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Planning Commission
Development Services Department
CITY OF GLENDALE
5850 West Glendale Avenue
Glendale, Arizona 85301

September 9, 2021

RE: First Revised Narrative in Support of Conditional Use Permit Application for New and Used Vehicle Sales and Minor Auto Repair to be Located at the Property Addressed as 5452 and 5446 West Glendale Avenue in Glendale, Arizona

Dear Planning Commissioners,

On behalf of my client, E-Z Serve, LLC (“E-Z Serve”), I am pleased to submit this request for approval of a Conditional Use Permit (“CUP”) required to allow “New and Used Vehicle Sales and Minor Auto Repair Services” at the approximately 0.39-acre property addressed as 5452 and 5446 West Glendale Avenue, otherwise known as Maricopa County Assessor’s Office Parcel Numbers (APNs) 147-17-094A and 147-17-093A (cumulatively, the “Property”) (Exhibit A).

The Property is zoned Commercial C-2– General Commercial (Zoning Ordinance Section 5.750) (“C-2”). The land uses surrounding the Property include: (i) a drive thru fast-food chain restaurant, known as Jack in the Box, to the south (across Glendale Avenue); (ii) an automobile repair service shop to the west (across 55th Avenue); (iii) a convenience store to the north; and (iv) a vacant automobile repair service shop to the east. The immediate surrounding area is primarily developed with small commercial uses with an emphasis on vehicle-oriented businesses, such as automobile repair services, automobile sales, or fast, casual dining.

The purpose of this letter is to provide (i) a description of the CUP requested herein and (ii) a summary of the findings for approval for this request required by City of Glendale Zoning Ordinance (“Ordinance”) Section 3.904.A.

PLANNING DIVISION
Revised
[10 SEP 2021]

A. History of Property and Description of the Request

The Property is located at the northeast corner of 55th Avenue and Glendale Avenue, with existing vehicular access from both adjacent public streets. Based on our review of Maricopa County Assessor records and historic aerial photographs of the Property, it is our understanding that the Property was developed in approximately 1967 as a gas service station with minor auto repair services. Historically, minor auto repair services were a permitted use in the C-2 zoning district. Then, in October 1998, the City of Glendale adopted Ordinance 2029 which: (i) removed minor auto repair services from the list of permitted uses in the C-2 district and (ii) added said minor auto repair services to the list of C-2 uses subject to a conditional use permit. Thus, the minor auto repair service use that has occurred in the service station building on the Property since 1967 is a legal non-conforming use. One purpose of this conditional use permit application is to bring the minor auto repair service use into conformance with the current Zoning Ordinance.

It appears that between approximately 2012 and 2014, the use of the Property as a gas service station ceased (**Exhibit B**). It is understood, based upon review of historic aerial photography, that the Property has functioned as vehicle sales and minor auto repair services since approximately 2014.

There are three (3) existing structures on the Property that are currently utilized to facilitate vehicle sales and services at Property—the central building containing office areas and two (2) vehicle repair bays, as well as two detached shade-canopy structures at the southern and western edges of the Property. The Property is currently operated by DR Auto Sales, a quality, used automobile dealer. The current hours of operation for the Property is Monday through Saturday from approximately 9:00 a.m. to 7:00 p.m.¹

On May 22, 2019, the City of Glendale Code Compliance Department issued a compliance order for “selling new and used vehicles” without a CUP, as required by the Ordinance.

E-Z Serve acquired the Property in October 2019 via a special warranty deed recorded with the Maricopa County Recorder’s Office at Recording No. 2019-0857721. E-Z Serve has been working towards resolving the outstanding violations with the City’s Code Compliance Department. In order to bring the Property into compliance, this request for a CUP is required to meet the technical requirements of the Ordinance to formalize the historic use of the Property as “New and Used Vehicle Sales and Minor Auto Repair Services.”

B. Conditional Use Permit Findings

Ordinance Section 3.904.A establishes five (5) specific criteria for the approval of a CUP. As set forth below, this request meets each of these requirements.

1. *“That the proposed use is consistent with the policies, objective, and land use map of the Glendale General Plan and the purpose of the zone district in which the site is located.”*

¹ No changes are proposed to the current hours of operation as part of this application.

The Glendale General Plan Land Use Diagram identifies the Property as a “DMU - Downtown Mixed Use” (“DMU”) land use category. The DMU land use category is intended to encourage “a mix of residential uses and commercial activities in the historic downtown” and “the City’s historic mixed-use (residential and retail commercial core) with attractive storefronts that are highly visible to those traveling along Glendale Avenue. . . .” (General Plan, Page 2-11).

The DMU land use designation is generally bound by Glenn Drive on the north, Lamar Road on the south, 51st Avenue on the east, and 59th Avenue on the west (General Plan, Page 2-11). Land uses along Glendale Avenue from 59th Avenue to 57th Avenue include a mix of commercial uses with storefronts that are oriented toward the street, creating an attractive pedestrian experience and visual interest along Glendale Avenue. The properties near the intersection of Glendale Avenue and 55th Avenue, including the Property, transition to more automobile-oriented uses, including a mix of fast, casual restaurants and automobile repair and services. Therefore, the use of the Property is consistent with the existing development and services provided in the immediate surrounding area.

As noted above, the Property is zoned C-2. The purpose of the C-2 zoning district is to “accommodate integrated or freestanding commercial uses and services” that “serve both neighborhood scale as well as community level needs” (Ordinance Section 5.751). The C-2 zoning district permits a wide range of retail uses, including new or used automobile vehicle sales and repair services, subject to approval of a CUP. Approval of this request would authorize the use of the Property that is consistent with the purpose of the C-2 zoning district, as well as the commercial character of the immediate surrounding area.

2. *“That the proposed use will not be materially detrimental to the health, safety or general welfare of persons residing or working within the neighborhood of the proposed use, or have an adverse effect on the property, adjacent properties, the surrounding neighborhood or the city when consideration is given to the character and size of the use and hours of operation”*

The use of the Property is a compatible land use with respect to the size and hours of the operation occurring at the Property when compared to the uses in the immediate surrounding area, which primarily include typical retail and other automotive service uses. The Property is located at a commercial intersection along a major arterial roadway where such commercial uses are appropriate. Therefore, the use of the Property will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood or surrounding properties. Rather, approval of this request will formalize the historical use of the Property until redevelopment of the immediate surrounding area, including the Property, becomes desirable.

3. *“That the proposed site is adequate in size and shape to accommodate the intended use and that all requirements for the zone district, including but not limited to: setbacks, walls, landscaping and buffer yards are met.”*

As noted above, the Property is approximately 0.39 acres, or 13,874 square feet in size. Because there is no minimum lot area standard for C-2 zoned properties, the size of the Property is sufficient to support the intended use of the Property. The applicant and its consultants have worked with City staff

to update the site with sufficient landscaping and greenery. As noted on the enclosed conceptual site plan, all other requirements of the C-2 zoning district will be met.

4. *“That the proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that on-site circulation is adequate to permit driveways, parking, and loading requirements in a manner which is safe and efficient.”*

The Property is located at a commercial intersection along a major arterial roadway (Glendale Avenue). Vehicular access to the Property is provided along both adjacent public streets. There are currently four (4) driveway curb cuts providing vehicular access to the property: two (2) curb cuts along 55th Avenue and two (2) curb cuts along Glendale Avenue. The 55th Avenue and Glendale Avenue driveway curb cuts that are nearest to the intersection will be removed and a new curb, gutter and sidewalk installed. Other than to bring the Property into compliance with staff comments and code requirements, no changes to the existing configuration of the Property are proposed at this time. As a result, it is understood that the Property will have adequate and safe access to and from the Property for the type and quantity of traffic generated by the use.

5. *“That adequate conditions or stipulations have been incorporated into the approval of the conditional use permit to ensure that any anticipated detrimental effects can be mitigated.”*

As noted above, the Property has operated in a commercial capacity since approximately 1967. It is understood, based on review of historic aerial photography, that the Property has been utilized for vehicle sales and repairs since approximately 2014. The Property is located at a commercial intersection along a major arterial roadway where such commercial uses are appropriate. Moreover, there are no residential or other sensitive land uses in the immediate area that may be negatively impacted by the operations at the Property. As a result, no detrimental effects are anticipated to result from the use of the Property.

C. Summary

As demonstrated herein, the use of the Property satisfies the criteria for approval of a CUP. Approval of this request will formalize the historic use of the Property as New and Used Vehicle Sales and Minor Auto Repair Services.

Thank you for your careful consideration and we look forward to discussing this request with you at our hearing.

Very truly yours,

Heather N. Dukes

Exhibit A- Site Aerial

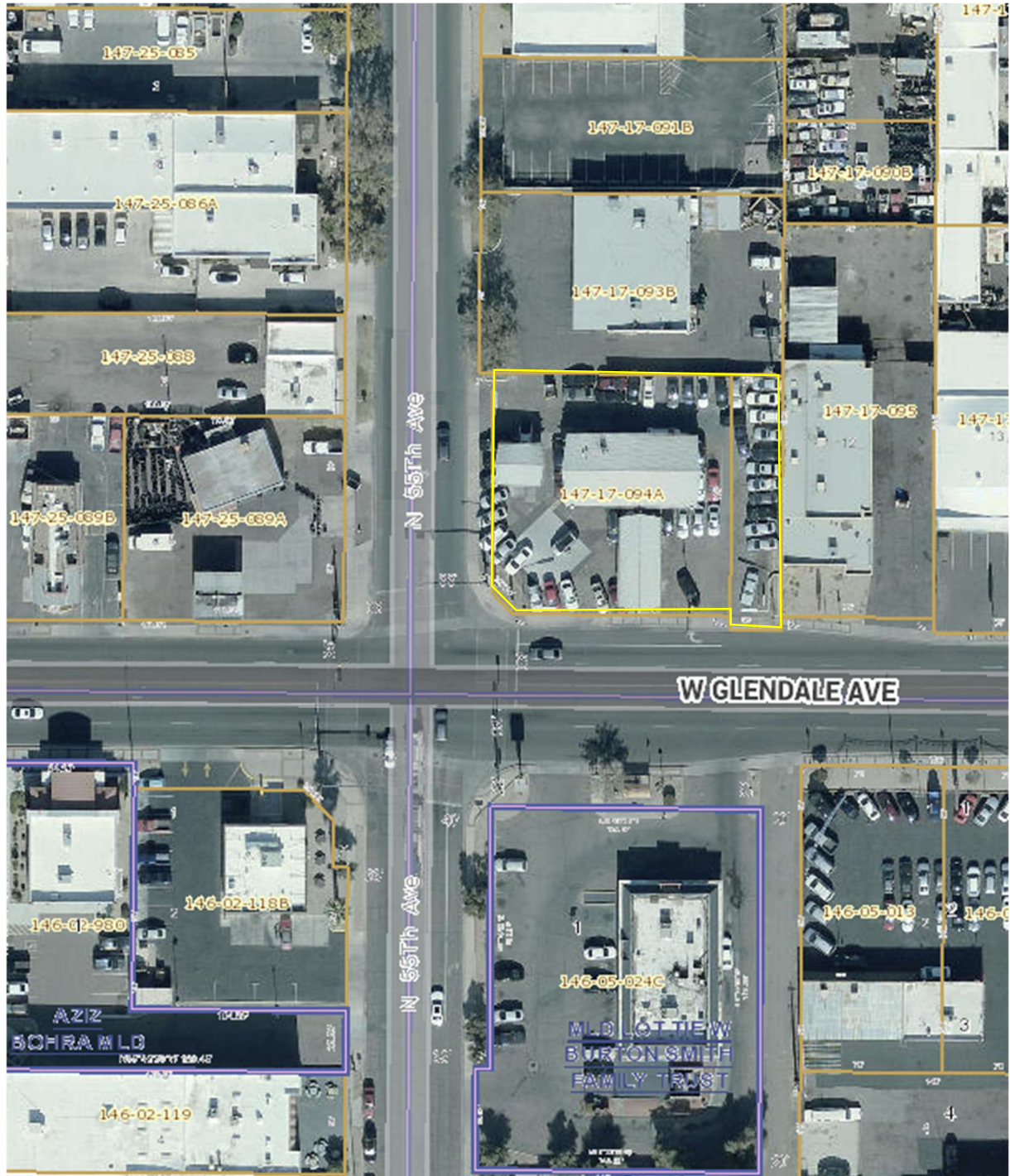
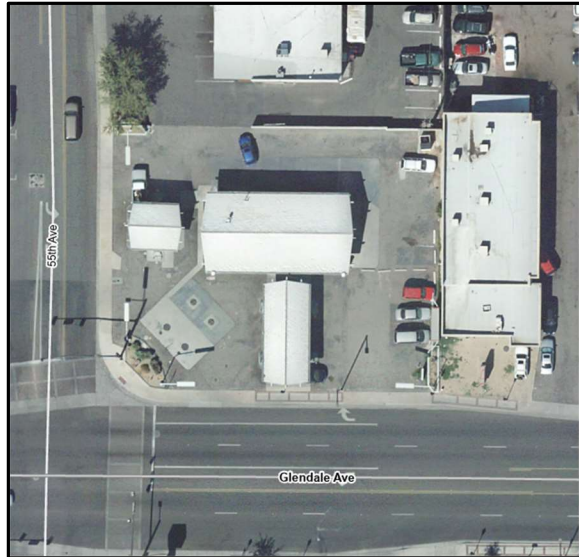
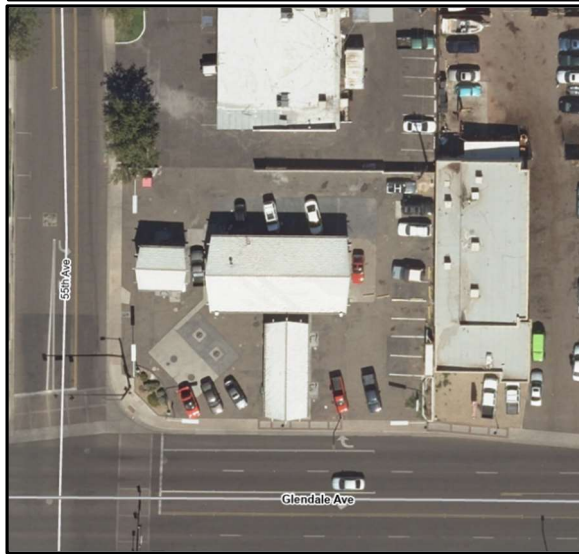


Exhibit B – 2012 to 2014 Historic Aerials

2012



2013



2014

