



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2019063 – Toy Barn North

Hearing Date: October 24, 2019

Supervisor District: 3

Applicant: Adam Baugh, Withey Morris PLC

Owner: LM North LLC

Request: Special Use Permit for commercial outdoor storage of RV's, trailers, and related equipment within the C-2 Commercial Unit Plan of Development (CUPD) zoning district

Site Location: Generally located approx. 670' NE of the NWC of Cave Creek Rd. and Lone Mountain Rd. in the Phoenix area.

Site Size: Approx. 3.4 acres

Density: N/A

County Island: Yes (City of Phoenix)

County Plan: Rural Development Area (0 – 1 d.u./ac.)

Municipal Plan: City of Phoenix – Large Lot (0 – 1 d.u./ac.)

Municipal Comments: None received

Support/Opposition: None received

Recommendation: **Approve** with conditions

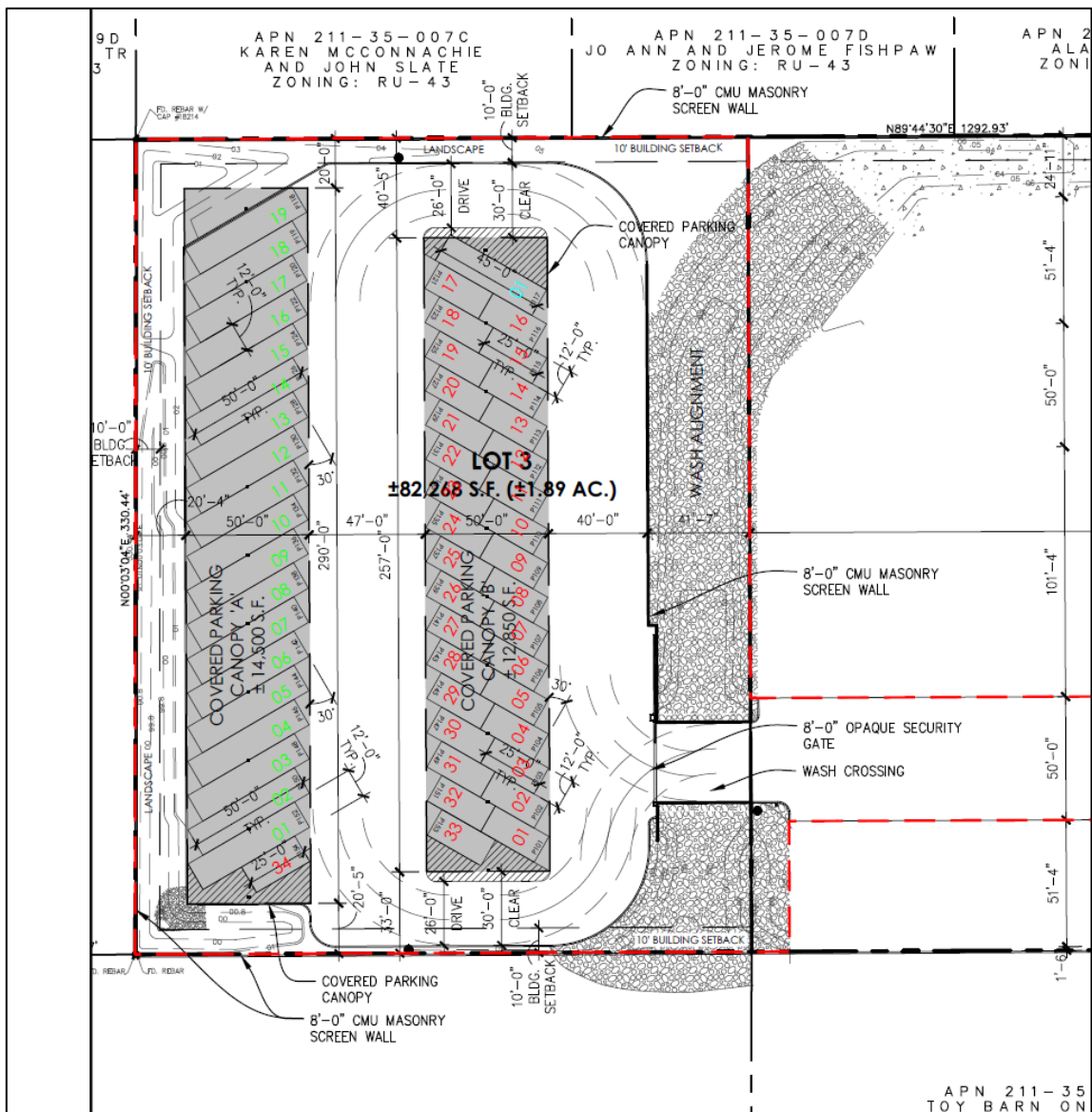
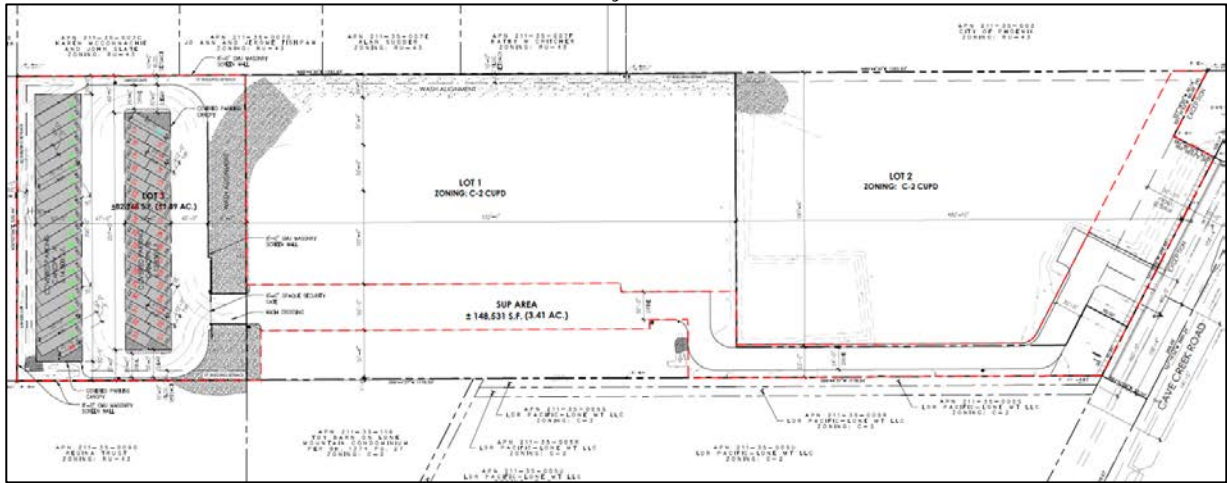
Project Summary:

1. The applicant, Withey Morris PLC is proposing a Special Use Permit (SUP) to allow for outdoor storage of RV's, trailers, and related equipment. The requested specific "special use" category is listed under Maricopa County Zoning Ordinance (MCZO) Article 1301.1.15 which states the following: "Commercial storage, or impoundment (not to include salvage operations, dismantling or sale of parts) of automobiles, motor vehicles, mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft on sites of not less than one acre." The subject 3.4 acre SUP area would be a portion of two parcels: 211-35-007B (west parcel) addressed at 31606 N. Cave Creek Rd. and 211-35-004A (east parcel) addressed at 31614 N. Cave Creek Rd.
2. As part of the SUP, there are 54 parking spaces proposed (19 spaces-12'x50', 1 space-12x46', and 34 spaces-12'x25'). These spaces would be placed under 2 covered canopies (14,500 sq. ft. and 12,850 sq. ft. each) at 16' height. This parking area would be located at the western part of the property where access would be part of the SUP to Cave Creek Rd. to the east. The SUP area (other than access driveway) would be surrounded by an 8' (h) CMU screen wall where an access gate would allow for ingress/egress to the storage area. There is a pending related condominium plat to include these parking spaces along with the planned self-storage units to the east under S2019022. It should also be noted that the subject parcels were recently approved for a zone change to C-2 CUPD under Z2018134. Outdoor storage of this type of land use being requested would require C-3 zoning or an SUP.

2019 Aerial Photo of Subject Site



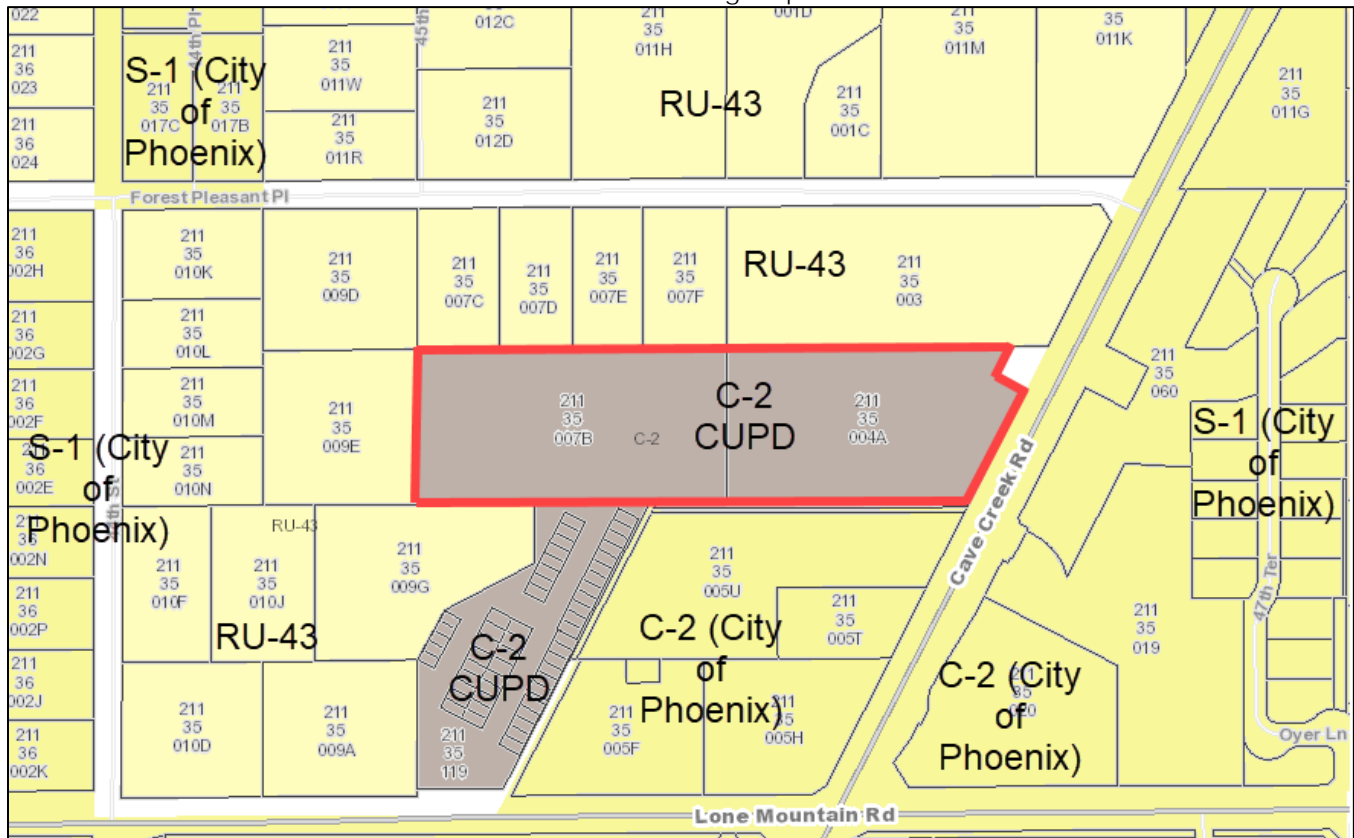
Site Plan for Toy Barn North SUP



Existing On-Site and Adjacent Zoning / Land Use:

- 3. On-site: C-2 CUPD / vacant
- North: Rural-43 / single-family residential
- South: C-2, C-2 (City of Phoenix), and Rural-43 / Storage facilities and single-family residence
- East: S-1 (City of Phoenix) / Cave Creek Road then vacant
- West: Rural-43 / Single-family residence

Z2019063 Zoning Map



Utilities and Services:

- 4. Water: City of Phoenix
- Wastewater: City of Phoenix
- School District: Cave Creek Unified School District
- Fire: Rural/Metro Fire Department
- Police: Maricopa County Sheriff's Office

Right-of-Way:

- 5. The following table includes existing half-width right-of-way (ROW) which is within the City of Phoenix jurisdiction. Staff received an email from the City of Phoenix (attached – provided with related zone change case Z2018134) and they will not require any additional ROW requirements at this time. Staff will include a condition to coordinate with the City of Phoenix to access the site and to dedicate any ROW if required, this was included with the recommendation for Z2018134.

Street Name	Half-width Existing R/W	Half-width Future R/W	Future Classification
Cave Creek Rd.	55'	No change required at this time (City of Phoenix jurisdiction)	Principal Arterial

Adopted Plans:

- 6. **Vision 2030 Comprehensive Plan (adopted January 13, 2016):** The subject site is designated as Rural Development Area (0 – 1 d.u./ac.), the proposed land use (storage facility) and other allowed C-2 zoning land uses are not consistent with the land use designation. However, the applicant has provided a section of the narrative report discussing how the proposal furthers the goals and policies of the Comprehensive Plan.
- 7. **City of Phoenix 2015 General Plan (adopted April 2018):** The City of Phoenix 2015 General Plan designates the site as a Large Lot (0 – 1 d.u./ac.) land use designation. This designation is appropriate for lower density, larger size residential lots and related zoning districts.

Public Participation Summary:

- 8. 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. There is no known opposition or support for the request. The City of Phoenix has not provided staff with comments on this request. The applicant provided staff with a "Citizen Participation Results Report" on October 4, 2019. The applicant states that no additional contact has been made to their office by residents or other interested parties.

Outstanding Concerns from Reviewing Agencies:

- 9. N/A

Staff Analysis:

- 10. Staff is in support of the request for an SUP for outdoor commercial storage. The subject site is located adjacent to commercial land uses to the south with other existing storage facilities including the Toy Barn Phase 1 development. There is also the planned Toy Barn North storage facility to the east of the proposed area for this SUP. Since this type of land use is also allowed under C-3 zoning, it is appropriate to have this land use as a permanent SUP within the existing C-2 CUPD zoning district. Otherwise, C-3 zoning could allow for more intense land uses for a site that has not fully developed and would not be appropriate for the area.

11. The applicant has not proposed any signage at this time, although the narrative report on page 5 mentions that they are requesting two freestanding signs along Cave Creek Rd. (where 1 is allowed per driveway with commercial zoning). The applicant provides justification for an additional freestanding sign given there could be additional commercial development in the future for the subject site, as a portion remains vacant. Staff will include within the recommendation, a condition that would allow for the 2 freestanding signs as long as commercial signage standards can be met.

2018 Google Street View of Subject Site



12. There are no outstanding concerns from reviewing agencies given that the site is served by sewer and water by the City of Phoenix and Engineering has provided recommended conditions related to the original zoning case and development in coordination with the condo plat storage facility. The City of Phoenix in their attached email (from the related zoning case) mentioned that they would want access to the site from the existing driveway and to provide a cross-access easement for the two parcels. Also, there might be required frontage improvements. As mentioned, staff will include a recommended condition to coordinate access to the site with the City of Phoenix.

Recommendation:

13. For the reasons outlined in this staff report, staff recommends the Commission motion for **approval** with conditions 'a' - 'h', of **Z2019063**.
- a. Development of the site shall be in substantial conformance with the site plan entitled "Toy Barn North", consisting of 1 full-size sheet, stamped received on August 30, 2019, except as modified by the following conditions.
 - b. Development of the site shall be in substantial conformance with the narrative report entitled "Toy Barn North", consisting of 15 pages, stamped received on August 30, 2019, except as modified by the following conditions.
 - c. The following Maricopa County Engineering conditions shall apply:

1. Engineering related stipulations related to case Z2018134 (Re-Zone) shall apply to this application.
 2. This SUP site must be developed concurrent with the Toy Barn North warehouse condominium site.
 3. At the time of application for building permits, the culverts and wash design through the site must be analyzed using a HEC-RAS model.
 4. Retention basins must drain within 36 hours.
 5. Detailed Grading and Drainage Plans and a Drainage Report must be submitted with the application for building permit(s).
 6. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 7. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
- d. The following Maricopa County Environmental Services (MCESD) conditions shall apply:
1. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. The owner/developer shall prepare a Stormwater Site Plan and obtain approval by MCESD prior to construction (a separate submittal to MCESD is required).
 2. Upon completion of construction, the owner shall fulfill MCESD post-construction requirements. This will include appropriate operation and maintenance requirements.
- e. The applicant must coordinate with the City of Phoenix to properly access the site and for dedication of appropriate right-of-way.
- f. There shall be two freestanding signs allowed along the SUP area adjacent to Cave Creek Road. Commercial zoning signage standards shall be met for any such future signage.
- g. 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.

- 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: Ray Banker, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Case Map (1 page)
Reduced Site Plan (1 page)
Narrative Report with zoning exhibit (15 pages)
Engineering Memo (2 pages)
MCESD Memo (1 page)
City of Phoenix Email (2 pages)