



## Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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<b>Case:</b>	Z2019101 – Arizona Desert Testing, LLC
<b>Hearing Date:</b>	October 24, 2019
<b>Supervisor District:</b>	4
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<b>Applicant:</b>	Joseph Robbins, Arizona Desert Testing, LLC
<b>Owner:</b>	Arizona Desert Testing, LLC
<b>Request:</b>	Modification of Condition for 15-year extension of Special Use Permit (SUP) Z2004041
<b>Site Location:</b>	Generally located on the northwest corner of Patton Road and 211 <sup>th</sup> Avenue, in the Whittman area
<b>Site Size:</b>	Approx. 6.53 acres
<b>Density:</b>	N/A
<b>County Island:</b>	No
<b>County Plan:</b>	White Tanks Grand Avenue Area Plan – Rural Densities (0-1 d.u./ac.)
<b>Municipal Plan:</b>	Surprise – Commercial and Office
<b>Municipal Comments:</b>	None received
<b>Support/Opposition:</b>	None received to date
<b>Recommendation:</b>	<b>Approve with conditions</b>

## Project Summary:

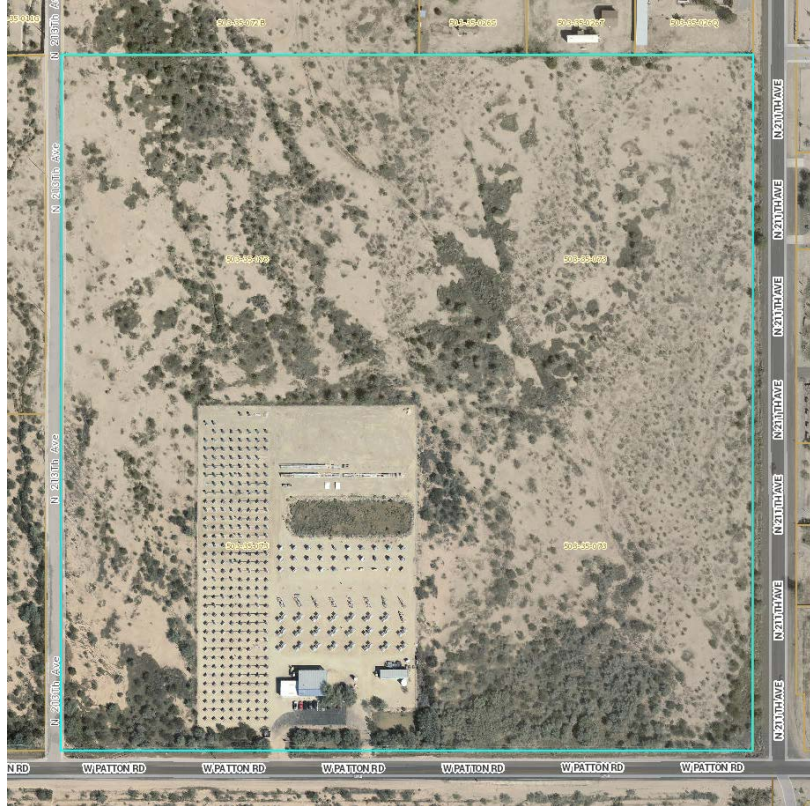
1. The applicant, Joe Robbins on behalf of Arizona Desert Testing, LLC, is requesting a modification of condition to SUP Z2004041, condition 'i' to allow continued use for an additional 15 years. The SUP was approved by the Board of Supervisors on December 15, 2004.
2. The subject site belongs to Arizona Desert Testing, LLC, a General Motors-designated laboratory for weathering testing automotive interior materials located at the northwest corner of Patton Road and 211<sup>th</sup> Avenue, in the Whittmann area.
3. Shown below is the existing language of Z2004041 condition 'i'
  - i. This Special Use Permit shall expire 15 years from the date of Board of Supervisors approval of this request or upon termination of the use, whichever occurs first. All of the improvements shall be removed within 60 days of such termination or expiration.

The proposed modification of condition 'i' is shown with new language underlined and bold. Staff notes that the original approved narrative report with Z2004041 will remain as the original approved document. The changes to stipulation 'i' will only reference the requested modification of condition.

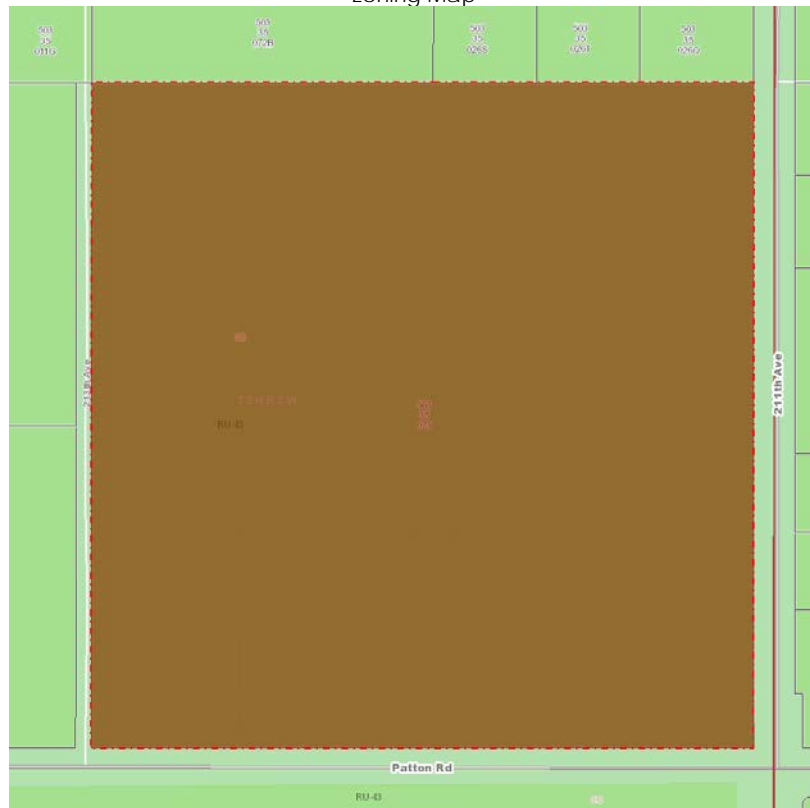
- i. This Special Use Permit shall expire ~~15 years, from the date of Board of Supervisors approval of this request~~ **November 20, 2034** or upon termination of the use, whichever occurs first. All of the improvements shall be removed within ~~60~~ **90** days of such termination or expiration.
4. This application also includes submittal of the required 5-year status report per condition 'j' of Z2004041. Existing language of Z2004041 stipulation 'j' as shown below:
  - j. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors and five (5) years thereafter. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. If staff deems the status report to be unacceptable, the status report may be forwarded to the Commission for further review and action.

The current submittal comprises a third, 5-year status report and staff determined that the Special Use Permit remains in compliance with the approved conditions.

2019 Aerial Photo



Zoning Map



**Existing On-Site and Adjacent Zoning / Land Use:**

- 5. On-site: Rural-43 / Commercial Outdoor Weathering Facility
- North: Rural-43 / Vacant and Single-Family Residential
- South: Rural-43 / Patton Road, vacant
- East: Rural-43 / 211th Avenue, vacant, and Single-Family Residential
- West: Rural-43 / Vacant

**Utilities and Services:**

- 6. Water: Private well
- Wastewater: Septic system
- School District: Nadaburg Elementary School District
- Fire: Wittmann Volunteer Fire Department
- Police: MCSO

**Right-of-Way:**

- 7. **Patton Road:** County-maintained, 2-lane paved section line road. The applicant was required to dedicate 55 feet of right-of-way, which, according to the applicant, has been dedicated via recordation of a document "Easement and Agreement for Highway purposes" between Maricopa County and Arizona Desert Testing.

Street Name	Half-width Existing R/W	Half-width Proposed R/W	Future Classification
Patton Road	40'	0	Minor Arterial
211 <sup>th</sup> Avenue	40'	0	Minor Collector
213 <sup>th</sup> Avenue	30' (total width)	0	Local Street

**Adopted Plan:**

- 8. **White Tank/Grand Avenue Area Plan (adopted 2000):** Rural Densities (0-1 d.u./ac.)

**Public Participation Summary:**

- 9. The applicant complied with the Maricopa County Public Participation Process with the required notification by first class mail to the adjacent property owners within 300' of the subject site and interested parties. To date there is no known opposition or support by the public.

**Outstanding Concerns from Reviewing Agencies:**

- 10. N/A

**Staff Analysis:**

- 11. The Status Report reflects the applicant's continued adherence to the stipulations of approval for SUP Z2004041 and staff is supportive of the 15-year SUP Extension Request. Reviewing County agencies have no objection to the modification of conditions. County records indicate that Arizona Desert Testing LLC has operated in conformance with the

approved SUP and there have been no zoning violation issues. Staff is in support of the requested additional 15 years.

**Recommendation:**

12. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, subject to stipulations 'a' – 'i' of Z2004041 including modified condition "i." All other stipulations associated with Z2004041 shall remain in effect.
  - a. Development and use of the site shall comply with the site plan entitled "Arizona Desert Testing Facility, Major Amendment to Special Use Permit Z96-19(a) Phase 2 and Phase 3 Maricopa County Zoning Case #Z2004041", consisting of three (3) sheets, dated August 23, 2004 and stamped received October 13, 2004 except as modified by the following stipulations.
  - b. Development and use of the site shall comply with the narrative report referred to as exhibit A and entitled "Narrative Report for Major Amendment to Special Use Permit Z96-19(a)", consisting of seven (7) total pages, dated September 3, 2004 and stamped received September 9, 2004, except as modified by the following stipulations.
  - c. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
  - d. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
  - e. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
  - f. A landscape buffer shall be provided along the west and north sides of Phase 2 and along the north and east sides of Phase 3. Buffering shall occur with the development of each phase. The buffer area shall consist of 5-gallon size native type trees, 30 feet on center. These trees shall be placed within the boundaries of the Special Use Permit area and water shall be supplied to the trees by an automatic drip system. All trees shall be double-staked when installed.
  - g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
  - h. Dedication of additional right-of-way to bring the total half-width dedication to 55 feet for Patton Road within 90 days of approval of this request by the Board of Supervisors, and prior to zoning clearance.
  - i. This Special Use Permit shall expire November 20, 2034 or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 90 days of such termination or expiration.

- j. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors and five (5) years thereafter. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. If staff deems the status report to be unacceptable, the status report may be forwarded to the Commission for further review and action.
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

Presented by: Sean Watkins, Planner  
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Case map (1 page)  
Narrative Report (8 pages)  
MCESD comments (1 page)  
DPR comments (1 page)  
Luke AFB comments (2 pages)