



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case:	MCP2019001– Perryville and I-10
Hearing Date:	September 26, 2019 (continued from August 8, 2019)
Supervisor District:	4
Applicant:	William E. Lally, Tiffany & Bosco, P.A.
Owner:	Jose Cabrera & Lourdes Rojas
Request:	Military Compatibility Permit (MCP) for wholesale trade and an offsite sign (billboard) along with a precise Plan of Development (POD) for the billboard only
Site Location:	Generally located approximately 180' south of the SEC of Perryville Rd. and the Interstate-10 in the Goodyear area
Site Size:	Approx. 1 acre
Density:	N/A
County Island:	City of Goodyear
County Plan:	White Tank/Grand Ave Area Plan – Military Compatible
Municipal Plan:	City of Goodyear – Luke Compatible
Municipal Comments:	No concerns per email
Support/Opposition:	3 documents of support
Recommendation:	Denial

Project Summary:

1. The applicant is requesting an MCP for a wholesale trade business and a billboard with a precise POD for the billboard only. The site is an approximately 1-acre parcel (502-37-068B addressed at 1142 N. 186th Dr.) and is located south of the SEC of Perryville Rd. and I-10 in the Goodyear area. The parcel is part of the Quintana Estates residential subdivision (lot #49). The subject site has an existing single-family residence and accessory structures as shown on the site plan and the aerial below.
2. The 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 or accident potential zone (LDN 65-69 noise contours and APZ2 Accident Potential Zone) for Luke Air Force Base (AFB). A Use Compatibility and Consistency Determination (UCCD) has been issued for the proposed land uses with UC2019007, determining the proposed land uses are compatible and consistent with the high noise or accident potential of the military airport or ancillary military facility.
3. The proposed uses consist of wholesale trade related to farming and nurseries including all equipment and supplies. Any storage of these would be located within an enclosed building or within an enclosed area by a solid wall. There are no additional buildings anticipated to the site and the business would not be open to the public. Hours of operation, for delivery of products will take place between the hours of 8:00 a.m. and 5:00 p.m. Access would be from 186th Dr. to the east of the site. Access to Perryville Rd. is restricted via 10' Goodyear strip annex (within ROW) and a 1' VNAE on the west side of the lot according to the recorded plat.

2019 aerial of subject site and surrounding properties

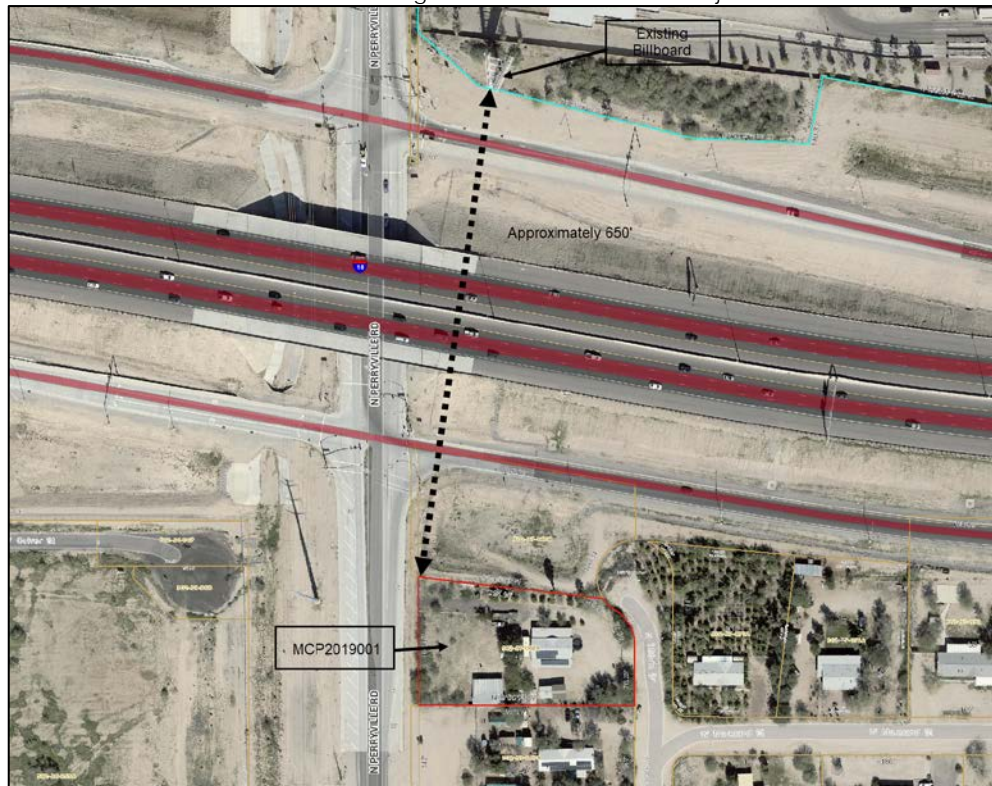


4. In addition to the wholesale trade land use, the applicant is proposing a billboard to be located on the property. Since the MCP allows for requested standards, the applicant used the C-2 zoning district (commercial signage) per Section 1403 of the Maricopa County Zoning Ordinance (MCZO). The table below shows these commercial signage regulations with their proposed development standards. The billboard would be located at the northwest corner of the site as shown on the site plan. The applicant has provided exhibits within the narrative showing the reasons for height and sign area increase with proximity to the I-10 for visibility. The billboard would also be located at the north of the parcel in order to be closer to the I-10 to justify reduction in setbacks. There is another billboard located north of the I-10 on Perryville Rd. (located approximately 650' from the subject site). See aerial below of distance proximity of this billboard to the subject site.

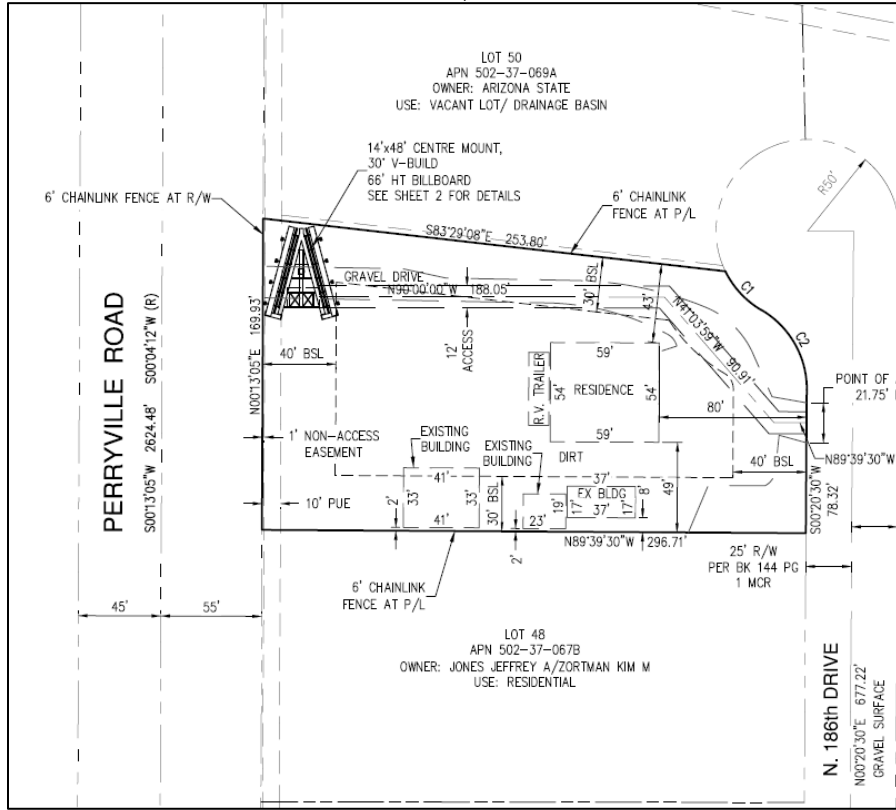
MCP2019001 Proposed Offsite Sign Development Standards

Military Compatibility Permit		
Regulation	Base Zoning District Regulations (C-2)	Proposed Regulations (MCP)
Off-Site Sign Height	30'	66'
Off-Site Sign Max Size	300 square feet	672'
Side Yard Setback	25'	0' (North Property Line)
Setback to RU-43	100'	0'
Setback to RU-43 for illuminated off-site sign	150'	0'

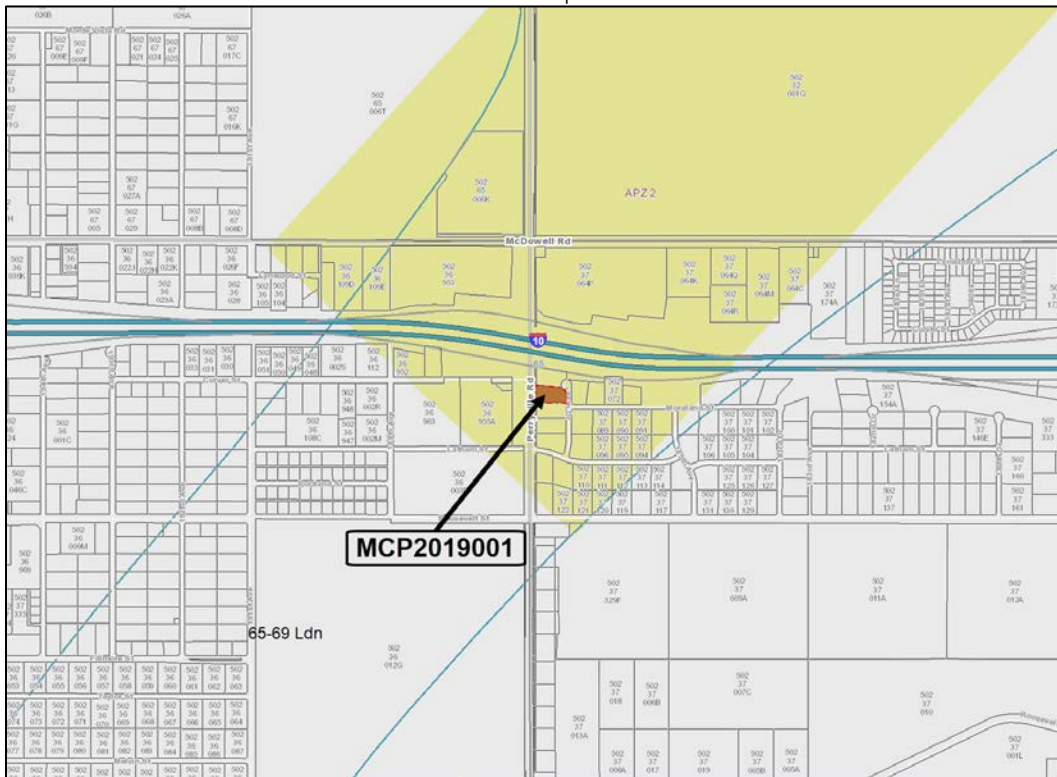
MCP2019001 Existing Billboard Distance from Subject Site



MCP2019001 Proposed Site Plan

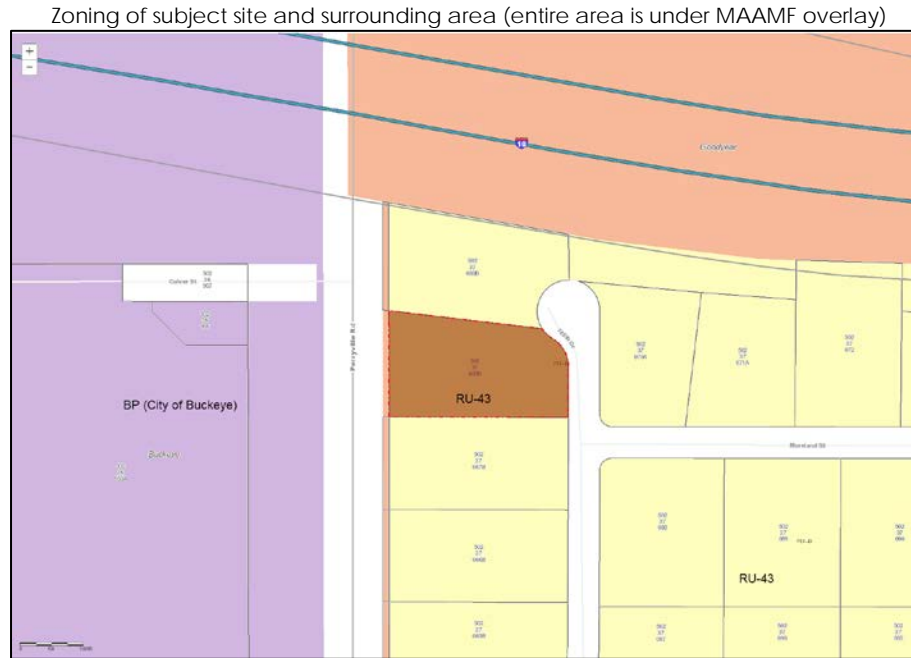


Luke AFB AICUZ Map with MCP2019001



Existing On-Site and Adjacent Zoning / Land Use:

- 5. On-site: Rural-43, Military Airport and Ancillary Military Facility Overlay Zoning District (MAAMF) / Single-Family Residential
- North: Rural-43, MAAMF/ Vacant (ADOT owned)
- South: Rural-43, MAAMF / Single-Family Residential & Farmer’s Market
- East: Rural-43, MAAMF / 186th Dr. then Single-Family Residential
- West: Arterial then BP (City of Buckeye) / Vacant



Utilities and Services:

- 6. Water: Arizona American Water Company
- Wastewater: Septic
- Fire: City of Goodyear
- Police: MCSO

Right-of-Way:

- 7. 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
Perryville Rd.	65'	65' (no change at this time)	Principal Arterial

Adopted Plans:

- 8. **White Tank/Grand Avenue Area Plan (Adopted 2000):** The subject site is designated as Military Compatible, the proposed uses for the site are consistent with the land use designation.

9. **City of Goodyear 2025 General Plan (Adopted 2014):** The City of Glendale General Plan designates the site as Luke Compatible Land Use Area.

Public Participation Summary:

10. The applicant has complied with the Maricopa County Citizen Review Process with the required posting of the site. The applicant did not receive any inquiries from the public. Lastly, the applicant provided staff with a "Citizen Participation Results Report" which explains that all requirements were met. Staff sent notifications to 300' neighbors regarding the case specifics and the related hearing information.
11. Staff received a document from the applicant on 8/6/2019 with support material from three parcels to the south of the subject site including the adjacent southern property.

Outstanding Concerns from Reviewing Agencies:

12. N/A

Staff Analysis:

13. Staff recommends denial of the subject request since this property is within a residential subdivision (Quintana Estates) that was approved in 1971. The subdivision has remaining parcels that are undeveloped and since the subdivision was established prior to year 2000, new residential development is not restricted due to LAFB. Staff is also concerned with access to the site from 186th Dr. where delivery and other non-residential traffic would be via the unpaved street through the residential neighborhood. Access off Perryville Rd. would be ideal however; there is a 1' VNAE and strip annexation adjacent to the west portion of the subject parcel that prohibits this option.
14. The request for the offsite sign (billboard) is not justified given there is another billboard within less than 1,000' of the subject site. This existing billboard is located across the I-10 on Perryville Rd. where it is visible from the I-10. The development standard requests of the proposed billboard on the subject site are based on the capability of this sign to be viewed by traffic on the I-10. Although development standards are requested with an MCP, the compared commercial billboard standard would read as follows per MCZO Article 1403.3.1.2: "Maintain a distance separation from any other off-site sign of 1,000 feet of any offsite sign on the same street when either existing or proposed signs is located fewer than three (3) miles from the boundary of any incorporated city or town."
15. Staff will include within the recommendation for condition if approved to require a future POD for any future land uses beyond the billboard (including wholesale trade). There will also be a condition included per the applicant suggestion to limit access to the site on 186th Dr. to only residential uses or maintenance/construction of the billboard. Staff agrees that this will help relieve some of the concerns with traffic for the meantime. However, future land uses would still be subject to review with a POD.
16. Lastly, it should be noted that there was a similar zone change request under case Z2019005 for a billboard and outdoor storage (Rural-43 to IND-2 IUPD) approximately ½ mile east of the subject site. Staff recommended denial for this case but the Commission

voted to approve this case (6/13/2019 hearing) with limited access on the small road that accesses the site. However, in that instance there will be private access to the east where there is an existing U-Haul operation. In contrast, this MCP case does not have any other access other than through the residential subdivision on 186th Dr., nor is it adjacent to similar industrial type land uses.

Recommendation:

17. For reasons outlined in this report staff recommends the Commission motion for **denial** of **MCP2019001**.
18. However, if the Commission chooses to recommend approval, staff offers the following conditions 'a' – 'i' for Commission consideration:
 - a. Development of the site shall comply with the Site Plan entitled "Plan of Development – 1142 N. 186th Dr.", consisting of 2 full-size sheets, stamped received September 16, 2019, except as modified by the following conditions.
 - b. Within 30 days of Board of Supervisors approval, a revised site plan shall be provided to correct the following: billboard setbacks (add rear yard and fix side yard), property setbacks (fix side yard), and fix lot coverage/existing buildings percentages.
 - c. Development of the site shall be in general conformance with the Narrative Report entitled "I-10 & Perryville Rd – Application for Military Compatibility Permit", consisting of 22 pages, stamped received June 10, 2019, except as modified by the following conditions.
 - d. This Plan of Development (POD) shall only apply to the billboard land use. Any future land uses (including wholesale trade) shall require a new POD to be approved by the Board of Supervisors.
 - e. No access other than for single-family residential uses or for the construction and maintenance of outdoor advertising shall be off of 186th Drive.
 - f. The following standards shall apply for the offsite (billboard) sign:
 1. Maximum height: 66'
 2. Maximum sign area: 672 sq. ft.
 3. Side yard setback: 0' (north)
 4. Rear yard setback: 0' (west)
 5. Setback to Rural-43 zoning: 0'
 6. Setback to Rural-43 zoning for illuminated sign: 0'
 7. Minimum distance from another offsite sign: 650'
 - g. The following Engineering conditions shall apply:
 1. A separate Plan of Development must be submitted to include the wholesale trade use on the subject premises. The Plan of Development

application must include an engineered grading and drainage plan and a signed and sealed Traffic Statement.

- h. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- i. 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: Ray Banker, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Case Map (1 page)
Site Plan (2 pages)
Narrative Report (22 pages)
Engineering Memo (1 page)
MCESD Memo (1 page)
Luke AFB Letter & Email (2 pages)
MCSO Email (1 page)
ADOT Email (1 page)
City of Goodyear Email (1 page)
Support Documents (4 pages)