

BACKGROUND

Context

Christian Brothers Automotive is proposing to construct a 5,832 square foot automotive service and repair establishment with ten (10) service bays on an existing commercial pad site located at the Walmart Neighborhood Market at the southeast corner of 75th Avenue and Thunderbird Road. (Exhibit A)

General Plan

The subject property is designated Low Density Residential (2-5 du/ac, target of 3 du/ac) on the General Plan Land Use Map. The Low Density Residential designation denotes areas where detached, moderately-sized lot, single-family residential neighborhoods are desirable. Places of worship, parks, trails, open spaces, and public facilities are also compatible with this category.

Zoning

The site is zoned Sweetwater Ridge III Planned Area Development (PAD). The PAD has an established residential component to the east and the commercial center to the west at the southwest corner of 75th Avenue and Thunderbird Road. Automotive service establishments are conditionally permitted within the Sweetwater Ridge III PAD, which aligns with the standards contained in the Intermediate Commercial (C-2) zoning district, thereby requiring the Conditional Use Permit (CUP). (Exhibit B)

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation and Zoning for the surrounding areas.

Table 1 – Existing Land Use, General Plan Designation, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant Pad	Low Density Residential	Sweetwater Ridge III Planned Area Development (PAD)
North	Vacant pad, gas station, then 75 th Avenue	Estate Density Residential	Intermediate Commercial (C-2)
South	Single-family homes	Low Density Residential	Multi-family Residential (RM-1)
East	Walmart Neighborhood Market, then Single-family homes	Low Density Residential	Sweetwater Ridge III Planned Area Development (PAD)
West	75 th Avenue, then commercial center	Low Density Residential	Thunderbird Estates West Planned Area Development (PAD)

Other Related Policies and Project History

The Sweetwater Ridge III PAD was approved on September 19, 1995 for the commercial center and a small neighborhood component to the east. The center has a gas station at the immediate corner of 75th Avenue and Thunderbird Road and a Walmart Neighborhood Market. Christian Brothers Automotive will be offering automotive services and will be locating on an undeveloped pad site along the 75th Avenue frontage.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The one acre site is located at the southwest corner of the commercial center. The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow an automotive service center. Christian Brothers Automotive operates Monday through Friday from 7:00 a.m. to 6:00 p.m. The entirety of the business including all repair and service requests will be conducted indoors. The business is located in a commercial area that includes a gas station and grocery store.

Development Information

- | | |
|-----------------|----------------------------|
| • Existing Use: | Undeveloped commercial pad |
| • Proposed Use | Automotive services |
| • Project Size: | 1 acre |

DISCUSSION AND ANALYSIS

Applicability

The subject property is zoned Sweetwater Ridge III PAD. The PAD consists of a residential and commercial component. For commercial development, the PAD aligns its development standards with the Intermediate Commercial (C-2) zoning district pursuant to the Zoning Ordinance. Within the C-2 zoning district, the issuance of a Conditional Use Permit is required for an automotive service center use.

Section 14-39-12 *Administrative Procedures* of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use, and provide controls to ensure maximum compatibility between nearby land uses.

Article 14-9-5-K *Non-Residential Uses* of the Zoning Ordinance provides the following limitations on automotive service centers. Staff's analysis and responses to these limitations are provided below in *italics*.

- a. No outdoor displays or storage shall be permitted, except for merchandise normally sold from the premises that is displayed during normal business hours. No temporary parking of vehicles waiting for repair shall be permitted except in the garage or in C-4, C-5, PI-1, I-1, and I-2 zoning districts. The parking area shall be fully screened from public view.

No outdoor display or storage is being proposed. The parking lot is fully screened and will be used for vehicles waiting for repair.

- b. All activities shall be performed entirely within an enclosed building. High-speed washing, body repair, machining of auto parts, painting, vehicle or trailer rental shall be expressly prohibited.

All activities will be conducted indoors and none of the prohibited uses are being proposed.

- c. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in landscaping. All exterior design shall be compatible with surrounding developments.

Architecturally, the building will blend in with the anchor tenant, Walmart Neighborhood Market, and building foundation landscaping has been added wherever possible along the perimeter of the building. The site will meet or exceed all applicable landscaping requirements.

Compatibility With Surrounding Land Uses

Christian Brothers Automotive adds an automotive service establishment that is not currently offered on any of the four commercial corners located at 75th Avenue and Thunderbird Road. The service bay doors are located on two sides of the building, towards 75th Avenue (west) and on the opposite side, towards Walmart Neighborhood Market (east). During working hours the bay doors may be opened while work is being completely. Neither service bay side is visible from the adjacent residential homes to the south located approximately 325 feet away. A large existing retention basin is located along the 75th Avenue frontage that provides additional screening of the service bay doors. Vehicles are not held overnight in the parking lot or within the building. Staff does not anticipate any negative impacts that would affect adjoining or nearby uses as a result of this request.

If any issues arise regarding the operation of the business, Section 14-39-12.1 of the Zoning Ordinance provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that the Planning Manager may recommend to the Planning and Zoning Commission that a permit be revoked, modified, or suspended should any of the following occur:

- a. The permit was obtained by fraud or misrepresentation;

- b. The use authorized by the CUP has been exercised in violation of the conditions of approval.
- c. A change in circumstances where the following has occurred:
 - 1. Impacts from the approved CUP to neighboring properties; and
 - 2. Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
- d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOA's within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

At the time of this writing, no responses in support or opposition have been received.

Proposition 207 Waiver

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

STAFF RECOMMENDATION

Based on the following findings:

- 1. The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area;
- 2. The use, subject to the conditions of approval contained within this report, will operate in a manner that will not negatively impact the adjoining uses; and,
- 3. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU16-0033, subject to the following conditions:

1. The development shall substantially conform to the Site Plan (Exhibit C) and Project Narrative (Exhibit D), as contained in the staff report to the Planning and Zoning Commission dated March 16, 2016.
2. Any material expansion of the use shall require an amendment to the Conditional Use Permit.
3. Per section 14-39-12.B.5 of the Peoria Zoning Ordinance (1977 Edition), the Conditional Use Permit will expire on July 19, 2018 if the use has not been exercised or a building permit has not been obtained.

REPORT PREPARED BY

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ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	Site Plan
Exhibit D	Project Narrative