



Planning Commission Online Meeting Summary Actions Wednesday, July 15, 2020

ZOOM CLOUD MEETING | 11465 WEST CIVIC CENTER DRIVE | AVONDALE, AZ 85323

Note from the Clerk: The July 15, 2020 Planning Commission meetings was hosted online using the online Zoom Cloud Meeting platform. All participants attended by phone or video.

Summary Actions

1. **CALL TO ORDER** The meeting was called to order at 6:07 PM

2. **ROLL CALL** by Acting Chair Amos

3. **OPENING STATEMENT**

Chair Amos read the Opening Statement.

4. **APPROVAL OF MINUTES**

The Planning Commission **Approved** the June 17, 2020 Meeting Minutes. The Planning Commission will take appropriate action. **Minutes were approved as amended.**

5. **PUBLIC HEARING ITEMS**

a. **AVONDALE AUTOMALL – MAJOR AMENDMENT TO THE AVONDALE AUTOMALL PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-20-0119**

Item introduced by Brian Craig. Planning Commission held a public hearing and considered a request by Paul Gilbert, of Beus Gilbert McGroder PLLC, for a Major Amendment to the Avondale Automall PAD to conditionally permit one (1) automotive dealership selling used vehicles only – provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times on the Avondale Automall property.

Commissioner Thompson moved that the Planning Commission recommend approval of Application PL-20-0119 subject to the one (1) recommended condition of approval as listed in the staff report.; Commissioner Osborne seconded the motion. **The Item was approved.**

Staff Contact: Rick Casswell, Senior Planner

b. CHOPARK AUTOMOTIVE, AVONDALE AUTOMALL – CONDITIONAL USE PERMIT – APPLICATION PL-20-0120

Item introduced by Brian Craig. Planning Commission held a public hearing and considered a request by Paul Gilbert, of Beus Gilbert McGroder PLLC (on behalf of EchoPark Automotive), for approval of a Conditional Use Permit (CUP) to allow for the operation of one (1) automotive dealership selling used vehicles only – provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times.

Commissioner Thompson moved that the Planning Commission accept the findings and recommend approval of Application PL-20-0120, subject to three (3) recommended conditions of approval as listed in the staff report; Commissioner Osborne seconded the motion. **The Item was approved.**

Staff Contact: Rick Casswell, Senior Planner

6. ACTION ITEMS

a. AVARI APARTMENTS – DEVELOPMENT PLAN – APPLICATION PL-19-0308

Item introduced by Brian Craig. Planning Commission considered a request by Mr. Andrew Yancey, Bergin, Frakes, Smalley and Oberholtzer, PLLC, for approval of a Development Plan for Avari Apartments, a proposed 354-unit multi-family apartment community located on 16.44 net acres located at the northwest corner of Avondale Boulevard and the Corporate Drive alignment. Commission will take appropriate action and forward a recommendation to City Council.

Commissioner Thompson moved that the Planning Commission recommend approval of Application PL-19-0308 Avari Apartments, a request for Development Plan approval for a proposed 354-unit multi-family residential development, subject to twelve (12) recommended conditions of approval as listed in the staff report; Commissioner Osborne seconded the motion. **The Motion was approved.**

Staff Contact: Ken Galica, Senior Planner

7. PLANNING DIVISION REPORT

Brian Craig informed the Commission that the next meeting will also be virtual due to Covid-19.

8. CALENDAR

August 19, 2020

9. ADJOURNMENT **The meeting was adjourned at 7:25 PM**

Wednesday, July 15, 2020
6:00 P.M.

Note from the Clerk: The July 15, 2020 Planning Commission meetings was hosted online using the online Zoom Cloud Meeting platform. All participants attended by phone or video.

1. CALL TO ORDER

Commissioner Amos called the Regular Meeting to order at 6:07 p.m.

2. ROLL CALL

The following members and representatives were present:

COMMISSIONERS PRESENT BY PHONE/VIDEO

Lisa Amos, Commissioner
Maribel Guerrero, Commissioner
Lisa Osborne, Commissioner
Denise Stanfield, Commissioner
Christopher Thompson, Commissioner
Larry White, Alternate Commissioner

COMMISSIONERS ABSENT (EXCUSED)

David Iwanski, Chair
Linda Warren, Vice Chair

CITY STAFF PRESENT

Brian Craig, Planning Manager
Marcella Carrillo, City Clerk
Ken Galica, Division Lead Planner
Rick Casswell, Senior Planner
Nicholle Harris, Interim City Attorney
Stephanie Small, Senior Administrative Analyst
Kevin Murphy, Director of Development and Engineering Services
Jodie Novak, Assistant Director of Development and Engineering Services
Charles Montoya, City Manager

3. OPENING STATEMENT

Commissioner Amos read the opening statement.

4. APPROVAL OF MINUTES

a. June 17, 2020

Commissioner Guerrero cited an error in the minutes with respect to the name of who moved for the adjournment. Commissioner Osborne moved to approve the June 17, 2020 minutes with one revision related to identification of the commissioners who moved and seconded the approval of the minutes; Commissioner Thompson seconded the motion.

Upon vote, the motion was carried unanimously 5 to 0.

Commissioner Amos	Aye
Commissioner Guerrero	Aye
Commissioner Osborne	Aye
Commissioner Stanfield	Aye
Commissioner Thompson	Aye

5. PUBLIC HEARING ITEMS

a. AVONDALE AUTOMALL – MAJOR AMENDMENT TO THE AVONDALE AUTOMALL PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-20-0119

Planning Commission held a public hearing and considered a request by Paul Gilbert, of Beus Gilbert McGroder PLLC, for a Major Amendment to the Avondale Automall PAD to conditionally permit one (1) automotive dealership selling used vehicles only – provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times on the Avondale Automall property. This PAD amendment is proposed for a single 6.02 net acre property (APN 102-54-102) located in the western portion of the Avondale Automall PAD. The Commission will take appropriate action.

Staff Contact: Rick Casswell, Senior Planner

Rick Casswell, Senior Planner, presented Items 5(a) and 5(b) together, however, separate votes were required on each item. He provided an overview of the amendment and Conditional Use Permit application, including a description of the location and zoning. The property exists within the Avondale Automall, with a number of PAD's within the vicinity. The parcel is located within the Business Park Land Use Designation Area. It is surrounded by a Freeway Commercial use to the north and west and a number of other Business Park designated properties surrounding to the east and south. Section 603(e) of the Zoning Ordinance establishes various changes, which constitute a major amendment. Ultimately, a change in the use falls within this, requiring a major amendment. The intent of the amendment is to add one automotive dealership conditionally, selling used vehicles only and provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times. It is subject to a Conditional Use Permit (CUP). The property is 6.02 net acres. Uses and development standards will continue to adhere to the existing PAD.

The CUP will allow for the legal operation of one automotive dealership, selling used vehicles only and subject to the description provided, minimum revenue per year and minimum number of cars on display.

EchoPark Automotive is an automotive retailer specializing in sales of nearly new, preowned vehicles. Within the existing Automall a number of dealerships sell both new and used vehicles. This dealership will sell used vehicles only. Associated improvements will be made to the subject building and property, which will subsequently be reviewed and approved via a Site Plan and Design Review permit following approval of the PAD amendment and CUP by City Council.

Site improvements include a 1,083 square foot addition to the existing building, construction of a detached car wash and new driveway at Roosevelt Street. For the southern portion of the property, approximately 60,000 square feet will be paved for employee and additional inventory parking. Proposed retail hours of operation will be 9:00 A.M. to 10:00 P.M. Monday through Saturday. An overview of the site plan and elevation was provided.

The proposed amendment is in conformance with the General Plan Land Use Map and the Freeway Corridor Specific Plan. The amendment will result in compatible land use relationships with the surrounding area. There is adequate public infrastructure to support the development within the Avondale Automall PAD and will be enhanced with the Roosevelt Street driveway.

The CUP is consistent with the General Plan Land Use Map designation and furthers the objectives for development in the Freeway Corridor Specific Plan. It is compatible with and not detrimental to surrounding uses. The proposed site plan meets all the City requirements, parking, setbacks and landscaping. Any adverse effects will be mitigated through conditions of approval.

Public participation and notice requirements have been met. Notification was provided to owners within a 1000-foot mailing radius. A neighborhood meeting was held on June 30th, 2020 with seven participants. Cactus Jack's associates were ultimately opposed to the proposed applications, as Cactus Jack's is interested in purchasing or leasing both the Mitsubishi and Fiat dealership properties with the intention of operating a Mitsubishi franchise. It was noted in the meeting by George Hagan, broker for the subject property, that Cactus Jack's made its offer subsequent to the EchoPark offer, which was already under contract at that point. Vice Mayor Dennis was present at the meeting and expressed a desire to protect the existing dealerships within the Automall; she was ultimately in favor of limiting the proposed area of the car sales. Previously it had been earmarked for five parcels, but only one of these properties within the western portion could actually obtain a Conditional Use Permit. There was a suggestion to the applicant to explore limiting sales down to the one property and the applicant has subsequently followed this suggestion. The applicant engaged surrounding property owners and was able to obtain signatures of support from either a property owner or dealership from 11 out of 14 properties that are currently developed with a dealership.

Mr. Casswell stated that the overall recommendation at this point is approval of both applications, PL-20-0119, subject to one recommended condition as well as approval of PL-20-0120, subject to three recommended conditions.

Commissioner Amos invited questions or comments from Commissioners. She asked about EchoPark's history in the Valley and other locations, if any. Mr. Casswell stated that EchoPark Automotive Group is a subsidiary of Sonic Automotive. They would be the first EchoPark Automotive location in Arizona. Sonic Automotive originates from the East Coast, particularly North Carolina, as the parent company.

Commissioner Amos invited further comments from Applicant representative, Paul Gilbert. Mr. Gilbert confirmed that this will be the first EchoPark development in Arizona. However, there are 11 other

locations throughout the United States. The parent company, Sonic Automotive, is a Fortune 500 company. Mr. Gilbert requested an opportunity to make a presentation and Commissioner Amos invited him to do so. Mr. Gilbert addressed the PAD rezoning as well as the CUP requests. The PAD was originally approved in 1999 for 100 acres, dedicated to vehicle sales with 50 acres reserved for a retail center. In 2003, due to the success of the Automall, the westernmost 50 acres were redesigned for auto sales. Today, however, there is less demand for dealership space for new car franchises. The applicant asks for an amendment of the zoning to allow a dealership that only sells used cars, as the next evolutionary stage of the Automall.

Mr. Gilbert provided an overview of the Sonic Automotive company and EchoPark Automotive. In terms of quality concerns for the sale of used vehicles, the Automall already has design guidelines, conditions, covenants and restrictions that regulate all dealerships in the Automall. The applicant is subject to such conditions and is required to submit its application to the Design Review Committee of the Automall for approval of the design. The proposed use requires that the used vehicle dealership have a minimum consolidated revenue of \$500 million, while maintaining a minimum of 140 vehicles onsite. These conditions were negotiated with City staff. The applicant has the approval of the majority of the property owners and dealers located in the Automall.

Commissioner Amos opened the public hearing. No members of the public wished to speak. Marcella Carrillo, City Clerk, stated that staff has received no requests to speak via email. Several members of the public were present via Zoom and were invited to provide comments. There were no public comments.

With no further pending questions, Commissioner Amos closed the public hearing.

Commissioner Amos invited a motion.

Commissioner Thompson moved that the Planning Commission recommend approval of Application PL-20-0119, a request for a Major Amendment to the Avondale Automall PAD to conditionally permit one (1) automotive dealership selling used vehicles only, subject to the one (1) recommended condition of approval as listed in the staff report. Commissioner Osborne seconded the motion.

Upon vote, the motion was carried unanimously 5 to 0.

Commissioner Amos	Aye
Commissioner Guerrero	Aye
Commissioner Osborne	Aye
Commissioner Stanfield	Aye
Commissioner Thompson	Aye

b. ECHOPARK AUTOMOTIVE, AVONDALE AUTOMALL – CONDITIONAL USE PERMIT – APPLICATION PL-20-0120

Planning Commission held a public hearing and considered a request by Paul Gilbert, of Beus Gilbert McGroder PLLC (on behalf of EchoPark Automotive), for approval of a Conditional Use Permit (CUP) to allow for the operation of one (1) automotive dealership selling used vehicles only – provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times. The subject request is contingent upon City Council approval of a Major

Planned Area Development (PAD) Amendment (application PL-20-0119) to the Avondale Automall, to conditionally permit one (1) such a used vehicle only dealership, meeting the criteria described above, at this subject property. The subject property (APN 102-54-102) is located within the western portion of the Avondale Automall PAD. The Commission will take appropriate action and forward a recommendation to the City Council.

Staff Contact: Rick Casswell, Senior Planner

The staff presentation for this agenda item was covered under Agenda Item 5(a).

Commissioner Amos invited questions from Commissioners. There were no questions.

Commissioner Amos opened the public hearing. There were no members of the public who wished to speak. Ms. Carrillo stated that staff has received no requests to speak via email and no comments were received via Zoom.

With no further pending questions, Commissioner Amos closed the public hearing.

Commissioner Amos invited a motion.

Commissioner Thompson moved that the Planning Commission accept the findings and recommend approval of Application PL-20-0120, a request for approval of a Conditional Use Permit to allow the operation of one (1) automotive dealership selling used vehicles only – provided that the dealer has a minimum consolidated annual revenue of \$500 million and shall maintain a minimum of 140 vehicles on display at all times – within the Avondale Automall PAD zoning district, subject to three (3) recommended conditions of approval as listed in the staff report; Commissioner Osborne seconded the motion.

Upon vote, the motion was carried unanimously 5 to 0.

Commissioner Amos	Aye
Commissioner Guerrero	Aye
Commissioner Osborne	Aye
Commissioner Stanfield	Aye
Commissioner Thompson	Aye

6. ACTION ITEMS

a. AVARI APARTMENTS – DEVELOPMENT PLAN – APPLICATION PL-19-0308

Planning Commission will consider a request by Mr. Andrew Yancey, Bergin, Frakes, Smalley and Oberholtzer, PLLC, for approval of a Development Plan for Avari Apartments, a proposed 354-unit multi-family apartment community located on 16.44 net acres located at the northwest corner of Avondale Boulevard and the Corporate Drive alignment. Commission will take appropriate action and forward a recommendation to City Council.

Staff Contact: Ken Galica, Division Lead Planner

Mr. Galica reviewed the proposed subject property details and location. The property was annexed in 1976 and is located within the boundaries of The BLVD Specific Plan adopted in September of 2019. It was rezoned from City Center District (CCD) to the BLVDD in March of this year by the City Council.

Planning Commission review and City Council approval of development plans are required for properties zoned BLVDD.

The site western boundary is 117th Avenue, which does not currently exist and will be constructed adjacent to the site with the Avari development. The property's southern boundary is Corporate Drive, which does not exist adjacent to the site but which becomes The BLVD east of Avondale Boulevard. The developer will construct the north half of Corporate Drive adjacent to the Avari site. Surrounding properties to the parcel share the BLVDD zoning with the exception of the land directly west, which still has remnant CCD zoning.

The property is located within The BLVD's Village District, which allows for a mix of commercial and multifamily residential uses with minimum density of 18 units per acre. Development in the Village District of The BLVD is intended to take on an urban form.

Access into the project is from Corporate Drive as a single public point of access. There are additional emergency access points to satisfy fire and building codes. The site features several pedestrian connections into the development. The development includes 28 residential buildings ranging in height from two stories and 24-feet, 6-inches up to three and one-half to four stories at 55-feet, 2-inches. At staff's request, the applicant has located the taller buildings strategically adjacent to Avondale Boulevard and Corporate Drive to create the urban appearance on these two streets. The shorter buildings are located interior to the project. The development includes 128 garage spaces, which exceeds the City's minimum requirement. Each unit is also provided with a minimum of one covered parking space, for a total of 213 carport spaces. In addition, there are 306 uncovered parking spaces. In total, there are 663 parking spaces, which is 30 spaces more than the City requires.

Landscaping exceeds minimum requirements and contributes to site walkability. Amenities include an indoor clubhouse, conference and business center, media center, movie theater, lounge area and event kitchen. The fitness building includes an equipment gym, separate exercise classroom, restroom and locker facility and outdoor shaded event space. At the northeast corner of the property a separate cardio gym will include a glass storefront onto Avondale Boulevard. The main pool is located north of the clubhouse building. It includes resort-style pool, spa, cabanas, large trellis covered social area with barbeques, seating and fire pit. A secondary pool is designed for children and families, including restroom and changing facility. East of the second pool is a covered children's play area. There is a five-hole artificial turf putting green for resident use. Along the north edge of the property and inside the development walls are two separate dog parks, including pedestrian seating and amenities. Around the perimeter, outside the project walls and along Avondale Boulevard and Corporate Drive are six shaded pedestrian plazas, including pedestrian concrete seat walls, shade trees and water feature. These features will be available to residents and visitors to The BLVD.

The proposed architecture is contemporary, featuring stucco, concrete, veneer, glazing and metal accents. There is significant variation provided throughout the site in terms of parapet heights and wall planes with very few flat or blank surfaces.

The site proposal conforms to The BLVD Village District General Plan designation as well as The BLVD Zoning District and The BLVD Specific Plan itself. Ample vehicle and pedestrian access is provided to the site though the main entrance, accessible via a future signalized four-way signal at Corporate Drive and Avondale Boulevard. There are multiple pedestrian access points. The Fire Marshall, building officials and various other officials have reviewed the proposal and found that there is more than functional onsite

circulation and emergency access. Parking is provided in excess of minimums. Open space and amenities greatly exceed the minimum requirements. Landscaping exceeds minimum requirement in terms of area and plantings, which contributes to site walkability by providing shade on sidewalks. The contemporary architecture conforms with The BLVD Specific Plan. The developer will complete adjacent half-street improvements, including a deceleration lane and right-turn lane for southbound traffic to westbound traffic on Corporate Drive. Staff recommends approval of the development plan, subject to 12 conditions listed in the staff report.

Commissioner Amos invited questions from Commissioners.

Commissioner Thompson asked how many apartment complexes are currently in the City. Mr. Galica estimated there be between seven (7) to ten (10) large-scale apartment complexes (complexes with 300 or more units).

Commissioner Amos commended the developer for exceeding the minimum number of parking spaces. Water features are a great idea for a development plan, however, it is well-known that they eventually, “go away.” Examples are at the northwest corner of 99th and McDowell Gateway and the location in front of CVS at Van Buren and Avondale. Quite often, the owner finds them expensive to maintain. If the City values such a feature, the development agreement should include a provision that the feature be functional in perpetuity. She asked about the Avondale Boulevard frontage as a location for carriage houses with garages on the ground floor. She finds the aesthetic to be nonconforming, as it is unusual to see garages on a main thoroughfare such as Avondale Boulevard. Mr. Galica addressed the Avondale Boulevard frontage, stating that garages in those buildings face inwards, so you will not see garage doors from the perspective of Avondale Boulevard but rather the decorative building façade. The doors will not be visible and access to the garages is from the interior. As the water feature was proposed by the applicant, it seems that they would have a genuine interest in maintaining it in perpetuity.

Development representative, Carolyn Oberholzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC, stated that features of the development, such as the water feature, are established in the site plan. To the extent that they would be modified in the future, the developer would have to go through the City process. In terms of the water feature, the developer has extensive experience in terms of programming and amenities and this type of feature helps to attract residents to the community.

There being no further comments or questions, Commissioner Amos invited a motion.

Commissioner Thompson moved that the Planning Commission recommend approval of Application PL-19-0308 Avari Apartments, a request for Development Plan approval for a proposed 354-unit multi-family residential development, subject to twelve (12) recommended conditions of approval as listed in the staff report; Commissioner Osborne seconded the motion.

Upon vote, the motion was carried unanimously 5 to 0.

Commissioner Amos	Aye
Commissioner Guerrero	Aye
Commissioner Osborne	Aye
Commissioner Stanfield	Aye
Commissioner Thompson	Aye

7. PLANNING DIVISION REPORT

Brian Craig, Planning Manager thanked Commissioners for their patience with the meeting format, which has been developed in response to the pandemic. He noted that there have been a significant number of applications received and that Planning Commission meetings will continue regularly to consider these items.

8. CALENDAR

It was announced that the next meeting date is August 19, 2020.

9. ADJOURNMENT

There being no further business before the Commission, Commissioner Osborne moved to adjourn the Regular Meeting; Commissioner Thompson seconded the motion.

Upon vote, the motion was carried unanimously 5 to 0.

Commissioner Amos	Aye
Commissioner Guerrero	Aye
Commissioner Osborne	Aye
Commissioner Stanfield	Aye
Commissioner Thompson	Aye

Meeting adjourned at 7:25 p.m.