky lights for homes.

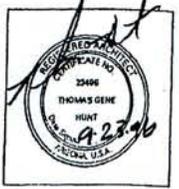
Vikon Manufacturing - They are a small metal parts manufacturer. They do not specialize in one, specific thing. Some of their business includes gun barrels and other small metal parts for firearms, hence the firearms license.

Weller Racing - They are an Accessories and Customization business dealing with specialty parts for UTV/ATVs. They do some parts installation, but I do not believe they do engine repair.

Consensus West - A general contractor who manages construction projects.

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 e 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 locker 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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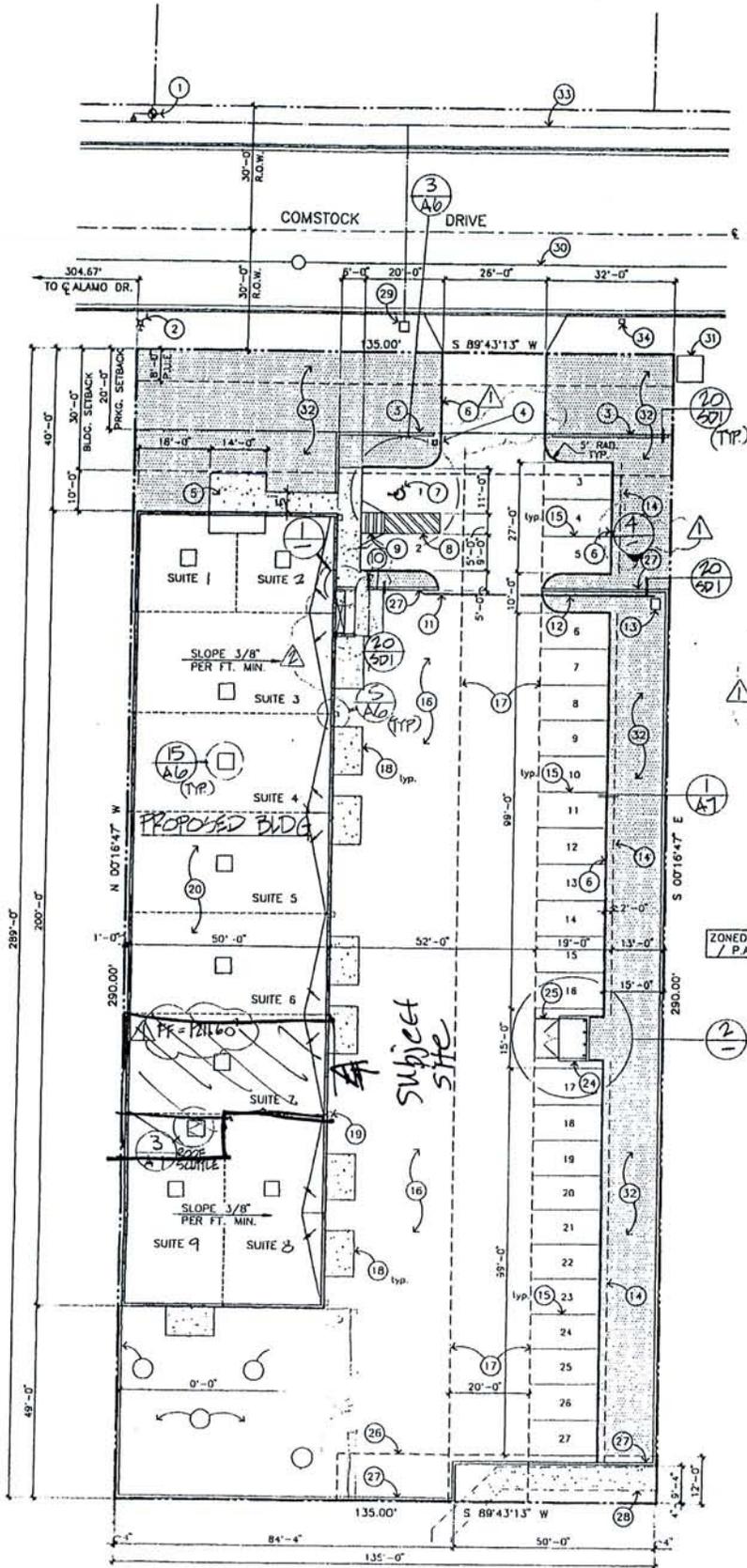
NEW IMAGE II WAREHOUSE

305 East Comstock Drive
Chandler, Arizona

DATE 16 SEP 96
SCALE 1" = 20'
JOB 96011
FIELDWORK 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



ZONED 1-1 / P.A.D.

ZONED 1-1 / P.A.D.

ZONED 1-1 / P.A.D.



NORTH

N.T.S.

SITE PLAN

1" = 20'-0"



NORTH

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 of the City of Chandler, Arizona, this 13th day of December 2007.

ATTEST:

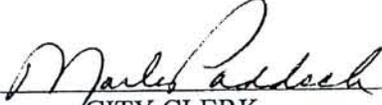

CITY CLERK

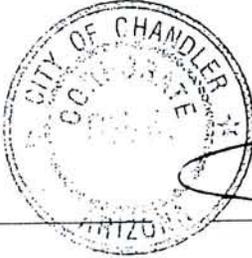



MAYOR

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 17th day of January 2008.

ATTEST:

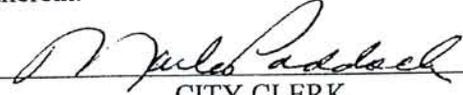

CITY CLERK



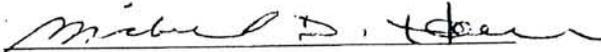

MAYOR

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 17th day of January 2008, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED in the Arizona Republic on January 24 and 31, 2008.

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