



Village Planning Committee Meeting Summary

Z-SP-7-23-6

Date of VPC Meeting	May 7, 2024
Request From	C-2 and P-1 (Pending C-2)
Request To	C-2 SP
Proposal	Automobile sales/display and underlying C-2 commercial uses
Location	Approximately 210 feet west of the southwest corner of 10th Street and Pasadena Avenue
VPC Recommendation	Approval, per the staff recommendation, with a deletion
VPC Vote	19-0

VPC DISCUSSION:

Item No. 3 (Z-26-24-6) and Item No. 4 (Z-SP-7-23-6) are companion cases and were heard together.

Two members of the public registered to speak in support of this item.

STAFF PRESENTATION:

John Roanhorse, staff, provided a summary overview of the rezoning case requests and stated there are two actions for the committee's review. Mr. Roanhorse discussed the proposed rezoning location, the existing and proposed zoning districts, and surrounding land uses and adjacent streets. Mr. Roanhorse described the multiple steps that are required to rezone then obtain a special permit to allow the requested use. Mr. Roanhorse displayed the site plan, General Plan Land Use Map and discussed the adjacent land uses and street classifications. Mr. Roanhorse shared the staff findings and recommendations for approval subject to stipulations.

APPLICANT PRESENTATION:

Ed Bull, the representative with Burch & Cracchiolo, PA introduced himself and stated that in addition to his presence there were other representatives from Chapman BMW attending the meeting. Mr. Bull stated that the northern portion of the site is zoned P-1 and C-2, so two zoning cases are required for the whole property. Mr. Bull said the request is to extend

the automobile display sales lot for Chapman BMW since the previous business on the site closed. Mr. Bull stated his previous work in the area and the ongoing developments that have occurred, and noted the extension of the display lot is beneficial for the area. Mr. Bull stated that with the new development landscaping will be added along the northern property line and there will not be access to Pasadena Avenue. Mr. Bull discussed the neighborhood meeting they sponsored and the concerns that were expressed by the adjacent residents. Mr. Bull stated that the concerns that raised were not about the expansion of the display lot but dealership activity along 8th Place. Mr. Bull stated that most of neighbors supported the proposal to expand the lot and the remaining concerns were addressed by Chapman BMW representatives. Mr. Bull displayed aerial photographs, a site plan and a conceptual landscape plan showing the proposed development of the site. Mr. Bull discussed the size of the proposal and affirmed staff's findings for the rezoning requests. Mr. Bull stated his agreement with staff's stipulations except for Stipulation No. 2, the requirement to underground electrical utilities on the site. Mr. Bull stated that for this site the utilities are overhead, so the stipulation is unnecessary. Mr. Bull stated they have been sensitive and responsive to the neighbors, and landscaping will be added to the frontage along Camelback Road. Mr. Bull stated that to achieve the results for landscaping some variances will be required from the Zoning Administrator. Mr. Bull discussed the neighborhood meeting and the concerns that were raised which included on street parking and a test-driving route and these issues have been addressed. Mr. Bull stated that request is a straightforward proposal and agreed with staff's findings and asked the committee for their support and concluded his comments.

QUESTIONS FROM THE COMMITTEE:

Chair Swart asked if the committee had questions and stated that the floor would be open to allow questions for either rezoning request. Chair Swart asked that Stipulation No. 2 be displayed for the committee and Mr. Bull read it aloud. Chair Swart stated to the committee when a motion is made from the committee the committee member may request that Stipulation No. 2 be removed as part of the action.

Chair Swart expressed his gratitude to the representatives from Chapman BMW, noting this is a simple case and their willingness to work with the adjacent HOA (Homeowners Association) representatives and all parties were polite and achieved a positive result. Chair Swart thanked Mr. Bull for taking the time to prepare the case and resolve any issues prior to coming to the committee.

PUBLIC COMMENTS:

Chuck Knoles introduced himself stating he is the president of the Townhome Association located north of the Chapman BMW dealership. Mr. Knoles stated he does not have a concern with the rezoning request. Mr. Knoles stated with the rezone case there was an opportunity to address Chapman employee parking along 8th Place while there is employee parking on the Chapman BMW premises. Mr. Knoles said the parking on 8th Place is time limited and was being used by employees all day. Mr. Knoles stated that in

the HOA there are elderly residents who have respiratory and other health conditions, and car carriers making deliveries would park on 8th Place and idle creating harmful emissions. Mr. Knoles attempted to discuss this concern with Chapman BMW staff but was unsuccessful. Mr. Knoles stated that 8th Place is a narrow street and not suitable to load/unload product and in working through this request Chapman BMW and the parties have been able to reach a solution to limit parking and provide a suitable loading area not for car carriers but for other service deliveries.

Chair Swart stated that he was informed by Mr. Bull that no parking signs will be placed along 8th Place to alleviate any parking issues for the neighborhood. Chair Swart stated that signs will be installed within 90 to 120 days.

Andre DeMarco with the Colter Commons Neighborhood Association introduced himself and stated that the association has been reactivated. Mr. DeMarco stated he has observed many of the changes that have occurred in and around 8th Place and noted an increase in car carrier deliveries and cut through traffic on 8th Place. Mr. DeMarco said the association is trying to address the increase in traffic flow in the residential areas and are seeking to improve bicycle and pedestrian movement on Colter Avenue. Mr. DeMarco asked if a stipulation could be added to the rezoning request to prevent dealerships from using 8th Place and to stop cut through traffic.

Chair Swart suggested that Mr. Bull could prepare a memorandum to the dealerships on Camelback Road to avoid using side streets for car carriers. Chair Swart noted this is a secondary issue, but it is worth mentioning to improve access and service to the area.

APPLICANT RESPONSE:

Mr. Bull responded that they are taking initial steps to reach out to the dealerships on Camelback Road. Mr. Bull stated that for Chapman BMW they have improved coordination with regional and national distributors to ensure deliveries are properly made. Mr. Bull stated he is not aware of deliveries being made on Colter Avenue and 8th Place but he would be open to discuss solutions with the neighborhood associations. Mr. Bull stated the BMW deliveries have specific guidance on where to access the dealership, but he would look into the matter to take corrective actions.

Committee Guevar asked if there would be any other development in the area other than the display lot for overflow use. **Mr. Bull** responded that no development is expected, and the use will be a display lot for Chapman BMW and no buildings are planned for the site.

Committee Member Whitesell commented that the applicants review, engagement, and discussion was an effective process. Committee Member Whitesell referenced correspondence sent by the HOA which provided a summary of the events and meetings which were very positive. Committee Member Whitesell stated that one issue that was not addressed was the routes used for test driving by the dealerships. Committee Member

Whitesell suggested a stipulation to address test driving routes be only on arterial or collector streets in the area.

Chair Swart responded to Committee Member Whitesell's suggestion and deferred the question to staff. Chair Swart stated the suggestion is a good idea but would require further discussion as it may be an action that is not enforceable with a stipulation. **Mr. Roanhorse**, staff, responded that for a stipulation in the case presented they should be related to the rezone request and enforceable through the PDD (Planning and Development Department).

Chair Swart asked Mr. Bull if he could reach out to the HOA's to communicate with the dealerships that all test driving would be conducted only on collector or arterial streets as recommended by Committee Member Whitesell. **Mr. Bull** responded that he would follow up on the recommendation as suggested by the committee.

Committee Member Whitesell asked if he could speak to the enforceability issue, and asked about enforcement in no parking zones, and who enforces that. Committee Member Whitesell stated that in a stipulation, city departments could create language in the approval for a stipulation to be enforceable. **Chair Swart** responded that with parking, citations can be written and is enforceable. Chair Swart stated for test drives reporting and enforcing would be a challenge to document, report and enforce through a zoning stipulation. **Vice Chair Fischbach** commented that zoning enforcement is limited to the property and enforcement off the property can be an issue for streets, and limiting test drives routes is a good idea but how to achieve it and not create a disadvantage for the dealerships would be difficult.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE:

MOTION:

Committee Member Paceley motioned to recommend approval of Z-SP-7-23-6 per the staff recommendation.

Committee Member Sharaby requested a friendly amendment to the motion to remove Stipulation No. 2. Committee Member Paceley accepted the friendly amendment.

Committee Member Sharaby seconded the motion to approve Z-SP-7-23-6 with Stipulation No. 2 deleted.

VOTE:

19-0; motion to approve Z-SP-7-23-6 per the staff recommendation with the deletion of Stipulation No. 2, passes with Committee members Abbott, Augusta, Baumer, Bayless,

Beckerleg Thraen, Eichelkraut, Garcia, Grace, Guevar, Jurayeva, Langmade, Noel, O'Malley, Paceley, Sharaby, Whitesell, Williams, Fischbach and Swart in favor.

VPC RECOMMENDED STIPULATIONS:

1. The required landscape setback adjacent to the east property line shall be planted with minimum 2-inch caliper trees planted 20 feet on center, or in equivalent groupings, as approved by the Planning and Development Department.
- ~~2. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.~~
- ~~3. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any~~
2. broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
4. All streets within and adjacent to the development shall be constructed with
~~3. paving, curb, gutter and 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.~~
- ~~5. Where pedestrian walkways cross a vehicular path, the pathway shall be~~
4. constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
- ~~6. Only landscape materials listed in the Phoenix Active Management Area Low-~~
5. Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department
- ~~7. Landscaping shall be maintained by permanent and automatic/water efficient~~
6. WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
- ~~8. A minimum of two green infrastructure (GI) techniques for stormwater~~
7. management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.

9. In the event archeological materials are encountered during construction, the
8. developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials.
40. Prior to final site plan approval, the landowner shall execute Proposition 207
9. 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:

The Street Transportation Department commented that while it is preferable that Stipulation No. 2 remain to help facilitate compliance with code requirements, the provision to underground electrical utilities will be addressed during the site plan review process and the removal of the stipulation does not negate the requirement.