

BACKGROUND

Context

Drivetech Auto and Truck is proposing to occupy a 4,481 square foot in-line suite for an automotive service and repair establishment with six (6) service bays within an existing business park site located at the Deer Valley Service Center, south of the southwest corner of 77th Avenue and Deer Valley 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.

Zoning

The site is zoned Deer Valley Service Center Planned Area Development (PAD) through Z95-14A.4. Automotive service establishments are conditionally permitted within the Deer Valley Service Center PAD, which aligns with the standards contained in the Intermediate Commercial (C-2) and Business Park (BPI) zoning districts, 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	Unoccupied in-line suite	Low Density Residential	Deer Valley Service Center PAD
North	Commercial/warehouse commercial center, then medical plaza	Low Density Residential	Deer Valley Service Center PAD
South	New River	Water	Agricultural (A-1) (in Glendale)
East	New River	Water	Deer Valley Service Center PAD, then Agricultural (A-1) (in Glendale)
West	Commercial/warehouse commercial center, then single-family residential	Low Density Residential	Deer Valley Service Center PAD, then Riverstone Estates PAD

Other Related Policies and Project History

The Deer Valley Service Center PAD was approved on June 9, 2005 to provide a service center area for commercial, light industrial, and office uses at the southwest and southeast corners of 77th Avenue and Deer Valley Road. Drivetech Auto and Truck aligns with the character of the area and will occupy one of two remaining vacant suites in a service center that contains similar uses.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The 4,481 square foot suite is located at the southeast corner of the business park. The applicant is requesting the approval of a Conditional Use Permit (CUP) to allow an automotive service center. The services would include general automotive repair including fluid changes, engine and transmission services, installation of aftermarket parts, and similar services (Exhibit D). Drivetech Auto and Truck proposes to operate Monday through Friday from 8:00 a.m. to 5:30 p.m. The entirety of the business including all repair and service requests will be conducted indoors. The business is located in a business park that includes another automotive repair facility, indoor recreation businesses, and professional offices.

Development Information

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|-----------------|---|
| • Existing Use: | Unoccupied in-line suite in a business park |
| • Proposed Use | Automotive services |
| • Project Size: | 4,481 square feet |

DISCUSSION AND ANALYSIS

Applicability

The subject property is zoned Deer Valley Service Center PAD. The PAD aligns its development standards and allowable uses with the Intermediate Commercial (C-2) and Business Park (BPI) zoning districts pursuant to the Zoning Ordinance. Within the Intermediate Commercial 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 vehicles waiting for repair will be kept indoors or within the enclosed screened area on the south side of the building.

- 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 the business does not conduct any of the prohibited types of work or services listed above.

- 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.

The service center is constructed and is orientated for service uses, such as automotive repair. The site will meet or exceed all applicable landscaping requirements. No changes to the exterior of the building are proposed.

Compatibility With Surrounding Land Uses

Drivetech Auto and Truck aligns with the surrounding service center users, which includes professional offices, indoor recreation, a charter school, and another automotive service facility. Drivetech has a current location in southern Peoria that has operated since 2008. The business is looking to relocate to a larger facility in north central Peoria. Vehicles waiting to be serviced will be stored temporarily within the existing screened outdoor storage area directly behind the building. This is a secured area with direct access into the building through the roll up door. Vehicles held overnight will be stored within the building. Staff does not anticipate any negative impacts that would affect adjoining or nearby uses as a result of this request.

The proposed use is approximately 150 feet from the nearest residential property line and is separated from nearby residential uses by 60 feet of mature landscape buffer and a six foot masonry wall.

If any issues arise regarding the operation of the business, Section 14-39-12.I 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

One letter of opposition was received (Exhibit F) within the first 21 days of review, requiring a Neighborhood Meeting. The meeting was held on April 13, 2017 at 6:00 p.m. The meeting was attended by the applicant, City staff, and Vice Mayor Edwards. The member of public opposed to the project did not attend. His concerns were in regards to noises and smells generated from the business. As discussed above, no work will be conducted outdoors and the building is designed to accommodate this kind of use. Two representatives of Deer Valley Car Center, located adjacent to the proposal, also attended the meeting (Exhibit E). Deer Valley Car Center supported the project due to the type of work completed by Drivetech Auto and Truck not overlapping with their already established business. Each business would benefit from the other through referral.

A second letter of opposition was received after the neighborhood meeting was conducted. The second member of public opposed had similar concerns regarding the proposal and owns the adjacent suite within the same building as an insurance agency. The applicant met with the owner of the business, and the second member of public has removed their opposition to the proposal and has now provided support for the project (Exhibit G).

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 CU17-02, subject to the following conditions:

1. The development shall substantially conform to the Floor Plan (Exhibit C) and Project Narrative (Exhibit D), as contained in the staff report to the Planning and Zoning Commission for May 18, 2017.
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 November 18, 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	Floor Plan
Exhibit D	Project Narrative
Exhibit E	Neighborhood Meeting Summary
Exhibit F	Letter of Opposition
Exhibit G	Letter of Support