
**Wednesday, February 21, 2024
6:00 pm**

1. WELCOME AND CALL TO ORDER

Chair White called the meeting to order at 6:01 p.m.

2. ROLL CALL

The following members and representatives were present.

COMMISSIONERS PRESENT IN PERSON / PHONE / VIDEO

Chair Larry White
Commissioner Linda Warren
Commissioner Alan Agundez-Castillo
Commissioner Julia Jewell
Alternate Ryan Benson

COMMISSIONERS UNEXCUSED ABSENT

Commissioner Denise Stanfield

CITY STAFF PRESENT

Catherine Lorbeer, Deputy Director of Planning
Arrianna Ramirez, Administrative Assistant
Stephen Kemp, Attorney
Joshua Orton, Senior Planner
Sandra Freund, Senior Planner
Larry Rooney, Fire Chief
Jodie Novak, Development Services Director

3. APPROVAL OF MINUTES

Chair White called for a motion to approve the minutes.

Commissioner Agundez Castillo moved to approve the minutes for November 15, 2023, and January 17, 2024;
Commissioner Warren seconded the motion.

Chair Larry White	Aye
Commissioner Julia Jewell	Aye
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Aye
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon Vote, the motion passed 4 to 0

4. PUBLIC HEARING ITEMS

a. EXTRA SPACE STORAGE – CONDITIONAL USE PERMIT – APPLICATION PL-23-0303

Sandra Freund, Senior Planner, provided an overview of Application PL-23-0303 for a Conditional Use Permit (CUP) to allow a Mini Storage Warehouse and Personal Storage facility in the Palm Valley Planned Area Development (PAD). A CUP for this development was previously approved on June 21, 2021, but has since expired and the applicant is requesting a new approval for the same project to allow the development to move forward. The property is 2.28 net acres, located on the southwest corner of Indian School Road and Osborn Road, which was annexed in the city in 1981 and zoned PAD. To the north is Litchfield Park with single family homes; to the east is Coldwater Station, that contains retail, restaurant, office, and service uses on approximately 3 acres; to the south is the Litchfield Park Post Office and Litchfield Park Plaza; and to the west is undeveloped land with C-2 community uses allowed. This site is zoned Palm Valley PAD with C-2 community commercial uses. The 30-foot tall, 2-story facility is designed for internal access only with operating hours from 6:00 AM to 10:00 PM. Access will only be from west Osborn Road through a controlled security gate and on-site parking will accommodate 10 vehicles with covered loading sections. The south elevation will be visible from the post office.

The staff's analysis finds the project conforms with the General Plan, zoning, and existing development; complies with the City's commercial design manual; and is a low traffic generator. The developer must meet five recommended conditions of approval for the project:

- Consistent with the General Plan 2030 and North Avondale Specific Plan
- Compatible with existing land uses
- Suitable size to accommodate use and meet all required development standards
- Adequate access to public streets and capacity to accommodate traffic generated by proposed use
- Adequate conditions in place to mitigate any potential adverse effects

Two neighborhood meetings were held, one was virtual and the other was in-person. The public comments focused on traffic safety concerns, landscape and water demand, and the proposed use at this location. On the City's digital platform, Avondale Connect, the project received two comments. One of the comments had concerns about the traffic and building height and the other comment voiced support for the project. Staff recommends approval of the application, subject to the five conditions of approval as listed in the staff report.

Applicant Paul Hedges addressed the Commission, noting although the CUP expired, their dedication has not wavered. The project is a step toward meeting Avondale's need to enhance the community and contribute to the local economy. The design will consist of warm desert tones and glass elements for the exterior. The development will have minimal impact on traffic. Monthly services and internal loading would minimize pest concerns and ensure cleanliness and safety. Effective waste management, following city codes, and diligent monitoring help preserve the environment. Hazardous materials or toxic chemicals are not allowed to be stored in the facility.

In response to the commissioners' questions, Ms. Freund clarified Osborn Road does not have a concrete median at the proposed entrance location. The post office is a single-story building to the south and this facility would be approximately 30-feet tall. Mr. Hedges explained how a feasibility study was used to determine the need for a storage facility within this area. They project the facility will fill up within 12 to 18 months and 1 to 3 cars will access the facility every hour. Nearby facilities are at capacity and have minimal vacancies, which are created by raising rents. Based on the growth study conducted, the demand is there. Office hours will be from 9:00 a.m. to 6:00 p.m. and the gate hours will be from 6:00 a.m. to 10:00 p.m. every day. There are many layers of security to keep crime down, including a gate code, exterior cameras, and lighting. Although the lease states the hazardous items are not allowed, it is difficult to monitor and staff walk through the building to see what is coming in and out.

Chair White opened the public hearing.

Ms. Ramirez read a comment card from Mike Llewellyn, who is opposed to this item based on the type and size of the business, the esthetics and industrial service, excessive traffic, loud noise, and visual degradation of the area that will cause property values to decrease.

Ms. Ramirez read a comment card from Christopher Chavez, who is opposed to this item.

Eric Blocher presented 33 signatures from the Dysart Ranch residents to request this project not be approved, citing this would decrease property values and would not benefit the Dysart Ranch residents. The proposed operating hours will result in loud noises within the residential areas and is not conducive to the community. He presented a recommendation to build the warehouse along the Loop 303 Corridor.

Jennifer with the Dysart Ranch Community coalition (DRC) formed around this permit stated this should not be approved for the following reasons:

- The notices were not completed correctly
- Inaccurate information was provided to the Commission
- The title report deed was not current
- C-2 zoning requirements have not been met
- The esthetics do not conform with the area
- The applicant failed to comply with the application requirements

Greg Deeds, also with the DRC, spoke against this item. He noted the report provided by the applicant is incomplete, inaccurate, and that the applicant has misrepresented facts. Building this property will have a long-term adverse effect on the community, safety, and property value. He urged that the lot instead be used for community enrichment.

Public Hearing was closed by Chair White.

In response to Commissioner Warren's questions, Mrs. Lorbeer stated noticing requirements have been met for this item.

Commissioner Jewell moved to approve Application PL-23-0303 Extra Space Storage Conditional Use Permit (CUP) to allow for a mini-storage warehouse and personal storage development, subject to the five conditions of approval. Commissioner Agundez Castillo seconded the motion.

Chair Larry White	Aye
Commissioner Julia Jewell	Nay
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Nay
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion to approve the project failed 2 to 2 so the project is denied.

b. SUN DEPOT ENERGY STORAGE – MAJOR GENERAL PLAN AMENDMENT – APPLICATION PL-23-0053

Josh Orton, Senior Planner, presented the second public hearing for Sun Depot Energy Storage Major General Plan Amendment and the first and only public hearing on the Rezone before this item moves forward to the City Council. This site is located approximately 330 feet west of the southwest corner of Palm Lane and Avondale Boulevard. The approximate 15.92-gross-acre property was annexed into the City in 2006 and is currently being used for agriculture. North of Palm Lane is Canyon Breeze Elementary School, zoned agriculture, and single-family residences zoned Palm Gardens planned area development (PAD). South is McDowell Villas PAD for future townhome rentals and Avondale Commons PAD, zoned mixed use including multifamily, which is under construction for apartments and future commercial and office uses. To the East are larger single-family residences, and to the west are two electrical substations owned by APS and SRP within Maricopa County jurisdiction.

The first request is to amend the General Plan Land Use designation from mixed use to Public/Civic. An explanation of the type of uses allowed under the mixed use and public/civic use was provided. The proposed use for this site is a privately owned battery energy storage facility that is intended to sell stored energy to APS and SRP, which most closely fits the public/civic designation. There is also a request to rezone the property from Agricultural to Sun Depot

Planned Area Development (PAD) to allow for the development of the battery energy storage facility. A conceptual site plan has been provided. If the project is approved, the development must conform to the PAD narrative and conceptual designs presented to staff. The majority of the site is made up of battery storage with primary ingress and egress from West Palm Lane. The proposal includes an 8-foot screen wall and a gravel drive aisle around the perimeter. Requested deviations include to allow:

- Galvanized chain link on west side
- Decreased land use buffer plantings
- Decreased right of way plantings
- Decreased land use setback plantings.

Staff analysis finds the amendment does not constitute an improvement to the 2030 General Plan. The change would alter and adversely impact the current acceptable use land use of the area. A battery energy storage system project would be incompatible with the existing residential, educational, and hospital uses in the vicinity in terms of environmental and safety concerns from a potential fire event and in terms of esthetics. These also present potential life safety concerns in the event of a fire that could have toxic fumes and cause evacuations. Fire incident considerations from the Fire Marshall include:

- The scale of the systems is directly correlated to the effects of their failure, meaning the larger the system, the more danger it presents if it were to fail
- Fire suppression practice involves a defensive approach
- Neighborhood evacuations are probable due to the toxic fumes
- Effects could spread as far as the freeway

The neighborhood meeting was held on January 4, 2024, at City Hall with nine attendees along with members of the applicant's team and one Planning Commissioner. Discussion related to safety, monitoring, and response to any kind of fire events, along with the traffic impact; potential improvements to Palm Lane; benefits to Avondale; and the design, layout, specific details about batteries and security of the site; as well as concerns expressed by Phoenix Children's Hospital.

The City has notified the required agencies and began a 60-day review process. Luke Air Force Base indicated this project would not affect their operations and Arizona Game and Fish had preliminary comments. Thirteen comments were received through Avondale Connect in opposition to the project due to the proximity of homes and school and potential fire risk as well as visual impact and increased traffic. Two citizens spoke in opposition at the first Planning Commission hearing and one individual expressed support. North Avondale Homeowners Association, which is the community north of the project, is in opposition to the project.

Staff recommends denial of Application PL-23-0053 and PL-23-0177 because they are not consistent with the overall intent of the 2030 General Plan and other adopted plan, codes, and ordinances. General Plan states consideration will be given to relationship with surrounding land uses, visual impact of the project, potential fire risk, and public input.

In response to Commissioner Jewell's questions, Mr. Orton advised the individual who previously spoke in favor of the project is employed with Invenergy and Chair White noted he lived in the City of Avondale. Mr. Orton stated the map may not fully reflect current information including education designations. Approximately six people will be employed at the battery storage facility.

Commissioner Agundez Castillo stated he shares staff's concerns and believes this project is not compatible with the land uses surrounding this site.

In response to Commissioner Jewell's questions, Chief Rooney stated this would be very difficult for them to handle, but they do have a plan in place to mitigate. There are many factors such as the wind and weather conditions. The large number of residents and the proximity of the neighborhoods is very concerning and surrounding areas could be shut down for up to a week.

Applicant, Paul Burman discussed how the battery energy storage facilities are an investment in energy safety to create a reliable, compatible, and safe use for a growing community like Avondale. Invenergy will do this responsibly and effectively. The safety elements require analysis of the impacts on hazard mitigation, and as the technology expands, it gets safer. Due to the existing APS and SRP substation, there is no other land use available in the City of Avondale. This project is also committed to adhering to the landscape, wall, and visual aesthetics for the City of Avondale.

In response to the Commissioners' questions, Mr. Burman explained energy comes from the grid of the APS and SRP substations and there would need to be a long-term power purchasing agreement with either utility before the project is built. There will be three employees on site at this facility and the site manager lives in Avondale. The batteries are made from lithium. There is no fire suppression within the individual units. Instead, an alert will be received notifying staff if something needs to be addressed. If there is a fire within one cell, only that cell would be at risk because they are stand-alone units. The facility shows no impact on property values. Most of the residents in the area are SRP customers and Avondale would receive tax revenue from the project. Jim Kennedy, Invenergy Staff Engineer, stated there is extensive testing being done and they will work with the fire department to design a system in the safest way.

In response to Chair White's questions regarding the 2019 incident in Surprise, Mr. Kennedy explained the system's battery management system and that it is designed with a battery management system that can detect any fluctuation and will shut down and disconnect the affected battery cell rack from the rest of the system. Fire suppression is only used to prevent the spread of an electrical fire and the best suppression method will be determined with the fire department. An insulator will be used as a barrier to ensure propagation is limited between cells. Most storage systems use a prevention method called NFPA 69, which detects hydrogen gases. The emergency ventilation system evacuates gases to prevent explosions. The fire department is aware of the development. The NFPA 55 has improved since 2019 and has gone through the 2023 version. This facility would be viewed as a large system. Mr. Burman noted the three employees would park in the drive aisles and the employees' primary focus would be the operations and maintenance of the system.

Chair White asked if this type of technology has advanced to the point that the risk is now low enough to accept putting this facility in a residential location. Mr. Burman responded by referencing multiple events in the Phoenix area that have helped inform safety measures the company will take. He also noted it took a while for people in Youngtown to become educated about and comfortable with this type of facility.

It was noted there are two items under consideration: PL-23-0053, application for a Sun Depot Energy Storage Major General Plan Amendment to amend the General Plan Land Use designation from mixed use to Public/Civic, and PL-23-0177, a request to rezone the property from Agricultural to Sun Depot Planned Area Development.

Chair White opened the public hearing for both Application PL-23-0053 and PL-23-0177.

Vicente Juarez, a resident of Avondale and employee of Invenergy, spoke in favor of the project.

Wilma Brown, a resident of Palm Garden, stated her opposition to the project, noting the risk with high temperatures, overcharging, toxic fumes, and traffic impacts. She also referenced the Gilbert, AZ, 2023 fire.

Layla Villasenor gave a community map to the Commissioners that shows over 100 neighbors that have signed a letter of opposition to this project. She stated of her opposition to the project, noting it would be better suited for an industrial area, will not bring jobs to the City, and is not worth the risk to families in the neighborhoods.

Linda Ressler stated her opposition to the project and asked the commission to take into consideration the Fire Marshall's evacuation report and the letter from Phoenix Children's Hospital.

Chair White closed the public hearing.

Mr. Burman stated Invenergy makes providing safety a high priority and have designs ready for the Fire Marshall to review that do not present any evacuation risks. They want to work with everyone to ensure they are comfortable with this type of technology.

Commissioner Warren moved to recommend denial of Application PL-23-0053, a request to amend the General Plan 2030 Land Use Map designation from Mixed Use to Public/Civic. Commissioner Agundez Castillo seconded the motion.

Chair Larry White	Aye
Commissioner Julia Jewell	Aye
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Aye
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion to recommend denial of the project passed 4 to 0.

c. SUN DEPOT – REZONE – APPLICATION PL-23-0177

Commissioner Agundez Castillo moved to recommend denial of Application PL-23-0177, a request to rezone approximately 15.92 gross acres from Agricultural to Planned Area Development. Commissioner Jewell seconded the motion.

Chair Larry White	Aye
Commissioner Julia Jewell	Aye
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Aye
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion to recommend denial of the project passed 4 to 0.

5. COMMISSIONER ANNOUNCEMENTS

No announcements made.

6. PLANNING DIVISION REPORT

Mrs. Lorbeer thanked the Commissioners for their time and noted the next meeting will be held at an alternative location.

7. CALENDAR

- Special meeting March 20, 2024

8. ADJOURNMENT

There was no further business; Chair White called for a motion to adjourn.

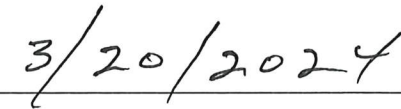
Commissioner Agundez Castillo made a motion to adjourn; seconded by Commissioner Warren.

Chair Larry White	Aye
Commissioner Julia Jewell	Aye
Commissioner Denise Stanfield	N/A
Commissioner Linda Warren	Aye
Commissioner Alan Agundez Castillo	Aye
Alternate Ryan Benson	N/A

Upon vote, the motion passed 4 to 0

Meeting Adjourned at 8:00 p.m.


Chair, Larry White


Date