



## Village Planning Committee Meeting Summary

### Z-27-23-1

<b>Date of VPC Meeting</b>	August 10, 2023
<b>Request From</b>	IND. PK. DVAO
<b>Request To</b>	C-3 DVAO
<b>Proposal</b>	Electric vehicle sales and repair
<b>Location</b>	Southwest corner of 19th Avenue and Quail Avenue
<b>VPC Recommendation</b>	Approval per the staff recommendation with removal of Stipulation Nos. 5 and 6.
<b>VPC Vote</b>	11-1

*One member of the public registered to speak on this item, in opposition.*

#### **VPC DISCUSSION:**

**Matteo Moric**, staff, provided an overview of the request and identified the surrounding zoning, uses, and general plan designations. Mr. Moric showed the proposed site plan and building elevations and summed up the staff findings, recommendation, and staff stipulations.

**Bill Lally** with Tiffany and Bosco said the property was built in 1980 and owned by the current owner for about 30 years. Mr. Lally added that for many years it housed different industrial users and most recently it was a call center. Mr. Lally said the proposal was mainly for a center for new car pickup with very limited follow-up services. Mr. Lally added it was such a low intense use with about 50 employees at its maximum and when it was a call center it had 500 employees and today it is a vacant building. Mr. Lally said this would be for visitors with appointments and the facility would stay exactly the same. Mr. Lally stated his dislike for Stipulations Nos. 5 and 6 and said the previous users existed with drive aisles in this same configuration and did not feel the drive aisles were problematic. Mr. Lally stated this would repurpose an old vacant building and bring high paying jobs and was not like other car dealerships with their intensity of use parking lights, full-service auto repair, etc. Mr. Lally stated he believed the use would attract other attractive users in the industrial park.

**Mr. Lally** introduced Dhwani Dave with Tesla Inc. who could help answer questions.

**Mr. Lopez-Biggs** stated he felt this proposal was in line with the 2022 Transportation Electrification Action Plan and seemed to be something wanted by the City.

**James Sutphen** said that there was a concern with Teslas at the Glendale Dealership which had lots of overflow parking around the surrounding businesses.

**Gregory Freeman** asked what light maintenance was on a Tesla. **Ms. Dave** responded there was no combustion engine, no oil change, no fuel tank and it would be more just software updates like with smart phones, and tire replacement and balancing, etc.

**Mr. Freeman** asked about traffic projected. **Mr. Lally** said they would only operate on an appointment basis.

**Ms. DiLeo** asked why the applicant was opposed to Stipulation Nos. 5 and 6. **Mr. Lally** explained that for 40 years the driveways worked okay and there were no massive problems with accidents reported, and he did not see valid reason to cut off access on 19th Avenue and he said the traffic study will not really capture what is on the site. Ms. DiLeo said there may be significantly more traffic along 19th Avenue and would support doing the study.

**Mr. Lally** said the landowner would lease the facility to Tesla. Mr. Lally said that possibly the stipulation may prevent the applicant from moving forward.

**Ms. Dave** said the site plan is presented as is and is not conceptual.

**Mr. Romero** reminded the committee that this would be by appointment only.

**Mr. Lopez-Biggs** said to have these guys remove the driveway seems like an undue burden and felt the burden for the traffic study should be what the city bears rather than the applicant.

**Mr. Moric** said when the property gets rezoned they could ask for these stipulations.

**Mr. Lally** explained that no one came for the neighborhood meeting, he explained the mailing was sent to the entity per County Records. Mr. Lally said there often is an issue with mailings and stated he abided by the legal requirements of notices.

## **PUBLIC COMMENTS**

**Ray Katko**, owner and user of 1930 W. Quail Avenue located directly north of the subject property expressed strong opposition to the rezoning to C-3 to allow electric vehicle sales and repair. Mr. Katko mentioned his views and concerns were echoed by two owners and users in the area and identified Scott Frank at 2019 W. Quail Avenue and Charles Eckman at 1960 W. Quail Avenue. Mr. Katko explained there were waves of Tesla cars mobilized to the site and argued that proper and standard notification

process was never maintained. Mr. Katko said activities had been increased even in the building.

**Mr. Katko** said he reached out to the Aztec Business Park and the CC&R's say auto sales and repair businesses are not allowed. Mr. Katko also said the architectural control committee of the business park denied the sale and repair request. Mr. Katko added that there was a traffic concern on Quail Avenue which is a two lane street and not designed for heavy traffic and concern with electric vehicles fires and its impacts to the neighborhood. Mr. Katko added that there were security concerns and possibly battery disposal and body repair and noted this was one of the nicest business parks in Deer Valley and he did not want to make a decision today. Mr. Katko stated other members' voices need to be heard. Mr. Katko said the building could be leased out to a warehouse versus a car company.

**Ms. DiLeo** asked if the HOA was a business - HOA. **Mr. Katko** said it included 22 members of businesses which were governed by Aztec Business Park.

**Mr. Lally** said he looked at the Commercial Association and said they wrote in CC&R's in the 1980's and initially they said no to the automotive sales business and stated this is not the same auto use as would have been in the 1980's. Mr. Lally described this Tesla auto sales as being a little different. Mr. Lally said they would not do battery repairs, collision work or painting. Mr. Lally said this proposal will not downgrade any properties. Mr. Lally said electric cars are coming and not every electric car will catch on fire and explained they make jet engines across the street. Mr. Lally said this would be an improvement to the area which they'd make better. Mr. Lally added there were over 500 employees before as a call center who worked around the clock. Mr. Lally said they'd like to keep the traffic on 19th Avenue versus Quail Avenue. Mr. Lally added that the site was used for overflow parking for the Glendale Tesla site which was an allowable use, they met the notice requirements, and they made some repairs to the interior due to a break-in.

**Ms. Dave** said that this was not a Tesla collision center and this would only be for customers with small light services.

**Chair Grossman** asked if they are selling cars at the location. Mr. Lally replied customers can walk in look at a car and buy it online.

**Mr. Freeman** asked about the business-HOA. **Mr. Lally** said they needed to set up a follow-up meeting with the business-HOA and it is a separate process to the rezoning case.

**Ms. DiLeo** asked how the applicant would proceed if they did not reach an agreement with the business-HOA. **Mr. Lally** said they would have to deal with it.

**Mr. Lally** said they met or exceeded every development standard.

**Ms. DiLeo** wondered if there was a chance to bypass the HOA. Ms. DiLeo indicated it was important to complete the traffic study.

**MOTION:**

**Committee Member Braden Lopez-Biggs** made a motion to recommend approval of Z-27-23-1 per the staff recommendation with removal of Stipulation Nos. 5 and 6. **Vice Chair Matthew Kenney** seconded the motion.

**VOTE:**

**11-1**, motion to recommend approval of Z-27-23-1 per the staff recommendation with removal of Stipulation Nos. 5 and 6 passes with Committee Members Davenport, Freeman, Greenberg, Hoffman, Lopez-Biggs, Novak, Romero, Sutphen, Virgil, Vice Chair Kenney and Chair Grossman in favor. Committee Member DiLeo in opposition.

**VPC RECOMMENDED STIPULATIONS:**

1. The development shall be in general conformance with the elevations date stamped May 4, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
3. A minimum of 5% of the required parking spaces shall include Electric Vehicle (EV) Installed infrastructure, as approved by the Planning and Development Department.
4. All nonresidential uses over 5,000 square feet floor area shall provide one bicycle parking space per 25 vehicle parking spaces, with a maximum of 25 spaces. Bicycle parking shall be provided through Inverted U and/or artistic racks located near the front office and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
- ~~5. The existing northernmost access point on 19th Avenue shall be removed.~~
- ~~6. A Traffic Impact Study shall be submitted. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Study shall include an analysis of the existing and proposed driveways turning movements and potential conflicts with opposing driveways along 19th Avenue. Once approved, the development shall comply with the findings of the Traffic Impact~~

~~Study regarding access control, as approved by the Street Transportation Department.~~

- 7 5. Existing streetscape beginning at back of curb shall be replenished with the approved landscaping and ground cover along 19th Avenue and Quail Avenue, as approved by the Planning and Development Department.
- 8 6. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- 9 7. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33- foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
- 10 8. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

#### **STAFF COMMENTS REGARDING VPC RECOMMENDATION AND STIPULATIONS:**

Staff recommends the retention of Stipulation Nos. 5 and 6, which were requested by the Street Transportation Department.

Regarding Stipulation No. 5, the Street Transportation Department notes that the northern driveway is within 50 feet of the intersection of Quail Ave, significantly below the minimum 300-foot separation required by the City Council approved Street Planning and Design Guidelines. The current placement introduces undesired left turn conflicts, that through redevelopment and rezoning requests, the Street Transportation Department has focused on bringing up to current standards. Correcting driveway placement per the adopted design guidelines is also in line with the City Council adopted Complete Streets Ordinance, Active Transportation and Vision Zero to mitigate pedestrian/bike and vehicular conflicts.

Regarding Stipulation No. 6, the Street Transportation Department notes that the southern driveway on 19th Avenue does not align with the existing Honeywell facility main access driveway on the east side of the street. The current driveway placement is below the minimum 300-foot separation required by the City Council approved Street Planning and Design Guidelines and introduces undesired left turn conflicts. Therefore, the Street Transportation Department is requesting the applicant provide an analysis of

the existing turn conflicts to mitigate the issue. Through redevelopment and rezoning requests, the Street Transportation Department has focused on bringing access control up to current standards. Correcting driveway placement/mitigation per the design guidelines is also in line with City Council adopted Complete Streets Ordinance, Active Transportation and Vision Zero policies.