



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2019039 – Desert Services International Special Use Permit

Hearing Date: September 26, 2019

Supervisor District: 4

Applicant: Gammage & Burnham, PLC

Owners: 18115 West Van Buren LLC, Stanley K. and Elizabeth A. John, William Douglas Powell

Request: Special Use Permit (SUP) for a Home Occupation, Cottage Industry

Site Location: Southwest corner of 181st Ave. and Van Buren St. in the Goodyear area

Site Size: 10.04 acres

Density: N/A

County Island: No

County Plan: White Tank / Grand Ave. Area Plan – Large Lot Residential (1-2 d.u./ac)

Municipal Plan: Goodyear – Neighborhood

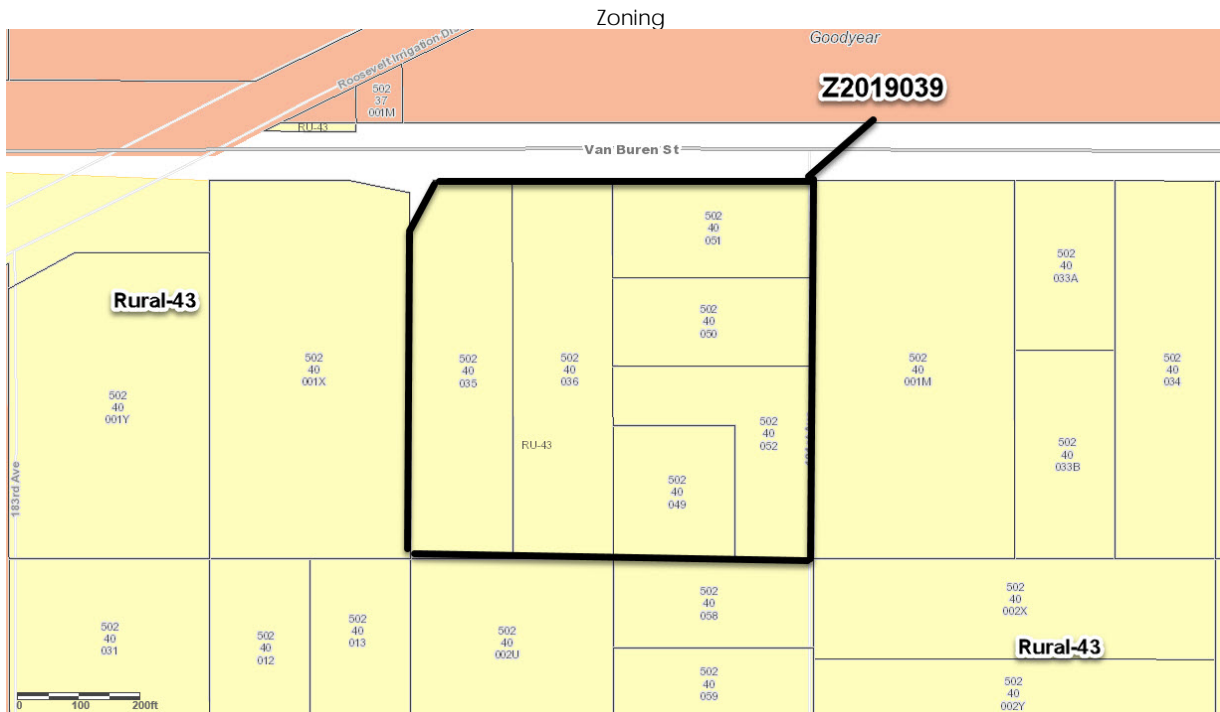
Municipal Comments: None received to date

Support/Opposition: 3 letters of support were received

Recommendation: **Approve** with conditions

Project Summary:

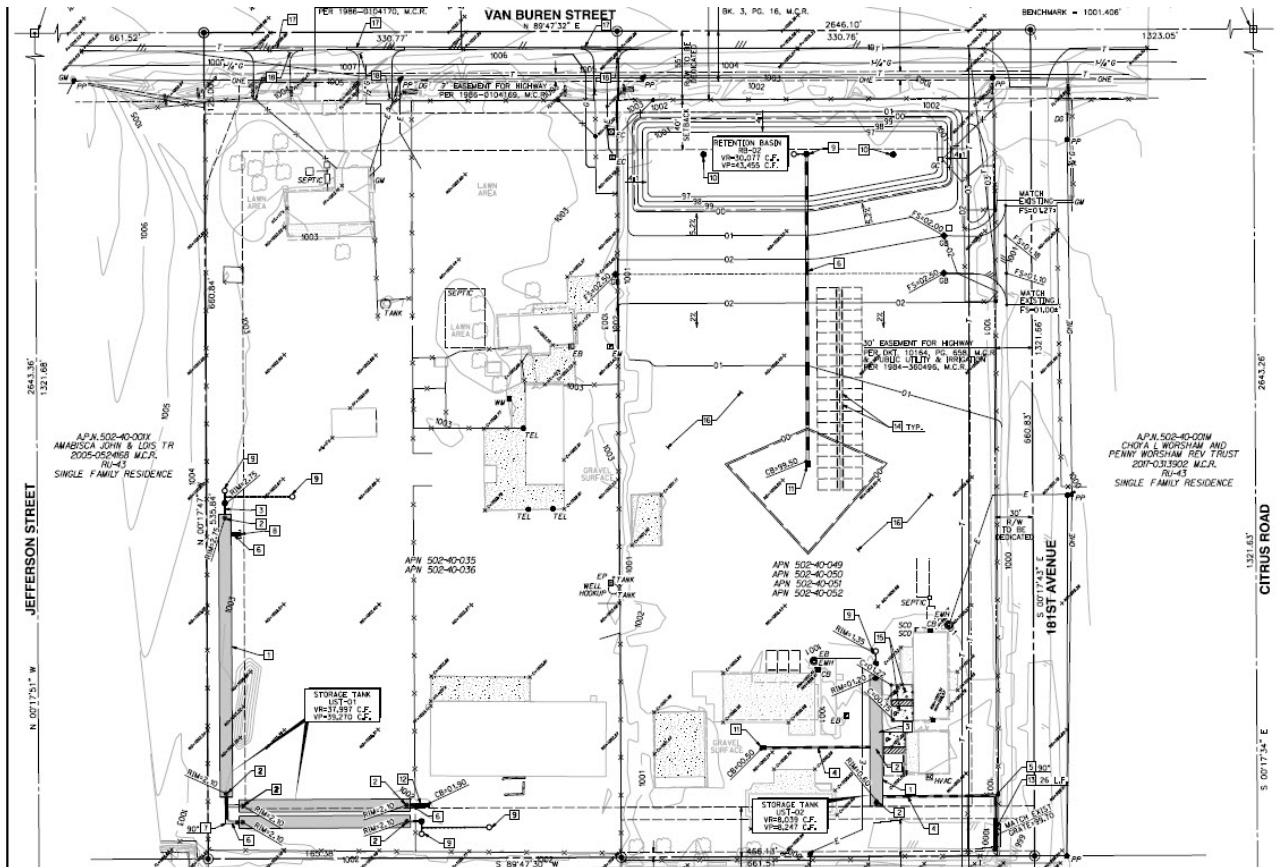
1. The request is for a Special Use Permit (SUP) to allow Desert Services International (DSI) to continue use and possible expansion for a Home Occupation, Cottage Industry. The overall SUP area is made up of six parcels and the applicant proposes to combine the current parcels into two parcels at a future date. DSI has unlawfully operated on the approximate eastern 2/3 of the overall SUP site since 2008. DSI is a commercial construction management contractor specializing in telecommunications and utilities. An entrepreneur from DSI currently resides on the property in a single-family residence and will continue to do so. Possible future expansion to the west would include what is currently a second single-family residence within the overall SUP area. The applicant is requesting approval of a SUP for a duration of 30 years.
2. DSI typically has 12-15 employees working on site during normal seasonally adjusted business hours, and an additional 40-50 off site employees working day and night shifts. Access to the DSI residence is provided from Van Buren St. and access to the Cottage Industry and related buildings will be provided via a relocated drive along 181st Ave. with an additional emergency access drive in the southeast corner of the property. Parking for on-site employees is provided adjacent to buildings in the southeast corner of the site, and parking for off-site employees is provided in the northeastern portion of the site. The property is enclosed by a 6' (h) chain link fence and portions of the fence will be removed or relocated to insure none are located in the sight visibility triangles (SVTs).
3. The applicant met with staff to discuss options approximately one-month prior to violations being reported for a business in a residential area on December 12, 2018 (V201802210 and V201802209). The applicant requested a pre-application meeting with staff, which was held on January 22, 2019. The violation cases were subsequently placed in Administrative Remedy status pending the outcome of the SUP request. Application was made for the SUP on May 10, 2019 and staff again met with the applicant on June 18, 2019 in a TAC meeting.



2019 aerial of subject site and surrounding environs



Site Plan Excerpt



Existing On-Site and Adjacent Zoning / Land Use:

- 4. On-site: Rural-43 / Home Occupation, Cottage Industry
- North: Van Buren St. / City of Goodyear / Mobile Home Park
- South: Rural-43 / Single-family residence
- East: Rural-43 / 181st Ave / Single-family residence
- West: Rural-43 / Single-family residence

Utilities and Services:

- 5. Water: On-site well
- Wastewater: On-site septic
- School Districts: Liberty Elementary School District / Buckeye Union #201 H.S.
- Fire: Rural Metro
- Police: MCSO

Right-of-Way:

- 6. 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
Van Buren St.	40'	55'	Principal Arterial
181st Ave.	0'	30'	Local

Adopted Plans:

- 7. **White Tank Grand Ave. Area Plan (Adopted on December 6, 2000):** The area plan designates the site Large Lot Residential (1-2 d.u./ac.).
- 8. **City of Goodyear General Plan:** Staff notes that the Goodyear General Plan designates the subject property as Neighborhood. As of the writing of this report, the City of Goodyear did not send a response for this application.

Public Participation Summary:

- 9. The applicant has complied with the Maricopa County Citizen Review Process with the required posting of the property and notification by first class mail to adjacent property owners within 300' of the subject parcel and interested parties. The applicant did not receive any opposition to the proposal during the public participation process. Staff has received no calls or letters of support/opposition as of the writing of this staff report.

Outstanding Concerns from Reviewing Agencies:

- 10. N/A.

Staff Analysis:

11. Staff believes the Special Use Permit request is reasonable given the history of use and location being adjacent to Van Buren Street. In viewing the overall surrounding area, the use is also fairly compatible in that most of the surrounding area is agricultural. There is a larger parcel approximately 800' to the west containing outdoor storage of commercial vehicles and construction materials. Also worth noting are a RV park across Van Buren, and an outdoor RV storage facility approximately ½ mile to the east. Available aerial photos show what appears to be a similar use and vehicles being stored in much of the eastern portion of the property since at least 2008. It may also be worth noting that the business use has existed on the property in one form or another for over 10 years until a complaint was recently submitted. The applicant has requested 30 years for the SUP. Staff was initially of the opinion 10 years would be more appropriate given the recent violation complaint. However, staff has worked with the applicant to craft conditions to insure adequate screening and dustproofing to comply with air quality regulations. With these conditions in place, staff is amenable to the 30 year timeframe as requested by the applicant.

Recommendation:

12. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, subject to conditions 'a' – 'm'.
 - a. Development of the site shall be in substantial conformance with the Site Plan entitled "Precise Plan for Desert Services", consisting of 8 full-size sheets, dated August 23, 2019, and stamped received August 26, 2019, except as modified by the following conditions. If approved by the Board of Supervisors, a revised site plan shall be submitted within 30 days showing correct SVTs and fencing moved out of SVTs.
 - b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Desert Services International", consisting of 11 pages, dated August 28, 2019, and stamped received August 28, 2019, except as modified by the following conditions.
 - c. The following Planning Engineering condition shall apply:
 1. MCDOT R/W permit for the driveways along W Van Buren St. will be processed through planning and development. The R/W permit application can be submitted with the building application, or provided later as part of the review process if desired.
 - d. This Special Use Permit shall expire 30 years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.
 - e. Applicant shall obtain all necessary building permits pursuant to Maricopa County requirements.

- 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. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- i. Within 180 days of Board approval, the owner shall combine the parcels within the SUP boundary into a single parcel.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. Cat's Claw (*Uncaria tomentosa*), Mondell Pines (*Pinus eldarica*), and/or Mesquite (*Prosopis glandulosa* or *chilensis*) shall be planted and maintained 20' on-center along the Van Buren Street frontage of Lots 1 & 2, as described and depicted in the Narrative date stamped August 28, 2019, and along the 181st Avenue frontage. Any future outdoor storage within 30' of the west perimeter property line shall be screened with Cat's Claw (*Uncaria tomentosa*), Mondell Pines (*Pinus eldarica*), and/or Mesquite (*Prosopis glandulosa* or *chilensis*) planted and maintained 20' on-center along the west perimeter property line.
- l. 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: Glenn Bak, Planner
 Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Case Map (1 page)
 Site Plan (reduced 8.5"x11", 8 pages)
 Narrative Report (11 pages)
 Engineering comments (2 pages)
 MCESD comments (1 page)
 Letters of support (3 pages)