



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases: 1. Z2009004 – Plains Bumstead
2. MCP2018005 – Plains Bumbstead Facility

Hearing Date: January 31, 2019

Supervisor District: 4

Applicant: Rose Law Group / Chris Webb

Owner: Plains LPG Services LP; TKR Enterprises, INC

Requests: 1. Removal of a portion of the Special Use Permit (SUP) on Plains Bumstead Terminal Facility (Z2009004)
2. Military Compatibility Permit (MCP) with a precise Plan of Development (POD) for the existing and expansion of Plains Bumstead Terminal Facility (MCP2018005)

Site Locations: 1. Generally located at the NWC of Olive Ave. and Bullard Ave. alignment in the Glendale area
2. Generally located at the NWC and NEC of Olive Ave. and Bullard Ave. alignment. In the Glendale area

Site Sizes: 1. Approx. 4.4 acres
2. Approx. 45 acres

Density: N/A

County Island: No

County Plan: White Tank/Grand Ave Area Plan – Military Compatible

Municipal Plan: City of Glendale – Luke Compatible

Municipal Comments: Yes – City of Glendale sent an email noting areas surrounding the subject site have been annexed to the City of Glendale

Support/Opposition: None received to date

Recommendations: 1. **Approve** the removal of 4.4 acres from the SUP (Z2009004)
2. **Approve with conditions**

Project Summary:

1. The applicant is requesting removal of a portion of the SUP (4.4 acres) for the terminal site that is proposed within the MCP area. The SUP site for the Cavern site (approx. 31 acres) shall remain.
2. The applicant is requesting a MCP with a precise POD to operate and expand the existing propane and butane distribution facility,. The current site is located at the northwest corner of Olive Avenue and the Bullard Avenue alignment, and referred to as the "Terminal Site". The expansion area is comprised of approximately 41 acres immediately east of its Terminal Site facility, at the northeast corner of Olive Avenue and the Bullard Avenue alignment, and referred to as the "Expansion Area." The site located in the Glendale area.
3. The existing site was originally granted a SUP in 1977 under Z 76-80. The SUP was later amended under Z2009004 by the Board of Supervisors (BOS) and later by a minor amendment, Z2011025. The existing Terminal Site facility has been in operation at its present location for more than 40 years, serving as a regional supply hub for LPG to Arizona and the Southwest. The Terminal Site facility is the rail tank car receipt and distribution point where the LPG is shipped in and out by railcars utilizing its own railroad spur.
4. The existing site is zoned Rural-43, with Military Airport and Ancillary Military Facility (MAAMF) Overlay Zoning District. The site is also within the statutorily defined high noise zone of 75 – 79 and 80 – 84 Ldn noise contours for Luke Air Force Base (AFB). The expansion area is zoned IND-3 Industrial Unit Plan of Development (IUPD), Military Airport and Ancillary Military Facility (MAAMF) Overlay Zoning District. A Use Compatibility and Consistency Determination (UCCD) has been issued for the proposed land use with UC2018004, determining the proposed land use is compatible and consistent with the high noise or accident potential zone.
5. The improvements that currently exist at the Terminal Site are consistent with the current SUP and are listed in the narrative on page 6 and shown on the site plan. The applicant is proposing improvements to the site as part of the MCP, which include retention area, grading, removing existing gate and fence, relocating electrical lines and relocating power and light poles, replacing existing irrigation, and installing private lead rail track, new turnout switch assembly and card readers. All are shown on the site plan as well.

6. The applicant has also requested the following deviations to the current SUP and Rural-43 zoning district under the MCP:

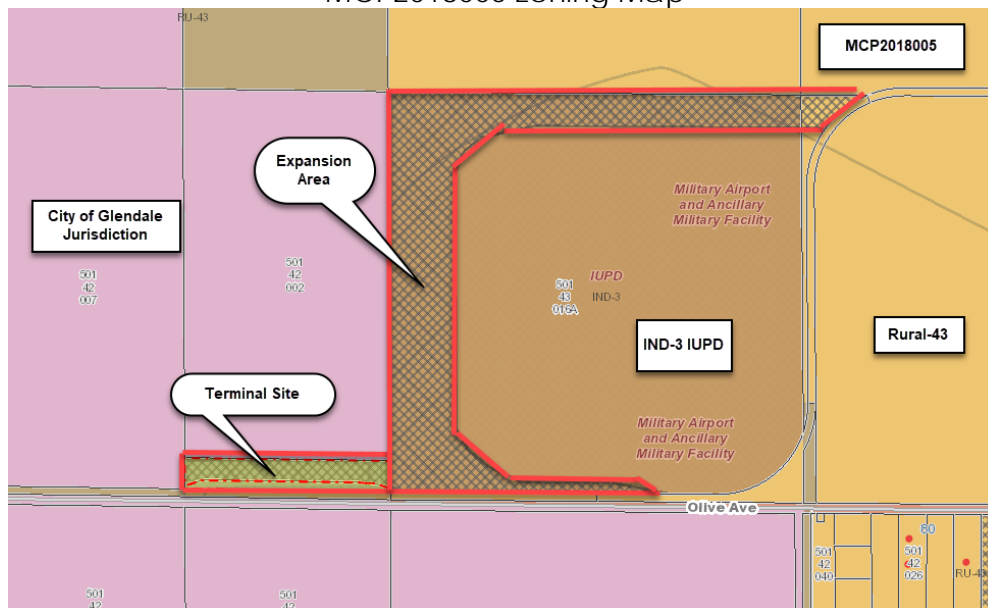
REQUESTED DEVIATION FROM DEVELOPMENT STANDARDS		
<u>STANDARD</u>	<u>RURAL-43/SUP</u>	<u>PROPOSED DEVIATION WITH MCP2018005</u>
Maximum Building Height (Terminal Site)	35'	40'
Maximum Building Height (Expansion Area)	30'/2 stories	40'
Outdoor lighting height	20' (Rural-43)/35' (Existing SUP)	40'
Front Yard Setback (Terminal Site)	15'	15'
Front Yard Setback (Expansion Area)	40'	20'
Side Yard Setback	30'	5'
Street Side Yard Setback	20'	5'
Rear Yard Setback (Terminal Site)	0'	0'
Rear Yard Setback (Expansion area)	40'	25'
Front/Rear Setback between Ldn 80-84 – Ldn 75-79	40' /40'	0' /0'
Lot Coverage	25%	60%
Lot Width	145'	60'
Screening	<ul style="list-style-type: none"> ▪ Adjacent to rural or residential zoning district automobile parking shall be screened from view. ▪ Solid masonry wall, six feet in height adjacent to any side or rear property line abutting any rural or residential zoning district. ▪ View-obscuring wall or fence, six feet in height, on perimeter of site with outdoor industrial use adjacent to district other rural or residential. 	Chain-link for perimeter fencing
Parking Standards	5	5
Lot Size	43,560 sq. ft.	6,000 sq. ft.

7. A portion of the expansion area is currently zoned IND-3 IUPD, the applicant has proposed the following standards:

REQUESTED DEVIATION FROM DEVELOPMENT STANDARDS		
STANDARD	IND-3 IUPD	PROPOSED DEVIATION WITH MCP2018005
Maximum Building Height	180'	40'
Maximum Outdoor Lighting Height	20'	40'
Front Yard Setback (Expansion Site)	20'	20'
Side Yard Setback	5'	5'
Rear Yard Setback	25'	25'
Front/Rear Setback between Ldn 80-84 – Ldn 75-79	20'/25'	0'/0'
Lot Coverage	60%	60%
Lot Width	60'	60'
Screening	None (landscape berm, fencing, trees))	Chain-link for perimeter fencing
Parking Standards	Per Section 1102 of the MCZO	Per Section 1102 of the MCZO
Lot Size	6,000 sq. ft.	6,000 sq. ft.

8. The development standards proposed for the Terminal Site have already been in place for the past 40 years and reflect the existing conditions and improvements. The proposed development standards for the expansion area are largely consistent with those of Maricopa County's IND-3 zoning district, which is appropriate given the industrial nature of the existing use, the proposed expansion, and the future land use plans for the surrounding area. The setback requirements on the portions of the site being retained by the current property owner, over and above those already in place by virtue of the existing zoning for those parcels.

MCP2018005 Zoning Map



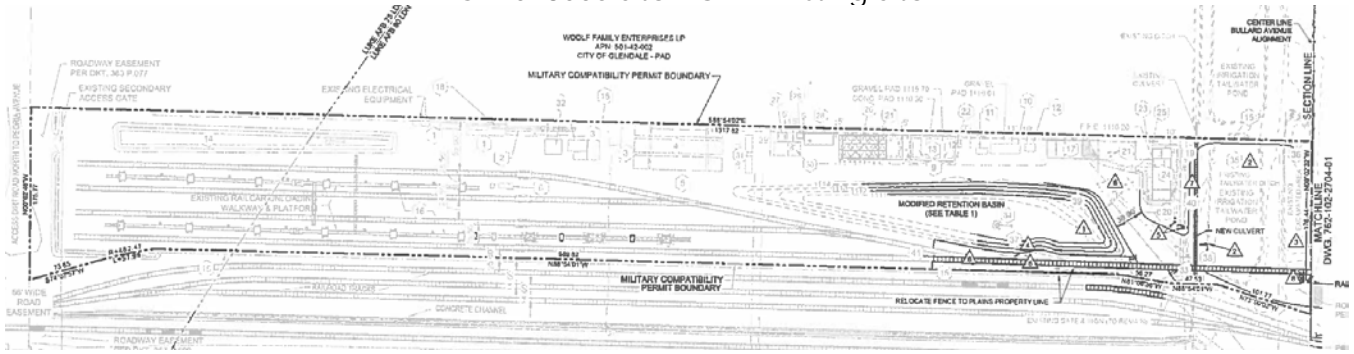
Luke AFB AICUZ Map with MCP2018005



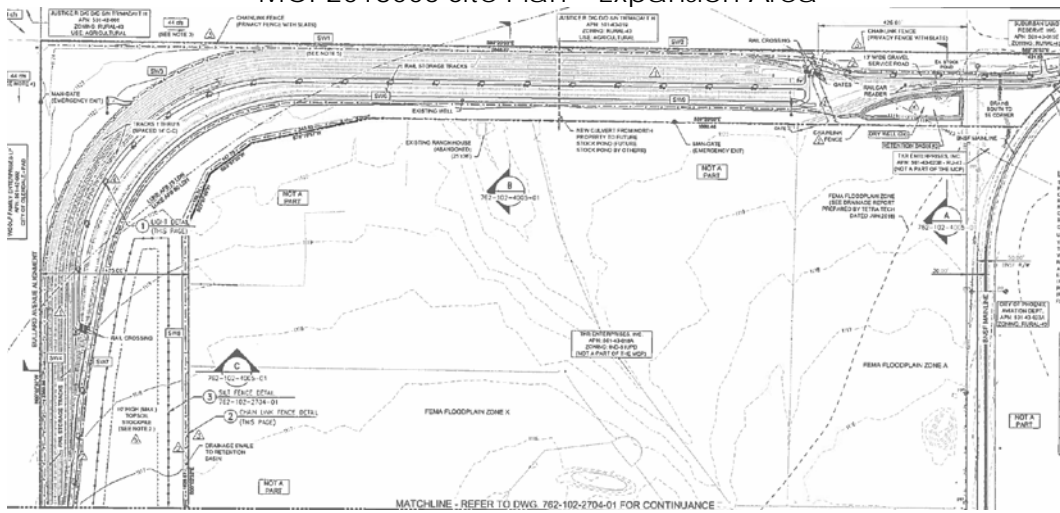
MCP2018004 Aerial Map



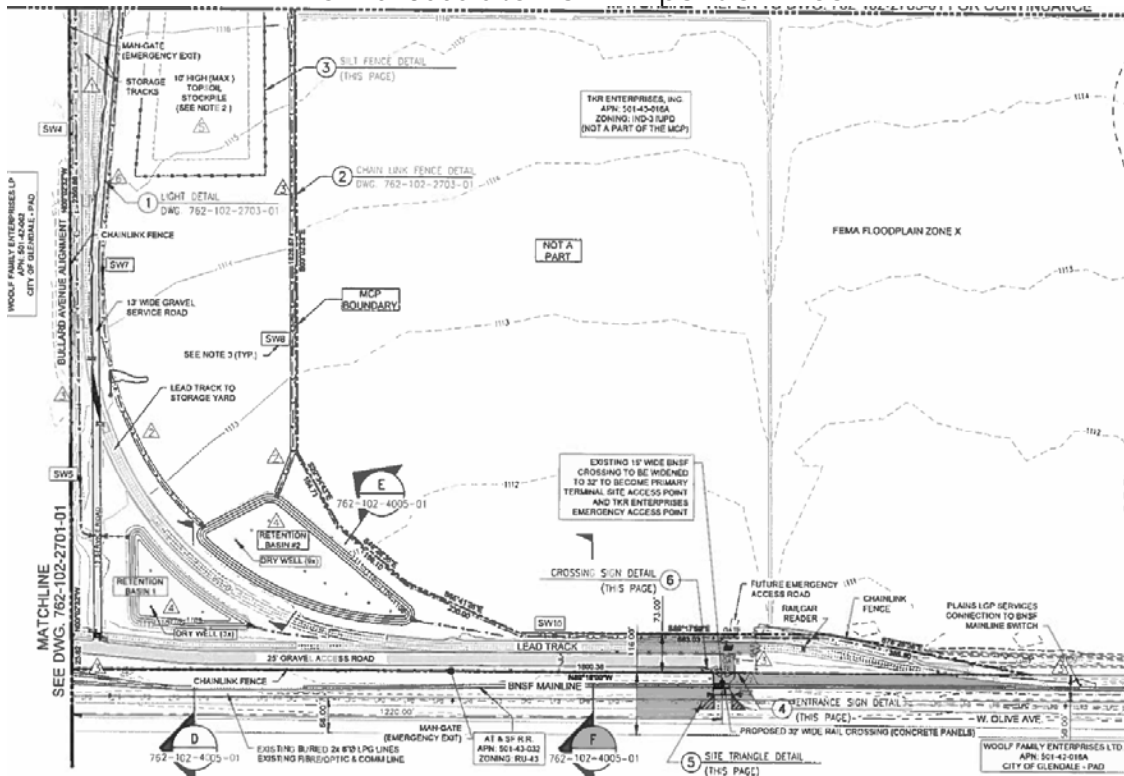
MCP2018005 Site Plan - Existing Site



MCP2018005 Site Plan - Expansion Area



MCP2018005 Site Plan - Expansion Area



Existing On-Site and Adjacent Zoning / Land Use:

- 9. On-site: Rural-43, SUP, IND-3 IUPD, 75-84 Ldn, Military Airport and Ancillary Military Facility Overlay District (MAAMF) / rail terminal site and vacant (expansion area)
- North: PAD (existing terminal site) and Rural-43 Military Airport and Ancillary Military Facility Overlay District (MAAMF) (expansion area) / vacant (City of Glendale) (existing terminal site) and vacant/agricultural use (expansion area)
- South: PAD / railroad siding (BNSF), then arterial (Olive Ave.), then vacant/agriculture (City of Glendale)
- East: IND-3 IUPD, Rural-43, Military Airport and Ancillary Military Facility Overlay District (MAAMF)/ vacant/agricultural use
- West: PAD / vacant/agricultural use (City of Glendale)

Utilities and Services:

- 10. Water: EPCOR
- Wastewater: EPCOR
- School District: Dysart Unified School District
- Fire: Rural Metro
- Police: MCSO

Right-of-Way:

- 11. The following table includes existing and proposed half-width right-of-way and the future classification based upon the Maricopa County Department of Transportation (MCDOT) Major Streets and Routes Plan.

Street Name	Half-width Existing R/W	Half-width Proposed R/W	Future Classification
Bullard Ave.	0'	0'	N/A

The applicant has received a ROW waiver for Bullard Ave. of zero feet from MCDOT (attached). The site does not access Olive Ave. directly and therefore cannot dedicate ROW. The site is accessed through a Memorandum of Crossing Agreement between the property owner and the BNSF, (Document #2009-0803427). Concurrent with the development of the expansion area, a new primary access point and crossing of the BNSF railroad tracks will be developed for the MCP, located approximately 1,300 feet to the east of the existing crossing. Upon development of this new primary access point, the existing access point is anticipated to be used for secondary/emergency access only. Additionally, another new crossing of the BNSF railroad tracks will be secured approximately 2,100 feet to the east of the existing crossing. A corresponding access point from Olive Avenue will be developed in conjunction with the future development of the adjacent property, at which point Plains will also be able to use this crossing and access point for secondary/emergency access as needed.

Adopted Plans:

12. **White Tank/Grand Avenue Area Plan (Adopted 2000):** The subject site is designated as Military Compatible, the proposed uses for the facility are consistent with the land use designation.
13. **City of Glendale General Plan (Adopted 2016):** The City of Glendale General Plan designates the site as Luke Compatible Land Use Area. The land use designation is described as areas that are delineated by the 1988 JLUS 65-70 Ldn noise contour. The plan supports the state legislation related to the operations of the military facility and discourages residential and other noise sensitive land uses within the Luke Compatible Land Use.

Public Participation Summary:

14. The applicant has complied with the Maricopa County Public Participation Process with the required posting of the property and notification by first class mail to the adjacent property owners within 300' of the subject site and interested parties. To date neither staff nor the applicant have received opposition or inquiry to the proposed MCP. As part of the Technical Advisory Committee meeting staff sent case materials to the City of Glendale on August 15, 2018 for review. An email was sent on August 15th indicating that the adjacent areas have been annexed to the City of Glendale. This has been corrected on the revised site plan. The City did not provide comments on the application.
15. Luke AFB issued a letter dated August 29, 2018 stating the proposed use would not negatively impact the flying operations of Luke AFB and the proposed uses are compatible and consistent with the high noise or accident potential of the military airport or ancillary military facility.

Outstanding Concerns from Reviewing Agencies:

16. N/A

Staff Analysis:

17. This request is to expand an existing site that was entitled under Z2009004. The applicant is requesting to remove the current SUP on the portion that would be under the MCP. The SUP portion for the cavern site would remain under Z2009004. The subject site has existed for over 40 years and will expand to portions of the site to the east. Luke AFB has been informed and have issued a letter the site would not impact the installation. The proposed deviations the applicant has requested are consistent with the current site operations.
18. The proposed use is compatible and consistent with the high noise of the military airport and ancillary military facility. The proposal is consistent with the Military Compatibility land use designation as identified in the Comprehensive Plan and White Tank/Grand Avenue Area Plan. Staff believes that the military airport and ancillary military facility compatibility is preserved with the application.

Recommendations:

19. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, to remove a portion of the SUP (4.4 acres) under Z2009004.
20. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, subject to conditions 'a' – 'e' of MCP2018005.
 - a. Development of the site shall comply with the Site Plan entitled "Plan of Development Terminal Site Expansion", consisting of 5 full-size sheets, dated December 8, 2018, and stamped received December 12, 2018, except as modified by the following conditions.
 - b. Development of the site shall be in general conformance with the Narrative Report entitled "Plains Terminal Site Facility Expansion", consisting of 13 pages, dated December 6, 2018, and stamped received December 12, 2018, except as modified by the following conditions.
 - c. The following Rural-43/SUP MAAMF standards shall apply:
 1. Maximum Building Height: 40'
 2. Maximum Outdoor Lighting Height: 40'
 3. Front yard setback (Terminal Site): 15'
 4. Front yard setback (Expansion Area): 20'
 5. Side yard setback (Terminal Site & Expansion Area): 5'
 6. Street side yard setback (Terminal Site & Expansion Area): 5'
 7. Rear yard setback (Terminal Site): 0'
 8. Rear yard setback (Expansion Area): 25'
 9. Front/Rear Setback between Ldn 80-84 – Ldn 75-79: 0' / 0'
 10. Lot Coverage: 60 percent
 11. Minimum Lot Width: 60'
 12. Screening: Perimeter fencing to be chain-link
 13. Lot Size: 6,000 sq. ft.
 - d. The following IND-3 IUPD MAAMF standards shall apply:
 1. Maximum Building Height: 40'
 2. Maximum Outdoor Lighting Height: 40'
 3. Front/Rear Setback between Ldn 80-84 – Ldn 75-79: 0' / 0'
 4. Lot Coverage: 60 percent
 5. Screening: Perimeter fencing to be chain-link
 6. Lot Size: 6,000 sq. ft.
 - e. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held

on the date of application due to such revocation of the MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as if the MCP had never been granted.

Presented by: Jaclyn Sarnowski, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Z2009004 Case Map (1 page)
MCP2018005 Case Map (1 page)
MCP2018005 Vicinity Map (1 page)
Site Plan (5 pages)
Legal Description (4 pages)
Z2009004 SUP Termination Narrative (3 pages)
MCP2018005 Narrative Report (13 pages)
Planning Engineering Comments (1 page)
MCDOT Letter Re: Future ROW Requirements (1 page)
MCESD Comments (1 page)
Luke AFB Letter (2 pages)
City of Glendale E-Mail (1 page)