



## Report to the Planning and Zoning Commission

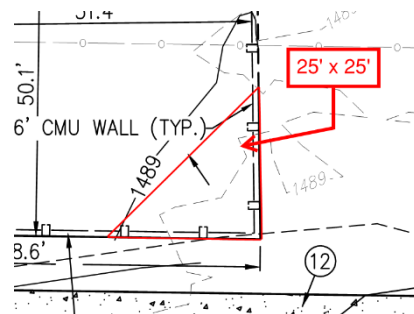
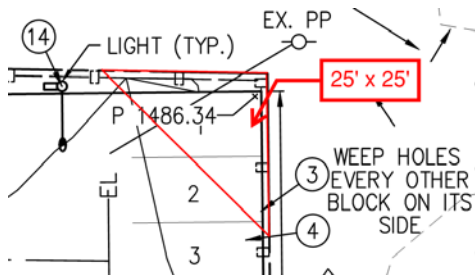
Prepared by the Maricopa County Planning and Development Department

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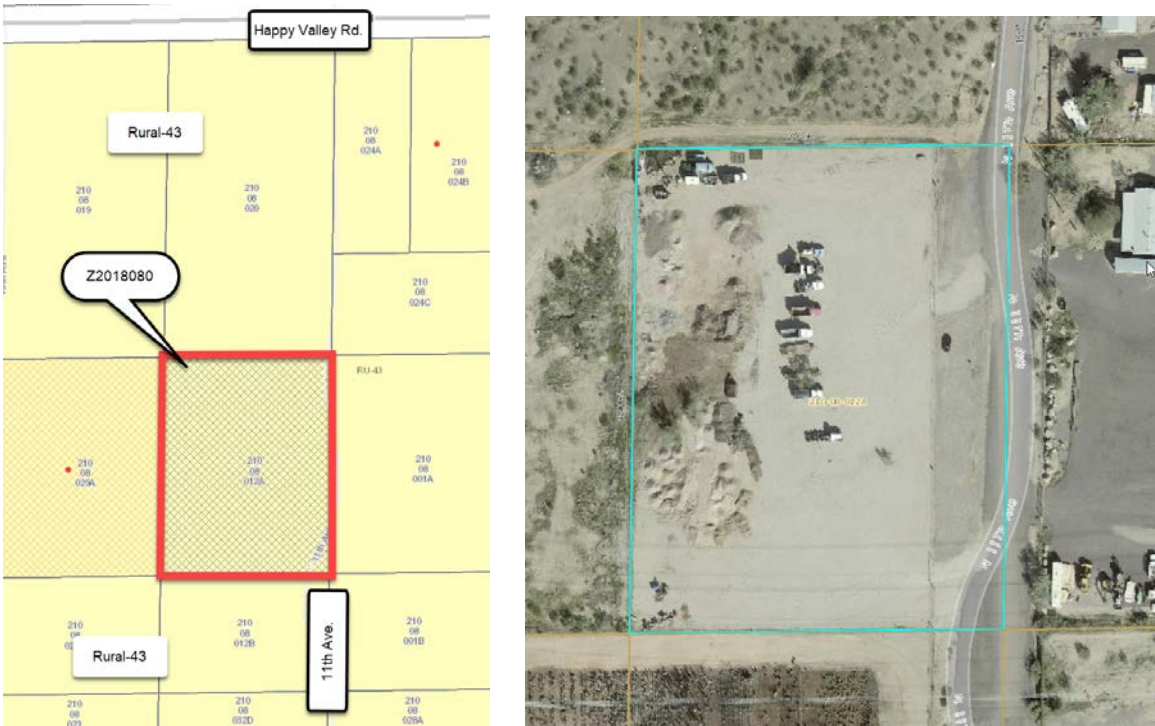
<b>Case:</b>	Z2018080 – MC APN 210-08-012A
<b>Hearing Date:</b>	September 26, 2019
<b>Supervisor District:</b>	3
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<b>Applicant:</b>	Susana Diaz, WestUSA Realty
<b>Owner:</b>	Olga Espinoza
<b>Request:</b>	Special Use Permit for Interim Industrial uses to allow retail sales of landscaping materials and storage of vehicles in the Rural-43 zoning district
<b>Site Location:</b>	Generally located approx. 660' southwest of Happy Valley Rd. and 11 <sup>th</sup> Ave. alignment in the Phoenix area
<b>Site Size:</b>	Approx. 3.27 acres
<b>Density:</b>	N/A
<b>County Island:</b>	Yes (City of Phoenix)
<b>County Plan:</b>	Rural Development Area (0-1 d.u./ac)
<b>Municipal Plan:</b>	City of Phoenix – Commerce/Business Park
<b>Municipal Comments:</b>	None received to date
<b>Support/Opposition:</b>	None known
<b>Recommendation:</b>	<b>Approve</b> with conditions

**Project Summary:**

1. The Special Use Permit (SUP) is for a proposed retail sales of landscaping materials and vehicle storage located approx. 660' southwest of Happy Valley Rd. and 11<sup>th</sup> Ave. in the north Phoenix area. The subject site consists of 3.27 acres and is zoned Rural-43.
2. There is an existing Code violation on the property (V201800380), opened on March 2, 2018 for parking commercial vehicles without a primary use and fencing/grading without zoning clearance/building and drainage permits. The owner has entered into a Compliance Agreement with the County with established deadlines to obtain entitlement for the use and obtain permitting no later than December 30, 2019.
3. The request indicates the property will be used for storage of crushed rock, dump trucks storage, a 10' x 34' office trailer for the sales, operation and delivery of landscaping materials. The facility will have 3 – 5 employees dependent upon workload and will operate Monday thru Friday from 8 a.m. to 5 p.m. with the potential for additional hours on Saturday. Vehicle storage would include a frontend loader and approximately 3-5 dump trucks when not on deliveries.
4. The site will include 73 landscaping/rock storage bins, 6 truck parking spaces, 17 standard parking spaces and 1 ADA space. The site will be secured with a 6' to 7' (h) CMU wall. There will be two access points along 11<sup>th</sup> Ave. with roll gates, no signage is proposed with the SUP. Planning Engineering is requesting dedication of the 11<sup>th</sup> Ave. alignment local street right-of-way (r/w). There will be 6 outdoor lighting fixtures to comply with MCZO standards.
5. Upon review of the site plan, there are deviations needed for sight visibility triangles 25' x 25' along the patent easements at the northeast and northwest corners of the site. The northeastern corner accounts for 33' patent easement (north side) and 11<sup>th</sup> Ave. r/w (east side), the site plan shows the 6' (h) CMU wall within the easement. The northwestern corner accounts for 33' patent easement (north and west sides). This segment includes 3 parking spaces and 6 (h) CMU wall. Since properties to the west are vacant and properties to the south utilize 11<sup>th</sup> Ave. staff is supportive of the applicant's requested elimination of the SVT's at these locations. Staff notes the property owner is considering submittal of Patent Easement abandonments through MCDOT in order to utilize additional portions of the property. The owner is aware that changes to expansion of use after determination of reduction or abandonment would require a minor or major amendment to the SUP. Show below are the locations on the site that would require the 25' x 25' SVTs.



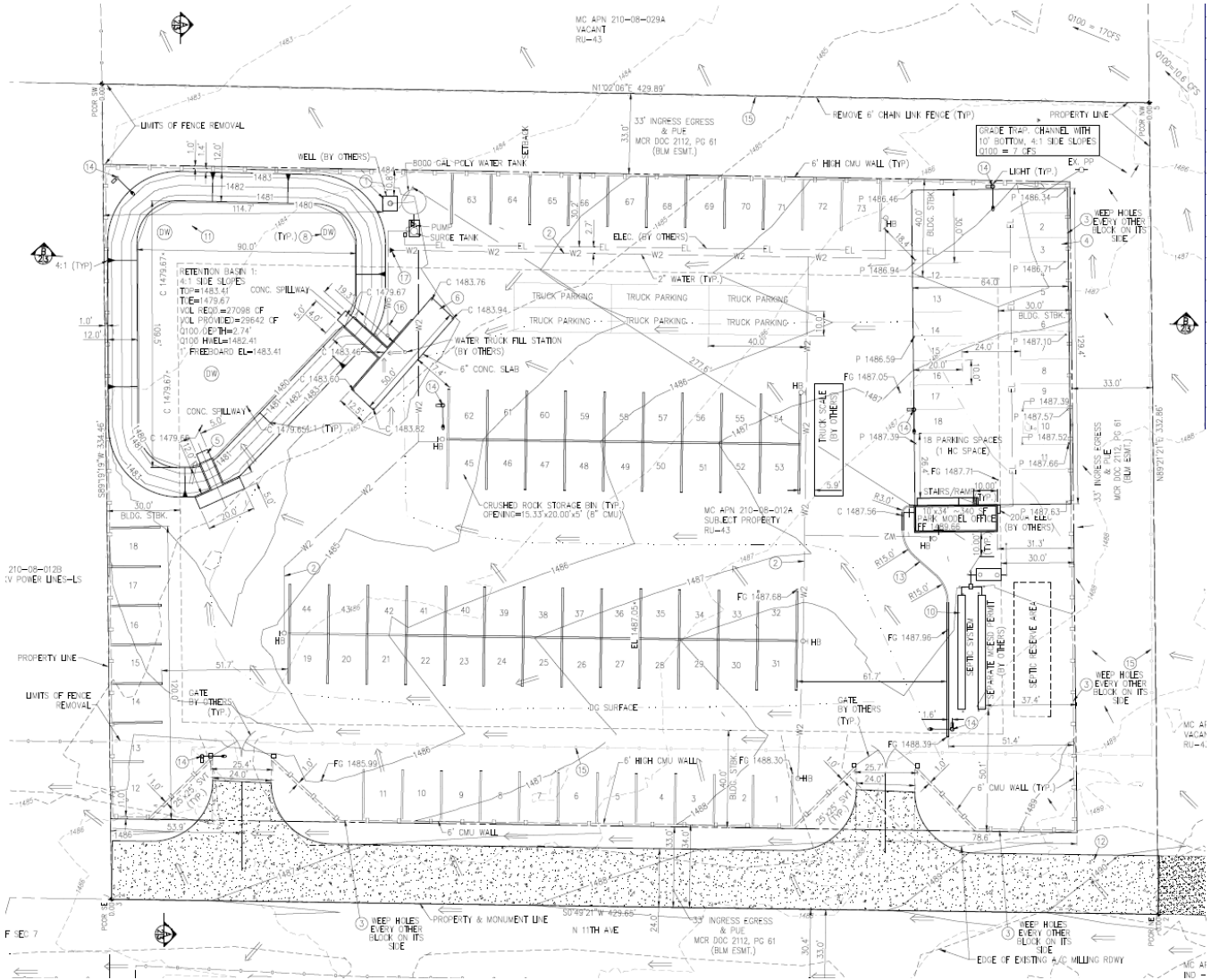
Rural-43 zoning district and aerial image of subject site.



Aerial image of subject site and adjacent land uses.



Proposed site plan.



Existing On-Site and Adjacent Zoning / Land Use:

- 6. On-site: Rural-43 / vacant
- North: Rural-43 / vacant
- South: Rural-43 / SRP
- East: Rural-43 / outdoor storage
- West: Rural-43 / residential with outdoor storage

Utilities and Services:

- 7. Water: Well
- Wastewater: Septic
- School District: Deer Valley Unified School District #97
- Fire: Rural Metro
- Police: MCSO

**Right-of-Way:**

- 8. 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
11 <sup>th</sup> Ave.	33'	0'	Local

**Adopted Plans:**

- 9. **Vision 2030 Comprehensive Plan** (adopted January 13, 2106): The Comprehensive Plan designates the site as Rural Development Area (0-1 d.u./ac)
- 10. **City of Phoenix General Plan** (April 2018): The plan identifies the area as Commerce/Business Park which allows for areas of major employment centers, offices, storage, utility centers, etc. The Plan identifies the subject site as an area of transition area to Commercial which identifies retail uses. The retail use is consistent with the City's plan.

**Public Participation Summary:**

- 11. The applicant has complied with the Maricopa County Citizen Review Process with the required posting of the site and notification by first class mail to adjacent property owners within 300' of the subject parcels and interested parties. To date, the applicant has not received opposition to the proposal during the public participation process.

**Outstanding Concerns from Reviewing Agencies:**

- 12. N/A.

**Staff Analysis:**

- 13. The proposed use of retail sales of landscape materials and vehicle storage complies with the interim industrial use and per MCZO is limited to a maximum of 10 years. Staff notes, due to the code violation on the property and the continued use of the site without the proper entitlement, staff is supportive of the 10-year timeframe, with a status report due within 1 year to verify compliance of obtaining building permits for existing on-site improvements and development of the property. The code violation will not be rectified until the SUP is approved and all unpermitted grading and fencing receives final inspections. The applicant has entered into a compliance agreement with the County with established deadlines to bring the site into compliance with MCZO regulations.
- 14. Staff is supportive of the request to eliminate the required 25' x 25' SVT's along the patent easements at the northeast and northwest regions of the property, due to vacant land in the vicinity and non-use of the existing patent easements. The application was routed to the City of Phoenix, but staff did not receive comment on the application. Reviewing County agencies do not have any objections to the request.

**Recommendation:**

15. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, subject to conditions 'a' – 'h'.
  - a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "SUP for 24714 N. 11<sup>th</sup> Ave. – MC APN 210-08-012A", consisting of 5 full-size sheets, dated revised July 10, 2019, and stamped received July 19, 2019, except as modified by the following conditions.
  - b. Development of the site shall be in substantial conformance with the Narrative Report entitled "MC APN 210-08-012A", consisting of 9pages, dated revised March 15, 2019, and stamped received April 2, 2019, except as modified by the following conditions.
  - c. The following Planning Engineering condition shall apply:
    1. A minimum of 24 feet of pavement width shall be required, adjacent to the easterly parcel boundary, from the southern property line to the paving of N. Happy Valley Road. The pavement section shall have a minimum structural number of 2.88.
  - d. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors. All of the structures shall be removed within 60 days of such termination or expiration. If the SUP is not extended, then at the expiration of the SUP, the uses occurring on the property must be consistent with the underlying zoning district.
  - e. The applicant/owner shall submit a written report outlining the status of the development at the end of 1 year from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
  - f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
  - g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
  - h. 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, and at the time of expiration of the Special Use Permit, 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, or the expiration of the Special Use Permit, 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 or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Presented by: Rachel Applegate, Senior Planner  
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Case Map (1 page)  
Site Plan (reduced 8.5"x11", 5 pages)  
Narrative Report (9 pages)  
MCDOT comments (1 page)  
MCESD comments (1 page)