



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2018076 – Dollar General at Jackrabbit

Hearing Date: January 31, 2019

Supervisor District: 4

Applicant: MPA Architects / Leonardo Dale; Simone CRE / David Newton

Owner: Melvin Family Revocable Living Trust

Requests: Zone Change with Overlay from Rural-43 to C-1 Commercial Unit Plan of Development (CUPD)

Site Location: Approximately 650' north of the NEC of Jackrabbit Tr. & McDowell Rd. in the Buckeye area

Site Size: 1.26 acres

Density: N/A

County Island: No

County Plan: White Tank/Grand Ave. Area Plan – Industrial

Municipal Plan: Buckeye – Business Commercial

Municipal Comments: None received to date

Support/Opposition: One letter of opposition

Recommendation: **Approve with conditions**

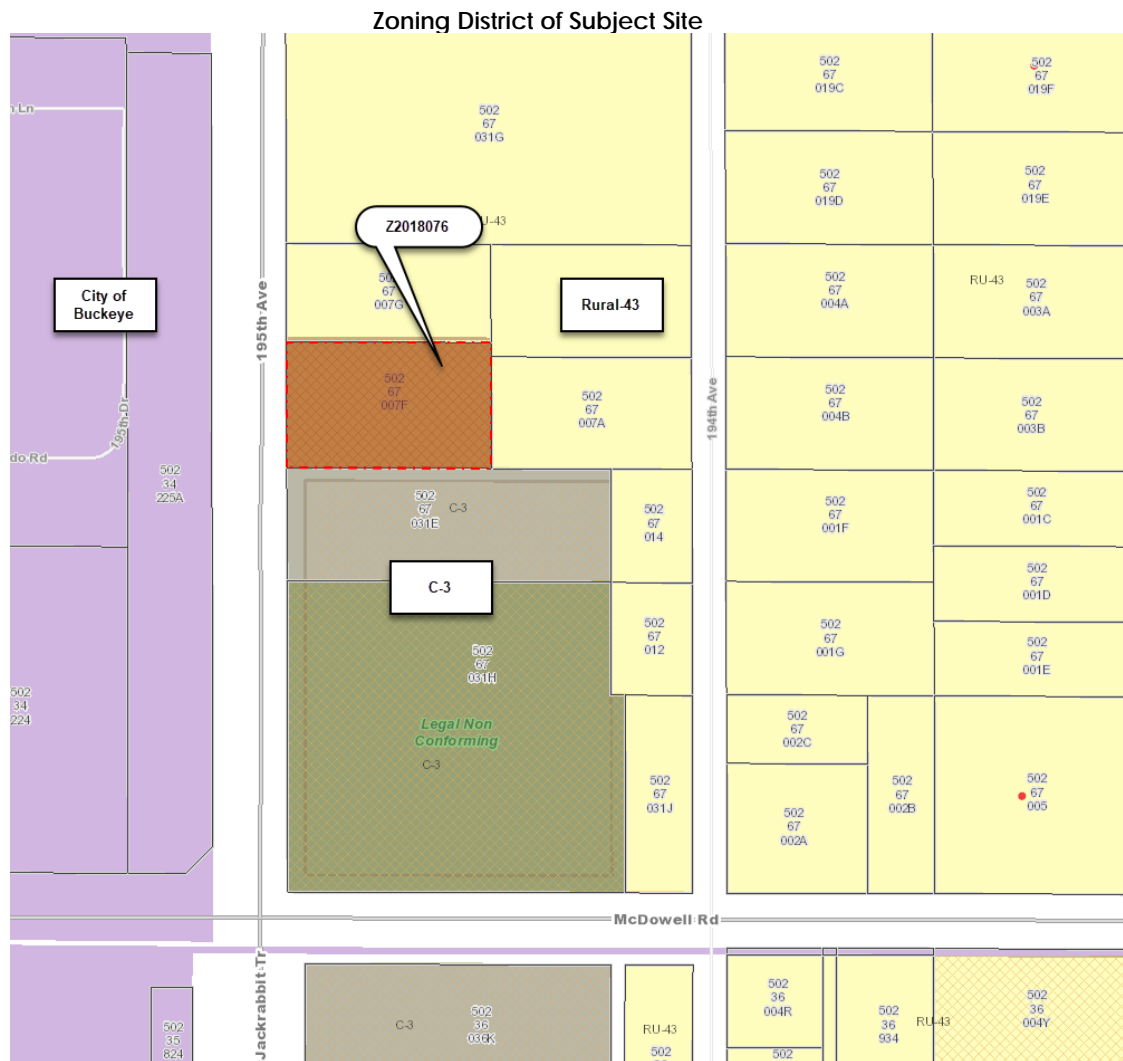
Project Summary:

1. This request is for a zone change with overlay from Rural-43 to C-1 CUPD on approximately 1.26 acres for a Dollar General retail store. The site is located approximately 650' from the NEC of Jackrabbit Tr. and McDowell Rd. in the Buckeye area.
2. The development will consist of a 9,100 sq. ft. retail store for Dollar General. The proposed building will be located in the north-central portion of the site, setback approximately 101' from the site's front property line (west), approximately 41' from the east property line, 28'-7" from the north property line, and 86' from the southern property line. The site meets all setback requirements from adjacent residential and commercial zoning districts. The site is required to provide 37 parking spaces (2 accessible) and one loading/unloading space, per the Maricopa County Zoning Ordinance (MCZO) parking requirements. The site meets this requirement.
3. The store will operate year round, Monday through Sunday, from 8:00 AM to 9:00 PM; however, actual hours of operation will be subject to change depending on retail demand. The store will employ approximately 8 – 10 employees.
4. A CUPD is requested to modify development standards of the C-1 zoning district for screening. The applicant is also proposing to utilize septic for the subject site instead of sewer.

C-1 CUPD Development Standards		
	C-1 Base Zoning District Standards	Proposed C-1 CUPD
Height	30'	30'
Front Yard	10' Except where abuts Residential zoning district 25'	10' Except where abuts Residential zoning district 25'
Side Yard	0' Except where abuts Residential zoning district - 10'	0' Except where abuts Residential zoning district - 10'
Street Side Yard	10' Except where abuts Residential zoning district 20'	N/A
Rear Yard	0' Except where abuts Residential zoning district 25'	0' Except where abuts Residential zoning district 25'
Minimum Lot Area	6,000 sq. ft.	54,885 sq. ft.
Minimum Lot Width	60'	183'
Lot Coverage	60%	60%
Screening	6' (h) solid screen wall (Article 804.9.4.a) adjacent to rural or residential zoning	6' Wood Slotted Fence

5. Per the applicant the request for screening deviation is because there is an existing 6' wooden fence on the east property line. The applicant would utilize this fencing and provide wooden fence along north property line as shown in site plan exhibit. The applicant wishes to install a wood fence in lieu of a block wall to match the existing wood fence that currently stands between the subject site and the residential neighbors. The adjacent / neighboring lot to the north where the wood fencing wall is being requested is currently zoned residential and is vacant but the applicant believes the site is likely to be re-zoned commercial. The proposed building is also setback 41'-4" from the east property line, also providing an additional buffer to the residential zoning district adjacent to the site.

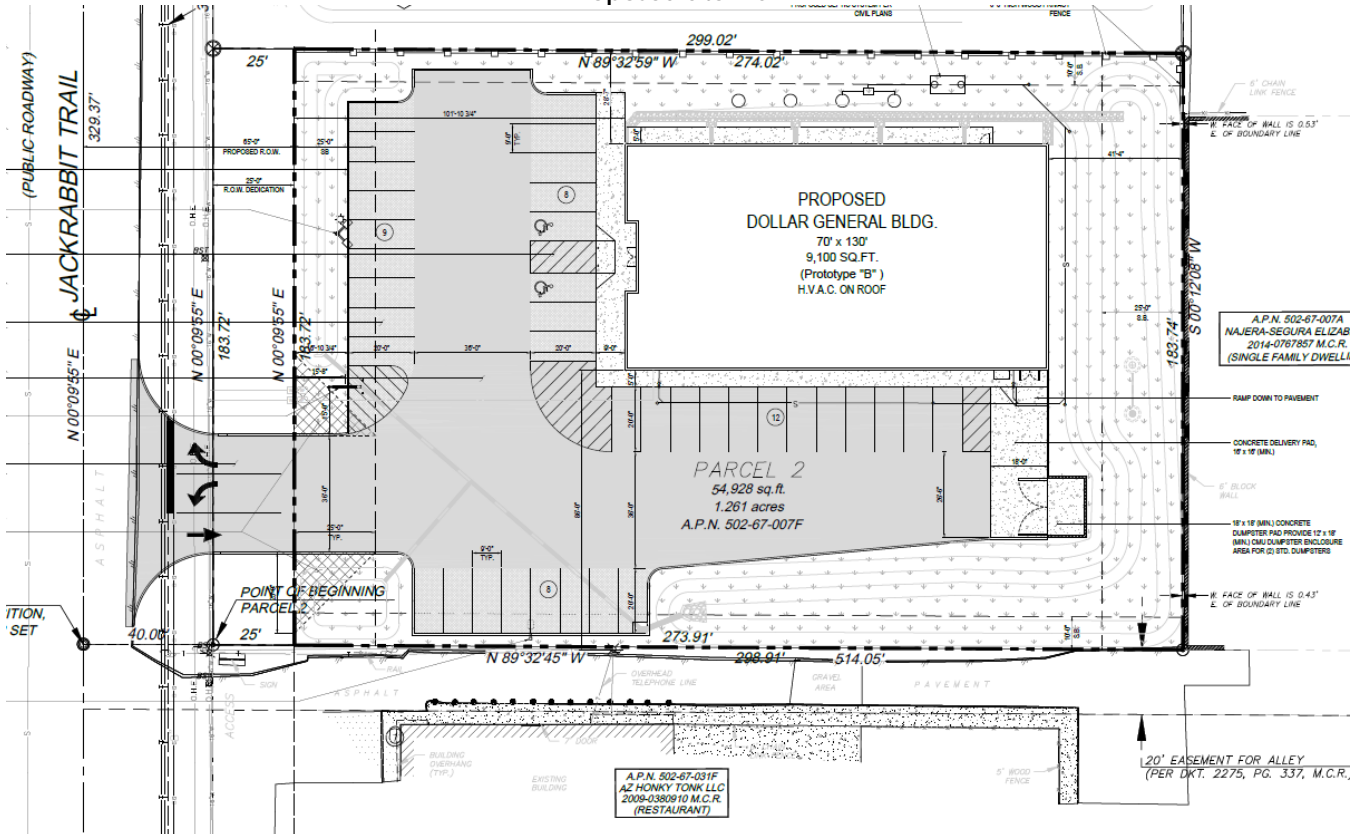
6. It should be noted that since the applicant is proposing a site plan (required plan of development, POD) and although the zone change is a legislative approval, the POD is administratively approved. Therefore, POD approval is contingent upon prior rezoning approval.



Aerial-photo of Subject Site



Proposed Site-Plan



Existing On-Site and Adjacent Zoning / Land Use:

- 7. On-site: Rural-43 / Vacant
- North: Rural-43 / Vacant
- South: C-3 / Commercial business
- East: Rural-43 / Single-Family Residential
- West: Jackrabbit Tr. then City of Buckeye jurisdiction / Vacant

Utilities and Services:

- 8. Water: Arizona Water Company
- Wastewater: Septic
- School Districts: Buckeye Union High School District / Liberty Elementary School District
- Fire: Buckeye Valley Fire District
- Police: Maricopa County Sheriff's Department (MCSO)

Right-of-Way:

- 9. 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
Jackrabbit Tr.	33'	65'	Principal Arterial

Adopted Plans:

- 10. **White Tank / Grand Ave. Area Plan** (adopted 2000): the site is within the White Tank/Grand Ave. Area Plan and is designated Industrial because of the close proximity to Interstate-10. However due to the lack of infrastructure needed for industrial zoning districts, this designation has yet to come to fruition.
- 11. **Buckeye General Plan:** City of Buckeye's General Plan 2040, dated 2018 has the site designated as Business Commercial. The land use designation is described as areas that comprise both community and regional commercial development. This designation may also support professional offices and business parks. Development in Business Commerce may vary in intensity. Uses should have access to major roads and transit and should provide connections to Neighborhood areas, while also creating opportunities for walkability.

Public Participation Summary:

- 12. The applicant 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. Staff received one letter of opposition indicating concerns of increased traffic in the area and a concern for safety (attached). The applicant received a phone call from an adjacent neighbor inquiring if the site would request annexation to the City of Buckeye. The caller had concerns that adjacent properties would be annexed as well and wished to stay

unincorporated. The applicant provided staff with a "Citizen Participation Report" which explains that all requirements were met.

13. Staff received a letter from Luke Air Force Base (AFB) indicating the request would not have a negative impact on the flying operations at Luke AFB (attached). Through the Technical Advisory Committee (TAC) staff sent case materials to the City of Buckeye on September 5, 2018 for review and comment. Staff did not receive comments from the City of Buckeye. No additional correspondence was received.

Outstanding Concerns from Reviewing Agencies:

14. N/A

Staff Analysis:

15. Staff finds the proposed usage an acceptable use for the area. The subject site is adjacent to existing commercial zoning. Parking standards per the MCZO have been met. The applicant is requesting a deviation to the screening standards for commercial zoning district adjacent to a rural/residential zoning district and proposing to utilize the existing wood-slotted fence to the east and provide wood-slotted fencing to the north. The building is setback over 40' from the east property line and no parking is directed in this direction. The adjacent property to the north is vacant.
16. The applicant is also proposing to use septic for the site. Sewer is available through the City of Buckeye, however per the applicant would require a pre-annexation agreement. The applicant as well as adjacent property owners would prefer to stay in the unincorporated jurisdiction of Maricopa County. The CUPD overly district would limit the site to uses only acceptable to MCESD that can be accommodated by septic systems.

Recommendation:

17. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, subject to conditions 'a' - 'g'.
 - a. Development of the site shall be in conformance with the Narrative Report entitled "Dollar General Z2018076 Narrative Report", consisting of 4 pages, dated December 16, 2018, and stamped received December 26, 2018, except as modified by the following conditions.
 - b. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
 - c. All buildings shall be subject to noise attenuation as per ARS § 28-8482(B) and Maricopa County requirements.
 - d. Noncompliance with Maricopa County Regulations shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

- 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 r 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 Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- f. The following C-1 CUPD standards shall apply:
 - 1. 6' wood-slotted fencing adjacent to rural zoning district along the north and east property lines.
- g. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system shall be required prior to establishment of any non-residential use that requires potable water.

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

Attachments: Case Map (1 page)
Vicinity Map (1 page)
Z2018076 Narrative Report (4 pages)
Z2018076 Site Plan (1 page)
Planning Engineering Memo (2 pages)
Z2018076 MCESD Memo(1 page)
Z2018076 Luke AFB letter(1 page)
Z2018076 Email of Opposition (1 page)